

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,
APRIL 27, 2010, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilwoman Nicole Omer (arrived at 8:53 p.m.), Councilman Gordon Thomas, Councilman Tee Tyler

Staff Present: City Manager Liane Stillman, Deputy City Manager Kevin Smith, Director of Finance Steve Fawcett, Chief Robby Russo, Community and Economic Development Director Michael Black, City Attorney Shane Topham, Assistant Chief Mike Watson, Public Information Specialist Bob Warnick

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Tyler.

1.3 Councilman Bracken introduced Youth City Council Representative Christina Bracken. Miss Bracken reported that she serves on the Youth City Council Service Committee.

1.4 Mayor Cullimore reported that Deputy City Manager Kevin Smith will be leaving his employment with the city. A proclamation of Appreciation was read in his honor. Mr. Smith was also presented with a plaque recognizing his service to the city.

2.0 CITIZEN COMMENTS

2.1 There were no citizen comments.

3.0 REPORTS/PRESENTATIONS

3.1 Presentation on Proposed Tavaci Development – Terry Diehl.

3.1.1 Mayor Cullimore reported that the above presentation was requested by the City Council in response to a presentation made at the last meeting by the citizens' committee. Tim Soffe and Troy Sanders of ASWN were introduced as representing the property owner.

3.1.2 Mr. Sanders stressed the importance of understanding the site, its constraints, unique characteristics, what the current zoning and entitlement entails, how that contrasts with what is being proposed, their understanding of the committee's recommendations, and the property owner's response to those recommendations. Mr. Sanders reported that the site is approximately 87 acres in size with a relatively flat 47-acre plateau in the middle. In front of the plateau is a bluff and an additional foothill area that extends into the mountain on the upper portion of the site.

Mr. Soffe explained that in viewing the property from Fort Union and Wasatch Boulevard, the bluff essentially hides the level portion of the site. Mr. Sanders referenced the access road that services the majority of the site and explained that currently, the road has been extended to service 43 approved and platted estate lots. The developer has taken care to incorporate elements that help soften the development.

- 3.1.3 Mr. Sanders identified the two key areas of visual sensitivity on the site. He stressed the unique nature of the property and stated that it is currently entitled with 43 single-family lots of about one acre each. While there are limited architectural controls, each property owner has the flexibility to build from setback to setback. Very large homes are envisioned with average 10,000 square foot footprints. The sensitive areas identified become critical in trying to mitigate the visual sensitivity.

Mr. Soffe stated that the current zoning allows property owners the ability to build high on the foothill and maximize their views.

- 3.1.4 Mr. Sanders explained how building heights were calculated in the city's zoning ordinance, which allows a maximum height of 35 feet measured from the average grade of the four corners of the building up to the peak of the roof.

Mr. Soffe explained that the farther the structures extend up the foothill, the more visible they become which is something that should be controlled going forward.

- 3.1.5 Mr. Sanders stated that the developers listened to the concerns of the committee and proposed additional measures in response to those concerns. The major concern had to do with the visual aspect of the project. In addition, there was very strong opposition to retail or commercial uses on the property. With regard to zoning concerns, Mr. Sanders suggested a zone be established that is specific to the Tavaci site and incorporates the appropriate elements identified into the zone.

Mr. Sanders indicated that the property owner agreed to stipulate no commercial, lower the building heights, and decrease the size of building envelopes in order to preserve sensitive areas along the edges. The project was divided into three distinct areas identified as the foothill area, the village area, and the ridge area. The intent is to pull development as close as possible to the center of the site to reduce the visual impact.

Mr. Sanders stated that the property owner recommends that the building heights be capped at a maximum of four stories. In addition, they would like to limit how far the building can be pushed away from the road. He explained that for the majority of lots along the ridge, the actual property line is over the ridge, and with a 20-foot setback, the building could be built at the ridge or further down the hillside. In lieu of a property line setback, the developer proposed a ridge setback of 30 feet.

Mr. Sanders reported that the committee also discussed establishing the intensity of development. He recommended a 25% bonus density for clustering and using R-1-8 to R-1-10 as the basis for determining the intensity. The result will be a total of 204 lots. With the 25% bonus density the total would increase to 255 lots. On average, the intensity of development in the R-1-8 zone is 5,000 square feet per lot, which equates to a total intensity of development of just over 1.2 million square feet. Mr. Sanders thought that was a reasonable approach consistent with the committee recommendations and an appropriate way to look at the intensity.

- 3.1.6 Mr. Soffe explained that it also provides the opportunity to segregate development. Because of the condominiums and residential projects adjacent to the canyons, it would be crucial to include provisions for short-term rentals.

- 3.1.7 Councilman Bracken and Mayor Cullimore asked about the setback on the ridgeline and Mr. Sanders explained that this specific property has a ridgeline setback in place.

