

MINUTES OF THE COTTONWOOD HEIGHTS CITY JOINT CITY COUNCIL AND PLANNING COMMISSION WORK SESSION HELD TUESDAY, OCTOBER 29, 2024, AT 5:30 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

City Council Members: Mayor Mike Weichers, Council Member Shawn Newell, Council Member Matt Holton, Council Member Ellen Birrell

Planning Commission: Lucy Anderson, Dan Mills, Mike Shelton, Sean Steinman, Mike Smith, Dan Poulsen (via Zoom)

Staff Present: Community Development Director, Michael Johnson; City Attorney, Shane Topham; City Recorder, Barbara Higgins; Deputy City Recorder, Maria Devereux; Associate City Planner, Ian Harris; IT Systems Manager, Matt Ervin; Senior City Planner, Samantha DeSeelhorst

1.0 WELCOME

Mayor Mike Weichers called the meeting to order at 5:30 PM and welcomed those present.

2.0 ATTENDEE INTRODUCTIONS – Mayor Mike Weichers.

3.0 Form-Based Code Discussion – Community and Economic Development Director, Michael Johnson.

3.1.1 Overview of Process.

3.1.2 Existing Questions.

3.1.3 Open Discussion

Senior City Planner, Samantha DeSeelhorst presented the project timeline as follows:

2013: The Fort Union Corridor Study was conducted by Master of Public Administration students from Brigham Young University, which recommended a Form-Based Code for Fort Union Boulevard.

2017: The City Council adopted the Fort Union Area Master Plan, which included the Form-Based Code recommendations from the 2013 study.

2020: At the City Council’s direction, Staff began drafting a Form-Based Code for the Fort Union Boulevard area. In that same year, the City received grant funding from the Wasatch Front Regional Council (“WFRC”) to hire a consultant to assist with the effort.

2020 to 2024: The City worked with the consultant to draft the Form-Based Code, and staff consulted with the Planning Commission and City Council throughout the process.

March 2024: A public open house was held to obtain community feedback on Form-Based Code, especially from affected property owners.

June 2024: The Planning Commission unanimously recommended that the City Council approve the proposed Form-Based Code.

The three main questions that arose during the Planning Commission process were:

Can existing development choose to stay as-is?

Yes. If a development decides to make changes, they will need to bring the property closer to compliance with Form-Based Code. However, full compliance would only be required for new construction.

What is the Planning Commission’s role in reviewing projects in the Form-Based Code area?

It will review any Form-Based Code project that is larger than one acre, has a structure over 20,000 square feet, or is within the Residential Transition District.

Why was this area chosen as a Form-Based Code boundary?

It was selected due to the recommendations from the 2013 study and 2017 Master Plan. Additionally, multiple key intersections are present in the area. The boundary can be expanded but would need to be recalibrated based on the specific geographic area.

The October 4, 2024 draft included the following changes based on City Council feedback:

- Updated Use Table to allow public safety buildings in all districts.
- Updated Use Table to allow gas stations and automotive service stations in all districts.
- Removed auto-related uses from the list of prohibited uses.
- Updated Street Types chapter to defer fully to the existing Transportation Master Plan on road standards, with this chapter focusing on streetscape instead.
- Added minimum parking requirements for residential uses.
- Adjusted compliance triggers to be less strict on requirements for existing businesses that make modifications to their buildings and sites.

Mayor Weichers thanked everyone for their time and effort on the project. He commented that in retrospect, the City Council should have been more involved in the process and received more consistent updates. Moving forward, the Council should have more in-depth conversations about how and why certain decisions are reached.

Council Member Hyland expressed her appreciation for the work that went into the Form-Based Code but stated that some things in the City have changed significantly since the topic was first presented. The Icon Pass has changed the number of visitors to Cottonwood Heights and the pandemic brought further attention to the City, so what was developed in 2013 may not be applicable today. As she understood it, Form-Based Code is based on new urbanism and is designed to be applied to densely populated cities with limited or no car travel. She was unsure how that applies to this suburban city. She believes it is the Council's role to reconsider its objectives and determine what they want for Cottonwood Heights, and she does not believe they want to transform it from a suburban city to a densely populated urban environment.

