Millcreek City Hall
1330 E Chambers Ave
Millcreek, Utah 84106
millcreekut.gov

Planning & Zoning
(801) 214-2700
planner@millcreekut.gov

CU-25-007

Staff Report

Meeting Date:	**9/17/2025**
Applicant:	**Kevin Flynn**
Re:	**Conditional Use Permit**
Property Address:	**3474-3476 S 2300 E**
Zone:	**C-1, Historic**
Prepared By:	**Sean Murray**
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) and Historic Preservation Commission. Your recommendation should be narrow in scope and should primarily be made on the basis of state statue and adopted local zoning land use development codes.

REQUEST AND SYNOPSIS

The applicant, Kevin Flynn, is seeking conditional use approval for a mixed-use development generally located at 3474-3476 S 2300 E. The property is within the C-1 zone which deems mixed-use as conditional.

The Baldwin Radio Factory is a historic building built in the 1920s that originally housed the Baldwin Radio Company which produced headphones and speaker systems for commercial and naval uses. Over years, the property has transformed into a mix of commercial uses on the site such as a restaurant, an antique store, and art studios.

The applicant is proposing using outbuilding #25 to house a short-term rental. A site plan showing the location of the outbuilding on the property can be found in the exhibits of this staff report. The site will not be developed in conjunction with this permit, and the existing building will not be added onto to operate the short-term rental. Adding a short-term rental to the property would deem the property mixed-use.

This property is listed on the local historic list in Millcreek which requires that the Historic Preservation Commission hears and provides feedback on the conditional use permit public process.

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 18.15.030(A).

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 18.15.030(A), 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 18.15.030(A); 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 18.15.030(A); 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 18.15.030(A).

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.

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 18.15.030(A)(17))

Potential detrimental effects of a conditional use are laid out in 18.15.030(A). Staff reviews the application against these listed detrimental effects to ensure it is not creating or exacerbating issues on the site and for the neighborhood.

FINDINGS, CONCLUSIONS, & RECOMMENDATION

Findings:

1. Mixed-use developments are conditional in the C-1 zone.
2. Short-term rentals are allowed within a mixed-use development in the C-1 zone.
3. The site is listed on the Millcreek Historic Landmarks List.
4. The applicant is proposing one (1) short term rental.
5. The applicant is not proposing any new development to the site.
6. A short-term rental requires a business license issued by Millcreek.
7. Conditional uses run with the land.

Conclusions:

Based on the findings listed above:

1. The site is deemed mixed-use with the addition of the short-term rental to the property.
2. A short-term rental is permitted in an approved mixed-use development.
3. Conditional use permits for a site on the Millcreek Historic Landmark List shall be reviewed by the Millcreek Historic Preservation Commission.
4. The site can contain one (1) short term rental in unit #25 as shown on the attached site plan.
5. New site development is not allowed as part of this permit.
6. The applicant must submit and complete a business license and inspection before operating the short-term rental.
7. Any future property owner must adhere to this conditional use permit when operating a short-term rental.

Recommendation:

Based on the Findings and Conclusions, Staff recommends that the Planning Commission take comments at the public meeting and, unless other impacts are identified which may exceed what might otherwise be allowed within the zone which otherwise cannot be mitigation as conditions, approve the proposed conditional use, file number CU-25-007 per the findings and conclusions listed in the staff report, and the conditions listed below:

- No more than one (1) short-term rental is allowed on the site.
- The building housing the short-term rental (unit #25) cannot be expanded.
- The short-term rental must be licensed with Millcreek.

SUPPORTING DOCUMENTS

- **Aerial/Zoning Map**
- **Applicants Letter of Intent**
- **Site Plans**
- **Floor Plan**


N
View Ln
Residential Mixed (RM)
Evergreen Ave
Neighborhood Commercial (C-1)
2300 E
Residential Mixed (RM)
Medium Density Residential (R-4-8.5)
Single-Household Residential (R-1-21)
Alva Cir
3510 S

From: Kevin Flynn, Owner
Baldwin Radio Factory
3474 S. 2300 E. #24
Millcreek, UT 84109

Date: 8/18/25

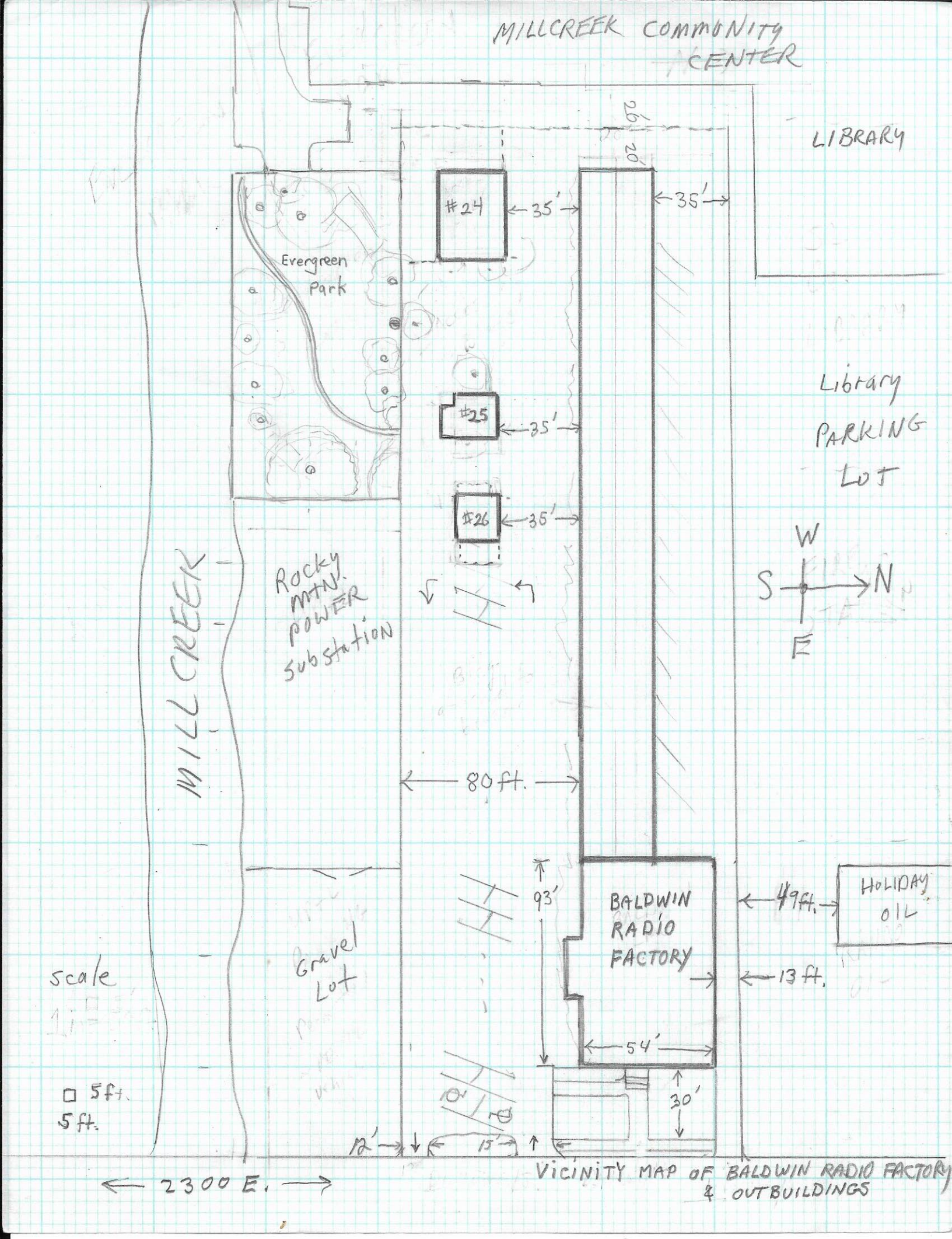
To: Millcreek Planning and Zoning
1330 E. Chambers Ave
Millcreek, UT 84106