- 3.1.8 Regarding the maximum height of a home on the ridgeline, Mr. Sanders stated that they were going to reduce the height from 35 feet to 25 feet.
- 3.1.9 Additional questions were posed by the council. The developer clarified that the interior portion could include a four-story structure with underground parking. There was the potential for a four-story structure on the foothill area as well.
- 3.1.10 Mr. Black noted that the applicant had stated that this property currently has a ridgeline setback, and asked if the proposal being made would change the current setback.

Mr. Sanders said the current ridgeline setback is twenty feet and the proposal would be to increase the setback to 30 feet.

- 3.1.10 City Manager Liane Stillman recalled that a portion of the property was previously dedicated as open space. She asked if that was included in the previous calculation.

Mr. Soffe stated that it was not included and they only included the platted portion of the property.

- 3.1.11 Committee Chair Gordon Walker commended Mr. Soffe and his team for listening to the concerns raised by the committee. The committee was very concerned about the ridgeline and the upper creep. He personally considered the prospect of having a 25-foot ridgeline to be far better than a “McMansion approach”. He believed that the proposed approach will result in more unanimity toward a reduced ridgeline exposure. Mr. Walker expressed concern about an equal four-story level. He explained the original plan proposed in the CRR zone and stated that in the overarching area, the Village Zone as well as the Foothill Zone proposed different heights with actual footage attached to them. He believed that a true 40-foot height would be in many ways less visible than the current 35-foot ridgeline. He was less concerned about the sites and thought the topography should be very carefully looked at.
- 3.1.12 Mayor Cullimore commended the committee and the developer for their efforts and encouraged the city staff to look at a new ordinance taking into account the recommendations of the committee. The intent was to move ahead and provide something for the public and the developer to review.

3.2 **Presentation by University of Utah Students on Fort Union Transit Corridor.**

- 3.2.1 Mayor Cullimore reported that this project explores transit elements for the community with interesting implications.

Community and Economic Developer Michael Black recalled a previous discussion with Cal Johnson from UTA about the lack of transit options in Cottonwood Heights. Mr. Johnson offered to have some of his University of Utah students work on the corridor and make recommendations.

- 3.2.2 Doug Howard introduced fellow students Shawn Shea, Colton Christensen, and Annette Dunham. Mr. Howard reported that the project includes Midvale and Cottonwood Heights where they were asked to look at transit feasibility for the Fort Union corridor. The first step was to identify a transit route and the type of technology to be used. Lastly, potential redevelopment areas along the corridor were identified. The planning process was described. One of the key problems had

to do with inadequate transit options. Mr. Howard stated that Cottonwood Heights is mostly built out and many buildings are approaching their useful lifespan.

- 3.2.3 Shawn Shea reviewed the data collected. The four areas studied were population, traffic, nature of building areas, age of buildings in redevelopment areas, and the corridor elevation. The 1990 census showed that the population was 40,652. Using today's boundary lines and applying them to the 1990 census, the population increased to 52,751. The 2008 American Survey shows a current population of 63,547 within the boundaries of Midvale and Cottonwood Heights. From 1990 to 2008, the population increased by over 20%. By the year 2030, the population is projected to increase by 23%.
- 3.2.4 The Fort Union Corridor was shown where traffic has been steady with a gradual increase. On average, 23,000 vehicles travel the corridor. The Fort Union Corridor was compared to the 4th South TRAX Corridor where in 1998 over 50,000 vehicles per day travelled 1400 East. In 2002, TRAX was implemented and from 1998 to 2008 there was a 56% decrease in traffic volume to 22,000. Projecting to 2030, traffic volume for the Fort Union Corridor was projected to increase by 47% versus 4th South, which was expected to increase by 37%.
- 3.2.5 Data was presented on the projected average lifespan of buildings with retail being approximately 20 years, office and education about 65 years, and housing at most 160 years. Data comparing building and land values was reviewed. It showed that the two meet at about 32 years. Elevation issues were discussed. Mr. Shea stated that presently light rail can only travel on grades of less than 7% and deemed too complicated for the corridor. In conducting further research, a Guided Light Transit (GLT) option was found. It can leave the rail, which is a key element of the cost. In addition, the initial investment is lower than a light rail system with maintenance costs being about the same. Mr. Shea estimated that light rail costs about \$70 million per mile to construct. The Fort Union Corridor is about 7.5 miles. Alternatively, the GLT costs \$20 million per mile or a total of \$150 million. The performance of the GLT was found to be excellent and in addition, it requires very little open space on the roads. Other advantages to the GLT system were described.
- 3.2.6 Colton Christensen presented the current transit route that runs along the corridor. Currently UTA bus route 72 goes from the TRAX station at 7200 South to the 6200 South Wasatch Park and Ride lot. The route is approximately 6.5 miles long. After riding UTA, he found it to be somewhat inefficient because of the number of stops along the route. He noted that there are over 40 stops on each side of the road with some only a few hundred feet apart. He reported that 2.1% of commuters in Cottonwood Heights use public transit to get to work compared to Portland where 12.2% of commuters use public transportation. A recent survey showed that 93% of respondents want to expand bus service year round up Big and Little Cottonwood Canyons. 82% wanted TRAX extended to the mouth of Big or Little Cottonwood Canyon. The route was proposed to extend approximately one mile further than where it is currently. 16 stops were proposed along the corridor, most at major intersections. The intent is to focus growth at these stops and specifically at areas identified for redevelopment to help boost the transit. Potential redevelopment areas were identified.
- 3.2.7 Annette Dunham described the implementation strategies and stated that the plan will most likely not occur for 20 to 30 years. The plan consists of a general overview of the Fort Union Corridor. In order to be successful, she suggested committees be created to review each of the areas outlined and oversee and create master plans and the process. Another objective was to explore how to convert the area into one that will support a transit system. In planning for a future transit system, funds will need to be procured. Federal funds are available for grants through the Federal Transit Administration (FTA) and others. Ms. Dunham recommended the city apply for the

