



Meeting Minute Summary for:  
Millcreek Planning Commission  
August 20, 2009

As Approved by the Millcreek Township Planning Commission  
On October 15, 2009

In attendance: Commissioners Dennis Alexander, Laura Hanson, Kevin Oakes, Gary Sackett, Leslie Van Frank  
Staff: Planner Craig Hinckley, Travis Van Ekelenburg, Tom Schafer  
Coordinator Josh Bass  
Attorney

**Meeting length about:** beginning at 9:00 am and adjournment at 11:55 a.m.

**Number of public in attendance:** 25-30

**Summary Prepared by:** JBass

Chairman Sackett opened the meeting and welcomed the public with a special note that for the first few minutes of the opening statement a recording was not able to be recorded.

**Application #:** Approval of July 16, 2009 Minutes

**Item Description:**

**Summary:**

**Motion and Conditions:** Approved as written.

**by:** Commissioner Van Frank

**2<sup>nd</sup> by:** Commissioner

**Voted for motion:** All members present

**Voted against motion:** None. No members abstained or were recused

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**Application #:** 24766

**Item Description:** Jesse Beacom is requesting exceptions to street development standards for property located at 3670 S Laurel Cir. Specifically, the request is for an exception from the requirement to install curb, gutter, and sidewalk. Planner: Travis Van Ekelenburg.

Staff Presentation by Travis Van Ekelenburg

A brief overview of the staff report and history of the property and current curb gutter and sidewalk was given and staff his recommended denial of the application.

Applicant – not available

Community Council – no comment

No one spoke for or against this application

Commission Discussion

Commissioner Alexander and Hanson stated that rolled curb and gutter should be installed but since there is no sidewalks within the area that sidewalk only should be granted within the exception.

**Motion and Conditions:** Deny exception request for rolled gutter and sidewalk.

**by:** Commissioner Hanson

**2<sup>nd</sup> by:** Commissioner Oakes

**Voted for motion:** Hanson, Oakes

**Voted against motion:** No members abstained or were recused Alexander, Sackett, Van Frank

**Motion and Conditions:** Recommend to the mayor that the exception request be denied with respect to the rolled curb and gutter and it be granted with respect to the sidewalk. With the usual condition that they will not be exempt from future improvements.

**By:** Van Frank

**Second by:** Sackett

**Voted for motion:** Alexander, Sackett, Van Frank

**Voted against motion:** No members abstained or were recused Hanson, Oakes

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**Application #:** 24799

**Item Description:** Brook Proctor is requesting exception to street development standards for property located at 3066 East Morningside Drive. Specifically, the request is for an exception from the requirement to install curb, gutter, and sidewalk. Planner: Craig A. Hinckley.

Applicant Richard Burraston

Recently built a home on the lot but in the neighborhood there is just rolled curb and gutter and the surrounding area does not have sidewalk and would like to leave the continuity and aesthetics of the area. The neighbor to the east has a parking pad that isn't designed as a sidewalk but looks like one.

Staff Presentation by Travis Van Ekelenburg for Craig Hinckley

A brief overview of the staff report and property was given with staff recommending denial.

Community Council – no comment

No one spoke for or against this application

Commission Discussion

**Motion and Conditions:** Granted with respect to the sidewalk but not to the rolled gutter and that the applicant not be exempted from future improvements.

**by:** Commissioner Van Frank

**2<sup>nd</sup> by:** Commissioner Sackett

Commissioner Alexander believes this is a perfect example of putting in a sidewalk as the neighbor has one to the east.

Commissioner Van Frank and Sackett are not a fan of the 'piecemeal' approach to adding sidewalk. Clarification sidewalk is the only exception being looked at. The rolled gutter would be replaced only if damaged as it is already installed in the location.

**Voted for motion:** All members present Alexander, Sackett, Van Frank

**Voted against motion:** None. No members abstained or were recused Hanson, Oakes

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**Application #: 24820**

**Item Description:** Spencer Allen is proposing to amended site plan for a generator on 1.20 acre site located at 4035 South 500 East in R-4-8.5 (Residential) zone. Millcreek Community Council. Planner: Travis Van Ekelenburg.

Staff Presentation by Travis Van Ekelenburg.