The General Plan presents one of the City's objectives as, "To encourage tourism-related businesses and services to locate within the City." Council Member Hyland believes residential and commercial redevelopment should support the General Plan and Council's vision and recommended that a committee be formed to review the Form-Based Code proposal to ensure that it meets their objectives.

Her three main questions were:

1. What are the Council's objectives?
2. Does Form-Based Code support those objectives?
3. How can an urban solution be overlaid onto this suburban City?

Council Member Birrell stated that it may be a preconceived notion that Form-Based Code is only for urban areas. She then read the following, "When did we stop building neighborhoods where kids can ride their bikes to school? Why can't new subdivisions be more like the older neighborhoods that people love? How can I prevent suburban sprawl from destroying the character of my community?" She was interested in hearing other Council Members' opinions on the decision to go to Form-Based Code only in commercial overlay zones and along Fort Union Boulevard because she believes the neighborhoods throughout the community would be well-served by Form-Based Code. She has received many complaints from residents regarding planned communities and Planned Development Districts ("PDD") because people are fearful of overdevelopment and higher density. She believes that Form-Based Code could protect the City's neighborhoods from that type of development.

Council Member Hyland pointed out that the proposal does not address residential areas. She attended a recent webinar that addressed what went wrong with Form-Based Code in South Jordan and recommended Performance Development Agreements be utilized when traditional zoning does not match. She questioned if the City needs Form-Based Code to accomplish the goals Council Member Birrell outlined.

Mayor Weichers asked Commissioner Mills to review the objective of Form-Based Code. Commissioner Mills stated that the term has political connotations; when people google it, they immediately attach a particular political agenda to it. His experience is that Form-Based Code can be shaped to fit the City's needs. As the Planning Commission reviews applications, they have very little control over how certain parts of the City are developed, and Form-Based Code would

allow them more control over the form or feel. It is a tool that requires revision, and it has already been adjusted based on the Council's feedback. He did not believe Form-Based Code will adversely affect the tourism business, but rather the opposite because it can bring more unity to the area. He believes Cottonwood Heights is negatively impacted when trying to attract businesses by the disparate group of businesses along Fort Union Boulevard, which looks like the City has tried to plug things in where they don't fit. The Form-Based Code would allow legacy businesses to continue to exist as they are now unless they completely demolish the building.

Community Development Director, Michael Johnson provided Staff's perspective. The General Plan was adopted then subsequent addenda were adopted in the form of area-specific Master Plans like the Fort Union Master Plan. The General Plan and subsequent Master Plans provide overall Land Use, transportation, housing, and economic development visions for certain areas of the City. In the planning process, the General Plan is the broad, high-level plan, and the area Master Plans are more specific policy recommendations. The City's goal is to implement each plan's recommendations, and the Form-Based Code Ordinance is the tool that would implement them. They are focused on the Fort Union Boulevard area because that is the area of focus of the Fort Union Master Plan, and it is the main commercial corridor in the City where the most commercial redevelopment is likely to occur over time. The districts in the Form-Based Code and the code itself were drafted, calibrated, and designed to meet the visions in the Parks, Trails, and Open Space Master Plan and Fort Union Master Plan, which laid out what the City wants those areas to become as redevelopment occurs.

Mayor Weichers asked why Form-Based Code would accomplish that goal more efficiently than Development Agreements. For example, a building was developed in South Jordan based on Form-Based Code that did not meet what the developers put forth in the plan. Residents consider it ugly and are upset that it was allowed. South Jordan has now changed their focus to move to a development agreement process like they have instituted with Daybreak.