Re: Letter of Intent for Unit #25

It is my intent to get a conditional use permit and business license to be able to rent out unit #25, of the Baldwin Radio Factory, as a studio apartment for one or more days/nights to travelers who are looking for a unique place to stay. It was formerly an art studio of size 18'x18', with an attached 12'x7' kitchenette that also has a toilet and shower. I will use the online booking service, airbnb.com, which screens and rates potential renters based on their reviews from previous property owners. It is a detached outbuilding hundreds of feet away from any residential neighbors. Many travelers do not want to be in someone's home with a shared kitchen or bathroom. They want a private entrance, and especially like a place with some character and history. Unit #25 is over one hundred years old, and originally was a maintenance building for the trucks that would transport the radio products made in the factory. With exposed brick walls, and a wood floor made from the railroad trestle posts that were embedded in the Great Salt Lake for decades, it truly has character and charm.
Respectfully,

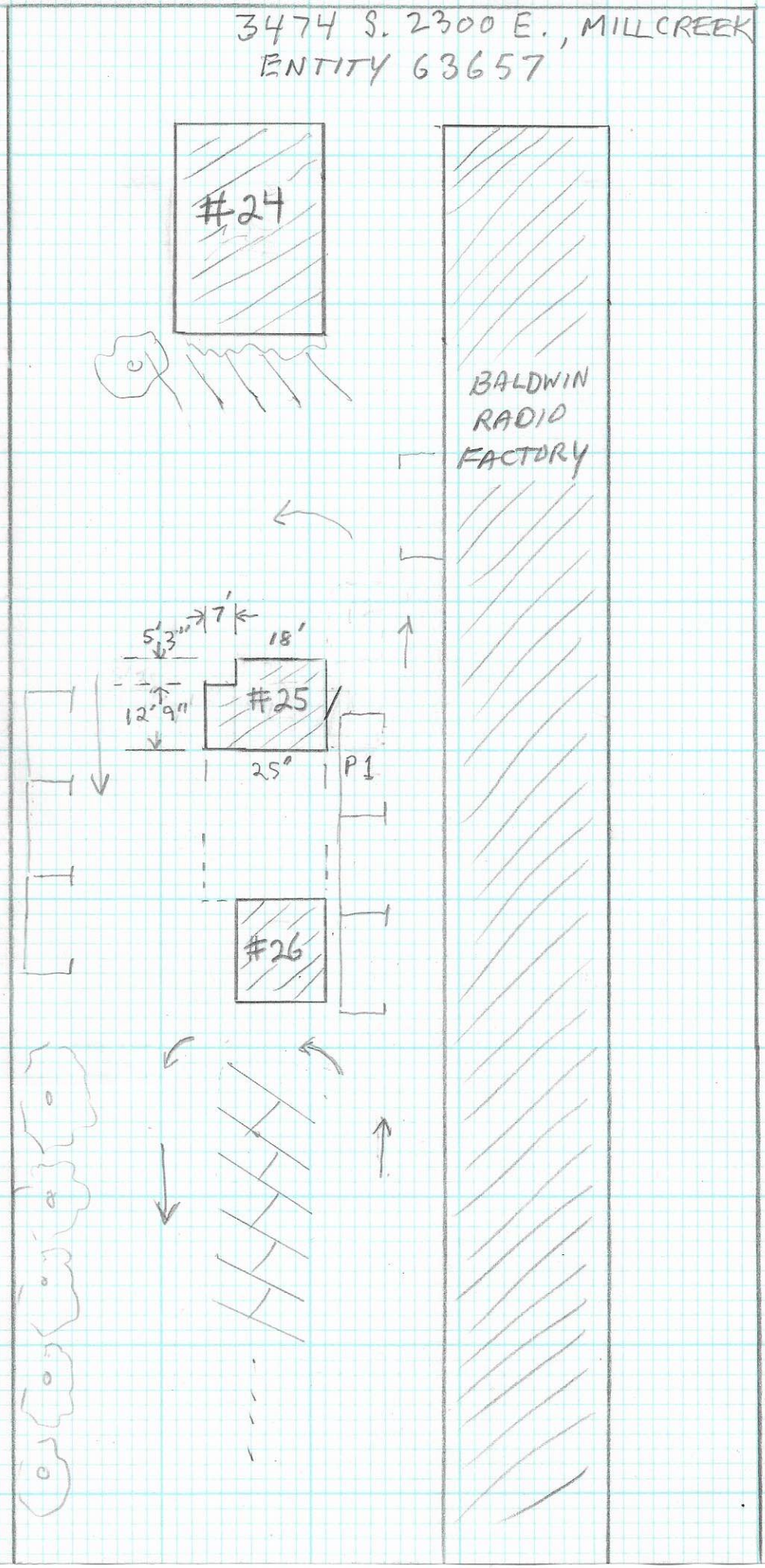


Kevin Flynn


MILLCREEK COMMUNITY CENTER
LIBRARY
20'
20'
#24
35'
35'
Evergreen Park
#25
35'
Library PARKING LOT
#26
35'
W
S
N
E
Rocky MTN. POWER Substation
MILL CREEK
80 ft.
93'
BALDWIN RADIO FACTORY
49ft.
HOLIDAY OIL
13 ft.
Gravel Lot
54'
30'
scale
5 ft.
5 ft.
12'
15'
2300 E.
VICINITY MAP OF BALDWIN RADIO FACTORY & OUTBUILDINGS