A brief overview of the staff report and history of the property was given and the location of the generator will be located on the back of the lot abutting an R-2-10 property zoning.

Commissioner Oakes asked whether application kicks in improvements on the area and Chairman Sackett asked whether or not this would create a noise issue which was brought up in the Pre-Application meeting and are addressing the concerns with the applicant.

The applicant did not make it to the Community Council meeting and as standard procedure the Community Council continued the item for 30 days.

Applicant Representative Spencer Alan

Addressing the noise, they will be putting in a weighted sound enclosure but at this point in time does not have all the specifications of the enclosure will be prove them.

Commissioner Hanson clarified this generator will not be running all the time and only during emergencies and the applicant clarified that they will look into moving the generator closer to the building but is difficult with the lot configuration and the current building. The Generator is 6 feet tall and the enclosure will cover the entire generator and will be about 8 feet tall.

The general concern for the applicant was the noise impact that this generator might have in addition with the dumpsters that are already in the area.

Community Council – has not been before them

No one spoke for or against this application

**Discussion Only Item**

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**Application #: 24824**

**Item Description:** Richard & Terina Martinez are proposing a medical office building on a .67 acre site located at 2995 South Richards Street in an R-M Zone. Millcreek Community Council. Planner: Craig A. Hinckley.

Staff Presentation by Craig A. Hinckley

A brief overview of the staff report, history of the site and the surrounding characteristics surrounding the property was given.

A minor item that addressed is this item will need to go 608 Subdivision amendment process. There will be a fence going in on the inside edge of the property between 32 inches and 42 inches to block the lights of the car.

It is within the purview of the commission to address the parking location on the site. The impact to the residential neighbors may be less than or equal to if it's in the front or the back.

Applicant Representative Brad Ashworth

By flipping the orientation of the building the setbacks would still need to be maintained and in order to get the parking count they would have to make the building smaller and may also lose parking.

To clarify Commissioner Hanson would prefer to not line the parking along the street to encourage more walk able area and possible do an exception. Planner Tom Schafer clarified that the same latitude with regards to an exception.

For a building in an RM zone it is required to have the 30 foot setback. The standards for parking lot may not be the same and is something that staff can look into which may then allow for more parking.

The applicant is also concerned with the impact of driving to the back of the lot for parking may have more of an impact but this being a medical building it would have daylight operating hours that may not have as great of an impact.

The backside of the lot in its current configuration offers a patio and sidewalk.

Buffer areas along residential and non-residential uses but does require a 25 foot buffer in a rear lot which would give the applicant an extra 10 feet of space and the buffer would have to be landscaped.

There is an interest amongst the commission to look at the configuration for parking and the landscape buffer to avoid front yard parking lots.

Community Council has not heard this item

No one spoke for or against the item

**Discussion Only Item**

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**Application #:** 24826 &24828 - consolidated

**Item Description:** Ryan Henrie on behalf of Salt Lake County Facilities Services is requesting Conditional Use and Site Plan approval of the proposed new Millcreek Community Center located at approximately 2266 E. Evergreen Avenue in the C-1 (Neighborhood Commercial) and R-1-10 (Residential Single Family, 10,000 sq. ft. min. lot size) zones. East Millcreek Community Council. Planner: Spencer G. Sanders

**Application #:** 24828

**Item Description:** Ryan Henrie on behalf of Salt Lake County Facilities Services is requesting approval of a Preliminary Subdivision Plat consolidating multiple lots and an unimproved right-of-way within the Evergreen Addition Subdivision into one lot, in conjunction with the proposed new Millcreek Community Center Project (24826). It is also requested that the Planning Commission make a recommendation to the Mayor regarding the amendment of the original subdivision plat in accordance with Utah code 17.27a.608. The subject properties are located at approximately 2266 E. Evergreen Avenue (3435 S.) in the C-1 (Neighborhood Commercial) and R-1-10 (Residential Single Family, 10,000 sq. ft. min. lot size) zones. Planner: Spencer G. Sanders

Staff Presentation by Craig A. Hinckley

A brief overview of the staff report, the property and surrounding area was given. The size would be essentially razed and there would be a lot consolidation done which is generally done at the administrative level but if it is part of a recorded subdivision it will be held before the Commission as a 608.

