

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY, AUGUST 2, 2011, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore Councilman Gordon Thomas, Councilman Scott Bracken, Councilman Tee Tyler, Councilwoman Nicole Omer

Staff Present: Administrative Services Director Linda Dunlavy, Planning Director Brian Berndt

Also Present: Mark Macklis, Todd Leeds, and dozens of others who did not sign in.

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

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

1.2 Councilman Tyler led the Pledge of Allegiance.

2.0 CITIZEN COMMENTS

2.1 Mark Macklis asked the Mayor and Council to describe their understanding of the ownership of the parking garage at the CDA site.

Mayor Cullimore stated that it is anticipated to be a publicly owned facility, but under a joint usage agreement with the office buildings for daytime use.

2.2 Todd Leeds noted that he was in attendance at the county council meeting held earlier in the day and one of the developers stated that the parking structure would be publicly owned and that has not been made clear at city council meetings. The lot being publicly owned will change the perception and how many feel about the CDA. Mr. Leeds stated that in the past he has been opposed to it, but his perception could be changed if the parking lot is truly owned and operated by the public. He asked if any of the stipulations had been put in writing.

Mayor Cullimore responded that the final development is dependent on the CDA being completed.

Mr. Leeds commented on financing and preferred to see restaurants and hotels in the proposed location so long as public funds are not used. He also noted that if the parking structure is publicly owned, the public should have full access at all times.

Mayor Cullimore explained that a development agreement will be entered into allowing utilization during the day by office buildings in the area.

Mr. Leeds said he would not be able to support the CDA if that was the case. It concerned him that even though he will be a stakeholder in the parking lot he may not be able to use it.

3.0 ACTION ITEMS

3.1 a. Consideration of Ordinance Number 178-A Approving the Canyon Resort Residential Zone or

b. Consideration of Ordinance Number 178-D Denying the Canyon Resort Residential Zone.

- 3.1.1 Mayor Cullimore gave a brief history of the Canyon Resort Residential Zone which was recommended to the Cottonwood Heights City Council in August 2009 by the Planning Commission. That ordinance had unique features and contemplated a resort with commercial elements and higher density development, which when first reviewed by the Council, was found to have several elements that were problematic. Since that time the Council has been engaged in a process to try and arrive at an ordinance that would be more acceptable. To that end a citizens committee was formed and asked to review the ordinance and submit recommendations. Negotiations and discussions have continued with the property owners through numerous meetings. The property owner presented information to the Council on June 28, 2011 including modifications to the proposed zone that would be considered by the property owner. This presentation gave a final overview of the project and allowed the public to comment. Realizing the ordinance was close to two years old, it was determined that the Council would take final action on the actual proposal by the Planning Commission.
- 3.1.2 **MOTION:** Councilman Tyler moved to adopt Resolution 178-D, denying the Canyon Residential Resort Zone. The motion was seconded by Councilwoman Omer.
- 3.1.3 The Mayor asked if there was any discussion on the motion.
- 3.1.4 Councilman Bracken commented that it should be understood that the Council has appreciated the public comment it has received and has tried to consider that input in its deliberations. He explained that when considering whether to grant a new zone or a zone change, he considers the worst case scenario and asks himself whether or not he can accept that scenario. He noted that the original CRR Zone introduced the concept of ERUs "Equivalent Residential Units" and he was unable to understand what that meant as far as true density, and deemed it to be unworkable.
- 3.1.5 Councilman Thomas stressed the importance of listening and stated that the Council has made a decision to adhere to policy. He stated that the Council has given the matter a great deal of consideration and has been thorough, taken time to understand, and has listened to all input.
- 3.1.6 Councilman Tyler recalled that on June 28, 2011, a presentation was made by the owner, and at that time some concessions were made and some new concepts discussed as to what the Canyon Resort Residential Zone would be. He explained that he considered the changes but deemed them inadequate to change his feelings with regards to the proposed zone. He stated that if the development were to remain purely residential, the discussion could remain open and reconsidered in the future.
- 3.1.7 Councilwoman Omer agreed that the Council has been working on the CRR Zone for a very long time and has considered many different ideas regarding the property. The Council has received input from the public, the developer, staff and professionals and has become familiar with the subject property, its best use, the City's ideas for the property and what the residents would like to see. She stated that the developer made a formal proposal on June 28, 2011, and presented their best offer and public comment was then taken from the residents. After seriously considering everything presented, Councilwoman Omer stated that the proposed changes and concessions were not sufficient to salvage the Planning Commission approved CRR Zone on several levels. Besides the issues mentioned by previous council members, she expressed concern about heights and view shed.
- 3.1.8 Mayor Cullimore indicated that the action being taken tonight is the culmination of many months of effort. He commented that during the last year he has been arbiter of sorts and has had meetings with the developer and taken that information back to the city council on issues ranging from height to the ERU component. He stated the legitimate public concerns have been taken into

consideration as the Council has tried to come to conclusions on each point. He stated that it was telling that the Council was unable to come to agreement on the key elements of the proposed zone and a consensus could not be reached.

