



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

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, December 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 (left at 6:50pm)
Christian Larsen
Nils Per Lofgren
Jacob Richardson
Diane Soule
Ian Wright

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
Zack Wendel, Planner
John Brems, City Attorney
Sean Murray, Planner

Attendees: Scott Cameron, Jeremiah Clark, Jenny Burgess, Craig Cook, Ms. Cook, Chad Jones, Rod Fulkerson

**REGULAR MEETING – 5:00 p.m.
TIME COMMENCED – 5:02 p.m.**

Chair LaMar called the meeting to order and briefly explained the duties of the planning commission.

1. Commission Business

1.1 Consideration of ZM-25-006, Request to Remove a Zoning Condition in the RM Zone Limiting Age of Residents at a Facility Location: 777 E 3900 S Applicant: Preston Reading, on Behalf of Pacifica Companies Planner: Zack Wendel

Zack Wendel clarified that the application is not a rezone of the base zoning, which will remain Residential Mixed (RM), but a request to remove a zoning condition imposed in 1995 when the property was initially developed as a residential healthcare facility. That condition required all residents to be 62 years of age or older. The applicant, representing the property owner, seeks to convert the facility from an assisted living use to a 55-plus senior living use, which necessitates removal of the age restriction and triggers different parking requirements under current Millcreek code. While the original facility was approved for 75 units with 35 parking spaces on the final 1995 site plan (despite only 19 being required at the time), the current proposal reduces the unit count to 70, requiring 35 parking spaces at a ratio of 0.5 spaces per unit. The site presently contains only 32 spaces, and the applicant proposes restriping the existing lot to meet the minimum requirement; however, staff and emergency

services have documented significant overflow parking onto 775 East, a narrow residential street, creating access and safety concerns, particularly for emergency vehicles. Neighborhood residents and Unified Fire Authority have raised repeated concerns, and the Millcreek Community Council unanimously recommended against removing the zoning condition due to the inadequate parking plan. Although the zoning condition removal would support the city's general plan goal of expanding moderate-income senior housing and would not alter the future land use map, staff finds the proposed parking solution insufficient and recommends, if approval is granted, that at least 38 on-site parking spaces be provided and that the applicant coordinate with Public Works and the Unified Fire Authority to implement no-parking zones and signage along the frontage. Staff also outlined alternative options for City Council consideration, including denying the request, reducing the unit count to align with existing parking, prohibiting the sale of parking permits separately, or modifying the zoning condition to limit the property's use exclusively to 55+ housing.

Commissioner Soule asked about the bedroom count of the units. Wendel said there are one and two bedroom units, but he did not know the count. Commissioner Soule asked about the percentage of people who do not have cars. She argued about the driving difference between an assisted living facility and 55+ facility. Lilly said that was a reasonable finding that people in an assisted living facility would drive less than those in a 55+ facility. Commissioner Reid observed empty parking spaces onsite and wondered why people were not parking there. She wondered if other nonresidents were parking on the street. Wendel said the assumed empty spaces are for working residents as all parking permits for the facility had been issued. He acknowledged painting one side of the street with a red curb to allow for first response apparatus to be able to navigate the street and facility parking lot. Commissioner Richardson asked about parking enforcement, specifically with developments with parking problems like Artesian Springs. Lilly said Artesian Springs charges for parking, so residents park on the street where it is free. The city has since prohibited selling or leasing parking separately from an apartment lease as part of the development agreement.

Chair LaMar asked about an old requirement for a fence that no longer existed. Wendel said it was a discretionary matter for the commission to decide to enforce. Commissioner Richardson asked about moderate income senior housing. Lilly said they did not propose conditioning providing permanent affordable housing.

Chad Jones, representing Pacifica Companies, clarified that the original approval of 35 parking spaces was based on 75 units, whereas the current proposal reduces the number of active units to 70 in order to remain within the 35-space threshold. He noted that the property is intended to serve residents at no more than 50 percent of Area Median Income (AMI), subject to confirmation from the managing entity. In response to parking concerns, Jones agreed to eliminate the two proposed on-street parking spaces, reducing the total count to 36, but explained that an additional full-size parking stall shown in the upper left corner of the restriping plan is permissible under the parking ordinance, bringing the total on-site parking to 37 spaces. He emphasized that a full redesign or expansion of the parking lot would likely yield only two additional stalls and would not meaningfully resolve the broader on-street parking issues, and therefore the applicant is proposing to comply strictly with the existing code requirement of 0.5 parking spaces per unit for 55-plus senior living. The applicant committed to maintaining the 55+ age restriction, working with Unified Fire Authority to implement red curb striping and no-parking signage, and reviewing the issue of separately

leased parking stalls. Jones also observed that recent site visits showed available spaces in the lot alongside continued on-street parking, suggesting behavioral rather than capacity issues, and reiterated the applicant's willingness to address concerns to the extent feasible while remaining compliant with the code.

