

Minutes of the Millcreek Planning Commission October 15, 2025 5:00 p.m. Regular Meeting

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, October 15, 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 Nils Per Lofgren (excused) Jacob Richardson Diane Soule (left at 6:27pm) Dwayne Vance Ian Wright (absent)

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
Brad Sanderson, Current Planning Manager
Carlos Estudillo, Planner
Ryan Bagshaw, Dev. Review Specialist
John Brems, City Attorney
Jake Green, Dev. Review Specialist
Zack Wendel, Planner
Kurt Hansen, Facilities Director

Attendees: Marianne Stuck (electronic), Chris Geddes (electronic), Mary Ann Strong, Brian Strong, Brad Butler, Jill Butler, Jordan DeJarnett, Neela Pack, Nancy Von Allmen, James Alfandre

REGULAR MEETING – 5:00 p.m. TIME COMMENCED – 5:02 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 ZM-25-007, Request for the City Center Overlay – Development Agreement Zone (CCOZ-DA) to Accommodate an 18-Unit Townhome Residential Project Location: 1265 E Villa Vista Avenue Applicant: Matt Wilcox Planner: Carlos Estudillo

Carlos Estudillo said the application proposes a City Center Overlay Development Agreement Zone (CCOZ-DA) at 1265 Villa Vista Avenue to support the development of an 18-unit townhome (row house) residential project, intended for future owner occupancy through subdivision. The project was initially reviewed during the September Planning Commission meeting, where a continuance was recommended to ensure proper public notice per state statute and to finalize an agreement on a potential deed restriction with the developer. The application was correctly noticed for the October Planning Commission meeting, and a resolution on the deed restriction has since been reached. The development remains unchanged from the previous proposal, consisting of three buildings housing twelve 4-

bedroom and six 3-bedroom units. Building heights range from 46 to 47 feet, and the project complies with zoning requirements for open space, building height, and parking. Additionally, it includes live-work units to meet the zone's commercial element. The development qualifies for the CCOZ-DA by adhering to building size limits (not exceeding 150 feet in length or 100 feet in depth). Community engagement efforts included a neighborhood meeting where residents expressed concerns about irrigation and traffic at key intersections. The proposal was reviewed by the Millcreek Community Council on September 2, where five of seven members recommended approval with conditions related to flood mitigation. An amended recommendation was made by the Millcreek Community Council on October 7, with five of six members supporting approval subject to updated conditions, including the installation of closed clean-out boxes and a recommendation for a dedicated turning lane on Richmond Street or 1300 East to serve the area. Staff has agreed to incorporate these conditions into the development agreement.

Francis Lilly provided a staff perspective on the Community Council's recommendation regarding irrigation improvements related to the proposed development. While expressing appreciation for the concerns raised, particularly those related to historical flooding, he noted that the recommendation was highly specific in prescribing an engineering solution. He emphasized two main challenges: first, the city is not in a position to dictate engineering solutions due to a lack of technical expertise and standards in this area; and second, the issue primarily concerns the relationship between the developer and the Lower Millcreek Irrigation Company, rather than the city itself. As such, the staff recommendation is to require the developer to work directly with the irrigation company to reach a mutually satisfactory solution, which may involve a closed gate or box, but should not be pre-defined in the development agreement without an engineering report to justify it. Lilly also noted that conversations between the developer and the irrigation company have been productive, and there is optimism that a solution will be reached without the city needing to impose a specific technical fix.

Estudillo concluded that any building exceeding 36 feet in height within this area will require a conditional use permit, which would be addressed if the development agreement is approved. The applicant has confirmed that the subdivision is intended for owner occupancy, and a key update includes the developer's agreement to a Restrictive Use Agreement commonly referred to as a deed restriction. This agreement, to be recorded at the time of subdivision, will ensure that 9 of the 18 units (50%) are deed-restricted for owner occupancy for a period of five years, using a form approved by the city attorney. The development must still comply with all zoning and land use regulations and is subject to further review and approval. Staff recommends that the Millcreek Planning Commission take public comments and forward a recommendation of approval for application ZM-25-007, with several conditions: live-work units must include a commercial ground floor consistent with the City Center Overlay Zone; the right-of-way and any dedications along 1300 East (Richmond Street) must be determined by a future ALTA survey submitted with the subdivision application; any irrigation improvements must meet the requirements of the Lower Millcreek Canal Company; and the restrictive use agreement must be implemented as discussed. Staff has consulted with the applicant, who has agreed to these terms.