Council Member Hyland asked how this specific Form-Based Code would accomplish the stated goal when it moves buildings to the sidewalk and provides for a minimum of two stories in residential transition zones. She did not believe the proposed code fit their discussed goal of focusing on form, not use, and questioned if they were focused on an objective that could not be delivered through Form-Based Code and would be better served through PDDs. Mr. Johnson clarified that development agreements are a tool that is typically used on large, multiphase developments where traditional zoning is not adequate. PDDs have elements of both Form-Based Code and development agreements because they are a legislative tool, and they apply to large redevelopment projects in areas like the Gravel Pit. The Dover Hills subdivision has a development agreement because it includes a public park, so a portion of it is in the public interest.

Mr. Johnson expressed his professional opinion that development agreements slow the process down. It would not be practical to have development agreements for small projects like a 0.25-acre lot on Fort Union Boulevard that is being redeveloped from an office building to a dental clinic. Those types of projects are better suited to the traditional zoning process than a specific development process. If a major shopping center were being redeveloped, a development agreement would be appropriate. He believes there should be an underlying zoning tool for smaller

areas that will redevelop over time and are not at the level where a six-month development agreement negotiation that goes through both the Planning Commission and City Council is required. Those property owners want to simply redevelop their property. For example, the old Chase Bank on Fort Union Boulevard is being converted into a dental office. It went through three months of public meetings which were likely unnecessary because it is just a simple change of use. The City should have a tool that allows for those types of redevelopment projects to occur but still reserves the right for the Planning Commission, Architectural Review Commission, and sometimes the City Council to be involved in large projects.

Council Member Hyland stated that they saw feedback that incoming Councils can change the form, which results in the code not being as cohesive as envisioned in different districts. She did not believe the Form-Based Code as written matched what Mr. Johnson was saying.

Commissioner Mills presented the example of the Town Center area and indicated that the City has no control over any of the four corners. Instead of developers trying to guess what the City wants, they should give them a vision of what they want the general area to look like, including the transition to residential zones. Currently, there are no real guidelines, and he has received feedback from developers that they would like more guidance on what the City would like to see. There needs to be some malleability from Council to Council. The City has learned from the past, which is why they continue to have Council actions. Form-Based Code is a tool that can be changed to fit the City's needs. He understands that South Jordan made a mistake, but Form-Based Code was not specifically South Jordan's idea, and it is being implemented in a lot of cities in highly utilitarian ways. It is not a wholesale shift. It affects a small portion of the City, and it can be watered down or walked back if it is not successful. The potential harms are limited.

Mayor Weichers asked for examples of communities like Cottonwood Heights that have achieved success through Form-Based Code. Consultant Mark Lawrence clarified that several cities across the Wasatch Front utilize Form-Based Code. It is always site-specific. They have assisted both urban and rural communities with Form-Based Code, and that context is part of the conversation from the beginning. Any increase in density or use would be marginal. He was unaware of the issues in South Jordan, but he would research it to determine what went wrong there. Millcreek is using Form-Based Code, as are Sugar House and Centerville. Sunset City in Davis County also adopted Form-Based Code. Midvale adopted it to revitalize its Main Street area. It had no development for decades, and now it is being developed. When they looked at existing cities that have implemented Form-Based Code, they were all very different from one another. It was helpful to speak with city staff to determine their process and what was and was not successful, but no other city's Form-Based Code would perfectly translate to Cottonwood Heights.

Council Member Newell stated that flexibility has to be built in based on the fact that Cottonwood Heights is a unique community. Form-Based Code would not work across a wide swath of the City, and he believed the discussion should be about the degree to which they would implement it. Grandfathering businesses is critical to him; he does not want Form-Based Code to pressure existing businesses to change. The City must maintain its character while integrating the other aspects.

Council Member Holton expressed his understanding that a benefit of Form-Based Code is it helps streamline processes. When people want to redevelop and invest in the City, there would be a vision in place to follow so they do not bring a differing vision through an onerous process. It guides creative vision. He was concerned that the tool could be used to change behavior or push people to certain behaviors.