Aerial View of UNIT 25

3474 S. 2300 E., MILLCREEK
ENTITY 63657



N →

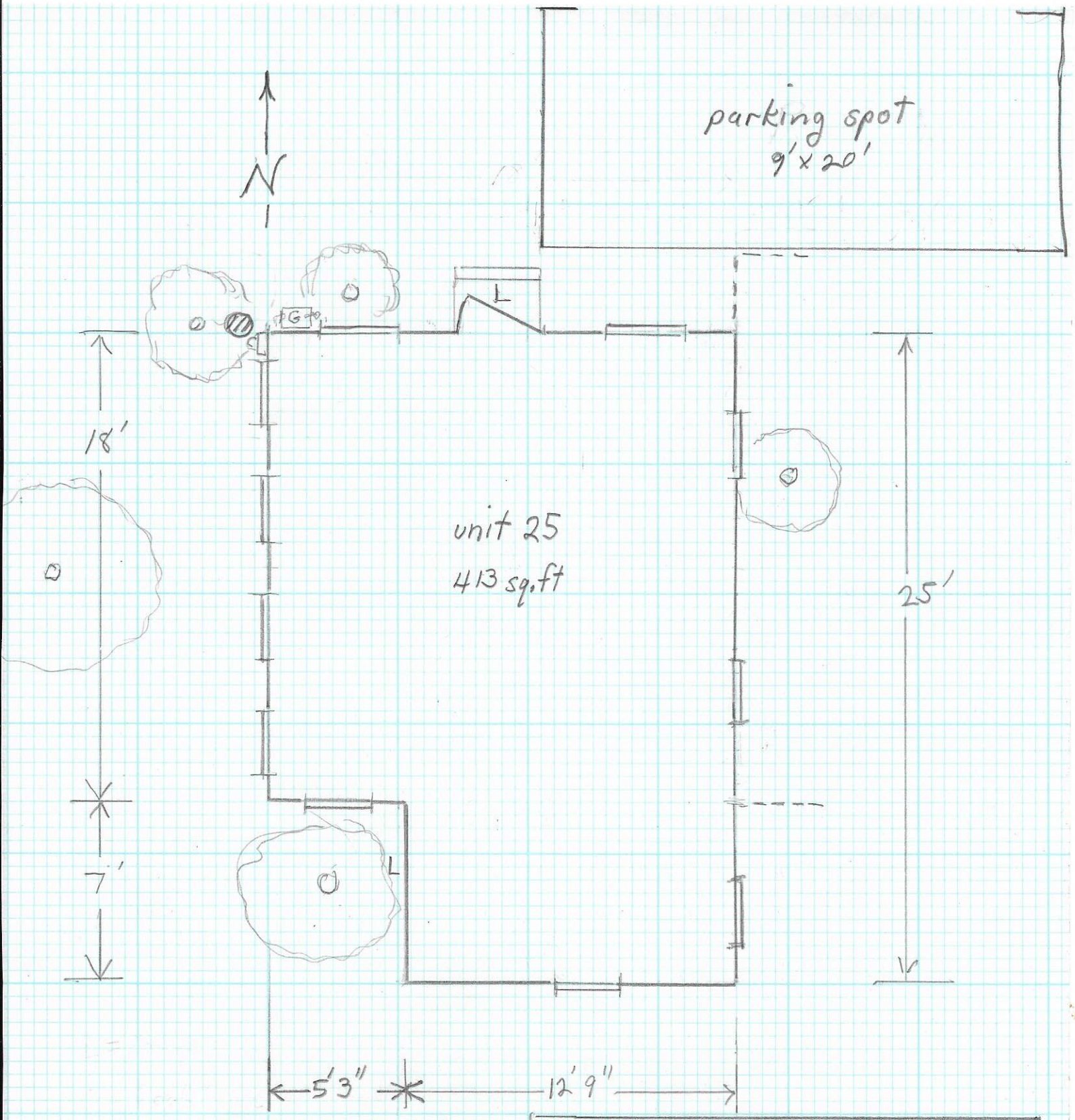
#24, 25, 26 are outbuildings

#25 has 413 sf

P_1 = Parking Spot for #25

scale 1 in. = 30 ft.

3' □ 3'



⊞ = Power Pole
◫ = electric meter
G = gas meter
O = tree
‖ = window
L = outdoor lamp
¦ = wood fence

SITE DRAWING OF
EXISTING OUTBUILDING #25
OF BALDWIN RADIO FACTORY
3474 S, 2300 E. MILLCREEK UT
PARCEL # 16-28-227-028-0000
ENTITY 63657
scale 1 in = 5 ft. K. Flynn 7/15/25

Minutes of the
Millcreek Planning Commission
August 11, 2025
6:00 p.m.
Special Work Meeting

The Planning Commission of Millcreek, Utah, met in a special public work meeting with the Millcreek City Council on August 11, 2025, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

PRESENT:

Council Members
Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff
Mike Winder, City Manager
Elyse Sullivan, City Recorder
Francis Lilly, Assistant City Manager
John Brems, City Attorney
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Carlos Estudillo, Planner
Kayla Mayers, Promise Program Director

Planning Commissioners: Diane Soule, Dwayne Vance, Christian Larsen, Nils Per Lofgren, Shawn LaMar, Victoria Reid (electronic)

Attendees: Peter Frost, James Alfandre, Jordan Dejarnett, Chief Petty-Brown, Laura Renshaw, Jory Walker

WORK MEETING – 6:00 p.m.
TIME COMMENCED: 6:02 p.m.

Mayor Pro Tempore Uipi called the work meeting to order.

1. **Joint Planning Commission Meeting:**
   Francis Lilly said there are currently two projects subject to the City Center Overlay Development Agreement Zone (CCOZ-DA) concept, the Villa Vista project and the Millcreek Common East project. As part of the required process, both projects will participate in informal meetings with the Planning Commission and City Council. These meetings, consistent with past practice, are intended to gather initial impressions and provide early guidance to the applicants as they prepare formal submissions. The Villa Vista project is expected to submit its application soon, in time for the September meetings, while the Millcreek Common East project is anticipated to follow with its application the following month.