Commissioner Vance asked if changes to parking allocation and the way it reads in code had been made. Estudillo said no. Commissioner Vance asked about the deed restriction. Estudillo

said the city attorney has not approved a form of deed restriction, though there was a draft of one in the staff report. Commissioner Reid asked about the deed restriction only lasting 5 years. Lilly said the city council has been using that timeframe on other developments. He noted the state has been using five-year requirements as well.

Commissioner Reid asked about awnings. Commissioner Soule asked about the irrigation issue. Estudillo said irrigation runs through the northern end of the property. The developers will open it as part of a feature or landscaping and put clean out boxes on the ends. The ditch has caused flooding of some properties to the west of Richmond Street. The planning department has been trying to mitigate issues, but that is ultimately up to the ditch company.

Commissioner Vance discussed a provision of the deed restriction that provides for an exception of the 5-year owner occupancy, if the property is on the market for sale and a sale cannot be made for fair market value within a year. He noted there were too many variables with the exception, such as effort to sell.

James Alfandre, developer, said there are no proposed awnings, but a brick bump out over the entrances. He was excited to bring owner occupancy to the city through this project.

Chair LaMar opened the public hearing.

Lynda Bagley-Gibson provided the following online comment: "A ENGINEER REPORT WAS SUBMITTED WITH OUR FIRST DOCUMENT THAT RECOMMENDED A CLOSED CLEANOUT BOX. THE IRRIGATION COMPANY DOES NOT OWN THIS DITCH.THEY JUST MAINTAIN IT. THERE ARE UTAH ORDINANCES THAT SAY THE CITY CAN SAY THAT THE IRRIGATION COMPANY HAS TO DO WHAT THE CITY RECOMMENDS. THE OPEN DITCH COST THE CITY \$85,000 IN REPAIRS TO RICHMOND STREET THIS OPEN DITCH HAS BEEN THERE SINCE 1914 IT DOESN'T TAKE AN ENGINEER TO KNOW THAT SENDING DEBRIS DOWN INTO PIPES WILL CLOG THE PIPES AS IT HAS."

Maryann Strong recommended keeping building height restrictions lower (zoning allows for 75 feet).

Chair LaMar closed the public hearing.

Chair LaMar noted the primary issues under review from the last commission meetings were ditch flooding, deed restrictions, and parking. Regarding parking, the intent of the existing code was to permit the applicant's approach to on-street parking. The current ordinance language does not clearly align with this intent. While the wording may be open to interpretation, the general consensus among the commissioners appears to support recognizing the intent behind the code, to allow on-street parking as implemented by the applicant. To address the ambiguity, it was suggested that the approval includes a note or asterisk acknowledging this interpretation. Lilly suggested parking could be clarified in the development agreement.

The commission discussed the provisions of the deed restriction. Commissioner Vance recommended removing the one-year restriction on the sale of the property for fair market

value addressed is section (e) of the development agreement. Commissioner Reid recommended setting a percentage on owner occupancy for the development and not be unit specific. Brems said that kind of mechanism would be through the CC&Rs and not a deed restriction since deed restrictions require a property legal description.

Chair LaMar noted the code on-street parking discrepancy raised at the last commission meeting should be acknowledged, and this project meets the intent of the code rather than as it reads.

Commissioner Larsen moved that the planning commission recommend approval of ZM-25-007 with the following conditions:

- that the development agreement includes something about the parking being compliant;
- that part E about selling it after one year be clarified to resale only;
- live-work units shall consist of a ground story that is limited to commercial uses that are allowed in the City Center Overlay Zone;
- the 1300 East right-of-way and any required dedication shall be determined by the ALTA survey submitted as part of the applicant's subdivision plat;
- irrigation improvements shall meet the requirements of the Lower Millcreek Canal Company; and
- at least 50% of the units shall be subject to a deed restriction, requiring owner occupancy for a period of five years, on a form approved by the City Attorney.

Commissioner Soule seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Reid voted ves, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Vance voted no. The motion passed. Commissioner Vance would like to see all 18 units as owner occupied and did not feel comfortable having the development agreement vary on parking when it was not compliant with code.

1.2 Consideration of SV-25-001, Request to Vacate a Portion of the 2700 E Public Street/Right-of-Way Between 2450-3550 South Planner: Brad Sanderson

Brad Sanderson explained that, according to state code, any vacation of a public right-of-way or public easement must be approved by the City Council. However, following the city's code update in May, such items are now first reviewed by the Planning Commission for recommendation. This case marks the first time the commission has seen such a request. The proposal involves a section along 2700 East, adjacent to the Garff family property near the Scurve, where a historic three-foot retaining wall has stood for decades. Over time, the wall has been damaged by vehicles and snowplows, though the Garff family has maintained it. As part of a recently approved two-lot subdivision, the property owners are required to improve the frontage to city standards, which typically do not include retaining walls within the right-ofway. Therefore, the proposal seeks to vacate the city's right-of-way from the face of the retaining wall to the back of the existing sidewalk, including the park strip. This area would become privately owned, but with a recorded easement and maintenance agreement allowing continued public access. No physical changes are proposed, and the arrangement would reduce the city's liability while preserving the existing conditions and access. Sanderson showed the commission the proposed subdivision plat.

