



**Minutes of the
Millcreek Planning Commission
June 3, 2021
5:00 p.m.
Special Meeting**

The Planning Commission of Millcreek, Utah, met in a special public meeting on Thursday, June 3, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair
David Allen
Scott Claerhout
Skye Sieber (Absent)
Tom Stephens
Ian Wright
Christian Larsen
Aryel Cianflone

City Staff

John Brems, City Attorney (Electronic)
Alexander Wendt, Deputy Recorder
Francis Lilly, Planning and Zoning Director
Mike Winder, Assistant City Manager

Minutes by Alexander Wendt.

Attendees: No public attendees

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:15 p.m.

Chair Shawn LaMar called the meeting to order.

1. Special Meeting

1.1 Discussion and Consideration of ZT-21-003, City Center Overlay Development Agreement Zone; Francis Lilly, Planning Director.

Francis Lilly, Planning Director, thanked everyone for coming to the meeting. He said the purpose of the meeting was to discuss and potentially recommend to the City Council an ordinance regarding a different set of standards for the City Center. This could give developers a framework to ask a question about an alternative approach to a design problem. This would help the City vet the question and the proposed changes. Mr. Lilly said the Planning Commission had the discretion to recommend or not recommend a rezone and there was nothing in this draft that changed that. Rezones are a more flexible decision than a conditional use permit (CUP). There are situations where staff would like to discuss alternatives and need a framework.

Mr. Lilly explained, the City Center Master Plan contemplated an open space that was 194

feet wide, inclusive of 15-foot setbacks on either side of the promenade. As staff went through community input to not give much land back to developers it was clear the community wanted a bigger, more functional, more pedestrian friendly place than the original Master Plan contemplated. This is approximately 230 feet from building edge to edge. Mr. Lilly explained that Millcreek Common is longer in addition to being wider. Mike Winder, Assistant City Manager, said it was nice that the city was able to expand the open space. Millcreek Common is wider than envisioned in the Master Plan and it is bigger at 5.3 acres not 4.2 acres. Mr. Lilly said that typically development pressure narrows the site but in this case the opposite happened because the city listened to the community. Commissioner Stephens asked about giving land to developers. Mr. Lilly explained that it means selling land to developers at fair market value.

Mr. Lilly reviewed concerns that the Planning Commission had. First, the scope of the City Center Overlay Zone Development Agreement is too broad, anyone can apply. The solution proposed by staff was to qualify, a developer would need 100 feet of frontage along Millcreek Common, or a project that provides a direct grade-separated non-vehicular access. Commissioner Stephens said that this then applies to the southwest corner of 3300 S. and Highland Drive. Mr. Lilly said yes. The second concern is that promises were made to the community regarding building height. The solution is increased height was limited to the Common frontages, but it has been removed altogether. The third concern is guardrails or checks and balances are needed. Mr. Lilly gave a solution. The solution presented is 10% numeric variance allowed from standards. Setbacks can only be modified to the extent that they do not harm mature shade trees, stucco is still prohibited, sign standards cannot be modified, and step backs may be modified only along Millcreek Common frontages.

Commissioner Stephens proposed that setbacks are not changed at all. Mr. Lilly said that parking structures are needed. The developable space is becoming smaller. Mr. Lilly said that many famous streets in Paris are the same width as Millcreek Common. This gives a sense of what Millcreek Common may look like regarding width. Setbacks may not be warranted. If the space as it is built is beautiful, then architectural rules matter less. Mr. Lilly said his challenge is to have architects provide a solution to meet the rules for the space. Some building materials have been suggested by the designer of Millcreek Common. The architect has suggested materials of brick, steel, stone, carbonized wood, and in some cases old world stucco. Mr. Lilly said that developers must follow the standards set by the City and sends them away with homework; Millcreek drives a hard bargain. The City is not proposing a different way to reduce parking requirements. Applicants must get a parking study. The current parking ratio is not sophisticated enough to handle the varied parking uses at Millcreek Common. Mr. Lilly would like the ability to offer an alternate model to a developer. Not every site in Millcreek should be subject to this standard because not every site in Millcreek functions as a power center. But in terms of parking demand, the Millcreek Common does function more like a power center. Chair LaMar asked about why the city cannot use a certain parking standard. Mr. Lilly said that he must use the ratios set in City's Code. Commissioner Reid asked if Mr. Lilly would rather have too much or too little parking. Mr. Lilly said that he would rather have too little parking because he believes the space will be worth parking farther away for. Mr. Lilly said that he is not worried about parking on Gregson because of major streets acting as a barrier. If an intelligent system where parking is validated, parking is used better. Commissioner Wright said that parking spills over from Per Noi. Per Noi, a local Italian restaurant on the border of Salt Lake City