Council Member Hyland stated that the Code has no minimum parking requirements in commercial areas, but there are requirements for bike parking and electric vehicle charging stations, which she believes is trying to shape a certain behavior. Mr. Johnson clarified that Staff was previously directed by the City Council to explore an ordinance for bicycle and electric vehicle parking. The feedback they received from the Council was to explore a recommended approach rather than a regulatory approach. The language Council Member Hyland referred to was included in the draft based on that direction, but it could be changed.

With respect to parking, it can be key to making development successful in a city like Cottonwood Heights. There are parking maximums proposed for certain uses. The intent of the Form-Based Code is to mix uses in a way complimentary way. For example, perhaps parking is used for businesses during the day and residential at night. Staff's interest was in making shared parking more efficient. If the Council were uncomfortable with setting parking maximums, that could be removed. It was suggested because areas like Hillside Plaza that have hundreds of parking stalls and an underutilized Land Use do not generate any value to the community or the City. The City has the expense of maintaining and snowplowing it, but no one is using it.

Council Member Holton asked if there was a strong driver in the market as to how many stalls are desired for commercial developments and if that would be a better indicator than the City requiring a specific number. Mr. Johnson stated that if the Council did not want to include a parking maximum, they could establish a different process. Currently, parking minimums are set based on averages, and the City's requirement is usually less than the number of stalls the business wants to construct. The intention was to prevent new developments from having excessive parking that might be utilized once or twice per year. Council Member Hyland stated that the lack of minimum parking requirements in the Code seemed to be engineered for a certain outcome. Mr. Johnson clarified that the intention was for the market and site design to drive that number, not Code. Typically, a business will not invest millions of dollars in a new building if they will not have adequate parking. The intention is not to direct behavior, but also not to make parking a limiting factor for a business.

Council Member Holton was in favor of streamlining government and setting basic standards as long as he is comfortable that mechanisms are not being put in place to push some behaviors over others and it is not a tool that could be used to do so by future Councils. Mr. Johnson stated that they could add parking minimums to the Form-Based Code at the Council's direction. Council Member Holton suggested adding language indicating that the developer must prove what the minimum should be, and the City could then use its own analysis to determine if that is a reasonable number.

Commissioner Shelton stated that the concerns he was hearing were related to the standards, not the mechanism. The Planning Commission thought they were responding to a concept that came from the City Council and Staff. It would be difficult to view the PDD as an efficient mechanism for planning and zoning. A PDD is a difficult process because it requires a legislative decision on every construction project. He did not believe the Council's argument was against the idea of Form-Based Code, but rather the standards currently found within the Code. The standards are set from a body of work that goes back nearly a decade. The Council's role is to decide what that vision is, and the effort should be to make the Code match that vision.

Council Member Hyland stated that she likes the concept of form overuse, but she did not believe that was accurately reflected in the current draft. If they moved forward with Form-Based Code, she was troubled with the idea of applying the experiment to a large area of the City. She suggested trying the plan in a smaller area to determine how developers respond and what it does for the City before applying the principles to several form districts. Mayor Weichers agreed that a lot could be learned from the first implementation. Mr. Johnson stated that if the Council wanted to go in that direction, Staff suggested the Town Center and residential transition areas be used as pilot areas. There are currently a few medical clinics and a dental clinic in that area, and it is on the periphery of commercial and residential. As drafted, the Form-Based Code would put all those projects through Planning Commission approval. The process is similar to the current development process, but the standards are different. Ms. DeSeelhorst recommended that the Council consider using the entire 2200 East area as a test, including parts of Fort Union Boulevard, so that they could then see how the different form districts interact. Commissioner Shelton stated that he hesitated to restrict the districts due to the amount of time and money it would take for redevelopment.

