

Millcreek City Hall
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Millcreek, Utah 84106
millcreekut.gov



Planning & Zoning
(801) 214-2700
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CU-24-007

PLANNING COMMISSION STAFF REPORT

Meeting Date: 1/15/2025

Applicant: Cheryl Meibos/Ascent Behavioral Hospital

Re: Conditional Use Permit

Property Address: 1624 East 4500 South

Prepared By: Brad Sanderson, Current Planning Manager

Scope of Decision: **Administrative.** This is an administrative matter, to be decided by the Millcreek Planning Commission upon receiving a recommendation from the Community Council(s). Your recommendation should be narrow in scope and should primarily be made on the basis of state statute and adopted local zoning land use development codes.

REQUEST AND SYNOPSIS

Cheryl Meibos, on behalf of Ascent Behavioral Hospital, has applied for a Conditional Use Permit (CUP) pertaining to certain property located at 1624 East 4500 South. The applicant has operated a secure residential treatment facility for youth (ages 12-17) over the past couple of years at this location. The applicant is proposing to modify the “use” of their facility by adding a psychiatric care/treatment component, which would allow them to better meet the needs of some of their patients. Because this type of care is only allowed as a “Medical Facility”, as defined by Millcreek Code, the applicant is required to obtain a conditional use permit.

The applicant has submitted an ‘Operations Plan’ in the form of a letter, describing the intended use of the facility, hours of operation, number of students and employees, etc., (see letter attached).

STANDARDS FOR REVIEW

The Planning Commission and Staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of conditional use. Mitigation is required of reasonably anticipated detrimental effects arising from the conditional use, per the standards of approval as listed under City Code Section 19.84.060.B.

The Planning Commission has the authority to approve or approve with conditions, based on standards, all

conditional use applications. Denial of an application shall only be considered if there are no conditions that can be imposed to mitigate the reasonably anticipated detrimental effects of the use. Further, under City Code Section 19.84.050.B, each conditional use application shall be:

1. Approved: if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in MKZ 19.84.060; or
2. Approved with conditions: if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in MKZ 19.84.060; or
3. Denied: if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in MKZ 19.84.060.

Final approval of a conditional use application shall be in the form of a letter to the applicant which, together with the approved site plan if required, shall constitute the conditional use permit. (MKZ 19.84.080.B.)

A conditional use permit may be revoked by the Planning Commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the Planning Commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing. (MKZ 19.84.090)

FINDINGS:

1. Millcreek Code 19.84.020 states, “A conditional use permit shall be required for all uses listed as conditional uses in the zoning district [regulations] where the use is located”.
2. The property is located within the R-M Zone which lists “Medical Facilities” as a Conditional Use.
3. All Conditional Use Permits run with the land.
4. The applicant has stated that they will continue to operate a secure residential treatment facility for youth ages 12-17, with the only change being an added onsite psychiatric care and treatment component as part of their ongoing operations (see applicant’s letter).
5. The applicant has stated they intend to house between 30-40 patients
6. Millcreek code (MKZ 19.84.060) states that Mitigation is required when reasonably anticipated detrimental effects arise for the conditional use being proposed.
7. The applicant has stated there will be no changes to the exterior of the existing buildings, or to any existing landscaping, parking, utilities, signage, etc.
8. The proposed conditional use shall comply with City ordinances, Federal, State Law, as applicable to the use and to the site where the conditional use will be located.

CONCLUSIONS:

Based on the findings listed above, the following conclusions can be made:

1. No development or further site improvements are being proposed as part of this application.
2. There is no increase in the number of employees or patients as part of this application.
3. Beyond regular treatment, as allowed via a permitted use, the application shall only be allowed to provide psychiatric treatment to their patients as a conditional use subject to the conditions outlined by the Planning Commission.

4. No detrimental effects are anticipated with the proposed use; however, because a conditional use runs with the land, conditions could be broadly placed on a “Medical Facility”, as applied generally to this property.

RECOMENDATIONS:

Millcreek Community Council held a meeting on January 7, 2025, and made a unanimous recommendation in favor of the conditional use permit with the conditions suggested by staff (see below).

Based on the findings and conclusions listed above, Staff recommends the conditional use permit be approved subject to the provisions listed within the Operations Plan/Applicant’s letter, as proposed, including:

- Specialty Hospital, specifically for patients needing behavioral treatment and, as a secured/locked facility, the conditional use permit may allow psychiatric treatment requiring onsite medical staff members for such treatment.
- The facility shall not exceed 40 patients.
- Patients shall be limited to youth ages 12-17.