Carlos Estudillo gave an overview of the CCOZ-DA process. The process provides an opportunity for properties within the zone to pursue flexible development options that may not strictly align with underlying code requirements. A development agreement must be recommended by the Planning Commission and approved by the City Council, and applicants must meet specific public benefit criteria to qualify. The agreement serves as a tool to enable enhanced design or features not explicitly addressed in the code, provided that the proposal delivers clear public benefits. To qualify, a project must meet at least one of several public benefit standards, such as offering enhanced open space (minimum 1,000 square feet or 10% of the lot area), providing publicly accessible parking (at least 100 spaces), or including affordable housing (a minimum of 20% of units priced at or below 80% of the area median income, along with qualification for incentives under the city's affordable housing ordinance). Notably, requests involving signage or building height alone are not eligible for development agreements.

The process begins with a pre-application phase, which includes a neighborhood meeting (with residents within 600 feet), a community council meeting (such as the Millcreek Community Council), and a joint work session with the Planning Commission and City Council. This phase is designed to gather input, identify potential concerns, and lay the groundwork for a formal application. Following the pre-application, the formal process includes review by the community council, a public hearing and recommendation from the Planning Commission, and review and adoption by the City Council. Applicants must submit a schematic site plan and address any reasonably anticipated detrimental effects, such as those related to land use conflicts.

Development agreements may incorporate design enhancements that serve as alternatives to code-based requirements, including facade modulation, roofline variation, additional open space, balconies, upper-story transparency, diagonal building corners, and architectural treatments that improve the street experience. These enhancements must adequately mitigate potential impacts and align with city goals to qualify for approval.

a. The Villa Vista Rowhome Development

James Alfandre and Jordan Dejarnett, developers, said with its strong walkability and vibrant energy, the site for this project was deemed particularly well-suited for townhomes and homeownership. The 18 townhomes featuring three- and four-bedroom units and two-car garages are designed to appeal to families.

Estudillo showed the council renderings of the building elevations. He said the proposed development is a row house-style townhome project, which differs from the typical mixed-use or apartment-style buildings anticipated in the City Center Overlay Zone. That overlay contains architectural requirements, such as step-backs and façade articulation, designed primarily for larger, taller buildings to avoid monolithic appearances. To align more closely with the intent of the overlay zone while accommodating the distinct characteristics of townhomes, the applicant has introduced a design featuring predominantly brick façades with varied colors to enhance visual interest.

Located at the corner of Villa Vista and Richmond, the project includes a required public plaza and chamfered corner treatment, which has been addressed in the building elevations.

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Notably, corner units in Buildings 1 and 2 incorporate brick elements to meet overlay requirements for residential design standards. The townhomes range up to four stories with a maximum height of approximately 46 feet, triggering the need for an additional conditional use permit due to the building height.

The need for a development agreement arises because the current code lacks specific guidance for townhome-style developments in this area. Existing requirements, such as 50% ground-floor window glazing and upper-level step-backs, are not easily compatible with row house designs. As the project moves forward through review by the community council, Planning Commission, and City Council, key considerations will include how to appropriately adapt or waive certain architectural standards, such as step-backs and glazing, to better suit the unique characteristics of this townhome product while still achieving the intent of the City Center Overlay.

Lilly said from staff's perspective, this project supports broader goals of diversifying the housing mix within Millcreek's City Center. A successful city center cannot consist solely of renter-occupied multifamily units or exclusively townhomes; rather, it should reflect a balanced variety of housing types, as outlined in the City Center Master Plan. Notably, this site was previously entitled for a 75-unit, 72-foot-tall multifamily building. In contrast, the proposed townhome development offers a different residential form that contributes to architectural variety and visual interest, particularly along the Villa Vista streetscape. While certain design deviations such as reduced step-backs will need to be addressed through a development agreement, staff does not object to such an agreement in this case, as the project aligns with General Plan goals and introduces a distinctive, ownership-oriented housing option within the evolving city center.

Mike Winder said "townhome" and "rowhome" terms can be used interchangeably. Alfandre said the homes would not be starter or luxury homes.

Council Member DeSirant expressed concern about owner occupancy. Alfandre said the units would be designed for owner occupancy. John Brems asked if the developer had any objections to a deed restriction. Alfandre said the only deed restrictions he knew of came with a public benefit. Council Member Jackson asked about a plaza. Estudillo highlighted where one would be.

Commissioner Larsen recommended an English basement to allow for an internal accessory dwelling unit. Alfandre said that had not been considered. Council Member Jackson asked about live/work units. Alfandre said there would be four.

Commissioner Soule asked about the neighborhood meeting input. Alfandre said a lot of comments were about the irrigation ditch, and the developers are working with the ditch master. Commissioner Reid asked about balconies or stepbacks to break up the building. Alfandre said there were architectural variations done to the façade. Commissioner Vance asked about the stepbacks of the previously approved project for the site. Lilly said those stepbacks were 20 feet.

b. Millcreek Common East (Hotel, Condominium, Retail, Shared Parking)

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Lilly said Millcreek Common East refers to the area currently occupied by a parking lot and the SLC gym. As part of a proposed redevelopment, the project team is exploring ways to reconfigure property ownership and incorporate existing tenants like the Fine Art Inn into the new space. The development aligns with the City Center Master Plan, which emphasizes walkability, reduced internal traffic, and public access to parking. A key component is a 221-stall publicly accessible parking structure, designed based on a shared parking analysis estimating 180 needed stalls, with additional capacity for overflow parking. Due to the structure's footprint and design constraints, development around it, particularly along Highland Drive, will require careful planning to maintain flexibility in use and massing. The Master Plan also encourages mixed uses, highlighting hotels as important to Utah's tourism economy and advocating for cultural elements like museums and art galleries. The proposed project includes owner-occupied condominiums, a hotel, and retail space, all of which support these goals. Key development agreement items include modifying building step-backs and setbacks along Millcreek Common and formalizing the shared parking arrangement. In exchange for these adjustments, the developer in partnership between the city, a hotel operator, and a condominium developer will deliver enhanced parking, upgraded materials, improved building design, a plaza on Millcreek Common and Chambers Avenue, and a prominent blade sign serving as an entry monument to the area.