and Millcreek, has almost no usable parking to begin with, said Mr. Lilly. He explained why it is different, people do not park on Gregson and go to Del Taco. Mr. Winder said that if developers do not have enough parking, then their businesses will die. There are currently 462 parking spaces planned. There is a more thoughtful developer community in this case because the developers are local. Mr. Lilly explained that a developer who worked at Fashion Place Mall and University Mall in Orem stated that their parking is more than necessary on most days. Chair LaMar asked if Mr. Lilly knew about plans for Brickyard and parking there. Mr. Lilly said that Salt Lake City does not care as much about parking as Millcreek does. Mr. Lilly said he has not heard development plans but would be surprised if portions of Brickyard were not re-developed.

Mr. Lilly said another concern from the Planning Commission is that they want to be involved in a meaningful way. The proposed solution is that the developer will have to organize a neighborhood meeting and a joint session of Planning Commission and City Council before making their application. Commissioner Cianflone asked what happens if the framework does not get approved. Mr. Lilly said that changes would have to be made to the City Center Overlay Zone (CCOZ). Mr. Winder said that CCOZ would look messy. Mr. Lilly said that CCOZ is good, but he would like more flexibility to make buildings around the City Center look as good as they can. The final concern expressed was that the Planning Commission did not want to trade away well thought out land use regulation for economic development incentives. Mr. Lilly explained there is no tax increment funds (TIF) to offer developers. Every penny is being used for Millcreek Common. Staff is proposing these solutions that enhance public welfare and create a better development than would be possible under strict application of CCOZ. Mr. Lilly said a building is being built in Salt Lake City out of 7 stories of shipping containers. It looks like a prison colony in a science fiction movie. But if this new plan allows a building to be articulated with slightly more units or a different parking area that is not a bad deal.

Mr. Lilly asked the Commission how they would get there. Mr. Winder said that the City does not want to have the CCOZ Development Agreement forever. A solution to this is potentially sunseting the CCOZ Development Agreement Zone. A targeted intervention of this area gives the City the opportunity to discuss tradeoffs and incorporate aesthetic concerns that are hard to write into code. The bottom line is to create a framework to give developers flexibility. Mr. Lilly said he does not want to get so far ahead of the Planning Commission that they cannot stand a potential solution and come to some form of a consensus.

Commissioner Wright asked about the current height restrictions in CCOZ. Chair LaMar said 75 feet right along Millcreek Common but on the west edge of Highland Drive height is restricted to 50 feet. Commissioner Reid asked about underground parking due to the fault line. Mr. Winder said the fault line prohibits underground parking. Commissioner Reid said she liked the idea of a community meeting. Chair LaMar agreed. Mr. Winder said Woodbury and other developers prefer to know what changes they will need to make early on. There will not be many projects city-wide; you can count the potential projects on one hand. Chair LaMar said that fundamentally this makes sense. If there is unique project, it makes sense to allow some changes, but he wants to avoid a developer who has lofty changes. CCOZ should be used for most of the planning but then make little tweaks. There is no guarantee the application will be approved, and the current wording says an application will be considered

by the City Council after the Planning Commission gives their recommendation. Chair LaMar asked to tighten this up to a favorable recommendation, not just a recommendation. Chair LaMar added, perhaps change this to most of the Planning Commission gives a favorable recommendation. Commissioner Stephens said that the City Council has legislative authority, and all the Planning Commission can only give recommendations. Mr. Lilly said that part of this depends on how people behave. The Planning Commission can engage early, not be diffident. Commissioner Stephens said that nothing can prevent the Planning Commission from going to the City Council meeting and then give thoughts in a meeting. Mr. Winder said that the City Council does not want to ignore the Planning Commission just like the Planning Commission does not want to ignore the Community Councils, otherwise the system breaks down. Mr. Lilly said that if there is a situation where the Planning Commission is going to recommend denial, he will tell the developer and help come up with a solution. Commissioner Reid asked about a sunset provision. Mr. Lilly said that there was not a clear consensus earlier, so he did not write it in. Mr. Winder said a sunset provision means that the City must review the provision at some point in the future.

