



**Minutes of the
Millcreek Planning Commission
September 17, 2025
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, September 17, 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 (excused)
Christian Larsen
Nils Per Lofgren
Jacob Richardson
Diane Soule (excused)
Dwayne Vance
Ian Wright

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
Sean Murray, Planner
Carlos Estudillo, Planner
Ryan Bagshaw, Dev. Review Specialist

Attendees: Kevin Flynn, Ryan Heath, Matt Wilcox, James Alfandre, Jordan Dejarnett, Ben Gowans

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. New Items

1.1 Consideration of CU-25-007, Request for a Conditional Use Permit to Operate a Short-Term Rental Location: 3474-3476 S 2300 E Applicant: Kevin Flynn Planner: Sean Murray

Sean Murray said the applicant seeks to designate the site at 3474-3476 S 2300 E as mixed use in order to legally operate a short-term rental out of one of the outbuildings, known as Building 25, which is situated in the center of the site. The property is zoned C-1 (Neighborhood Commercial), where such a use is allowed if the site is designated mixed use. Additionally, the property is listed on the Millcreek Local Historic Register, and the proposal has been reviewed by both the East Mill Creek Community Council and the Historic Preservation Commission. Both bodies unanimously recommended approval of the request, subject to conditions outlined by staff. These include allowing only one short-term rental on the site, prohibiting expansion of the building housing the rental, and requiring that it be properly licensed through Millcreek. These conditions aim to mitigate potential negative

impacts, especially considering that conditional use permits run with the land and could be inherited by future property owners. Public notification was sent to surrounding property owners, and only one comment was received, which was supportive of the proposal. Staff also coordinated with other departments, such as the fire department, whose input helped shape the conditions, particularly regarding the limitation on building size due to access concerns.

Commissioner Vance asked for clarification on site designation as a mixed-use property and a conditional use permit. Murray said the conditional use is for the property to be designated as a mixed-use site. The conditional use is limited specifically to unit #25. Commissioner Vance asked about dedicated parking. Murray said it would be indicated with the business license. The unit does contain a kitchenette and bathroom facilities.

Kevin Flynn, applicant, thanked the city for cooperation with the conditional use permit. He gave a brief history of the building.

Chair LaMar asked for public comments.

Ben Gowans asked about the rental process.

Murray said the property is zoned commercial and the applicant had to go through the conditional use process to get residential added for a mixed-use designation.

Commissioner Vance moved that the Planning Commission approve the conditional use application, CU-25-007, subject to the findings and conclusions listed in the accompanying staff report, and the following conditions: that no more than one short term rental be allowed on the property, the building housing the short term rental shall not be expanded or built on to which is the middle outbuilding currently being designated as unit number 25, and that the short term rental be licensed with Millcreek. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1.2 Consideration of CCOZ-25-002, Request for the City Center Overlay – Development Agreement Zone (CCOZ-DA) to Accommodate 18 Townhomes Location: 1265 E Villa Vista Avenue Applicant: Matt Wilcox Planner: Carlos Estudillo

Carlos Estudillo said the application proposes a zoning change to the City Center Overlay Development Agreement Zone (CCOZ-DA) for a property located at approximately 1265 East Villa Vista Avenue. The applicant aims to develop an 18-unit townhome (row house) project across three buildings, with the goal of subdividing the units for owner occupancy. The CCOZ-DA zone provides flexibility in applying the City Center Overlay design standards, particularly when unique site conditions or public benefits are present. The site, currently zoned commercial and surrounded by a mix of commercial and multi-family residential uses, is about 0.68 acres, and currently contains residential structures that would be demolished for the new development.

The proposed buildings will not exceed 150 feet in length or depth. Buildings 1 and 2 will each include six 4-bedroom units, with live-work units on the corners of Building 2. Building

3 will consist of six 3-bedroom units. Heights range between 46 and 47 feet, and the design includes durable materials, with about 61% brick facade on average. However, the project does not fully meet CCOZ design standards for step-backs and glazing percentages due to its townhome format, which differs from the higher-density, mixed-use buildings that the code typically anticipates. The applicant has incorporated alternative design enhancements, including corner plazas, bay windows, and articulation features to help offset these deviations.

