



**Minutes of the
Millcreek City Council & Planning Commission
November 8, 2021
5:00 p.m.
Special Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on November 8, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (excused)

Commissioners

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

City Staff

Mike Winder, Assistant City Manager
Alexander Wendt, Deputy City Recorder
Francis Lilly, Planning & Zoning Director
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Josie Showalter, Asst. to Econ. Dev. Director
Aimee McConkie, Director of Millcreek Common
John Brems, City Attorney
John Miller, Public Works Director

Attendees: Ryan Heath, Tyler Morris, Ryan Wallace, Thom DeSirant

Minutes by Alexander Wendt.

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:08 p.m.

Mayor Silvestrini called the meeting to order. The purpose of the meeting was to discuss a potential development agreement related to the City Center Overlay Development Agreement Zone (CCODAZ). Mayor Silvestrini explained this meeting is a conversation and no decisions will be made.

1. Presentation of Cottonwood Residential's Millcreek Common West Development in the City Center Overlay Development Agreement Zone

Francis Lilly, Planning Director, explained in the CCODAZ process there needs to be a joint meeting between the Planning Commission and City Council. This gives the developer and applicants a sense of requirements for the project. The developer will go through the process of preparing an application, then go to four community council meetings, Planning Commission meeting(s), and then City Council meeting. The development requires the developer and the city to apply jointly because there are shared amenities. He noted that Ryan Wallace, architect for MHTN, and Tyler Morris would give presentations.

Mr. Lilly explained that the ideal space for a new City Hall is next to Millcreek Common. The geometry of the site works well, and this helps activate the ground floor space on the west side. The City Hall almost acts as an anchor ground floor tenant. The bottom floor will house a public market, this will help incubate businesses. The space is designed to be attractive to small, local businesses. The Unified Police precinct headquarters will be at the new City Hall. Police vehicles will be parked underground. A 6th floor community room will be available to the public for rent, then of course municipal offices on other floors. The northwest corner of the building will have an outdoor climbing wall. This building is a series of municipal offices, tied with public space and public amenities. The second component is a mixed-use dwelling built by Cottonwood Development including a full-service restaurant and dwellings, tied together with a parking structure with 460 stalls. The parking structure can accommodate parking dedicated for police and municipal vehicles, Millcreek Common, and the dwellings using 460 parking spots. Millcreek Common West includes a restaurant on the Common, retail on the Common and on 1300 E., and a fully enclosed parking shared structure; the estimated cost is \$13.5 million. The parking structure will not be visible from the street. This pushes the developments out. The applicants will come to the Planning Commission and City Council asking for the step-backs to be adjusted. City Center Overlay Zone (CCOZ) modifications are proposed, and a development agreement would be required. The public space for Millcreek Common grew wider. The building wall between buildings on Millcreek Common is 200 feet wide.

Mayor Silvestrini said that after seismic exploration of the site, the City found the Wasatch fault is farther west than anticipated. Buildings need to be stepped back a bit farther. City Hall is being built to a height and seismic standard because it is an essential building. Mike Winder, Economic Development Director, said that beyond the fault zone soil type matters for seismic activity and there is good soil around Millcreek Common. Mr. Lilly explained some proposed code modifications on building length, lot coverage, parking, location of required commercial uses, and step-backs along Millcreek Common and 1300 East. He said the applicant is proposing a ten-foot step-back along 1300 E. rather than 20 feet. In CCOZ and the City Center Master Plan, 75% of a project needs to be commercial. City Hall will fulfill the commercial requirements. Millcreek Common is going to be the main street, not Richmond Avenue. Step-back requirements in the City Center Master Plan did contemplate reduced step-backs along 1300 East. This is not incompatible with the City Center Master Plan. This process started at a neighborhood meeting and open house on September 16th. Community Council presentations will happen in December. Mr. Lilly anticipates Planning Commission meeting on this issue in December, and finally City Council meetings and approval in December or January.

Chair LaMar asked Mr. Lilly if this can be done solely through the development agreement. Mr. Lilly said that most of it can be done through a development agreement, but some code changes

will need to happen regarding step-backs. Commission Reid asked what the distance is from the road to the sidewalk on 1300 E. Mr. Lilly replied 15 feet. Chair LaMar asked if the parking structure will house UPD. Mr. Lilly said that 60 spots in the basement will go to the police and municipal vehicles. Mayor Silvestrini said the police will not use public parking spaces. Commissioner Larsen asked if the 60 spots used for police and municipal vehicles counts towards the 460 total spots. Mr. Lilly said yes.