Commissioner Vance asked if the Garff family would be required to maintain the existing wall on 2700 E. Sanderson confirmed. Chair LaMar asked about the city maintaining the sidewalk. Sanderson said the Garffs would also have to maintain the sidewalk and park strip. John Brems said it's the adjacent property owner's obligation to repair the sidewalk.

Commissioner Larsen asked about the frontage along Brookburn Road. Sanderson said the Garff family would be dedicating a portion to the city and would be acquiring additional property on the south side of Brookburn to install improvements on.

Chris Bick, representing the property owner, said that the primary goal of this proposal is to clean up and realign several property lines, particularly where one property line currently extends across a portion of the road. The adjustment would align the property boundary along the retaining wall and resolve long-standing inconsistencies. The project has involved extensive coordination with the city, and overall collaboration has been positive. As part of the proposal, a maintenance and access agreement has been established, under which the property owner will maintain the wall and sidewalk while ensuring continued public access. The revised property line would follow the back of the curb, with a 10-foot public utility and drainage easement located behind it to accommodate utility services. He noted that nearly all utility approvals have been secured. The only outstanding items are from the gas company, which issued a letter referencing an easement instead of a vacation (a minor terminology issue being corrected), and from Salt Lake City Public Utilities regarding the water line within the roadway. The latter may request that the vacated areas be designated as easements to preserve utility access. Legal descriptions have been provided to both entities to finalize their approvals.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

The commission expressed favor for the proposal and the wall being preserved.

Commissioner Vance moved based on the findings, conclusions and staff's recommendations as previously discussed and set forth in the staff report, that the planning commission recommend the City Council approve application file number SV-25-001, vacating portions of 2700 East that better align the edge of the public right-of-way, as depicted within the attached plat [in staff report] and as described within an appropriate ordinance. Commissioner seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

1.3 Consideration of GP-25-002, Request for Adoption of the Meadowbrook Station Area Plan as an Amendment to the General Plan Planner: Sean Murray Francis Lilly provided an overview of the Millcreek Meadowbrook Station Area Plan, explaining that it stems from Utah House Bill 462, which requires municipalities with fixed transit stations to develop station area plans covering roughly a half-mile radius. He

emphasized that this requirement was not prompted by Millcreek's planning deficiencies, as the city already has a master plan, general plan, and future land use map supporting high-intensity zoning and the development of several hundred housing units, including approximately 200 affordable units. Despite this, the city must still complete the process to comply with state law. Lilly credited the Design Workshop team for efficiently managing a complex public engagement process and preparing the plan on schedule. Once both Millcreek and South Salt Lake adopt their respective versions, the plan will be sent to the Wasatch Front Regional Council for certification to fulfill state requirements.

He also summarized community feedback from the October 7th Millcreek Community Council meeting, where discussions focused on improving food accessibility and green space within the station area. The community council suggested adding Millcreek-specific elements—either as an addendum or integrated sections of the plan—to address these priorities. Lilly noted that rather than rezoning the entire area at once, the community favored allowing rezones to occur at the request of property owners. This approach would maintain existing development rights, protect property owners who do not wish to rezone, and allow the city to negotiate site-specific development agreements that better address impacts and public benefits. He highlighted past successes with such agreements along Central Avenue, which helped fund local infrastructure improvements. Lilly concluded by recommending that the Planning Commission endorse adoption of the Station Area Plan, incorporating the Millcreek Community Council's recommendations.

Marianne Stuck, the project manager from Design Workshop, presented an overview of the Meadowbrook Station Area Plan, developed in partnership with Millcreek and South Salt Lake under the requirements of Utah House Bill 462. She explained that the plan was completed on an accelerated six-month schedule and focuses on a half-mile radius around the Meadowbrook and Millcreek transit stations. The goal is to coordinate land use, housing, and transportation planning to support sustainable, equitable, and transit-oriented growth while reflecting each city's vision. Stuck emphasized that the area is one of the most demographically diverse in the Salt Lake Valley, and the team prioritized ensuring the plan is responsive to the needs and character of local communities.