Winder said the proposed development at Millcreek Common East involves a phased plan coordinated with the completion of a shared parking structure, expected by June 2026. Until then, temporary parking lots to the north and east are in use, with the eastern lot slated for development starting July 1, 2026. The first phase includes relocating Fine Art Inn Art Gallery, a longstanding local business, to a temporary space near the old city hall by the end of 2025. In early 2026, the adjacent SLC Strength & Conditioning gym—owned by Hamid Adib—will be renovated as part of a contribution to the broader project. This will enable construction of three key components starting mid-2026: a Hyatt Studios hotel on the corner, a centrally located public parking garage, and a condominium and retail building along the common. Outbuildings behind the site will be removed to allow surface parking for SLC Strength, and once complete—anticipated in summer 2028—Fine Art Inn will return as a permanent tenant in the new retail condominium space. The city will retain ownership of the remaining retail and restaurant spaces to ensure curated, vibrant street-level activity aligned with the Millcreek Common vision.

The streetscape will also be improved by eliminating an existing traffic island at Chambers Avenue and Highland Drive, creating a larger, more functional corner plaza. The design includes public loading zones for hotel use, access to both public parking and a separate underground garage for condo residents, mirroring the design approach used for police and city vehicles on the opposite side of Chambers at city hall. Due to tight site constraints, angled parking along the eastern woonerf of the Common will be removed but replaced by structured parking. Additional design modifications, such as reduced building overhangs and relocating a transformer, will allow for a more visually striking corner entry and greater pedestrian comfort. The development will feature sidewalk seating, activated ground-floor retail, and restaurant space—carefully selected to contribute to a lively, community-focused environment, rather than conventional office uses. Winder then explained and described the proposed site while showing the proposed plans and a video of the rendered building elevation.

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Commissioner Vance asked about the height of the building. Lilly said it would be 74 feet tall on the west side and 62 feet on Highland Drive.

Jory Walker, Principal Architect for Beecher Walker Architects, said this project presents a complex design challenge due to the integration of multiple building types, each with differing requirements, within a single site. The development includes a hotel with 10-foot floor-to-floor heights, a condominium component requiring 12-foot floors, and a shared parking structure, all of which demand separate entrances and circulation systems. Coordinating these elements has required extensive planning, including the design of multiple stair towers and unique circulation paths to ensure proper exiting and functionality. Further complicating the project is the site's 12-foot elevation change, which affects building levels and access points. For example, the condo plaza is positioned approximately six feet higher than the hotel plaza, providing a natural separation and elevated views for condo residents. The hotel itself will be Hyatt Studios, a brand with specific design standards that limit architectural customization to maintain brand consistency. While some minor modifications are possible, the overall look must align with Hyatt's identity. After months of careful coordination and problem-solving, the project is finally taking shape and is expected to be an exciting, well-integrated development.

Commissioner LaMar recommended maintaining the north and south turns onto Highland Drive from Millcreek Common. He also suggested a sign on the road median. Commissioner Soule asked about a traffic signal onto Highland Drive. Council Member Uipi acknowledged the excess of traffic and difficulty turning onto Highland Drive. Winder noted when Chambers Avenue went through to Richmond, the traffic would open up, but a light could not go in due proximity to other signals on Highland Drive. Lilly said a traffic study with Fehr and Peers was conducted but it did not recommend anything other than a dedicated left and right turn onto Highland Drive, but the consultant would be reevaluating traffic impacts based on this use.

Winder requested the council's and commission's input on the project via email.

2. **Staff Reports**
   There were no reports.

3. **Discussion of Agenda Items, Correspondence, and/or Future Agenda Items**
   There was none.

Council Member Jackson moved to adjourn the work meeting at 7:02 p.m. Council Member DeSirant seconded. Mayor Pro Temp Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Council Member Uipi voted yes. The motion passed unanimously.

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Minutes of the
Millcreek Planning Commission
August 20, 2025
5:00 p.m.
Regular Meeting

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, August 20, 2025, 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
Steven Anderson
Christian Larsen (excused)
Nils Per Lofgren (excused)
Jacob Richardson (electronic)
Diane Soule
Dwayne Vance (excused)
Ian Wright (absent)

City Staff
Elyse Sullivan, City Recorder
John Brems, City Attorney
Francis Lilly, Planning & Zoning Director
Carlos Estudillo, Planner
Brad Sanderson, Current Planning Manager
Jake Green, Development Review Specialist

Attendees: Micah Peters, J. Cheryl Goff, Nan Bassett, Shawn McGarry, David Nielsen, Miles Maynes, Mike West, Chris Bick, Alberto Cruz, Ben Hanel

REGULAR MEETING – 5:00 p.m.
TIME COMMENCED – 5:03 p.m.

Chair LaMar called the meeting to order and briefly described the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of SD-25-008, Request for a 4-Lot Subdivision Location: 4261 S 700 E Applicant: Miles Maynes Planner: Carlos Estudillo

Carlos Estudillo said this request involves subdividing a recently approved 4-unit multifamily townhome development to allow for individual owner occupancy. The project received rezoning approval earlier this year to transition from single-family zoning to the RM (Residential Multi-Family) Zone, and a development agreement was attached to that approval. One of the key conditions of that agreement was the requirement to subdivide the property. The site plan, architectural design, and landscaping were all approved by the City Council in June 2025, and no changes to the original plans are being proposed. The subdivision will establish common, limited common, and private ownership areas in accordance with city requirements. The surrounding neighborhood is primarily zoned R-1 single-family, though several adjacent properties have also been rezoned to RM or medium-density residential. The development is accessed via a 26-foot private lane and meets all technical, zoning, and

subdivision standards. The plat includes all necessary easements, access points, and will include governing documents such as CC&Rs and bylaws that address ownership and sales restrictions. While a few technical details remain under review, the project substantially complies with planning and zoning requirements. Therefore, approval of subdivision application SD-25-008 is recommended. Estudillo showed the Commission the proposed site plan and plat. He noted this was one of the first applications since the zoning code update in May, and potential detrimental effects were identified during the rezone.

Miles Maynes, property owner/applicant, said the units were being subdivided for owner occupancy.

Chair LaMar opened the public hearing.

Judith Goff, 730 E, commended Maynes for the proposal.

Estudillo read an email from Rachel Andrus who expressed concern about safety and traffic flow and requested a traffic study. Chair LaMar said detrimental effects were already considered for this project.

Chair LaMar closed the public hearing.