He stated that to try and take the proposed CRR ordinance and modify it would be a torturous process and would not be good for the public or for the property owner. He stated that it was virtually impossible to find a consensus among the Council and to try and make the proposed ordinance a reality.

Mayor Cullimore explained that when the City Council receives a recommendation from the Planning Commission, the Council can accept it, reject it, or modify it. The Council has the right to change what has been given to them by the Planning Commission and significant efforts were made since the Planning Commission recommendation to try and do just that.

3.1.9 Mayor Cullimore called for the vote.

VOTE: The motion to deny the CRR Zone passed unanimously on a roll call vote.

3.1.10 Mayor Cullimore explained that the law allows any property owner at any time to submit for a land use change. It is the responsibility of the Planning Commission and the City Council to respect that process. There is a significant investment in the Tavaci property and there is a desire to have a development on that property. The Council as a whole wants to see the property developed appropriately.

Mayor Cullimore directed staff to give consideration looking at a residentially based ordinance, a hybrid of ordinances that are currently on the books that can be used to address issues that have been raised through this process, things that could be done that would make this a viable development and one that meets the intent of the city, while trying to be of assistance to the property owner. He asked the council to share their thoughts with the Planning Director regarding specific elements they think should be considered in drafting this ordinance.

3.1.11 Councilwoman Omer brought up the issues of lot coverage and open space and expressed concern about the footprint of structures on the property due to its unique location. She noted that recommendations exist in the current zones that the proposal could be modeled after, but she encouraged a unique approach as well. She would like to see lot coverage that balances the buildable structure area with open space. She also expressed concern about public safety due to the unique proximity of the location to national forests. She would like to see the concerns of wildfires, the potential hazards of rapid snow melts, rock slides addressed. She also expressed concern with a second access and the number of units that could be built before that is required.

3.1.12 Councilman Tyler remarked that no other topic has dominated the discussion of the City Council more than this one and assured those present that these issues were discussed in great detail. He stated that he has a great respect for the Planning Commission and the Tavaci Citizens' Committee and the efforts they have made. He explained that he has not felt comfortable with this property having a commercial use of any kind and is not comfortable with the density. He pointed out that the property has a single access to a state road in a canyon. It is his opinion that the City can use the residential zones currently on the books to apply to this property. He hoped discussion could move forward based on a purely residential model.

3.1.13 Councilman Thomas suggested the issue be fast tracked and expressed his confidence in the Planning Director to do so. He commented that eventually the property will be developed and encouraged all to be cooperative with one another.

- 3.1.14 Councilman Bracken stated that this is a beautiful location and is glad that it is in Cottonwood Heights. He stated that he would want density calculations that he can understand. He requested that going forward this be handled as expeditiously as possible and be a priority to move the process forward and to come to a resolution.
- 3.1.15 Mayor Cullimore commented that all seem to agree that a residentially-focused ordinance that uses existing zoning ordinances or a variation of existing zoning ordinances is desired. Feedback from the Citizens' Committee made it clear that commercial uses seem inconsistent with the location. He said that he would look for variations in height so that it fits better with the land, lower heights used along the ridgelines, and perhaps higher heights to create more open space in the center of the property up to 45 feet. He stated that he believes that this property has more of an affinity to the future development of the gravel pit than it does the residential areas to the south and that should be taken into account. The current PUD ordinance allows attached or detached housing and those should be on the table for consideration. He believes that setbacks are critical on this property. He recommended perhaps giving bonuses to creating a clustered development that doesn't go up the hillside and doesn't approach the ridgeline. He stated that the direction being given to staff is a formula to try and create a win-win situation.
- 3.2 **Consideration of Resolution Number 2011-34 Consenting to Re-Appointments to the Cottonwood Heights Planning Commission**
- 3.2.1 Mayor Cullimore reported that the above resolution reappoints Gordon Walker and Jim Jones to the Planning Commission and set their terms of office.
- 3.2.2 **MOTION:** Councilman Bracken moved to approve Resolution Number 2011-34. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.
- 3.3 **Consideration of Resolution Number 2011-35 Approving the Mountainview Lease Interlocal Agreement**
- 3.3.1 Mayor Cullimore reported that the above resolution approves the Mountview Interlocal Lease Agreement. The City is working with the Canyon School District to develop the Mountview School property into a new park for the City. He was confident that it will be a great amenity for the citizens. In order to move forward a lease is required at a cost of \$1 per year
- 3.3.2 **MOTION:** Councilman Tyler moved to approve Resolution Number 2011-35. The motion was seconded by Councilwoman Omer and passed unanimously on a roll call vote.
- 4.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**
- 4.1 **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 7:38 p.m.