The planning process included three phases of public and stakeholder engagement—visioning, concept development, and plan adoption—conducted through pop-up events, community meetings, surveys, and outreach at local festivals. Over 170 participants contributed feedback, emphasizing priorities such as improved safety, walkability, community gathering spaces, and access to housing and essential services. The survey results underscored strong community interest in more green spaces, better pedestrian connectivity, and local amenities like grocery stores and recreation facilities.

Stuck outlined the plan's guiding principles, which include fostering inclusive neighborhoods, enhancing mobility networks, integrating community services, and connecting greenways across city boundaries. Key recommendations for the Meadowbrook Station area focus on transforming it from an industrial corridor into a vibrant, mixed-use, pedestrian-friendly district. This includes revising land use designations to encourage active ground-floor uses, locating parking behind buildings, expanding housing options, and creating stronger pedestrian and bicycle connections to surrounding areas and transit lines.

Specific proposals for the Millcreek portion of the plan include reimagining West Temple as a complete street with landscaped medians, wider sidewalks, and multiuse paths; establishing a new community park and plaza to serve as a neighborhood gathering space; and exploring opportunities for adaptive reuse projects such as a small-scale grocery store near 3900 South and State Street. Stuck concluded that these recommendations aim to create a more connected, livable, and inclusive transit-oriented neighborhood that reflects community values and supports long-term sustainable growth.

Commissioner Richardson asked about referencing a multi-use path along 3900 S from the Jordan River to Main Street that the city was awarded a grant for in the area plan. Lilly felt it would be a good addition. Lilly emphasized that the Meadowbrook Station Area Plan should be viewed as the "connective tissue" linking together the network of plans and projects already underway in the area. He explained that the plan differs from a traditional master plan because both Millcreek and South Salt Lake have already made significant progress in planning and development within the station area. The staff's approach, therefore, was to focus this plan on catalytic projects and connectivity improvements rather than broad land-use overhauls. Lilly noted that staff intends to integrate this plan, along with the adjacent Murray North Station Area Plan, into a future comprehensive land use map amendment to ensure alignment across jurisdictions. He also pointed out that Millcreek may be the only city in the state managing two adjacent, jointly developed station area plans, which adds complexity but also provides an opportunity for regional coordination. Overall, Lilly expressed satisfaction with the work completed by Design Workshop, affirmed that the plan meets state requirements, and formally recommended approval.

Commissioner Reid asked about efforts to secure land for parks. Lilly said the plan identified a good area for a park. He recommended the city reach out to those property owners once the plan is adopted. The city may be able to use existing Community Reinvestment Area money to buy it. Commissioner Reid asked about the planning commission having a role in facilitating a grocery store. Lilly emphasized the importance of collaboration in advancing the community's goals, noting that there is a meaningful role for the Planning Commission in helping facilitate efforts that serve the broader social good. He referred to the Millcreek Community Council's recommendation that the city's Economic Development team take an active role in developing a plan to address the issues discussed and to engage directly with the council. Lilly expressed support for the community council's idea of forming a task force to methodically address these initiatives, similar to past successful efforts such as those organized through the city's Promise Program and economic development initiatives. He suggested that the Commission include this recommendation—supporting the creation of a collaborative task force and continued coordination with the community and economic development staff—as part of their formal motion.

Chair LaMar commented on Stuck's presentation, noting that the community's top priorities—affordability, parks and recreation, trail connectivity, and access to food—were clearly reflected in the data she shared. He observed that the plan effectively addresses the first three priorities through strategies that support affordable housing, enhance green spaces, and improve connectivity. However, he pointed out that the fourth priority—access to food—still lacks a clear solution within the current framework. Chair LaMar emphasized the importance of finding ways to incorporate this element into future planning efforts to ensure that food accessibility is addressed alongside the other key community needs.

Chair LaMar opened the public hearing.

Neela Pack, an auto business owner on Main Street, shared her comments and concerns regarding the proposed amendment to the General Plan. She began by clarifying that she supports owner-occupied housing and agrees there is a current issue with food scarcity in the area. However, speaking from the perspective of a local business owner, she expressed apprehension about how the plan could influence future zoning decisions—particularly in the industrial area west of State Street, which is currently zoned for manufacturing but is proposed to transition to an Urban Transit Center designation under the plan.

Pack questioned the plan's underlying market assumptions, noting that the Design Workshop's analysis discussed general vacancy rates but did not address housing vacancy specifically. Citing recent 2025 Salt Lake County data, she explained that Millcreek's housing vacancy rate was around 7%—higher than the 5% considered a balanced market and the highest in the county—suggesting that local housing supply may already meet demand. At the same time, she emphasized that the area's industrial and manufacturing sector has outperformed countywide averages over the past decade, showing strong absorption rates, lower vacancies, and higher rents. Pack warned that reducing this successful industrial area to make room for additional housing could undermine an important economic driver. While she acknowledged that the current plan does not enact any rezoning, she noted that General Plan policies carry significant influence in future zoning decisions and urged the city to carefully consider the potential economic impacts before moving forward.