Commissioner Soule asked if the interior would be remodeled to reduce the units. Jones answered no, the existing remaining five units are being used for storage and as a model. Commissioner Soule asked about unit counts. Wendel said the original facility had 75 units, the applicant is proposing 70 units, and staff recommended it be reduced to 64 units. Commissioner Soule asked about occupancy and said it made a difference from unit count because couples often have two cars. Commissioner Anderson said a stall should come with the unit and paying for parking should be for extra parking. Commissioner Richardson asked if the applicant had met with UFA. Jones said no. Wendel said the street parking was creating ingress/egress issues for apparatus going in/out of the parking lot.

Jeremiah Clark, Millcreek Community Council, reiterated council concerns about cars parking on the other side of the street and the ratio for parking stalls only being 0.5 for 55+ facilities.

Chair LaMar opened the public hearing.

Craig Cook, 775 E, stated that he purchased the neighboring property approximately 15 years ago, when the subject site operated as a convalescent home, and during that time the street experienced minimal parking impacts due to limited resident driving and infrequent visitor traffic. He explained that significant parking problems only arose after the property began operating as a 55+ facility, a change of which nearby residents were not notified, and that the resulting overflow parking has led to tenant dissatisfaction and vacancies in his property. Cook expressed concern that a 55+ designation is not enforceable unless it is formally imposed as a zoning condition, as was the prior 62-and-over requirement and argued that without such a condition the property could effectively function as a standard apartment building. He emphasized that the lack of parking on 3900 South forces vehicles onto the residential street, creating access issues for fire trucks, mail delivery, and garbage collection, and asserted that proposed red-curb areas would not adequately address emergency access for the full length of the street. Cook also raised concerns about current occupants allegedly not meeting the 55+ threshold and about changes being implemented without proper licensing or approvals. He urged the city to require an enforceable 55+ zoning condition and additional off-site or alternative parking solutions to prevent on-street overflow, contending that nearby residents should not bear negative impacts or loss of property rights resulting from the property owner's business decisions.

Ms. Cook, 775 E, requested the west side of 775 E be red striped because cars are blocking mailboxes and space for garbage cans.

Rod Fulkerson, 775 E, said on average there are 17 cars parked on the street. He suggested the facility owners buy surrounding property to turn into parking.

Scott Cameron, nearby property owner, wondered about the ages of the residents living at the facility. He felt there was no enforcement of age taking place.

Chair LaMar closed the public hearing.

Chair LaMar asked if a 55+ year old could live there with a child. Lilly noted that enforcement of age-restricted housing can be legally complex, as a qualifying resident may lawfully reside with younger family members, making compliance difficult to monitor. He emphasized, however, that land use approvals and business licenses are granted based on specific representations and assumptions provided by the applicant, including compliance with age restrictions and associated parking impacts. If the city were to discover that the property is being operated in a manner inconsistent with those representations, such as leasing units to residents who do not meet the 55-plus criteria that could constitute inaccurate or fraudulent information and provide grounds for code enforcement actions, including potential revocation of the business license. While acknowledging that such enforcement is particularly sensitive when it involves housing and human occupants, and that the City is understandably reluctant to displace residents, he confirmed that there is an active code enforcement case related to these concerns. Ultimately, he stated that failure to comply with the terms of land use approval or licensing could require the City to consider more serious enforcement measures if necessary.

Commissioner Soule asked if the business was currently operating at 55+ versus assisted living. Lilly said there was an active code enforcement case on the property, and they were operating without a business license. Wendel said the facility was converted in 2022. Commissioner Soule wondered why the facility was not being treated like an apartment building since it was operating as one. She thought some green space on the property could be used for parking. Commissioner Wright asked if the commission could take action on a land use application with an active code case. Lilly explained that the land use enforcement officer has asked the applicant to attempt to resolve the compliance issues before further enforcement action is taken, and that staff is currently working to facilitate a path toward compliance. He acknowledged that the commissioner raised valid concerns and noted that there is discretion to consider neighborhood impacts, staff's preliminary assessment, and the community council's recommendation when formulating a reasonable course of action. He also stated that, while undesirable, one available option would be for the property to revert to its prior assisted living use and allow the existing leases associated with the 55+ operation to expire over time, characterizing this as a possible but unfavorable alternative.