The setback in this area is a 30 foot setback and there will be a request to reduce that but will be within the staff report when this item comes for decision. Parking will also be addressed and an analysis will be done with parking requirements and will be presented at that.

Applicant Architect Jeff Davis, David Castle, Kenner Kingston

They have been asked by Commissioner Iomot to accelerate this process to reduce construction costs.

Over a year ago there was extensive open house done on this project and they have received public input on the park the building and they have met with all the Community Councils within the Millcreek Township and yesterday evening they presented the schematic design to the public.

Parking – one of the most important issues of concern by the public, there are 118 to 160 stalls. There is not a parking requirement for this specific zoning and so research was done for surrounding areas of 3 spaces per 1000 sq. feet of building and 160 will meet that requirement and increases the parking by 42 stalls.

Setback – This site spans two different zones of a residential (20ft) and commercial (30ft) and they are seeking to reduce the setback to not touch the existing trees within the park. They will be encroaching into the commercial zone by 2 feet on a small section of the building. The building is 11 feet from the back of the sidewalk. The height of the building will be approx. 18 feet and the front of the building.

Setbacks requirement elsewhere on the site are being met and abutting the commercial zone they will be maintaining a 10 foot setback where there is non required. There is an overhead power line within that setback and they are working with Rocky Mountain power to bury the existing overhead power line and having a 7 foot easement along that 10 foot easement.

Along the creek there will be maintained a 30 feet setback.

David Castle

The existing buildings will be removed and where the fire station is will be parking.

This is a 55000 sq. ft project and gave a brief overview of the design and height of the building. The design of the building will layer as it goes towards the street. The height of the roof will fit within the 35 foot height limit for the building as is required. The colors and brick have not yet been determined and no decision of final color has been made, and the goal is to have a iconic yet playful and fun appearance. The design goal of this project was to bring the entrances off of the street and into the heart of the project as it encourages people to use the parking lot and not park on the street. There is a book drop off at the front of the building that does break up the façade in the front of the building.

This project will have a pedestrian mall that goes through the center of the building and links the park. This pedestrian mall will have a café and it links the library the senior center and rec. center into one unified space.

The heavy landscaping of the park also presents itself with the layering of the building as it faces the park. The running track has been incorporated into the design of the building and serpentine throughout.

There is parapet and steeples that is gray area within zoning and while all of the roof is within the zoning ordinance they would like to present an expressive architecture there is a proposal for above the running track to put a parapet (totaling 44 feet) that is sort of see through to provide an iconic expression. Also to

put a parapet and 50% perforated panel screen on the west side of the building that extends above a few feet facing the park.

Staff response to the parapet it is not parapet as it does not go around the building.

### Kenner Kingston

Of the 61 comment cards return that there were both negative and positive for the design of the structure. Design is inappropriate to the community and just plain ugly

3 comments out of 61 that are opposed

Positive – “Very nice I am pleased with the deigning the objects, the park, all of it. There were 24 similar to this”

With 2/3 of the attendees providing comments that they are seeing good resolution of the big issues.

In mitigating the site usage, preserving the park and getting parking off the street they (applicant) are seeking some mitigation with setback to maintain the parking.

There are 4 existing curb cuts there will for 4 curb cuts additional and there will be no net changer with traffic. The majority of uses that exist on the site now will exist in the future. They want to say there architecture parapet element is worthy of consideration.

Commissioner Hanson has concern with entrance on the front and that by having the orientation focused on the street and not the parking lot. This being a community center a large majority off the population will be walking and driving cars.

The congestion of the site has been looked at and the use of the park and the desires to have an updated and bigger library, maintain the rec. center and add a senior center.

The client’s priority was to add some parking for the building and the park and some to work for just the building.

Commissioner Oakes expressed his concern over the height of structures given the recent residential use restrictions of height. Why are they treating quasi public use different then the private use? They would be saying no to a private use and why they would be considering the height change for the public use.

Commissioner Sackett expressed he finds is an appropriate subject to consider as it may be suitable with space and volume constraints and to satisfy numerous public needs and desires and is receptive, but does not like the notion that the face to the street is a book drop with cars running in and out of it and does not make sense with aesthetic perspective as well.