Stuck clarified that the city's existing land use plan already designates the area west of the TRAX line for manufacturing, while the area east of the TRAX line is identified as an Urban Transit Center. The proposed station area plan builds upon this existing framework rather than making significant changes, focusing primarily on refining and enhancing the areas closest to the station. Stuck explained that only minor adjustments are being considered to better align the land use designations with current conditions and future development opportunities.

Chair LaMar closed the public hearing.

Commissioner Reid asked if economic data, as cited by the public comment, was considered in putting together the plan. Stuck affirmed. Chris Geddes, Design Workshop, said their data and county vacancy data may differ due to new products being available. Commissioner Richardson asked if the city allows each property owner to come forward for a rezone, that no business is going to be closed. Lilly confirmed, only with the consent of the property owner. He acknowledged concerns he has heard from local manufacturing businesses, noting that some operators prefer to maintain their current operations without interference. He observed that proposed changes in the plan may increase public attention and pressure on these businesses, such as inquiries about selling their land, which can be frustrating for owners uninterested in doing so. While he emphasized that this is largely a market-driven dynamic and not necessarily a problem for the city to resolve, he aimed to give voice to these underlying concerns.

Chair LaMar remarked that the Meadowbrook Station area seemed underutilized from his observations; there was opportunity for land to be better used. He appreciated the need for affordable housing there.

Francis Lilly summarized the conversation, including extending the 3900 South bike path as part of the east multi-use path, and for the city council to actively pursue park land acquisition while addressing local food accessibility issues. He emphasized that any rezonings in the Millcreek area should be initiated by developers rather than imposed by the city. Additionally, he suggested that the city council carefully consider economic development trends, housing availability, and housing affordability when evaluating potential future rezonings.

Commissioner Richardson moved that the planning commission recommend to the Millcreek City Council the adoption of the Meadowbrook and Millcreek Station Area Plan with the following amendments: that the 3900 South multi-use path be continued further east, that there be a serious effort to obtain public green space for a future park, for food and medical deserts to be addressed, for the city to take into account the economics of the existing businesses in the area, for the individual property owners to be able to come forward and initiate a rezone instead of the city rezoning the entire area as a blanket, and GP-25-002, as proposed. Commissioner Reid seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

2. Commission Business

2.1 Approval of September 17, 2025 Regular Meeting Minutes

Chair LaMar moved to approve the minutes as presented in the packet. Commissioner Reid seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

2.2 Creation of the Planning Commission Housing Subcommittee

Commissioner Richardson noted the participating committee members would be himself, Chair LaMar, Commissioner Larsen, and Commissioner Soule.

Commissioner Richardson moved the planning commission formally approve the creation of this subcommittee. Commissioner Larsen seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

2.3 Updates from the Planning Director

Lilly said a joint meeting with the City Council is planned for November 10th to discuss a potential development agreement for a previously approved project that has slightly decreased in scale. The developers are open to a fully compliant project but there may be opportunities for additional roadway or right-of-way concessions. The Woodbury Group, owners of the Town & Country Shopping center, may pursue revitalizing the center with new

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restaurant uses and other improvements, potentially requiring a development agreement due to existing height restrictions. Additionally, a joint meeting with the Historic Preservation Commission is scheduled for December 9, including lunch and possible training led by Kirk Huffaker. He encouraged the commission to report any minor code issues for correction, noting that while the code is generally functioning well, small adjustments are ongoing.

3. Calendar of Upcoming Meetings

- City Council Mtg. 10/27/25 7:00 p.m.
- Mt. Olympus Community Council Mtg., 11/3/25, 6:00 p.m.
- Millcreek Community Council Mtg., 11/4/25, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 11/5/25, 7:00 p.m.
- East Mill Creek Community Council Mtg., 11/6/25, 6:30 p.m.
- City Council Mtg. 11/10/25 7:00 p.m.
- Historic Preservation Commission Mtg., 11/13/25, 6:00 p.m.
- Planning Commission Mtg. 11/19/25, 5:00 p.m.

<u>ADJOURNED:</u> Commissioner Larsen moved to adjourn the meeting at 7:06 p.m. Commissioner Reid seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Reid voted yes, Commissioner Richardson voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

APPROVED:

Shawn LaMar, Chair

Attest:

Elyse-Sullivan, Recorder