Chair LaMar raised general concerns regarding both emergency access and ongoing spillover parking impacts in the neighborhood, noting from a site visit that restricting parking on one side of the street would likely shift vehicles to the opposite side rather than resolve the underlying issue. He suggested that alternative approaches, such as a residential parking permit program with limited-duration guest parking, might warrant further exploration, though he emphasized that such options were not ready for decision at the current meeting and would require additional input from affected residents. Chair LaMar also discussed the possibility of designating no-parking or red curb areas, potentially on the west side of the street, to improve street width and emergency access, while acknowledging that such measures may not fully address turning radius concerns. He expressed broader concern that the current 55+ parking standard allows no designated guest parking and may be insufficient given observed conditions. Additionally, he identified site maintenance issues along the eastern property line, including debris, abandoned materials, and deteriorated fencing, and suggested that cleanup and site improvements should be considered as a condition of

approval, even if full fence replacement is not required, consistent with conditions originally imposed in 1995.

Commissioner Reid asked if the problem was the 55+ age not being enforced or that the code is wrong because 0.5 stalls per unit is not enough. Lilly noted this was a legislative approval, so if the commission felt that more parking was needed then they should make a finding as part of their recommendation to the city council. Commissioner Soule felt there was not enough information to make a recommendation. Commissioner Larsen recommended denial until the parking requirements are increased and there be a workable plan to meet those requirements. Chair LaMar would like to know the bedroom count of the facility. Commissioner Richardson said 80% AMI for senior housing was something the commission should care about.

John Brems said the Fair Housing Act prohibits discrimination based upon age. There is an exemption for 55 and older communities that meet specific conditions. Those conditions are called the 80/20 Rule. At least 80% of the occupied units, not just those who signed the lease, are persons at least 55 years of age or older. The 80% requirement must be maintained. He noted this application to remove a zoning condition was legislative, so the commission could solve problems if there were any with the development.

Commissioner Larsen moved to continue this application to a specified date, so that the parking requirements for 55 plus can be evaluated and increased, a plan can be implemented to meet those requirements and brought again before the Planning Commission, and to include more information on the units, as well as AMI and to provide documentation that 80% of the units are occupied by age 55 or older. Commissioner Reid seconded. Chair LaMar called for the vote. Commissioner Anderson voted yes, Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted no, Commissioner Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted no, and Commissioner Wright voted yes. The motion passed. Commissioner Soule felt the application should be denied. Commissioner Lofgren felt new information would not change the parking issue. Lilly said the application would come back to the commission in January.

1.2 Consideration of GP-25-003, Request to Amend the Millcreek Together General Plan to Add a Water Preservation Element Planners: Sean Murray & Francis Lilly

Sean Murray presented General Plan Amendment GP-25-003, which adds a required Water Preservation Element to the Millcreek General Plan in response to Utah Senate Bill 110 (2022). He explained that, unlike water conservation plans adopted by water providers, preservation plans guide municipal policies and land use strategies to reduce end-user water demand. Millcreek worked with Bowen Collins, state agencies, and regional water providers—primarily Salt Lake Public Utilities and Jordan Valley Water—to develop the plan using available consumption data, which indicates average use of approximately 208 gallons per capita per day and an annual total of roughly 15,100 acre-feet. Murray noted that most water use fluctuations are seasonal and driven largely by outdoor irrigation, particularly in lower-density single-family neighborhoods. Population growth projections were aligned with water provider conservation plans, showing that per-capita water use is already declining and is expected to continue decreasing with ongoing conservation practices. Since Millcreek does not operate its own water system, the plan focuses on policy tools already in use or proposed, including water-wise landscaping standards, rain barrel subsidies, public education, land use

planning that supports higher density in designated centers and corridors, and coordination with water providers. Murray reported that community councils generally supported the plan, with concerns centered on data precision, private property rights, and state mandates, and that City Council feedback emphasized water quality and downstream impacts. He concluded that the plan positions Millcreek to maintain reliable water supplies into the future, while acknowledging the need for periodic updates, improved data collection, continued coordination with water providers, and expanded public education efforts.