Commissioner Shelton reported that Form-Based Code began in Seaside, Florida. Economics, tourism, and safety drove the Form-Based Code. It eliminated a lot of large strip malls, brought buildings closer to the road, slowed down traffic, and moved parking to the rear of buildings. For large-scale apartment buildings, it created podium parking and rideshare opportunities. It allowed for a change of habits because residents realized they didn't need two or three cars. It was not created with the intention of changing habits, but it changed as a result. He sees Form-Based Code as going back to Main Street America. The projects by Hillcrest have zero use on the bottom levels, but that is because the developer is asking a premium for that space. There are not enough residents to support any business, and they do not want a revolving door. He believes guardrails and timelines should be put in place to give developers the ability to determine how to fill those vacancies. Just checking a box will not work. It needs to be focused on creating a form that works for the City and is marketable.

Mayor Weichers was in favor of many aspects of Form-Based Code, but he did not believe that it has to limit people driving. When he visited a city that was redeveloped using Form-Based Code, the Mayor told him that the last thing they want to do is limit parking. Instead, they want to hide it behind buildings and underground. If they could work on that aspect, it would aid him in supporting the idea.

Commissioner Holton referred to the strip mall by the liquor store and suggested that they be shown what it would look like under Form-Based Code, including aesthetics, parking, and restricted and non-restricted uses. That would allow him to picture what it could look like, how that would or would not change behavior, and how residents would respond to it. Mr. Johnson presented a prototype document using the area of the Seven-Eleven, which showed that the large parking lot in front of the building would be moved to the rear and the building would become the forefront feature that creates the character of the intersection. It included the different standards that were applied to the prototype. For example, instead of a minimum setback from the intersection, it provides a maximum offset.

In response to a question from Council Member Holton, Mr. Johnson clarified that there are six or seven different commercial zones on Fort Union Boulevard that all have an underlying Land Use designation of Mixed Use, which is a broad zone that allows any commercial use as well as residential of 35 units per acre. It includes typical building setbacks, height standards, landscaping and parking requirements, etc. It is not predictable. For example, both Canyon Center and the townhomes across from Mountview Park were developed using the Mixed Use Ordinance and they look nothing alike. Mr. Johnson reviewed the current uses in the proposed Form-Based Code areas and whether they would be allowed under Form-Based Code, as well as the Use Tables included in the draft. Some uses are only allowed on the ground or second floor and approved uses vary between zones, but that is also true of the current Code.

Referring to the Seven-Eleven example, it was pointed out that another single-story Seven-Eleven could not be rebuilt on that site under the current draft. It would have to be two stories. Depending on the district, it may also have restrictions regarding what can be on the first and second floors. There are reasonable limitations on ground floor use. They do not want to artificially require ground floor commercial space that will never be occupied. Staff and the Planning Commission worked to ensure that the ceiling height on the ground floor use is commercial grade and could accommodate several different types of businesses. If a residential use is allowed on upper floors, the same residential use would not be allowed on the ground floor. Mixed uses would be required. That was included in the Code per the City Council's recommendation based on their desire to more strictly require a vertical mix of uses on mixed-use projects.

In response to a question from Mayor Weichers, it was noted that Form-Based Code would better help the City avoid projects with no commercial component. Staff and the Planning Commission tried to shape an existing project like that as best they could, but the end result differed. The developer called them "live/work" units, which is allowed and technically mixed-use, but functionally they are residences.

Council Member Hyland brought the discussion back to objectives and expressed her belief that they all have the desire to create an area that can both capture tourist dollars and serve Cottonwood Heights residents. The General Plan talks about transit, and ski bus service along that corridor makes sense. If the City goes with Form-Based Code, she believes the document must reflect those objectives. Mayor Weichers stated that if they agree on the standards, they will achieve their goal. Form-Based Code could be part of the City's zoning, but it would require a strict review of the standards to ensure that they get what they want out of it.

Mayor Weichers asked how the height minimums and maximums were determined. Commissioner Mills indicated that they had a lengthy discussion on the topic. Both requiring someone to build to a certain height and penalizing them for building below it can be a detriment to businesses. The Planning Commission considered how the standards would affect their personal businesses or the current businesses along Fort Union Boulevard. Would they add to the City's tax base or add livability for residents? They felt that there are reasonable first-floor heights that are more conducive to businesses. The upper floors are less restrictive to accommodate both business and residential uses.