grants. She noted that the cost of a Guided Light Transit system will cost approximately \$150 million compared to light rail, which has an associated estimated cost of \$525 million. The next steps to be taken were described including getting the project on the long-range plan. Ms. Dunham noted that over time traffic and population will increase. In order to maintain the corridor, a system will have to be implemented to move traffic and maintain the integrity of the area. UTA and University of Utah representative, Hal Johnson, explained that similar transit systems have been developed in France. He noted that the technology is well-proven.

3.3 **Standing Monthly Reports.**

3.4.1 **Finance Report – Director Steve Fawcett**

Finance Director Steve Fawcett presented the Finance Report and reported that the city is on budget with a few exceptions. He noted that the sales tax collection for February has not yet been received. Most of the information received showed that a percentage decrease pattern should be anticipated. As a result, measures were taken in next year's budget to address sales tax issues. With regard to expenditures, no problems were anticipated.

3.4.2 **Unified Fire Report – Assistant Chief Mike Watson**

Assistant Chief Mike Watson presented the Unified Fire Report and reviewed the statistics. A quarterly comparison was presented for fire and medical calls, which were very similar to the previous year. The safety message pertained to water safety with an emphasis on constant adult supervision. The customer service message and completed trainings were reviewed.

4.0 **ACTION ITEMS**

4.1 **Consideration of Resolution No. 2010-20 Approving a Reimbursement Agreement to Baldour Investment Group.**

4.1.1 City Attorney Shane Topham explained that there is a vacant residence located at 7061 South 1700 East. Activities taking place on the site have created a nuisance. Following discussions with the county, the best option was determined to be to raze the house. The owner was upside down financially with the property so the city offered to demolish the house and advance the cost of doing so. The owner in turn will pay the money back over time. The owner has committed to repay the city with the agreement being secured by a trust deed on the property. Subordinations of other liens were obtained so that the city's trust deed is in the first position.

4.1.2 **MOTION:** Councilman Thomas moved to approve Resolution No. 2010-20 approving a Reimbursement Agreement to Baldour Investment Group. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

Councilwoman Omer joined the meeting.

4.2 **Consideration of Resolution No. 2010-21 Approving a Contract with Granite Construction in the Amount of \$1,010,000 for the Fort Union Pavement Project.**

4.2.1 Mayor Cullimore reported that work will begin on the project upon approval of the proposed resolution. The project was to be done in phases with staff providing weekly updates on the progress. The project duration was expected to be 60 to 90 days.

- 4.2.2 **MOTION:** Councilman Tyler moved to approve Resolution No. 2010-21 approving a contract with Granite Construction for the Fort Union Pavement Project. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.
- 4.3 **Consideration of Resolution No. 2010-22 Approving a Contract with Lantis Fireworks.**
- 4.3.1 Mayor Cullimore explained that the resolution addresses the fireworks contract for Butlerville Days with Lantis Productions. Staff put the purchase out for bid and found Lantis to be fairly competitive.
- 4.3.2 **MOTION:** Councilman Bracken moved to approve Resolution No. 2010-22 approving a contract with Lantis Fireworks for Butlerville Days. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.
- 4.4 **Consideration of Resolution No. 2010-23 Approving a Contract for Buck Wild for Butlerville Days.**
- 4.4.1 **MOTION:** Councilwoman Omer moved to approve Resolution No. 2010-23 approving a contract for Buck Wild for Butlerville Days. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.
- 5.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**
- 5.1 **MOTION:** Councilman Thomas moved to adjourn. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote. The business meeting adjourned at 9:00 p.m.