Ryan Wallace, MHTN, said they are happy to work with the city in such an exciting and visionary project which he then described. This project should be a welcoming and inviting resource. There needs to be a vibrant ground floor, connected by nature. Local arts and communities should be woven into the fabric of Millcreek Common. Enhancing the relationships between the community and police is also important. MHTN is currently in the second phase of planning and development. Mr. Heath said that City Hall is placed strategically to help activate Millcreek Common. The roof plan shows photo-voltaic (solar) panels. The facility must remain operational during an emergency. One way this happens is through a setback from Millcreek Common, where the fault line is. The whole building has been moved more than 50 feet to accommodate this. The parking garage is disguised but still meets an important function. There is 30-foot paseo to connect the parking garage to Millcreek Common. On the north side, Chambers Avenue begins to slope away. City Hall is setback 20 feet from Chambers Ave. The eastern edge will have a plaza type space. This space is covered with an overhang. Large boulders will be placed for casual seating and security. The exterior mounted screen will protect the east face of the building from the sun. The screen evokes the feeling of the mountains. The City Council chambers will be more transparent. The north face of the building is like the east side, except with reclaimed wood. The basement level has police access through a private parking area.

Mr. Winder said there are City Hall Plans for the Planning Commission to look at. Mr. Wallace continued the overview of the proposal. The basement is designed for primarily mechanical features. There will also be a shared fitness center. The ground floor is the public market level. There is a café space, incubator areas for small businesses. Three main stair towers are in the space. Two are primarily for egress. The main staircase faces east. There will be two elevators. There will be market stalls in the public market, these can be used for many different types of businesses. On the north side there will be a small vestibule space for someone to call up to the police precinct, 24/7. The next level has the community forum or City Council chambers. City Hall reception and police reception is on this floor. Thom DeSirant asked about city reception being next to police reception. Mr. Wallace said that they are angled away from each other and there is a conference space for people to meet with the police privately. Commissioner Cianflone asked if everyone going to the police will go through the first-floor market area. Mayor Silvestrini said yes. The 3rd floor is primarily police oriented.

Mayor Silvestrini explained there was a workshop at Oakland Construction's office, several members of the public attended. This has been refined in weekly meetings with City Staff, UPD, and MHTN. Levels four and five have city administrative functions. There is extra space in the northwest corner of the building with empty space to prepare for city growth. Mayor Silvestrini said that city employees and the police are giving their input. The 6th floor or community room has banquet seating for 200 seats. There are movable partitions for smaller events. The 6th floor can be leased for private events.

Commissioner Claerhout asked about reducing carbon footprint. Mr. Wallace said there are solar

panels on the roof. This project reduces carbon footprint by 80% compared to a building of the same size. Mayor Silvestrini said that they anticipate using geothermal sources to help heat the building. The screening on the outside of the building also helps the building become more energy efficient. The city will be at the maximum amount of its budget with this building and plan for it to be used fifty or more years in the future. Mr. Wallace described the building as on path to zero energy. Commissioner Sieber asked if there is back-up power generation planned. Mr. Wallace said that the back-up generators can provide 48 hours of energy and the Emergency Operation Center can run for a week. Commissioner Cianflone asked if there is a way to lend a design element to demonstrate that the police are a transparent institution. Commissioner Cianflone also asked how the building relates to the CCOZ development agreement. Mr. Lilly said the building could be a little bit taller than CCOZ allows and there is no building step-back along Millcreek Common. Mayor Silvestrini said the ceiling height on a few floors is taller than normal and this makes the building slightly taller than a normal 6 story building. Mr. Wallace said the building does not meet the definition of a high-rise; the height of community room pushes the building over the envelope. Mr. Lilly said that to his knowledge these are the only code modifications.

Commissioner Reid asked about a public space that is monitored for people to come sell a car, or for someone to seek help at the police department in a public, monitored way. Commissioner Reid said she does not like the idea of walking into a parking garage at night. Mayor Silvestrini said that the city can give the Planning Commission access to the private parking for City staff and the police. Mr. Winder said that parking experts know how to make the garage safe, and it will be safe. The mixed-uses of the parking structure mean that people will be using the structure all hours of the day. Mr. Lilly said that the goal is to make City Hall a place where people want to come for good reasons. Mayor Silvestrini said that people requested the amenities in a survey about a year ago. Mayor Silvestrini said they were nervous about building a City Hall but there has been no pushback on this. The community is wildly accepting of these plans. Mr. Winder plans that City Hall will break ground in the spring and the parking garage construction will start after that. The crane can be used to build City Hall, a parking garage, and the Cottonwood Development to save money.