Chair LaMar opened the public hearing.

Michael Rush, Canyon Rim Citizens Association, expressed support for the inclusion of policies recognizing and promoting tree canopy preservation and expansion in the final plan, noting that tree canopies help reduce heat island effects, lower cooling demands, decrease evaporation, and ultimately reduce water usage. He emphasized the importance of protecting Millcreek's existing canopy while actively seeking opportunities to expand it in a thoughtful and sustainable manner. Rush also reflected on long-term water demand projections, particularly the estimated acre-foot usage by 2060, and encouraged ongoing consideration of how population growth and increased density may lead to future inflection points requiring difficult policy decisions. He urged city leaders to remain mindful of these long-term implications as they make planning and land use decisions, even within shorter elected terms.

Chair LaMar closed the public hearing.

Chair LaMar commended the broader goals of the plan related to protecting water resources and promoting regional cooperation, and suggested an additional refinement focused on quantifying water use in landscape planning. He recommended that landscape plans not only describe plantings and irrigation systems, but also clearly estimate expected water consumption so conservation goals can be measured and managed over time. Chair LaMar emphasized that these metrics should be practical and enforceable, proposing that developments of a given size target specific water-use thresholds, particularly during peak summer months. He further stressed the importance of ensuring that irrigation guidance is not merely documented in plan sets or digital files, but is translated into clear, durable, and accessible on-site instructions, such as posted schedules near irrigation control boxes, so that future maintenance personnel can easily follow appropriate watering practices and avoid over-irrigation.

Murray noted that Salt Lake Public Utilities has suggested potential strategies to improve water-use tracking and efficiency, particularly for larger developments. One option discussed was requiring separate water meters for indoor and outdoor use, which would allow more accurate monitoring of irrigation-related consumption and provide better data for future planning. He also highlighted existing code requirements for efficient irrigation systems, such as limits on drip emitter output, and pointed to emerging technologies like smart sensors that adjust watering based on soil moisture and weather conditions. Murray explained that many water conservation rebate programs already require pre- and post-installation inspections to ensure systems are installed and operated as designed. He concluded that, as technology continues to improve and costs decrease, the city could consider adding more specific requirements, especially for larger projects, to further enhance water efficiency and data collection.

Commissioner Soule raised concerns about improving water-use data collection by accounting for infrastructure losses, noting that aging pipes in parts of Millcreek contribute to water breaks and significant water loss before repairs are made. She suggested the city works more closely with Salt Lake Public Utilities to better understand how much overall water consumption is attributable to system leaks and whether more proactive pipe replacement could reduce these losses. Commissioner Soule also recommended expanding use of the Utah Water Conservation Program, particularly for larger developments, by requiring landscape plans to be reviewed through the program before installation to improve efficiency. Additionally, she emphasized the value of better public outreach and education about available rebates, suggesting that sharing real examples and financial benefits could encourage broader participation in water-wise landscaping programs.

Murray acknowledged that Salt Lake Public Utilities faces ongoing challenges related to aging infrastructure and water loss, noting that the utility is not a taxing entity and relies on Salt Lake City's budget, which complicates system-wide upgrades. He explained that utility reports submitted to the state indicate a significantly higher water loss rate compared to other systems, attributable to a combination of unavoidable system losses and frequent breaks associated with older infrastructure. While recognizing the scale and complexity of these challenges and the competing priorities the utility manages, Murray agreed that conducting a more focused study to better understand infrastructure-related water losses would be valuable and could provide useful data to inform future planning and coordination efforts.

Commissioner Lofgren moved to recommend GP-25-003, the adoption of a Water Preservation Element to the Millcreek General Plan to the Millcreek City Council, as presented. 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 Soule voted yes, and Commissioner Wright was not present for the vote. The motion passed.