Commissioner Stephens asked about the southwest corner of Highland Drive and 3300 S. because it was a critical corner for setbacks. Mr. Lilly said that he is only suggesting that setback requirements be changed along Millcreek Common. Mr. Lilly said that he would not recommend changes there. Mr. Lilly said that required setbacks could be changed only on frontage on Millcreek Common itself. Commissioner Cianflone asked about process changes in terms of making the changes and not changing them. She said she does not have an appetite for trading greenspace for retail-space. Commissioner Cianflone said she feels more supportive of this framework even though the proposals are not a worthwhile tradeoff. Chair LaMar asked about moving retail around. Mr. Lilly said that within this arc of 250 feet there must be 75% nonresidential uses. While redesigning Millcreek Common staff realized they were creating a nice wide urban plaza, this is where you want retail. Mr. Winder said if retail is not placed correctly the storefronts will just die. If this area is just residential you have failed, if it is just an office park you failed, if it is just retail that is a failure. The City wants to create a complementary area. Even by moving the retail it is the same square foot amount of retail.

Mr. Lilly said there is an option to do this in a development agreement than rewriting the code. Mr. Winder said the City would love to facilitate keeping Tres Hombres. With a development agreement the City can dictate where the developer makes restaurant space. A development agreement gives staff leverage explained Mr. Lilly. Commissioner Wright asked if this is a bigger version of what is in Sugarhouse by Spitz. Mr. Winder said there are items staff likes and does not like from Sugarhouse. The ground floor is being patterned off the city center in Lenexa, Kansas. Mr. Lilly said this would be bigger and more fun than Sugarhouse Plaza. Mr. Winder said Millcreek Common will be special and no one wants to mess this up. Mr. Lilly asked for lingering concerns or questions. Commissioner Reid asked about design standards not to exceed 10% changes. Mr. Lilly said there could be fenestration or windows, tress that are 30 feet on center. Chair LaMar asked about dark sky rules. Mr. Lilly said that it is covered in the Master Plan.

Commissioner Stephens said that his recommendation is to let ideas mature and settle in and then have the Planning Commission make a motion during the next Planning Commission meeting. Commissioner Larsen said that he is supportive but would like to wait until the next

Planning Commission meeting before they make a motion to deny or approve. Mr. Lilly asked for the Commission to let him know about any changes they would like to make. Commissioner Stephens said that it is a good idea to read through the draft and then look for ambiguity and wordsmith things. Chair LaMar said that this can be added to the agenda in two weeks. Mr. Lilly said that he will clean up the draft, bring it back to the Commission, and then look at it fresh.

Mr. Winder said that staff wanted to get this right and appreciated the Planning Commission taking extra time on this because this is a once in a generation opportunity to build a city center for Utah's newest city. Mr. Winder asked the Commission about the sunset provision. The Planning Commission said they liked three years for a sunset provision. Mr. Winder said from an economic development perspective he likes three years because he can encourage developers to work faster. Mr. Lilly said there can be language in a development agreement addressing work not being done in a specific timeframe. For example, if nothing is worked on in 24 months then the agreement dies. Mr. Winder said the best ally is the opportunity zone. It is a federal tool; the clock is ticking on it and developers are anxious to move forward.

Commissioner Stephens moved to continue the application, ZT-21-003, City Center Overlay Development Agreement Zone Application to the next regularly scheduled Planning Commission Meeting. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes.

ADJOURNED: Commissioner Reid moved to adjourn the meeting at 6:30 p.m. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

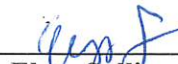
APPROVED:


Shawn LaMar, Chair

Date

7/21/2021

Attest:


Elyse Sullivan, City Recorder