SUPPORTING DOCUMENTS

- **Aerial Image**
- **Operations Plan**

Aerial Image



4500 South



Subject Area





December 17, 2024

Millcreek Planning & Zoning
3330 S 1300 E
Millcreek, UT 84106

RE: 1624 East 4500 South

Dear Planning & Zoning Department,

Thank you for the opportunity to apply for a Conditional Use Permit at the above location. We plan to transition the OASIS campus in Millcreek from an Intermediate Secure Care facility to a Specialty Hospital. We are seeking a Conditional Use Permit to allow for the Specialty Hospital.

OASIS Ascent has been operating at this location since September 2021. While we will continue to serve a similar patient population using similar treatment modalities, the licensing for a Specialty Hospital is granted through the DHHS Health Facilities division, where the Intermediate Secure Care license runs through the DHHS Human Services division. Making the change to a Specialty Psychiatric Hospital will allow us to treat youth who are at the beginning of a mental health crisis and will increase the number of mental health beds in the state.

The proposed new program, to be named Ascent Behavioral Hospital, will continue to be a locked-door stabilization program that focuses on treating local youth. The program will support youth in crisis who desperately need care. We anticipate that the hospital will have 30-40 licensed beds in 14 existing bedrooms that will house 1-3 patients each, depending on individual patient needs. Lengths of stay at the hospital will be shorter, generally ranging from seven to 14 days. Staffing will include 24-hour awake staff (psychiatric technicians), 24-hour nursing staff (licensed RNs), and psychiatric providers (either MD or Nurse Practitioner) on-site six days per week, plus 24-7 on-call coverage. Treatment modalities will include psychotropic medication management, individual, group, and family therapy, and recreation therapy activities. Upon its opening, the facility will be accredited by The Joint Commission.

We do not anticipate making any significant changes to the exterior of existing structures or the landscaping on the property, with the exception of adding a small fenced courtyard area on the south end (back) of the building. There will be minor renovation projects on the interior of the building. We will secure appropriate permits from the city as needed. There are 44 parking spaces on the property. Patients will not be parking at the facility, and this number meets city code requirements for staff and visitor parking.

757 South Main, Springville, Utah 84663 | 801-491-2270



Since we will continue to serve the same population as we have for the past several years at OASIS Ascent, we do not anticipate any detrimental effects to the community. We have strived to be good neighbors and will continue to do so. We look forward to working with you on these proposed changes. Please contact us with any additional questions you may have.

	OASIS Ascent (current)	Ascent Behavioral Hospital (proposed)
Population served	Youth ages 12-17 with mental health emergencies	Youth ages 12-17 with mental health emergencies
Length of Stay	30-60 days	7-14 days
Locked doors	yes	yes
Number of licensed beds	38	30-40
License Type	Intermediate Secure Care, DHHS Human Services	Specialty Hospital, DHHS Health Facilities
Accredited by Joint Commission	yes	yes
# of Administrative staff	10	10
# of line staff/nursing staff with 30 clients	10-15	15-20
Hours of operation	24 hours Admin hours 9-5 M-F	24 hours Admin hours 9-5 M-F
Parking demand	Patients do not park vehicles; parking for staff and visitors	Patients do not park vehicles; parking for staff and visitors

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 385-255-1002

Please do not hesitate to reach out if you have further questions. We appreciate the city's willingness to work with us on this project and look forward to our continued partnership.

Sincerely,



Suzy LeSueur
 Director of Quality Assurance & Compliance
 Ascent Behavioral Health



**Minutes of the
Millcreek Planning Commission
December 18, 2024
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, December 18, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, Utah 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair (excused)
Steven Anderson
Christian Larsen (excused)
Nils Per Lofgren
Jacob Richardson
Diane Soule
Dwayne Vance
Ian Wright (left at 6:32pm)

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
Jake Green, Development Review Specialist
Carlos Estudillo, Planner
Kurt Hansen, Facilities Director

Attendees: Brandon Fry, Brandon Wixom, Dale Bennett, Judith C. Goff, Barbara Curtis, Chip Spencer

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED – 5:05 p.m.