Parking will be provided through two-car garages for each unit (totaling 36 stalls), and on-street diagonal parking along Villa Vista will fulfill the guest parking requirement, with six of eight stalls eligible toward the minimum. The city will enforce two-hour limits to ensure parking turnover. The project also incorporates an open irrigation ditch along the northern edge, which has raised concerns due to historic flooding. Neighbors have requested improvements, and the applicant is working on a solution that will be included in the development agreement (DA).

The DA will lock in project elements such as use types, building height, setbacks, landscaping, parking, and materials. It will also define the ownership model, with discussions ongoing regarding deed restrictions or rental caps to preserve owner-occupancy. Public input was gathered through a neighborhood meeting, where five residents attended, and at a Millcreek Community Council meeting on September 2, where a recommendation for approval was given with conditions, including the irrigation improvements.

If the zoning and DA are approved, the project will still require a conditional use permit (due to height) and a subdivision plat for ownership purposes. Final technical review and compliance with all city codes will follow. Estudillo said the central question for the Planning Commission is whether the design features and public benefits proposed are sufficient to offset the project's lack of full compliance with certain CCOZ design standards, specifically step-backs and glazing. He showed the commission the proposed site plan, floor plans, building elevations, and street parking plans. He recommended a continuance of the application due to a public hearing noticing error.

Chair LaMar asked about the design enhancements. Estudillo said the applicant can choose to add to their building in case they do not meet certain requirements. Lilly noted if staff could get the Commission's sentiments at this meeting, the application may be ready to be heard at a city council meeting before the commission's next meeting (October 15).

Commissioner Vance brought up the parking requirements for guest parking. He read from code 18.63.020, "In the case that street parking is constructed as an improvement in conjunction with an approved site plan, the striped on-street spaces may contribute up to 75 percent of the parking minimum requirement." He said the way the code reads, the developers need an additional five guest stalls, and 75% of those five guest stalls could be satisfied using on-street parking. At least one or more stalls cannot be on-street parking but need to be on site. Lilly said that was not the intent of the code. The philosophy is that if the developer goes to the expense of improving parking and providing on-street parking, they should get the credit for that. They can use three quarters of the parking stalls built to meet their parking demand. Commissioner Vance clarified the code should read, "up to 75% of the striped on-street spaces may contribute towards the parking." Chair LaMar asked about counting the ADA stall. Lilly said in the updated zoning ordinance, ADA stalls are counted.

Commissioner Reid asked the developer to point out design changes on the building façades as requested during the joint council meeting on August 11, 2025, when the project was first introduced. Estudillo said awnings were added, indentation of windows and doors, decoration of the roof, and top level design changes were made. Commissioner Lofgren asked about the rental cap on the deed restriction. Estudillo referred the question to the applicant. Commissioner Reid asked about the fire code modification request. Estudillo said Unified Fire Authority approved of the request.

James Alfandre and Jordan Dejarnett from the project development team said the initial building elevations shown to the commission during the presentation was incorrect. He said they created more articulation and depth and shadowing with inset windows and cornices and headers and downspouts and recessed entryways and bay windows.

Commissioner Lofgren asked for clarification with the deed restriction and CC&Rs. Alfandre said following the previous meeting, concerns were raised about ensuring that the proposed owner-occupied housing units in the new development are not simply purchased by a single investor and turned into rentals. The applicant agrees with the need for safeguards to maintain owner occupancy but also emphasized the need for some flexibility in response to changing market conditions, such as needing to lease units temporarily if the housing market slows. In response, the development team consulted a specialized HOA attorney who has worked extensively in Millcreek. They acknowledged that relying solely on CC&Rs (Covenants, Conditions, and Restrictions) is not sufficient, since those can be amended by future homeowners. To address this, the applicant proposed specific language within the CC&Rs that would permanently restrict changes to the owner-occupancy provision without approval from Millcreek. This provision would require a majority of the units to be owner-occupied and would name the city as a legal beneficiary of that clause, ensuring that only the city can approve any changes to it. Importantly, the city's role would be limited solely to that provision, not broader HOA governance like pet rules or other internal matters. He said it is still a deed restriction, but he would get further clarification from his attorney. Chair LaMar asked about the percentage of deed restrictions. Alfandre requested that no more than 49% of units can be leased out at one time to be in line with FHA requirements.