Commissioner Reid moved to approve the subdivision as proposed by staff based on the findings and conclusions of the staff report; SD-25-008. Commissioner Soule seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

1.2 Consideration of ZM-24-003, Rezone Request from the M (Manufacturing) Zone to MD (Mixed Development) Zone to Accommodate 77 Townhome Units and a 3,000 Square Foot Commercial Building Location: 81 W Central Avenue (Opus Green North) Applicant: Micah Peters Planner: Francis Lilly

Francis Lilly, presenting on behalf of Sean Murray, said this application encompasses two key components: a rezoning request and a development agreement amendment. The applicant seeks to rezone a 3.5-acre parcel at 81 West Central Avenue from Manufacturing to Mixed Development to allow for a residential project comprising 77 townhome units, a small commercial building, and enhanced public infrastructure, including a trail connection to the Big Cottonwood Creek Trail. This connection would fulfill a long-standing goal of the Meadowbrook Station Area Plan to improve pedestrian and transit access between the creek and the Murray North TRAX station. The second part of the application proposes an amendment to a prior development agreement for Phase 1 of the Opus Green project at 4186 South Main Street. The amendment would remove a previously required commercial component and replace it with additional open space.

The proposed site plan features a Central Avenue streetscape with wide sidewalks, angled parking, live-work units, and a 3,400-square-foot commercial pad envisioned for a veterinary clinic or similar use. Residential units include 24 two-bedroom and 53 three-bedroom townhomes, with three live-work units along Central Avenue. The homes follow a vertically oriented design with ground-floor garages and upper-story living areas, providing a modern

aesthetic consistent with Phase 1 of the Opus Green project. The project meets all city parking requirements, including 154 private garage stalls, 28 off-street guest stalls, and 33 new on-street stalls. A traffic study concluded that the project would generate acceptable traffic volumes and does not require auxiliary lanes on Central Avenue.

The accompanying development agreement outlines ownership expectations and public amenities, including a playground, a trail connection, and a picnic/gazebo area. It also includes a clause requiring the developer to contribute to future light rail crossing improvements, consistent with agreements for other projects along Central Avenue. If UTA were to introduce a bus route in the future, the developer would also be responsible for installing a bus shelter, if required. Overall, this proposal supports the city's long-term planning goals and reflects significant collaboration between staff and the applicants over the past year.

Lilly showed the Commission the proposed site plan, landscape plan, proposed floor plans and elevations, and the proposed Central Avenue cross section.

Chair LaMar clarified the crossing improvements would not be for the Union Pacific/Frontrunner line. Lilly confirmed and noted staff did not feel like the city could justify it given the parking demand or the trip generation demand, it would be a de minimis amount. Commissioner Soule wondered if there should be money set aside now. Lilly said the timeframe of the agreement was 10-20 years, so it would have to be within that timeframe.

Lilly said Millcreek has been working with the developer to alter the development agreement from Opus Green South. Staff has been collaborating with the developer to amend the original development agreement by replacing a previously planned small commercial building on Main Street with a landscaped park area suitable for a food truck park. While initially supporting the commercial use, staff now suggests that a larger, more functional commercial building adjacent to the Front Climbing Gym on Central Avenue may be more appropriate. The proposed change would expand the existing park-like space, though it remains privately owned and maintained, and enhance public amenities along Big Cottonwood Creek. From a planning perspective, the proposal aligns with the Meadowbrook Center's vision outlined in the general plan, including mid-rise, owner-occupied development and improved transit connectivity. The project supports several key goals in both the Murray North and Meadowbrook Station area plans, such as creating a green spine, walkable streetscapes, and increasing public amenities to draw foot traffic and support local businesses. With 800 feet of frontage improvements, the development represents a significant investment in public infrastructure. Staff is not opposed to the removal of the commercial requirement given the trade-off in open space benefits. Rezoning and a revised development agreement are required, with the Planning Commission and community council expected to provide recommendations to City Council. A neighborhood meeting was held on April 11, and no public opposition has been received. If approved, the next steps would include a conditional use permit and subdivision review, both returning to the Planning Commission. The Millcreek Community Council recommended the rezone and development agreement. The staff report includes findings and conclusions. Staff recommended forwarding a positive recommendation to the city council.

Micah Peters, Clearwater Homes, highlighted the positive aspects about the overall development. He noted the open space is 33% and that the density is lower in this phase of the development. The developers have installed 1250 linear feet of public trail on Big Cottonwood creek and would be connecting another 1250 feet. In phases 1-4, there is a 90% owner occupancy rate. He mentioned all of the river cleanup that had taken place. He emphasized the easy connection to TRAX. Peters said Clearwater takes a thoughtful, community-focused development approach, emphasizing enhanced trail connectivity and infrastructure improvements. A key highlight is the extension of the riverfront trail to Central Avenue, supported by the dedication of private land to create a boulevard effect along the full 800-foot frontage. This contrasts with prior nearby developments that neglected public streetscape improvements. The project also includes the addition and improvement of 33 parking stalls on Central Avenue. Addressing concerns about displacement, Peters noted that no existing housing is being removed, only unused structures and wildlife. Parking, a major community issue, is being addressed with 206 parking stalls for 77 units, plus 100% of garages equipped with EV chargers. The development is fully electric, eliminating gas use and significantly reducing carbon emissions, over 1,500 cubic tons annually across current and future phases. Energy-efficient mini-split systems reduce heating and cooling costs to as low as $58–$70 per month. Peters also highlighted innovative design choices, such as generous great room layouts with high ceilings and expansive windows, which helped make the community the fastest-selling townhome project on the Wasatch Front in 2024. The development aims to enhance livability, sustainability, and community cohesion.

Commissioner Reid asked about the tandem parking. Peters noted those units had generous garage sizes. Commissioner Reid asked about locking the gate to the trail. Peters said there was a problem with homelessness on the trail, so they wanted the ability to lock them. Commissioner Soule asked about data for how many of the units had two cars. Peters said it had not been tracked. Chair LaMar asked about a small grocery in the commercial space. Peters said he could consider the revenue model of a neighborhood grocer.

Chair LaMar opened the public hearing.

A property owner on Gordon Avenue expressed concern over a lot of density between 4500 S and 3900 S and associated crime.

Chair LaMar closed the public hearing.

Chair LaMar asked about a provision from the first Opus Green development agreement about “best efforts” to sell 50% of units within 11 years. Peters said that was crafted during the pandemic with uncertainty with the market, but since the language worked, he wanted to carry it over to the new agreement. Chair LaMar suggested leaving the coffee shop language in the agreement in case the need for it came up in the future. Peters said the intention of the amended agreement is to dedicate the property to the city. Lilly was unaware of that commitment. Peters said they would spend infrastructure money to prepare it, get it signed off by city engineering and planning, then hand it over to the city as they did with the original park.

