

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

**Wednesday, January 7, 2015
6:00 p.m.
Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

- Members Present:** Chair Gordon Walker, Vice Chair Paxton Guyman, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Janet Janke, Commissioner Jeremy Lapin, Alternate Joseph Demma
- Staff Present:** Community and Economic Development Director Brian Berndt, Senior Planner Glen Goins, Associate Planner Mike Johnson, City Engineer Brad Gilson, City Attorney Shane Topham
- Others Present:** Gary McGee, Jill McGee, Gray Smith, Cynthia Smith, Jim Williams, Jackie McGill, Ken Hostetter, Mike Tuckett, Debbie Harvey, Eric Despain, Susan Despain, Gary Napel

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Walker called the meeting to order at 6:06 p.m. and welcomed those attending.

2.0 CITIZEN COMMENTS

Chair Walker opened the citizen comment period.

Nancy Hardy expressed her enthusiasm for the possibility of implementing live audio streaming of City meetings.

There were no further citizen comments.

3.0 ACTION ITEMS

3.1 (Project #CUP 14-009) Action on a request from Canyon Centre Capital for conditional use approval of the Canyon Centre Phase II site plan for a mixed-use project on 10.85 acres on the property located at 7359 South Wasatch Boulevard

Senior Planner, Glen Goins, presented the Canyon Centre Capital Phase II site plan and stated that few public comments were received. Concerns raised were addressed by the Architecture Review Committee (ARC) and have been dually amended. Staff recommends approval subject to the conditions set forth in the staff report.

Commissioner Lapin expressed his approval for the overall architecture. The close proximity of the detached product and the height of the apartment complex to the west are his only concerns. He expressed

hesitation with the parking access being located next to Racquet Club Drive and did not observe any queuing of cars.

Mr. Goins reported that there is not enough traffic along Racquet Club Drive to warrant queuing and does not anticipate it becoming a problem.

Commissioner Janke stated that overall, the project is laid out well. She hoped to see less density and expressed disappointment that the units are not being sold as condominiums. She is concerned with the three-foot distance between the units and believes they are too close.

Mr. Goins stated that the project falls under the maximum density and should be viewed as luxurious multi-family. The three-foot separation between units allows for privacy and is more of an aesthetic corridor. The conditional use is specifically for the additional height and setbacks. The size of the building to the north is over 10,000 square feet and the distillery of the restaurant requires it to be a conditional use.

Commissioner Bolyard believes that the proposal will be a good addition to the City.

Commissioner Jones appreciates the design and believes it will be beneficial for the City.

Chair Walker addressed Commissioner Janke's concern with the units not being sold as condominiums. He noted that the funding of specific types of condominiums is difficult. He thanked the developer for his work on the project.

Motion: Commissioner Lapin moved to approve Canyon Centre Capital's request for conditional use approval of the Canyon Centre Phase II site plan for a 10.85-acre mixed-use project on property located at 7359 South Wasatch Boulevard subject to the following:

Conditions:

Traffic

- 1. Prior to final approval, the applicant shall submit an amended traffic study summarizing the projected impact of a traffic increase within Canyon Centre and on the public rights-of-way accessing the Canyon Centre project area (i.e. Racquet Club Drive, Wasatch Boulevard).***

Applicable Documents and Plans

Canyon Centre Heights (Multi-family housing structure)

- 2. Prior to final approval, the applicant shall submit verification of vacation, abandonment, or permission for use of the Brown-Sanford irrigation ditch easement.***
- 3. The applicant shall submit the details of any planned or anticipated rooftop mechanical equipment.***
- 4. The applicant shall submit landscaping calculations demonstrating a minimum 15% of the lot area. This area can be calculated using the entire project area.***

Dugala Restaurant

5. *The applicant shall submit lot coverage calculations in gross square footage and as a percentage of the total Canyon Centre project area.*
6. *The applicant shall submit landscape calculations, in square footage and as a percentage of the total Canyon Centre project area.*
7. *Prior to final approval, the applicant shall provide verification of easement vacation of existing easements throughout the property.*
8. *Prior to final approval, the applicant shall provide the height of any proposed on-site street lights.*

Canyon Centre Court (Single-family housing)