The building addresses the street and the book drop is a component of that. The North West side is a glass area and the book drop, and feels that they may have misrepresented the street facing side of the site.

Commissioner Van Frank expressed the current configuration proposed is to get the cars of the street and likes the design as it does get cars off the street and it is not too far from the parking lot and sidewalk to the entrance of the building.

The reiterated general concern from many Commissioners is that book drops are not an aesthetically pleasing part of any of the libraries that are currently in the county.

Mr. Castle expressed that the parking along the west side there was an idea to make a sort of street time atmosphere that exists around 9<sup>th</sup> and 9<sup>th</sup> and bring it to this site and they look into the concerns expressed by the Commission.

Mr. Kingston asked that all the issues expressed may be brought up later to take advantage of the depressed construction market as the county will have more benefit by getting the application approved for a bid this fall.

A 10 minute break followed

East Millcreek Community Council Blake Keithley

East Millcreek earlier gave their written response on June 18 held a special meeting regarding two issues conditional use for public use and the 10 foot from property line and they voted in favor for both.

At the meeting there were no designs only a site plan. Commissioner Van Frank has requested the design for the building be brought before the community council and their response.

Millcreek Community Council Fred Anderson

Would like to discuss the height difference with the Community Council.

No one spoke for or against this item.

### **Discussion Only Item**

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**Application #:** 24832

**Item Description:** Jeff Kruckenberg on behalf of Alan Kruckenberg Construction, Inc. is requesting an amendment to the original Conditions of Approval for the On the Hill PUD Subdivision. Specifically, the applicant is requesting to eliminate the condition that currently prohibits gating the development's access along 2940 East. The development is located at approximately 2970 E. 3300 S. in the C-2 (Community Commercial) zone. East Millcreek Community Council. Planner: Spencer G. Sanders.

Staff Presentation by Craig A. Hinckley

A brief overview of the staff report and the previous conditions of the current conditional use permit specifically:

# 7 provide a pedestrian access

#8No vehicle gates allowed 2940 East Street

The current request is to reverse #8 of the previous conditional of approval.

Applicant Jeff Kruckenberg

Has presented two times to East Millcreek on the 8-6-09 was a positive recommendation for this application. This request is to mitigate a daily issue of concern that happens at On The Hill PUD. The neighborhood business and government facility patrons and costumers park on On The Hill private streets and dump their trash on the street. They would like to mitigate this by installing a gate to the road.

Pictures were provided for the record.

Commissioner Sackett expressed this problem may go away as the development becomes completed and would like to know what has been done to mitigate the current condition.

The property is and always has been posted no trespassing and been replaced and posted where applicable and has not discouraged.

Commissioner Van Frank addressed that it currently appears as a vacant lot and as the development is built out that permanent gates will not be required for a temporary.

Commissioner Oakes stated that since this is a private road that the owners will be maintaining the road will need

#### Alan Kruckenberg

The situation that will not go away in the future is large trucks with/out trailers using the road and site to turnaround. There are 5-10 trucks every day between 10 and 6 pm because currently the commercial properties do not allow for the large trucks to park at the commercial sites because they can not access the parking lot and taco stand and these businesses will still be there after construction of the development. These roads are only 25 feet wide roads and the parking causes a problem with using the road.

Chairman Sackett is concerned the pedestrian access is locked, and A. Kruckenberg stated it is because of security reasons as copper is being taken from the sites as they are under construction is being stolen from the site. As more people move in the locks will go away once they have 6-10 residents in the development and after which the locks will not return.

Currently the Conditions that were imposed with open pedestrian access is not being followed as was required. A. Kruckenberg stated he will remove the locks today if the Commission requests as there are more people there and he is on the site more often. A. Kruckenberg would prefer to keep it locked but has no problem removing the lock.

A letter was submitted by J. Kruckenberg.

#### Community Council Blake Keithley

Items discussed were public use of private street and came before them on August 6 with designs and recommend the pedestrian gates remain unlocked and that the application be recommended for approval. Stating the personally that the no trespassing signs are on the site.