Council Member Hyland indicated that Cottonwood Heights is a small city, and it needs to increase its budget to accommodate residents' wants and needs. Draper has the same population but three times the sales tax revenue. The City is 20 minutes from downtown Salt Lake City, 20 minutes from four world-class ski resorts, and 20 minutes from a major international airport. They will receive pressure to grow, and she wants to respond to it in a way that also preserves the reason she moved here.

In response to a question from Council Member Hyland, Commissioner Steinman clarified that a proposal had been made to expand the test area for Form-Based Code. Fort Union Boulevard currently has large-scale tenants. For example, Target and the office buildings likely will not be redeveloped in the near future. More data would be available sooner if they included areas with smaller businesses. Mayor Weichers presented the option of including Form-Based Code as a goal in the General Plan. Commissioner Steinman stated that often general plans are pipedreams, not executable goals. Ogden's General Plan dates back to 1983, but they are just now beginning to implement the parts of it that will bring better opportunities there. Mayor Weichers indicated that, from his experience of visiting other cities and seeing how they work, if the bond were to pass, Hillside Plaza would be a start to creating their vision. He was concerned about the unintended consequences of implementing Form-Based Code in a large area without first testing the concept.

Regarding height requirements, it was clarified that Union Park Center has the tallest allowed heights, with a maximum of eight stories. All other areas would maintain similar maximum heights to the current Code and add a minimum height of two stories. It was pointed out that single-story buildings are no longer favored. Council Member Hyland mentioned that one-story houses are shown on page 43 of the document, yet they are prohibited by Form-Based Code. Commissioner Mills clarified that residential transition zones would allow flexibility to ensure that large commercial buildings are not immediately next to existing residences. The cottage was included to indicate that. Mr. Johnson added that the structure on page 43 is one story with a loft, which would comply with the Form-Based Code.

In response to a question from Mayor Weichers, Commissioner Steinman indicated that parking was considered from multifamily, office, and retail standpoints. His building is overparked, but he still cannot find a parking spot most days. Conversely, many businesses have too much parking. Transit-oriented development areas are used by Salt Lake City and Millcreek to give the benefit to developers and obtain better economics from projects. They can require a particular development to install more chargers or ride-share opportunities in exchange for more density or a different use.

He believes parking is unique. An area like Fort Union Boulevard could be qualified as a transit-oriented development area where they could collaborate with the Utah Transit Authority to have different bus routes, a shuttle system, or another way to allow more residents to filter in. He believes a parking ordinance is required, and that they should consider transit-oriented development formulas into that ordinance. He did not want to restrict parking, but he also did not believe they should allow overparking. In response to a question, Commissioner Steinman clarified that his business has more parking than required by current standards. If there are opportunities for better transit, bike paths, or walkability, it gives better autonomy. He could triple the amount of parking at his building and the spaces would still all be full on certain days of the week. He believes lending institutions will regulate that for office, multifamily, and retail uses.

Mayor Weichers asked if the Planning Commission had discussed incentivized shared parking. Mr. Johnson displayed the Shared Parking Table and indicated that they could establish minimums and maximums. If property owners agree on shared parking, one property may require fewer stalls. The goal is to make parking more efficient. Parking credits are given for parking within 600 feet, proximity to transit stations, etc. The same parking stall can also be used for two different uses if their hours of use do not overlap. The Form-Based Code gives more importance to shared parking than set minimums and maximums for each project.

An example of successful shared parking would be Commissioner Steinman's overflow parking with the Latter-Day Saints Church parking lot, which happens informally. Commissioner Mills' business has a small number of parking stalls that are shared with other businesses, but it works because of varying time-of-day uses. The Form-Based Code document formalizes shared parking, but it does not eliminate parking requirements.

Commissioner Anderson indicated that she was also initially concerned that parking is not defined as they are accustomed to seeing it. After working through it and better understanding both shared parking and the flexibility built into the Form-Based Code, she now approves of the plan. Form-Based Code requires a change of mindset, but it gives the flexibility to determine what is best for the area and the specific businesses going in there.