Chair LaMar called the meeting to order and read a statement describing the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of CU-24-006 & SD-24-014, Request for a Conditional Use Permit and Major Subdivision to Accommodate a 5-Unit Residential Development Location: 4181 S 900 E Applicant: Brandon Wixom Planner: Carlos Estudillo

Carlos Estudillo said the property was in the R-M Zone, recently rezoned from R-1-10. The application is for a subdivision and conditional use permit. The surrounding neighborhood consists of R-1-5, R-1-8, and R-1-10 zoning. Estudillo showed the commission images of the property, the proposed site plan with five units and four guest parking stalls, floor plans, building elevations, the landscaping plan, and the proposed plat. The proposal complies with the city code. He reviewed his conclusions from the staff report. The proposed development received approval by the City Council for a rezone in October 2024, from the R-1-10 (single-family residential) zone to the R-M (multifamily residential) zone, subject to a development agreement. The project meets the requirements of the R-M (residential-multifamily) zone.

Staff does not recommend any further conditions of approval. The project is associated with and subject to a development agreement, for which its requirements have been met. The project is subject to further review and approval. The applicant is also submitting a subdivision plat to provide owner occupancy to the proposed units, which will undergo technical review, if approved by the Planning Commission. The Millcreek Community Council unanimously recommended approval of the application with the condition that all four visitor parking stalls be situated so that when all of the stalls are occupied, each car can exit unimpeded. Staff recommended approval of the application.

Chair LaMar asked if the eastern guest parking stalls could be a couple feet deeper to accommodate larger vehicles. Estudillo said the parking stalls could be deeper if needed.

Dale Bennett, applicant, said the proposed stalls are 18 feet long so a truck could park and still have plenty of room. He said there would be space for the vehicle to overhang the stall. Chair LaMar asked about the size of the garage. Bennett said they were larger than the required minimum in the code.

Chair LaMar opened the public hearing.

Chair LaMar acknowledged the commission had received an email from Susan Coia expressing concerns which Francis Lilly replied to.

Chair LaMar closed the public hearing.

Commissioner Soule appreciated the applicant's willingness to change the proposal according to feedback through the rezone process.

Commissioner Soule moved that the Planning Commission approve application file CU-24-006 and SD-24-014, as presented. Commissioner Anderson seconded.

Chair LaMar asked that the garage sizes be double checked. Estudillo said he would confirm garage size in technical review.

Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Anderson voted yes, Commissioner Lofgren voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1.2 Consideration of ZM-24-014, Request to Rezone from the R-1-8 (Residential Single Family) Zone to the R-M (Residential Multi-family) Zone to Accommodate a Residential Complex Consisting of 8 Apartment Units and 6 Townhome Units Location: 4317 S 700 E Applicant: Brandon Fry Planner: Carlos Estudillo

Carlos Estudillo said this request seeks a zoning change for the property at 4317 South 700 East from the R1-8 zone to the RM zone. The property is approximately one acre in size and is located along the 700 East corridor, a primarily residential area with surrounding single-family zoning, including R1-8, R1-5, and RM zones. The General Plan designates the parcel under two categories: Mixed Use 1 (for medium-density housing and commercial opportunities) and Neighborhood 1 (designated for low-density, single-family homes).

Given its location, the land use transition from mixed use to neighborhood zones reflects an effort to buffer higher-density development along the corridor with lower-density residential areas. The applicant proposes a triplex design that integrates with the surrounding single-family homes through compatible massing, architecture, and setbacks. Although these units are multi-family, their design aims to blend with the single-family aesthetic of the neighborhood. However, due to the scale of the proposed triplex, some might perceive it as deviating from the character of the existing neighborhood.

The zoning change aligns with the General Plan's goals of enhancing housing choice and variety in Millcreek. The plan encourages mixed-use corridors and diverse housing options to meet the needs of different demographic sectors. This development would add medium-density housing, including townhomes and condominium units, which are expected to be more affordable compared to the median housing prices in Millcreek. This addition would help address the demand for diverse housing types identified in the Millcreek Housing Study, which emphasized the need for affordable, varied housing options near job centers and transit.

The proposed site plan includes a two-story condominium complex, with the first level featuring an ADA-compliant unit and parking, while the second floor consists of seven units. These units include a mix of one-bedroom, two-bedroom, and three-bedroom units, offering a range of housing options for different household needs. The applicant's design and zoning request aim to balance the development with the surrounding neighborhood, ensuring compatibility with existing residential character while providing new housing choices in Millcreek. The proposed development requires 14.25 parking stalls, and the applicant is providing 20 stalls, exceeding the required amount for this multi-family project. The design features a residential, single-family façade for the eight-unit triplex, with parking accessed through a garage on 700 East. The rear of the building will have a separate manual entry. The proposed development, if approved, must comply with zoning standards and may require a development agreement to ensure adherence to design, materials, height, and other regulations.