#### Public Comment For

Terry Modsley – Currently lives in a gated community within Millcreek Township. Prior to the gates being installed they had flow through traffic. Then installed a gate on entrance yet they still have the same problems, afterwards they were approved to install a gate on the south entrance and this has mitigated the flow of traffic through the development an supports the application as the gate would provide safety and security for the residents and the children that will live and visit residents on this street.

A. Kruckenburg – wanted to clarify he no ill feelings towards the commercial entities and taco stand.

#### Commission Discussion

Van Frank has concern for the pedestrian access issue and that there would be any gates at the pedestrian access and would like to make sure that the .....

#### **Discussion Only Item**

**Application #:** 24811

**Item Description:** Applicant Doug Holbrook is proposing a 2 Lot subdivision located at 1457 East 3350 South in the Millcreek Township. Zone – C-2; Community Council – East Millcreek; Planner: Travis Van Ekelenburg.

Staff Presentation by Travis Van Ekelenburg.

A brief overview of the staff report and history of the site was given. There has been response from the public but only general questions at this point in time and nothing For or Against.

Applicant Doug Hollbrook

There are two structures that exist on parcel and they would like the ability to separate out the house and corresponding land around it in the event that someone would like to purchase just the house or commercial structure that they have the ability to legally sell either.

The commercial building is currently vacant.

Does not go before the community Council

Public Comment

George Aposian - Owns the property that borders the site on the North and the West of applicants property. Has no objections to the division of the parcel but would like to know the distance between the house and the commercial building. Historically the access the back for the commercial building is the driveway on the east side of the house. The corner lot (not the applicants property) that has provided parking for the commercial building and his concern is that historically the parking is not on the parcel itself and by subdividing the parcel the parking would be required to be behind the building and may not have sufficient parking.

Planner Van Ekelenburg stated that since there is no current use that parking would be calculated by the requested use and would be subject to obtaining a conditional use permit and could satisfy the requirement and if there was agreement between the two properties they could have a shared parking agreement.

The distance between the buildings is 21 feet.

**Discussion Only Item**

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**Application #:** 24828

**Item Description:** Ryan Henrie on behalf of Salt Lake County Facilities Services is requesting approval of a Preliminary Subdivision Plat consolidating multiple lots and an unimproved right-of-way within the Evergreen Addition Subdivision into one lot, in conjunction with the proposed new Millcreek Community Center Project (24826). It is also requested that the Planning Commission make a recommendation to the Mayor regarding the amendment of the original subdivision plat in accordance with Utah code 17.27a.608. The subject properties are located at approximately 2266 E. Evergreen Avenue (3435 S.) in the C-1 (Neighborhood Commercial) and R-1-10 (Residential Single Family, 10,000 sq. ft. min. lot size) zones. Planner: Spencer G. Sanders

**Discussion Only Item**

**Application #:** 24724

**Item Description:** Gary Wright is proposing a Zoning Map amendment from A-1 (Agricultural) to R-1-8 Zone (Single Family Residential) for property located at 2285 East Fisher Lane. Community Council – Canyon Rim; Planner: Travis Van Ekelenburg.

Commissioner Hanson was excused from the meeting.

Staff Presentation by Travis Van Ekelenburg.

A brief overview of the staff report, applicants request the property and surrounding property was given. Since the time of the report the applicant has been before the Community Council.

Currently we are going through the rezone application with the intent to give the back park of the lot to the flag lot. The parcel being rezoned will be non-conforming for width but has enough area for the R-1-8 Zone. The width required is 65 feet with 25 feet from the lot line.

There is concern about creating a new non-conformance but it appears that in the current state and proposed state it is already non conforming.

Applicant Gary Wright

Wants to take his back yard and give it to the flag lot owner Mr. Strigham and it was a 9-1 vote for positive recommendation. There won't be any additional structures and the garage in the back will be taken down.

No Community Council Member to Speak

Public Comment

James Strigham the owner of the flag lot would like to create a larger backyard. The lot end with Mr. Strigham having two zones, the house would sit on a A-1 zoning and his side yard would be R-1-8. Generating concern amongst the Commission a concern that why not subdivide the parcel and then rezone the property.

No Community Council or Public Comment

**Discussion Only Item**

**Adjournment 11:55 A.M.**

Approved on this date of \_\_\_\_\_

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**Chair's Signature**