Tyler Morris, Senior Vice President - Cottonwood Development, described the Cottonwood Residential project. He said there would be a plaza on the corner along 1300 E. and 3300 S. The middle portion of the block is like "brownstone type units". The western facing portion of the building is 5 stories and east facing is 6 stories to disguise the parking structure and get to the number of units needed to be financially viable for an apartment building. The east side has full retail facing Millcreek Common and roof-top amenities. Facing southeast there is a retail component on ground level, the public parking structure has access here. The side facing Millcreek Common has a pool on the roof because there is not room for a courtyard. The east view will have roof-top amenities. Along the paseo there is a roof-top deck. Mr. Morris explained the outside of the building. Mr. Lilly explained how from staff point of view it was deliberate to have restaurant anchors on the southeast side and the public market on the north. Mr. Morris continued his explanation about the height of the building. There is 77 feet of roof and one foot of parapet. Mr. Lilly said there would not be any stucco on the outside of the building. Mr. Morris explained how Cottonwood Development approached the City about property that Cottonwood owns on the north and west side for three years and have been working with the City for two years regarding uses. Mr. Morris said they were aware of the step-backs.

The red line in the presentation is the fault line step-back. The parking structure cannot be moved anymore. Cottonwood Development needs a ten-foot step back on 1300 E. and 3300 S.

Mayor Silvestrini said they have fully explored all kinds of different options with this project. The design seen in the report is the only option that works. The Crystal Tones property that Reagan has right of first refusal on due to their billboard is owned by the City and would be traded to Cottonwood for the City Hall property. Because Reagan has right of first refusal that has to be dealt with, otherwise City Hall will not be built. Millcreek Common has expanded in width to accommodate the fault line, the fault line is squeezing the development to the west. The frontage on 1300 E will have a commercial feel. Commissioner Cianflone asked if someone could buy a ground floor unit and use it as a commercial space. Mr. Morris said yes. Commissioner Cianflone asked about businesses on 3300 S. Mr. Morris replied that 3300 S. is all residential on that side and does not have ground floor access. The primary ground floor retail is along Millcreek Common. That is where most pedestrians will be. Mayor Silvestrini said that UDOT will not allow parking on 3300 S. Mr. Morris said ground floor units on 3300 S. will be discounted. Chair LaMar asked about podium parking versus structured parking. Mr. Morris explained that the podium parking would have been 3 stories of a much broader structure. A podium structure costs 25% more per stall. Everything above ground is unrestricted parking. During the day, during peak times between 7am – 6pm parking is also unrestricted. Mr. Morris said that the 3300 S. frontage is tricky to program.

Mr. Lilly said the city wants full retail activation, and the city is buying into this with the public market. The corner, full-service restaurant is a key aspect. Mr. Morris is asking for a ten foot instead of twenty-foot step-back, otherwise Cottonwood cannot build this building in this way. They will need a variance for length because the building will be 329 feet. The building is this long to screen the parking garage and transition into a commercial feel. There will be large, generous plazas to soften the look. Cottonwood also asked about flipping the commercial requirement, there is one corner that is two feet above the 75-foot height requirement. Mr. Lilly said that he and Fred Lutze in Millcreek Public Works, have looked at the development agreement and it would need to meet UDOT's minimum requirements and 15-foot walkway with streetlights and street furnishings. Commissioner Cianflone asked for Lilly to repeat that. Mr. Lilly said there is not enough right-of-way to meet all the requirements because 3300 S. is not wide enough to meet the requirement from UDOT. There is enough road to add the amenities but changes to CCOZ will need to be made. Chair LaMar asked for a spot for parking scooters since those are popular, planter boxes for a community garden if the community wanted that, and for bike racks. Josie Showalter, Assistant to the Economic Development Director, said there will be many bike racks on Millcreek Common and bike repair stations with pumps. Chair LaMar asked how many apartments there will be. Mr. Morris said between 205 and 214. That will not affect the parking structure.

Mayor Silvestrini said that the City Council will be talking about development agreements tonight that deal with the Hudson project and Boyer project. Both have to do with two grant applications. These enable the city to apply for state grant applications. Mr. Winder said a city can apply for the grant if they rezone a property or have a redevelopment agreement in place guaranteeing eight units per acre. CCOZ says eight units per acre is allowed. It is first come first serve for these grants that have the potential of bringing \$2.5 million each. This helps pay for the parking structure and crosswalk improvements along 3300 S. and 1300 E. Mayor Silvestrini said that the community councils wanted more crosswalk protections and to make the crosswalks

more visible. The city plans to make applications for two or maybe three developments. Millcreek Common West does need a development agreement and that would satisfy the state law. These redevelopment agreements do not allow the projects to skip the normal process or relieve the applicants of any CCOZ requirements. These redevelopment agreements only check boxes for the grant. Commissioner Sieber asked who is managing this grant. Mr. Winder said Go Utah oversees the grant.

Council Member Jackson moved to adjourn the meeting at 6:56 p.m. Council Member Catten Seconded. The Mayor called for the vote. All Council Members voted yes. The motion passed unanimously.

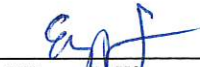
APPROVED:


Shawn LaMar, Chair

Date

12/15/21

Attest:


Elyse Sullivan, City Recorder