The maximum allowed height for the proposed buildings is 35 feet, but due to proximity to single-family homes, the height may be restricted to 30 feet, pending approval from the Unified Fire Authority. The development will include 40% open space, although landscaping plans still need to be finalized. Additionally, six townhomes will be included, each with a two-car garage, meeting the parking requirement of two stalls per unit. Three guest parking stalls will also be provided, exceeding the required 1.5 stalls for the development. A 25-foot access road will lead into the garage from 700 East, with a turnaround area for delivery and moving trucks. The applicant intends for the townhomes to be owner-occupied for sale, and a development agreement will be required to ensure that the development meets all zoning and design requirements, including density, height, parking, setbacks, and maintenance.

While the multi-family residential proposal aligns with the *Mixed Use 1* designation on the west side of the property, it is not consistent with the *Neighborhood 1* designation on the east side, which is intended for single-family, low-density homes. However, the multi-family use fits within the broader goals for mixed-use development in the area. The proposal complies with current parking and mobility standards, but additional consideration of zoning regulations is needed. The applicant held a neighborhood meeting in April 2024 to address

concerns from local residents, who raised questions regarding the density, traffic, safety, and infrastructure impacts of the proposal, particularly on the 730 East side of the property. A development agreement will address these concerns and ensure the proposal meets community needs.

Estudillo showed the commission the proposed site plan with condos fronting 700 E and townhomes connecting to 730 E, floor plans and building elevations. Estudillo concluded a multifamily residential use would not be in harmony with the current land use designation because the General Plan designation for a portion of this lot (east-side) is under *Neighborhood I*, which its primary intended use is to accommodate single-family homes in low-density neighborhoods. A General Plan amendment will not be contemplated, as staff will analyze and possibly reconsider the current future land use map, within the entirety of the 700 E corridor, in a more holistic manner, later in 2025. A multifamily residential use would be in harmony with the land use designation of *Mixed Use I* identified in the west side of the property, abutting 700 E. *Mixed Use I* primary intended use is to accommodate infill and redevelopment of medium density residential and service-oriented uses near lower-intensity established residential neighborhoods. The proposal will meet the requirements set forth in Millcreek code 19.44, 19.77, and 19.80.

A development agreement may be best in ensuring the type, scale, orientation, dedication, utility easements, access, phasing and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient. Therefore, a development agreement may be considered to ensure development design and layout of the property. Staff would like the planning commission to discuss the following potential development agreement items: uses, density and height, owner occupancy, setbacks, parking, architecture, right-of-way improvements, and site maintenance.

The Millcreek Community Council voted three in favor of a motion to not recommend a proposal made by planning staff to rezone the property to RM from R-1-8, and three against the motion. Those who voted to recommend denial and a revision of the current application, were concerned about "spot" zoning, inconsistency with the city master plan, density (14 residences vs about 4-5 with current zoning), rights of those who had recently purchased homes adjacent to the property with the understanding that they are next to a property zoned R-1-8, and the fact that all current Millcreek neighbors present at the meeting were in opposition to the plan as presented. They wanted the wishes of the neighbors to be followed - do not change the zone. Those who voted against the recommended denial expressed the need for affordable housing which the proposed condos would provide and agreed that the proposed 700 East access to them would be the best. The community members present at the meeting were not in favor of changing the zoning. They preferred single family homes and wished for the property to remain residential. They were concerned with the lack of sidewalks in the area, and the impact of both construction and additional residential vehicles on the narrow 730 East. The developer mentioned that the property would be developed one way or another. He mentioned that his daughter would like to buy a condominium so that she could have ownership, and that this development would provide that opportunity. Staff recommended a continuance of the application to allow the applicant and city to work on the creation and refinement of a development agreement while continuing to refine the proposed plans.

Lilly said this project was interesting because the nature of the corridor was changing. The General Plan challenges this project. The applicant tried to address concerns raised by staff. Lilly felt there was room for refinement. The proposal was a reduction in density compared to other proposals for the property. Commissioner Richardson asked about waste receptacles for the 8-plex. Estudillo showed a receptacle in the parking garage. Commissioner Richardson appreciated the units being available under the median value of homes in Millcreek.

Brandon Fry, applicant, said there were over 50 people in attendance at the neighborhood meeting and only two at this meeting in opposition to the project. He said this was an opportunity to create diversity of housing. He noted there would be four times the number of required guest parking stalls in the condo building. The fire turnaround off 700 E was required and preliminarily approved by UDOT. He explained the placement of the dumpster. Fry discussed keeping the higher density close to 700 E so as to not create traffic for 730 E. The townhomes would have two car garages and two car driveways to provide guest parking for each unit to help eliminate parking on 730 E.

