

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL MEETING HELD TUESDAY,
APRIL 14, 2015, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS

Members Present: Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilman Mike Shelton, Councilman Mike Peterson, Councilman Tee Tyler

Staff Present: City Manager John Park, Deputy City Manager Linda Dunlavy, Public Relations Specialist Dan Metcalf, City Attorney Shane Topham, Public Works Director Mike Allen, Community and Economic Development Director Brian Berndt, Senior Planner Glen Goins, Police Chief Robby Russo, Police Support Supervisor Sheila Jennings

Excused: Assistant Fire Chief Mike Watson

Others Present: Allen Orr, Lynne Kraus, Pamela Palmer, Ken Hostetter, Robert Jacobs, Mark Neff, Kay Stole, Nick Stole, Joseph Blake Quinton, Nancy Dahill, Paul Garner

1.0 **WELCOME/PLEDGE/ACKNOWLEDGEMENTS**

1.1 Mayor Cullimore called the meeting to order at 7:03 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Mayor Cullimore.

2.0 **PRESENTATION**

2.1 **Salt Lake City's Department of Public Utilities – Allen Orr, Public Utilities Advisory Committee Member**

2.1.1 Mayor Cullimore introduced Allen Orr who has been a very dedicated representative of the city serving on the Salt Lake City Utilities Advisory Committee. Mr. Orr has represented the city on that board for over 8 years and was the first appointee after the city incorporated.

2.1.2 Mr. Orr stated that the Salt Lake City Department of Public Utilities was requesting a 4% increase in revenue from water sales for the next fiscal year. He noted that industrial and commercial will bear a higher percentage than residential. The rates for County customers have a 1.35 factor that is used to determine the County rates. City customers pay 1.0. Most of the increase from water sales will be used to pay an 11% water rate increase from Metropolitan Water District of Salt Lake and Sandy. Rates were being raised for bonding purposes and to accommodate large projects that are being finished. According to a 2010 study conducted by DWR, Utah's water rates are about 45% lower than the average of other western states. In the summer of 2014, projects totaling \$680,000 will be completed in Cottonwood Heights, including nine fire hydrant and pipeline replacements. For the fiscal year, including the summer of 2015, projects are projected at \$1.2 million and include 14 fire hydrants and water lines. He confirmed that the main reservoirs are 90 to 95% full and there are no foreseen problems for the summer season.

3.0 **CITIZEN COMMENTS**

3.1 Lynne Krauss thanked staff for the time and effort put into the approval of the New City Hall design. She appreciates Councilman Shelton's comments and courage at the March 24, 2015 City Council meeting regarding the cost and overall square footage of the proposed building. She

recommends postponing additional development items not included in the \$16.5 budget until construction is completed.

- 3.2 Pamela Palmer commented that she likes the design of the new proposed city hall building. She expressed concern over water conservation and suggests doing away with all grass at the new city hall. She recommends the utilization of native landscape, which requires very little water and looks more natural. She also recommends planning ahead and wiring the building for solar panels.
- 3.3 Nancy Hardy stated that she sent the Council and Planning Commission a letter regarding her thoughts on the city-initiated proposed text amendment to Chapter 19 introducing a Planned Development District (PDD). She believes it should not go forward without more public input.

4.0 PUBLIC COMMENT

4.1 **Public Comment to receive input on a proposed General Plan and Zoning Map Amendment on Properties Located at 8559-8595 South Wasatch Boulevard to change the General Plan designation from Low Density Residential to Residential Office and the zoning classification from R-1-8 Residential Single Family to R-O Residential Office**

- 4.1.1 Senior Planner, Glen Goins, gave a brief history of the Neff property located at 8559-8595 South Wasatch Boulevard. After requesting consideration of an R-2-8 Zone, which was recommended for denial by the Planning Commission, staff was asked by the Council to explore other zones they thought might work on that property. A diligent review was completed by staff regarding additional zones that would be appropriate for the site and it was determined by staff that the only other zone that could be justified there would be the R-O Zone. The Planning Commission reviewed the possibility of an RO zone and recommended to the Council that it be approved. The RO zone was effectively recommended by staff, but the property owner's application remains a request for an R-2-8.
- 4.1.2 Councilman Tyler asked if there is a possibility that the private lane adjacent to the property could be extended north into the property, thus creating more access for single-family residential homes, which it is currently zoned for.
- 4.1.3 Mr. Goins believes that could be a possibility, but it has not been fully explored. There are several problems with that approach not the least of which is the length required for the private lane and the introduction of more traffic on a lane now serving only two homes. It would require permission of the private property owners. Staff tried to make it very clear to the Planning Commission that the introduction of the R-O Zone was not a Council mandate, but rather an option derived by the staff at the request of the Council. The applicant had not requested this zoning.
- 4.1.4 Councilman Bracken stated that if the public has an idea of what they would like to see, those comments would be beneficial.
- 4.1.5 Mayor Cullimore opened the public comment period.
- 4.1.6 Will McCarvel from CH Voters, read a prepared statement and recommends the rezone be denied and the property remain in the R-1-8 Zone. The proposed rezone would set a precedent and open the door to future commercial in what is a residential area of the City. He believes the rezone has the potential to surprise and disappoint citizens. One of the conditional uses allowed by the R-O

Zone is a PUD. Similar to the Giverny PUD, citizens have been surprised that an apparently simple rezone can have such a negative effect on a neighborhood. He urges the City Council to deny the R-O request.