Commissioner Soule commended the first phase of the project. Commissioner Reid appreciated the aspiration of the owner occupancy agreement language. Chair LaMar recommended limiting the height of the commercial building to 45 feet.

Commissioner Anderson moved that the Planning Commission forward a positive recommendation of the rezone application file number ZM-24-003 to Millcreek City Council as proposed, subject to a development agreement for the Opus Green North, and an amended development agreement for the Opus Green South, which would include the changes of the highest maximum elevation of the commercial at 45 feet, and then addition of the public open space which will be dedicated to the city, based on the findings and conclusions in the staff report. Commissioner Soule seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

1.3 Consideration of ZM-24-015, Rezone Request from the RM (Residential Multifamily) Zone to IF (Institutional Facility) Zone Location: Between 1120-1151 East 3900 South and 1200 East 3900 South Applicant: Mike West Planner: Brad Sanderson
Brad Sanderson said this proposal involves a rezone and amendment to the existing development agreement to facilitate a long-term expansion of the St. Mark's Medical Campus in Millcreek. The goal is to unify the north and south campuses, currently divided by 3900 South, under the same Institutional Facilities (IF) zoning and development agreement. The north campus, encompassing over eight acres and including three existing buildings (Parkview A, B, and C), will be redeveloped in phases. The immediate plan includes demolishing Parkview A to create a temporary surface parking lot, which will offset parking displaced during construction of a new medical office building on the south campus. Subsequent phases will introduce a three-story, 60,000 square foot medical office building, a four-story parking structure, and eventually a six-story patient tower, with additional expansions as needed.

Sanderson emphasized the importance of buffering between the development and adjacent residential areas, including required masonry walls and landscape buffers on both campuses. Concerns remain about temporary parking deficits during construction, and a traffic and parking study, currently underway, will provide further insights. Coordination with UTA is also ongoing, particularly regarding potential bus shelter improvements and the reinstatement of a pedestrian mid-block crossing on 3900 South. Staff suggests this may eventually require a HAWK signal or pedestrian refuge island, especially to safely serve employees crossing between campuses.

Although the proposal aligns with land use designations and long-term city planning goals, some components, including finalized elevations, parking strategies, and transit recommendations, are still pending. Staff is generally supportive but recommends the Planning Commission consider continuing the item to a later date until this critical information is available. Additionally, the development agreement should clearly define the duration and conditions for temporary elements, particularly the surface parking lot, to ensure accountability as future phases progress. Sanderson showed the Commission the phasing plan of the site.

Commissioner Reid asked if a pedestrian bridge was considered. Sanderson said bridges were expensive and tricky, and the applicant did not feel it was needed. Commissioner Soule expressed concern about construction parking and workers crossing 3900 S.

Mike West, St. Marks Hospital Director of Construction, said HCA Healthcare parking standards are higher than what code requires. The parking space across the street would be only for staff. They have considered using shuttles.

Sanderson said the Millcreek Community Council reviewed the proposal. A few residents attended, including two living south of the South Campus and one daycare owner west of 1100 East. While the daycare owner primarily had questions rather than concerns, the two nearby residents raised four specific issues. First, they requested a landscaping plan that replaces previously removed trees, particularly near the generators; this plan has since been developed to address those gaps. Second, they suggested planting additional trees along the north and east sides of the North Campus for improved screening. Third, there were concerns about noise from the emergency backup generators, which are enclosed and only operate monthly for testing and annually for extended maintenance. Finally, residents noted that emergency vehicles occasionally idle along the southern lane, causing noise and disruption. In response, the development team committed to working with Unified Fire and medical staff to minimize this impact by potentially relocating vehicles or enforcing idle restrictions. West noted the area is the ambulance bay.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar mentioned acknowledging building heights per code in the agreement and felt a strobe lighted crosswalk on 3900 S was warranted. Commissioner Richardson asked if the crossing was temporary during construction. Sanderson said it would be permanent. Commissioner Richardson asked about preserving trees on 1100 E. Sanderson said the agreement could acknowledge preserving the street trees. Commissioner Anderson did not feel the building height should be restricted to three stories on the north campus. Sanderson said it depended on the setback-height ratio. Chair LaMar noted the IF Zone had a height limit of 45 feet. Staff recommended a continuance of the application.

Commissioner Reid moved to continue consideration of ZM-24-015 to a future meeting upon completion of the traffic impact study. Commissioner Anderson seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

The commission took a break from 6:58-7:03pm.

1.4 Consideration of ZM-25-005, Rezone Request from the R-1-8 to R-1-6 (Single Family Residential) Zone Location: 2477 E 3225 S Applicant: Woods at Rosecrest Homeowner's Association Planner: Brad Sanderson

Brad Sanderson said this proposal involves a rezone request for the Woods of Rosecrest subdivision; a private, built-out HOA community originally approved as a Planned Unit Development (PUD) by the county in 2014. The rezone, from R-1-8 to R-1-6, is being sought not to accommodate new development, but to address the removal of an underutilized designated open space parcel approximately 2,000 square feet located behind Lot 10. The open space was never improved with amenities, is not maintained by residents, and one adjacent property owner (Lot 8) is requesting to absorb it into their backyard. Because the city recently removed PUDs from its zoning code, there is no longer a mechanism to formally amend the existing PUD, prompting the need for rezoning to move forward with changes.

The rezone would allow all existing lots to comply with the minimum size requirements of the R-1-6 zone, as most already exceed 7,000 square feet. If approved, a future subdivision amendment and conditional use permit modification would allow for the formal removal of the open space and minor adjustments to a few property lines. The roads would remain private, and Lot 10, along with potentially Lots 1 and 2, may be removed from the HOA through a separate process, as they do not access the private road or benefit from the HOA's services.

All property owners within the subdivision have signed affidavits in support of the proposed changes. While staff acknowledged this type of zone change is not typically preferred, they see it as a pragmatic solution due to the built-out nature of the development and the lack of existing code mechanisms to adjust the PUD. The proposal was properly noticed, a neighborhood meeting was held, and a few residents attended both it and the community council meeting. The only lot not yet developed is Lot 4, a corner parcel with unique lot boundaries that contribute to a smaller buildable area. All original conditions of approval would remain in place, except for the removal of the open space provision.