Mr. Johnson provided the example of the northern Gravel Pit. The Wasatch Rock project was approved with shared parking. The developer came up with the shared parking plan, then Staff worked with them to refine the numbers outlined in the PDD. If each of those uses was charted out using what the engineer's manual currently requires, they are technically underparked. However, because they have complementary uses, they can share parking stalls.

Commissioner Shelton stated that there were some very successful businesses at the mouth of the canyon that had enough parking because they used public parking. That parking happened to be in front of homes, and those homes had a problem with that. If there is no minimum, you can run the risk of creating that environment. The parking is available to the public until it isn't, so they need to be very careful about that.

Council Member Hyland stated that Logan City and Provo City allowed development without enough parking, and she did not want a similar situation in Cottonwood Heights. She does not

believe that the City will have the density for a large transit project. Midvale is doing a good job of densifying because they are on transit routes. She believes the City could support ski buses but is hesitant to restrict parking based on a potential future UTA route.

Council Member Birrell stated that they could never build enough lanes to accommodate the addition of more and more cars. Not only is Cottonwood Heights a desirable destination, but it is also a drive-through city because people drive through to get to Big and Little Cottonwood Canyon and as commuters to Draper and Sandy. She believes they tend to lean into the regional thinking of the Wasatch Front Regional Council and Utah Department of Transportation, which is friendly to people who are driving through the City but very unfriendly to local residents. One of her reservations about Form-Based Code is that they give that aspect over to the Transportation Master Plan (“TMP”). She opposed authorizing the TMP for Cottonwood Heights because she believes it is too car-centric for cars moving at fast speeds, which will reduce walkability and placemaking. If they want placemaking for a Town Center area, they must consider that two lanes moving at 40 to 50 miles per hour is not the way to create a Main Street. She believes Form-Based Code should dictate not just the streetscape, but the actual flow of the streets.

Mr. Johnson confirmed that in the current draft, the roadway cross-sections are derived from other plans. Form-Based Code picks up outside of the vehicular roadway and includes the park strip, sidewalk, streetscape, and private areas. Currently, the two documents work in tandem. Ms. DeSeelhorst clarified that they made that decision because the TMP was recently adopted by the Council, but that could be changed at the Council’s direction.

Commissioner Steinman stated that he did not believe parking should be restricted through Form-Based Code. Other guardrails will create intentional projects, and economics will push that goal. If someone proposed a project with insufficient parking, the Planning Commission would address that during the application process. They should look at ways in which form and the market complement each other. If they want to see an impact prior to the Olympics, he believes they need to move forward with the proposed Form-Based Code districts and not do a smaller test area.

Ms. DeSeelhorst indicated that if the City Council wanted to revisit minimum parking requirements, they could consider the options together. The draft was not scheduled for a vote because they were still refining it.

Mr. Johnson referred to a survey comparing property tax value on a per-acre basis between certain development patterns and vertical mixed-use projects. It indicates that a Walmart will generate \$7.00 in property taxes per acre, and a strip mall will generate slightly more. A two-story mixed-use product will generate \$53.00 per acre. The Form-Based Code was not developed with tax revenue in mind, but increased property tax revenue is a byproduct of vertical mixed uses. It was noted that more sales tax revenue would be generated by the Walmart or strip mall.

Mayor Weichers suggested that the Council should consider whether and to what degree they would be willing to implement Form-Based Code in any location. Staff was tasked with refining the parking requirements while the Council considers the area it could be implemented in. Council Member Holton stated that they should also ensure that there is no prohibition on the uses that

were discussed during the Work Session. Council Member Hyland will provide her redline document to the Planning Commission. Mr. Johnson indicated that Staff could meet with each Council Member to review the document. City Manager, Jared Gerber expressed his appreciation for the conversation. Staff could review the document with each Council Member and relay their questions and concerns to the Planning Commission.