2. New Item

2.1 Consideration of CU-25-009, Request for a Condition Use Permit to Allow a Business Office an Outcall Service Location: 715 E 3900 S Applicant: Brandi Defa Planner: Zack Wendel

Zack Wendel explained that the applicant is requesting a conditional use permit to operate a business office for an outcall service, within an existing office complex in the Residential Mixed (RM) zone. Under the Millcreek zoning ordinance, outcall service businesses are classified as sexually oriented businesses and may operate in the RM zone with a conditional use permit and business license, subject to legal standards informed by case law. The property is a nearly 1.5-acre office complex with approximately 25,000 square feet of space, though the proposed use would occupy only about 207 square feet for administrative purposes. The office would be staffed by one licensed employee per shift, serve no clients on site, conduct all bookings online or by phone, and display only minimal signage required for emergency identification. Surrounding uses include medical and commercial facilities, and the proposed office-only use is expected to mitigate typical impacts associated with sexually oriented businesses. Staff determined that the application meets all conditional use permit criteria except for one issue: the parking lot is not fully compliant with current off-street parking standards due to faded or missing striping. As a result, staff recommends approval of

the permit with conditions requiring the applicant to work with the property owner to restripe the parking lot within one year and limiting the use strictly to office functions with no on-site outcall services. The Millcreek Community Council recommended approval by a 6–1 vote, with three abstentions, requesting only that the parking restriping condition be removed, though staff continues to support that condition to ensure orderly and safe parking.

Chair LaMar asked if the restriping was for the whole lot or just what would be used for the business. Wendel said the applicant would work with the property owner to get the whole lot restriped.

The applicant declined to comment.

Chair LaMar felt only the business space used needed to be striped. The commission discussed requiring the restriping or not since the office would only take up approx. 200 square feet of a 25,000 square foot complex. Wendel said a land use application is the opportunity to ask for fixes. Brandi Defa said the complex has open parking for all tenants. Commissioner Richardson asked about consequences if the property owner did not stripe the parking lot. Wendel said if it was a condition of approval, it would be grounds to disqualify the business from being allowed to operate. Lilly said the remedy could be code enforcement action. Some commissioners did not feel the tenant should be responsible for having the whole parking lot restriped.

Commissioner Soule moved that the Planning Commission approve application CU-25-009, with the conditions that only business office use will be allowed at the location, and no outcall services will occur at this location. Commissioner Richardson seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted no, Commissioner Reid voted no, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted no. The motion passed. The dissenting commissioners felt it was a missed opportunity to get the parking lot restriped.

3. Commission Business

3.1 Approval of November 19, 2025 Regular Meeting Minutes

Chair LaMar moved to approve the minutes as presented in the packet. 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 Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

3.2 Housing Subcommittee Report

Commissioner Richardson reported on a recent meeting with Clarke Nelson of the Granite School District Board, held to discuss the city's housing committee efforts and proposed zoning reforms aimed at expanding affordable housing and stabilizing elementary school enrollment. Speaking in a personal capacity, Nelson expressed strong encouragement for these goals and support for providing additional housing options within the community. The discussion included potential collaboration between the city and the school district, including the possibility of the district using its communication channels, such as periodic mailers, to

help explain the importance of housing policy to families and the broader community. Commissioner Richardson indicated that Nelson was receptive to continued cooperation and expressed optimism about working together moving forward. As next steps, Richardson plans to engage SOS Eastwood, a parent-led advocacy group supporting Eastwood Elementary, to seek their involvement and support for the City’s housing initiatives.

3.3 Updates from the Planning Director

Francis Lilly explained that the mayor intends to bring forward an ordinance to the City Council repealing the city’s formal relationship with the community councils, following an opinion from the Utah State Property Rights Ombudsman concluding that the quasi-governmental role of community councils, as currently structured, does not comply with state Open and Public Meetings laws. He outlined that community councils have functioned in a manner similar to planning commissions for land use matters, creating significant administrative and legal burdens that the city is not equipped to sustain. Under the proposed change, community councils would continue to exist as valued community organizations, retain access to city facilities, request funding, and provide input on planning matters, but without formal noticing, staffing, or regulatory obligations from the city. Planning staff would continue to share information, solicit feedback, and engage informally, while formal references to community councils would be removed from noticing procedures, without reducing public notice timeframes. Lilly also noted plans to improve public engagement through a more transparent, web-based application platform and emphasized that the city’s intent is to remain compliant with state law while preserving meaningful public participation. He concluded by noting that related procedural updates will come before the Planning Commission in January and expressed appreciation for the Commission’s service and continued collaboration with community stakeholders.

2. Calendar of Upcoming Meetings

- City Council Mtg. 1/12/26 7:00 p.m.
- Planning Commission Mtg. 1/21/26, 5:00 p.m.

ADJOURNED: Commissioner Wright moved to adjourn the meeting at 7:18 p.m. 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 Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, Recorder