- 4.1.7 Pam Palmer asked that the properties at 8595 Wasatch Boulevard not be rezoned from R-1-8 to R-O. Previously the applicant made a request to the Planning Commission to rezone for apartment buildings and was denied. She asked how this property is appropriate for residential office zoning of similarly sized buildings when they are not suitable for apartments. After reasonable reading of Cottonwood Heights Municipal Code Section 19.35.010 Purpose, she observed that the R-O Zone is intended to provide for the conversion of existing blocks of dwellings to smaller offices in order to stabilize adjacent residential areas preventing the intrusion of non-compatible commercial uses. It is intended to function as a transitional zone between existing residential and traditional commercial uses. Vacant land is still subject to the purpose of the regulation, to function as a transitional zone. Allowable use issues were discussed. Denial of the rezone was suggested.
- 4.1.8 Lynne Krauss believes the proposed property should not be rezoned and should remain residential. She asked the Council to review the public comments from previous Planning Commission meetings and take them into consideration.
- 4.1.9 Ken Hostetter concurred with previous comments and believes the proposed property should remain residential. He stated that he would be submitting comments from neighbors as well as himself prior to the next meeting.
- 4.1.10 Paul Garner reported that he was only recently made aware of the possible zone change and asked if it had been noticed.
- 4.1.11 Mr. Goins confirmed that the zone change was noticed to property owners within 1,000 feet of the subject property using the County's records. A list of property owners is included in the notice.
- 4.1.12 Mr. Garner expressed opposition to the rezone.
- 4.1.13 Mark Neff, representing the applicant, stated that public notice was sent and this is the fourth public hearing held on the matter since October 2013. The adjacent private lane is restrictive private land with grading issues, which makes it difficult to accommodate additional residences. He stated that when he originally purchased the property, it was partially zoned A-1, which allowed for duplexes. The twin home option under the R-O Zone would fall under a conditional use, which would allow the City to have more control over the development. He believes it does not work as a single-family property. He prefers the twin home option and believes they could develop an attractive option that would be acceptable to the City and surrounding neighbors.
- 4.1.14 Robert Jacobs expressed concern with the R-O designation and believes it would be problematic. He is of the opinion that it would make more sense to go with an R-2 zoning.
- 4.1.15 Joseph Blake Quinton stated that many properties that back Wasatch Boulevard are duplexes or greater and limiting the property to a single access would be beneficial. He is opposed to the idea of a gated community.
- 4.1.16 Mr. Goins reiterated that this is a sensitive lands property with a height limitation of 30 feet where a PUD could not occur.

- 4.1.17 Councilman Bracken asked if short term rentals are allowed in R-2 Zones.
- 4.1.18 City Attorney, Shane Topham, stated that short-term rentals are allowed in some R-2 Zones. A zoning condition could be drafted to prohibit short-term rentals on this property, if desired, by the Council.
- 4.1.19 There were no further public comments. The public comment period was closed.

5.0 **REPORTS**

Standing Monthly/Quarterly Reports

5.1 **March Police Report**

Police Support Supervisor, Sheila Jennings, presented the Police Report for the month of March. She stated that there was a slight increase in calls for service. Priority 1 response times averaged 5:15. Overall crime included 14 burglaries, 10 thefts, and 54 assaults. There were a total of 129 arrests with 16 involving juveniles. There were 269 traffic citations, 14 DUIs, and 31 warnings issued. Ms. Jennings reported that there were 37 crashes with property damage resulting in 9 injuries. A multi-agency enforcement operation took place where Cottonwood Heights in conjunction with UPD and West Valley Police Department, worked together to pick up warrant arrests and other outstanding felons. There were a total of 40 felony arrests, 20 misdemeanor arrests, 51 narcotics arrests, 15 stolen vehicles were recovered, all within a 48-hour period.

5.2 **Public Works Report**

Public Works Director, Mike Allen, presented the Public Works Report for March and stated that Terracare has been working to finish up asphalt patching work. There is approximately \$290,000 worth of work to complete. The pre-construction meeting for the ADA ramps was conducted and they plan to begin work on April 27. The Fort Union and Highland Drive Intersection Project is on hold awaiting the price of the power pole relocation. Terracare is working on the preparation work for micro surfacing, painting crosswalks, and raising manholes. The Bengal Boulevard Road Improvement Project bid opening is scheduled for April 21. The 50/50 sidewalk project is complete and the budget expended.

6.0 **ACTION ITEMS**

6.1 **Consideration of Resolution No. 2015-17 Approving an Interlocal Agreement with Salt Lake County for Aerial Photography**

6.1.1 Mayor Cullimore explained that the proposed resolution involves an interlocal agreement with Salt Lake County for aerial photography. A maximum amount of \$5,000 is contributed.

6.1.2 **MOTION:** Councilman Bracken moved to approve Resolution No. 2015-17. The motion was seconded by Councilman Shelton. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.

6.2 **Consideration of Resolution No. 2015-18 Consenting to an Appointment to the Arts Council**

6.2.1 Mayor Cullimore explained that the proposed resolution is for the appointment of Jon Watkins to the Cottonwood Heights Art Council.

6.2.2 **MOTION:** Councilman Shelton moved to approve Resolution 2015-18. The motion was seconded by Councilman Peterson. Vote on motion: Councilman Shelton-Aye, Councilman Bracken-Aye, Councilman Peterson-Aye, Councilman Tyler-Aye, Mayor Cullimore-Aye. The motion passed unanimously.

7.0 **CONSENT CALENDAR**

7.1 **Approval of Minutes for March 24, 2015**

7.2 The minutes stood approved subject to minor changes.

8.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION IN ROOM 250**

8.1 **MOTION:** Councilman Shelton moved to adjourn the business meeting and reconvene the work Session. The motion passed unanimously on a voice vote. The business meeting adjourned at 8:40 p.m.

Minutes approved: 04/28/2015