Commissioner Anderson asked why the open space could not just be deeded to Lot 8. Sanderson said the shared common area was part of the development approval in exchange for the smaller lot sizes and setbacks. The HOA would still exist and maintain street ownership. A brief discussion on lot sizes came up. Sanderson said the East Mill Creek Community Council and Canyon Rim Citizens Association each recommended the rezone.

Nan Bassett, applicant on Walnut Park Cove, noted the open space is not usable and was not developed. The owners want Lot 8 to have the property since they have been maintaining it.

Chair LaMar opened the public hearing.

Ben Hanel, Ensign Engineering, said none of the fences matched the property lines so the new plat property lines would be the existing fences lines. Lot 4 would be gaining more land and the other property owners hoped it would encourage the owner of Lot 4 to build.

Sanderson noted he spoke with the owner of Lot 10, and they felt there was no reason to remain within the HOA. He recommended not rezoning Lot 10 as it had potential to develop due to the large lot size.

Chair LaMar closed the public hearing.

Chair LaMar moved, regarding ZM-25-005, the Planning Commission, based on the findings and conclusions in the staff report, recommend to the City Council a positive recommendation to rezone the PUD to R-1-6, with the exception of leaving lot 10, the northern parcel, exempted that from the rezoned R-1-6, and leave that as the current underlying zone of R-1-8. Commissioner Anderson seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

1.5 Consideration of ZT-25-003, Request to Amend Millcreek Title 18 Zoning Code
Planner: Francis Lilly

Francis Lilly proposed technical and ministerial amendments to the Millcreek Land Use Code, aimed at improving clarity, correcting errors, and refining implementation based on feedback and experience since the code's adoption. While the code has been generally well-received and is significantly more navigable than its predecessor, ongoing application has revealed areas requiring clarification or minor corrections. These amendments do not alter the fundamental intent or character of any zone, but rather serve to ensure the code remains functional, adaptable, and up to date—something staff intends to continue doing periodically.

Key changes include aligning the Agricultural (AG) Zone's lot coverage standards with the R-1-10 zone, correcting density calculations in the R-4 zone using "gross land area" to better accommodate developments that span multiple parcels, and clarifying that legally established commercial buildings within multifamily zones may continue to operate commercially, rather than be deemed nonconforming. The proposed changes also align balcony and patio size requirements in the RM zone (60 square feet), relocate garage/access standards from Title 18 to Title 14 for better applicability and to avoid creating unnecessary nonconformities, and adjust window transparency requirements for first-floor residential units in the MD and C zones from 50% to 33%, making them more feasible for townhomes.

Additional proposals include carrying forward existing standards for auto sales and service uses into the Manufacturing (M) zone, especially to prevent proliferation of unregulated used car lots. Accessory buildings under 200 square feet, which do not require a building permit, would no longer be subject to architectural design standards such as pitched roofs or matching exterior materials—responding to practical challenges posed by off-the-shelf structures like barrel saunas.

The amendments also clarify the process for additions to noncomplying structures. If an addition complies with current setbacks and code standards, it may proceed via standard permitting without requiring a Land Use Hearing Officer decision. However, if the addition continues a nonconformity (e.g., in line with a noncompliant setback), it must undergo further review. This change reflects a practical understanding of the city's older housing stock and seeks to reduce unnecessary procedural burdens while still regulating nonconforming expansions.

Finally, in response to a resident request, staff is proposing to allow specific types of metal and wire mesh panel fencing. The proposed standards would include minimum wire gauge requirements to prevent low-quality materials (like chicken wire), with Planning Commission input sought to help define acceptable specifications. These cumulative changes reflect a

thoughtful, ongoing commitment to keeping Millcreek's code responsive, relevant, and user-friendly.

Chair LaMar brought up wire gauges and suggested a 12 gauge wire. Lilly suggested a 3/16 panel metal. He proposed a distinction between sheet metal and plate metal in the definitions. Lilly said at the request of a Millcreek property owner, staff is proposing that 3 foot tall 50% transparent fencing be allowed along Highland Drive and other corridors in CCOZ. There would also be miscellaneous technical corrections. All four community councils reviewed these proposed ordinance changes at public meetings held earlier this month. Each of the community councils unanimously recommended approval of the proposed changes. The Millcreek Community Council requested additional language clarifying the maintenance responsibilities of irrigation companies. Staff advises that the city address the maintenance responsibilities of irrigation companies in Title 14, which incorporates all engineering standards. Staff will propose language that is compliant with state statute.

Chair LaMar opened the public hearing.

David Nielsen, resident, expressed interest in installing metal paneling and wire fencing. He recommended a 10 gauge wire and all steel fencing. Commissioner Reid asked about gabion fencing. Lilly said it was allowed since it was neither prohibited nor expressly permitted.

Chair LaMar closed the public hearing.

There was discussion about metal and wire fencing. Commissioner Soule asked about other cities' requirements. Lilly said not a lot of cities defined fencing materials well though he would come up with something.

Commissioner Soule moved to recommend that the Millcreek City Council adopt the changes as listed in the staff report as well as any other similar changes of a technical or ministerial nature, in order to improve the functionality and readability of the Millcreek Land Use Code; consideration of ZT-25-003. Chair LaMar seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

2. Commission Business

2.1 Approval of July 16, 2025 Regular Meeting Minutes

Chair LaMar moved to approve the July 16, 2025 regular meeting minutes as presented in the packet. Commissioner Soule seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

2.2 Updates from the Planning Director

Lilly said the commission received an email with a survey link on the 900 E corridor study and encouraged them to participate.

Commissioner Richardson expressed interest in creating a housing focused subcommittee in the Commission. He is interested in zoning reforms around small lots. He felt there is a link between the cost of housing and where young families are choosing to move and grow their families. He would like to explore options on how Millcreek can lower the cost of housing to stabilize or slow school closures. There was interest in the commission for the subcommittee.

3. Calendar of Upcoming Meetings

- Millcreek Community Council Mtg., 9/2/25, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 9/3/25, 7:00 p.m.
- East Mill Creek Community Council Mtg., 9/4/25, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 9/8/25, 6:00 p.m.
- City Council Mtg. 9/8/25 7:00 p.m.
- Historic Preservation Commission Mtg., 9/11/25, 6:00 p.m.
- Planning Commission Mtg. 9/17/25, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 8:09 p.m. Commissioner Soule seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

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

_____
Attest: Elyse Sullivan, Recorder