Chair LaMar asked about the ditch and flooding issue. Ryan Bagshaw, city staff, said the ditch is owned by the irrigation company. There will be an easement for the irrigation and the adjoining property owners are actually responsible for keeping the ditch clean. With flooding, it is typically due to grade or elevation issues, or the clean outs are not being kept clean. Lilly said Millcreek was not responsible for the ditch, but as part of a standard development review in the context of a rezone that the city does require approval from the ditch company. Alfandre said the canal would become an amenity. Matt Wilcox, with the development team, noted he had met with the ditch company multiple times, and they want two clean outs at either end of the property. Alfandre highlighted the new building elevations.

Chair LaMar asked for public comment.

Ryan Heath, Cottonwood Residential and Millcreek resident, expressed disfavor for the deed restriction. He expressed mixed feelings about the proposed deed restriction intended to ensure owner occupancy in the new development. While he supports the idea of selling the

units, rather than adding more rentals that would compete with his own nearby rental properties, he is concerned that a strict deed restriction could deter potential buyers. He pointed out that while the intent is good, the restriction could negatively impact homeowners who, due to unforeseen circumstances like job relocation or family emergencies, might need to move and rent out their property temporarily. Being forced to sell in a down market without the option to rent could discourage people from buying in the first place. Ultimately, he appreciated the goal of encouraging owner occupancy but cautioned that the restriction may unintentionally make the homes less attractive to responsible buyers.

Elyse Sullivan read an online comment from the website received from Jeff and Lynda Gibson, *"The increase in residances makes a suicide turning lane necessary.*

It has already been a problem for a long time and needs to be included in the development agreement. This most likely will cause the need for a bigger row.

The recommendation should include on the Development Agreement a

1. CLOSED Cleanout box on the North-Eastside of Richmond Street/ North Westside of 3055-3061 Richmond Street.

2. A Suicide/ Center turning lane along Richmond Street. (which may include more than a 5ft ROW)

BTW, The survey in the application was never filed with the county and is not current, there is a 2025 survey there are things that are incorrect, example; ROW"

Chair LaMar asked if there would be a turn lane on Richmond Street. Lilly said there was potential for addition of a second turn lane on Richmond Street, which is referenced in both the City Center Overlay Zone and the Local Link Study. While it is theoretically possible to ask the developer to contribute to this improvement, the site is only a few hundred feet deep, whereas a functional turn lane would realistically require around 700 feet. Because of this, it makes more sense to address the turn lane as part of a larger street infrastructure project rather than a single development. In the meantime, the city's focus is on ensuring that the necessary land dedication is in place. Any future subdivision plat would require an updated and recorded ALTA survey, which would govern the final layout, replacing the current one presented. Although there was initial confusion, it was clarified that some additional right-of-way dedication is needed on the Salt Lake City side of Richmond, where about five more feet must be given to meet standards. Dedicating from the centerline of the street is the standard legal approach, and it is not feasible or legal to force all dedication from just one side. These technical details, especially regarding alignment and future improvements, will be addressed during the subdivision process to ensure that upgrades can be made systematically rather than on a piecemeal, development-by-development basis.

Chair LaMar reviewed concerns raised during the presentation. The development agreement still needed language about the ditch and flooding, and to resolve issues with the deed restrictions. Commissioner Vance felt the parking language in code created a problem. Chair LaMar felt the site plan needed improvement, such as building numbers and lengths, etc. added.