4.0 OLD MILL DISCUSSION.

Mr. Gerber indicated that residents have expressed a lot of passion for saving the Old Mill, but the City does not have the resources to do so. They have spent time trying to determine how to either preserve the entire building or pieces of it.

Mayor Weichers stated that some residents want the Old Mill restored. He understands their passion, and it would be hard to see such a grand historical landmark be demolished. The property owner was approached to determine their interest in deeding the land to the City, and their response was that they would only consider it if the City guaranteed that it would not remain in its current state. State agencies and nonprofits were then approached, but none were interested in joining in on the project. The property owner has expressed a willingness to commemorate the Old Mill by creating a tower or wall and open space, which would include a place to learn about its history.

Mr. Gerber indicated that, according to a study performed by Calder Richards, the cost of restoring the building would be \$45 to \$50 million. Council Member Hyland pointed out that the cost would be over two times the City's annual budget of \$27 million, and Cottonwood Heights does not have the resources to do that.

Council Member Holton stated that the property owner has presented at Historical Committee meetings and has indicated that in an ideal world, they would love to save the building. They have tried to find a middle ground with the developer to create a public-use space in that area and preserve parts of the Old Mill. From the City's perspective, that could also be a big win. They need to listen to all residents and make the best decision for the City. He loves the Old Mill, but he believes his constituents in District 1 would not approve of such a large expenditure for something so far away from their localized community. The Old Mill has become somewhat of an eyesore and is unsafe, and he believes the City has a duty to find a path forward.

Council Member Newell recommended clearly illustrating the cost of restoring the Old Mill and what that would mean to residents to help them understand that restoration is not feasible.

Mayor Weichers stated that a question he has heard often is why the City has not required the property owner to maintain the building. They checked the records, and the Old Mill lost its occupancy permit in the 1980s when the City determined that it was uninhabitable. It was condemned in the early 2000s, prior to Cottonwood Heights' incorporation. Council Member Birrell stated that the Old Mill is one of two historical preservation sites listed in the City Code. Mayor Weichers clarified that it was copied from the County Code. Council Member Holton stated that due to the condition the building was in prior to incorporation, the City could not require the property to be taken back to its original state. He did not believe anyone wanted to force the

property owner to keep the building in its current state, so they needed to determine how best to move forward.

The current Code requires a Conditional Use Permit and at least 12 months of public hearings prior to demolition. The landowner has applied for a variance to remove those requirements, and a hearing on the application was scheduled for November 14, 2024. A positive ruling would allow the property owner to move forward with demolition, but they would still be required to apply for a Demolition Permit. Mayor Weichers indicated that the City would be arguing against approval of the variance.

Commissioner Mills stated that the PDD negotiations could be jeopardized if the matter was discussed in more depth. The Old Mill is one of seven different pieces the property owner has in play, and he encouraged everyone not to limit their discussion to just one portion of a project that includes a lot of problems that have existed for a long time on multiple undeveloped parcels. How they proceeded would have a lot of future implications, and they would all be remembered for how they handled the matter. He understands the passion for the Old Mill itself, but they must consider the entire project and interact with the property owner only in the context of the official process.

Commissioner Steinman indicated that making the study public might be very helpful. He had heard estimates of between \$7 million and \$12 million, but that was the first time he heard that the actual cost would be \$45 million to \$50 million. A lot of people want to save the Old Mill but are unaware of the actual cost. Council Member Hyland clarified that the developer indicated in his presentation to the City Council that the cost would be \$50 million to \$100 million. Council Member Birrell agreed with Council Member Newell's suggestion to make the information transparent and available to the public. It was clarified that the study must remain confidential at this time due to the pending Land Use application.

Commissioner Mills stated that they needed to follow the official process to protect the City, property owners, and residents.

5.0 ADJOURN WORK SESSION.

MOTION: Commissioner Anderson moved to ADJOURN the City Council Work Session. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 7:25 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights Joint City Council and Planning Commission Work Session held on Tuesday, October 29, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____