Commissioner Vance asked about the applicant's thoughts on a development agreement. Fry said he did not want to redo proposed designs and would stick with them [in a development agreement]. Chair LaMar asked how the garbage trucks would access the dumpster. Fry said the dumpster would be on wheels, so it would get moved out and dumped. Chair LaMar worried about the smell of the dumpster in the garage. Fry said he did not have any complaints from another building he owned with the same set up.

Chair LaMar opened the public hearing.

Barbara Curtis, 4277 S 730 E, said she had lived in the neighborhood for 30+ years. She said there were a lot of houses that used 700 E for ingress/egress. She said children do better when they live in neighborhoods and come from communities from her experience as an educator. The neighborhood has children, elderly, disabled, and lots of pets. She showed the commission images of 730 E and a playground. The street has no sidewalks, so everyone is in the street. She said the neighbors did not mind the townhouses, but proposed the new development have ingress/egress on 700 E and not connect to 730 E. She said people wanted to live in homes and not condominiums.

Judith Cheryl Goff, 4290 S 730 E, expressed concern for the project. She said the street was narrow and did not accommodate street parking, especially for emergency vehicles. There were already 14 houses on 730 E. There are no sidewalks or lights on the street. There are many children on the street. The larger area was single family homes. She expressed concern with street parking from condo and townhome residents.

Estudillo read an email he received from Gina Alserda. *"I'm responding to applicant Brandon Fry's request to build 8 apt. Units and 6 town homes in a lot located off 700E and 4317 So. We totally oppose this build. These units will be looking down on our back yards. Millcreek has already approved the building of all the condos squeezed in at the end of Rowley Dr (our street) and 9th E. And increased traffic immensely! And will continue regardless of some "study" Not to mention the non stop semi trucks leaving mud and falling rocks from the trailers. The project ZM-24-014 will be right in our properties backyard."*

Erin Hardy submitted an online comment via the city's website. *"I attended the Millcreek Community Council meeting last week where this proposed zoning change was introduced. I am usually a proponent of new higher density development within reason and I appreciate the developer's creativity with this design but why couldn't there be an option for this land that included for example 2 single family homes and the separate 8 apartments instead of the proposed 8 apartments and 6 townhomes which is quite dense for the neighborhood. Also I do not believe the apartment building contained an elevator since the parking is on the ground floor. These 8 apartments/condos could create wonderful purchasing opportunities for our younger Millcreek population but our aging population also needs small apartments/condos to downsize into so that their existing homes can be sold for future homebuyers. I feel it would be neglectful to allow these 8 apartments to be built without having them be accessible to all."*

Chair LaMar closed the public hearing.

Chair LaMar asked about the height of the buildings. Fry said it is 30 feet to the soffit. The zone maximum is 35 feet. Estudillo said the continuance would allow for drafting a development agreement and add more detail in the plans. Lilly said he wanted to take dimension-able elevations to the city council with the development agreement. Commissioner Soule appreciated the condo building parking and access on 700 E. She noted the property to the south was duplexes, so there was already density in the area. She was worried about wasting the developer's time by continuing the application. Commissioner Lofgren said a development agreement was necessary for the property. Estudillo said a development agreement would be taken to the city council regardless of if the Commission viewed a drafted one. Commissioner Vance recommended a zone condition limiting the property to 14 units. He asked if there was desire to make the condo look like a house since the General Plan acknowledged that it was mixed-use.

Estudillo was looking for the commission's opinion on wanting to see a final development agreement. Commissioner Vance questioned the timeline of planning commission and city council meetings in waiting for a development agreement. Commissioner Wright liked the idea of a zone condition, was not concerned about traffic on 730 E, and appreciated the ingress/egress on 700 E. Chair LaMar said the R-1-5 zone would essentially allow 9 units. He did not think the additional 6 units on 730 E would create much traffic. He questioned the size of the garages and the ADA parking stall in the condo building. Lilly said there would be two ADA parking stalls, one dedicated to a unit.

The commission discussed whether to continue the application to see a completed development agreement versus forwarding a recommendation to the city council subject to a zone condition and development agreement. Estudillo said materials, massing, glassing percentages, existing grade to measure from, and right-of-way improvements would be addressed in the development agreement. Fry would like to move forward with the proposal and not revisit the planning commission. Commissioner Vance said it would be easier for the council to approve the project with the development agreement if it had been vetted first by the planning commission.

Chair LaMar reopened the public hearing.

Chair LaMar reclosed the public hearing.

APPROVED: _____ **Date** _____
Shawn LaMar, Chair

Attest: Elyse Sullivan, Recorder