Commissioner Vance did not want to send the application to the council for a first reading before going through the public hearing process with the commission. The discussion raised several concerns about the owner-occupancy requirement and design articulation of the proposed development. On ownership, there is tension between the city's policy goal to

promote owner-occupied housing and the developer's need for flexibility to rent units in case of market downturns. If a restriction is placed in the deed itself, it becomes enforceable by the city and cannot be changed by the HOA, providing a stronger guarantee of owner occupancy. However, enforcement by the city requires a clear willingness and mechanism to do so. If the restriction is placed only in the CC&Rs, even with a clause requiring city approval to amend it, the city may not have the right to enforce it and if the HOA simply refuses to act, the restriction becomes meaningless. There are also practical challenges, such as potential conflict among owners if only a portion of the units can be rented, leading to disputes over who is allowed to rent. A fully owner-occupied project would qualify for FHA financing, but if some rentals are allowed, the cap is 49%. From a policy perspective, restricting rentals when the housing market is low (and more affordable for buyers) may ironically reduce access to ownership opportunities. Commissioner Vance supports a deed restriction on all 18 units with city enforcement but recognizes the complexity and enforcement burden that entails. Regarding design, concerns were raised about the lack of articulation on the outer building walls. While the interior elevations feature attractive elements like bay windows and color contrasts (e.g., gray bay windows against red brick), the outer facades present as large, flat white walls with minimal visual interest. Downspouts and subtle brick patterning are not considered sufficient to break up the massing. He suggested that more effort is needed to improve visual articulation on the external sides of the buildings to reduce their bulk and better align with the design goals of the City Center Overlay Zone. He recommended the interior of the buildings be reversed with the exterior sides.

Commissioner Reid appreciated the different style of building. She felt the deed restriction should be 50% or more of the units.

Commissioner Lofgren said he would like to see all of the units deed restricted, and he did not mind the building façade. Commissioner Richardson was in support of the building articulation and a higher deed restriction requirement. Commissioner Larsen confirmed the sentiments of Commissioner Vance and wanted to see the deed restrictions. Commissioner Wright felt there was always a way for enforcement of deed restrictions.

Commissioner Larson, regarding CCOZ-25-002, moved that the planning commission continue this application until their next meeting so the city can notice it properly as a public hearing. Commissioner Richardson seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2. Commission Business

2.1 Approval of August 11, 2025 Special Meeting Minutes

2.2 Approval of August 20, 2025 Regular Meeting Minutes

Chair LaMar moved to approve the August 11th special meeting minutes as presented in the meeting packet. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson abstained, Commissioner Vance voted yes, and Commissioner Wright abstained. The motion passed.

Chair LaMar moved to approve the regular meeting minutes from August 20th as presented in the packet. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen abstained, Commissioner Lofgren abstained, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Vance abstained, and Commissioner Wright voted yes. The motion passed.

2.3 Updates from the Planning Director

Lilly said the city is beginning public engagement regarding the future of 900 East, particularly potential future land use map amendments. This effort may eventually lead to zone changes. A mailer will be sent to over 16,000 addresses within 600 feet of the corridor, inviting residents to two informal meetings with a planner—one on the evening of October 8th and another on the morning of October 11th. The mailer includes a QR code and survey link, and community members are encouraged to complete the survey and share it widely. Information about the effort will also appear on social media and in the city's newsletters.

Additionally, staff discussed the Planning Commission's interest in forming a housing subcommittee, noting there's precedent with similar subcommittees under the Historic Preservation Commission. Lilly recommended adding a standing agenda item to future meetings for subcommittee updates and formally designating the housing subcommittee at the next meeting to keep the discussion active and on record. Separately, a 10-minute policy discussion on housing will be held with the City Council at their meeting on September 22, during which staff will propose a joint session between the City Council and Planning Commission to further explore housing issues. Chair LaMar noted Commissioner Richardson would be the chair of the committee with Commissioners Soule, Larsen and LaMar as members.

3. Calendar of Upcoming Meetings

- Canyon Rim Citizens Association Mtg., 10/1/25, 7:00 p.m.
- East Mill Creek Community Council Mtg., 10/2/25, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 10/6/25, 6:00 p.m.
- Millcreek Community Council Mtg., 10/7/25, 6:30 p.m.
- Historic Preservation Commission Mtg., 10/9/25, 6:00 p.m.
- City Council Mtg. 10/13/25 7:00 p.m.
- Planning Commission Mtg. 10/15/25, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 6:42 p.m. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED:


Shawn LaMar, Chair

Date 10/15/25

Attest:


Elyse Sullivan, Recorder