9. *The applicant be allowed a third-story addition on Lots 1 through 7, 9, 12, 15 to 17, as proposed and recommended to the Planning Commission by the DRC.*
10. *The applicant shall provide lot coverage calculations, in gross square footage and as a percentage of the total Canyon Centre project area.*
11. *The applicant shall provide landscaping calculations, in square footage and as a percentage of the total Canyon Centre project area.*
12. *Prior to final approval, the applicant shall verify the vacation of the existing easement through the subject property.*
13. *Prior to final subdivision approval, the applicant shall provide a copy of the neighborhood Codes, Covenants, and Restrictions with specific detail addressing snow removal, property maintenance, and design guidelines.*

Architectural Design

14. *All exterior mechanical, utility, and communications equipment shall be screened by a wall that matches the architectural color and finish of the Canyon Centre project. Wall height for ground-mounted units shall be a minimum of one (1) foot higher than the tallest unit. All roof-mounted mechanical unit and screening shall be approved by the Planning Commission. Buildings must have a 10-foot separation between units.*
15. *No exterior roof ladders shall be allowed where they are visible to the public or from an off-site location.*
16. *Roof drainage systems shall be interior, except those that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural character of the building they are located on.*
17. *The face of all service entrances shall be flush with the building façade and painted to match the building.*
18. *Cut and fill slopes shall be rounded to blend with existing contours of the adjacent natural grades.*

Canyon Centre Heights

- 19. The applicant shall add more architectural character to the northwest corner of the structure.***
- 20. The applicant shall develop the northwest corner of the building with more plantings.***
- 21. The applicant shall revise the plaza area as follows:***
 - a. Ensure that at least 20% of the plaza area is landscaping.***
 - b. Add seating walls throughout the plaza area.***
 - c. Remove water features from the plaza area and add more area plantings.***
- 22. The applicant shall add additional plantings on the south side of the building.***
- 23. The applicant shall add shrub plantings around the perimeter of the entire building.***

Dugala Restaurant

- 24. The applicant shall integrate the corrugated metal material in a more holistic nature to the building's architecture.***
- 25. The applicant shall address the materials on the north wall of the building.***

Canyon Centre Court

- 26. The applicant shall limit or eliminate the amount of turf used throughout the neighborhood. Instead, consider using shrub and tree plantings using the same landscaping plant palate as used in the entire Canyon Centre project site.***
- 27. Prior to final approval, the applicant shall provide a grading plan, indicating grading of the private roadway, the neighborhood access, and driveways.***
- 28. The applicant shall be allowed to construct third-story additions on Lots 1 through 7, 9, 12, and 15 through 17.***

Exterior Lighting Design

- 29. All exterior luminaries shall meet all IESNA requirements for full cutoff, shall be aimed downward, and away from adjacent property lines except for sign lighting.***
- 30. The maximum height from finished grade of any light fixture shall be 18 feet.***
- 31. All exterior light poles, pole fixtures, and yokes shall be a flat black or dark bronze.***
- 32. Landscape lighting is not proposed or approved with this application.***
- 33. All lighting next to residential uses shall be full cutoff.***

34. *All signage shall be reverse pan channel (halo lit signs), designed to reduce the amount of light spillage to adjacent properties.*
35. *All building-mounted lighting shall be recessed or shielded so the light source is not directly visible from property lines.*

Flood Control

36. *Prior to final approval, the applicant shall submit storm drain calculations showing conformity with the overall drainage design, and with City Code requirements.*
37. *A development bond shall be submitted for any additional public improvements required to be made as a result of this application. The bond shall be submitted in the amount of 110% of the total improvement cost.*
38. *Prior to final approval, the applicant shall submit a complete Final Drainage Report and Plan.*
39. *The applicant shall construct at least one (1) refuse enclosure for each proposed use of this application.*
40. *Refuse enclosures shall be constructed to minimum Cottonwood Heights standards.*

Other

41. *The applicant shall demonstrate compliance with all geotechnical recommendations and provide mitigation of all unsuitable soils to meet soil-bearing capacity requirements of the ICC. Mitigation efforts shall meet air quality requirements for dust control and minimize noise, vibration, and visual impact to the adjacent properties.*
42. *Prior to issuance of a Certificate of Occupancy for any building in this phase, the applicant shall provide verification that each site conforms to all geologic and geotechnical studies performed on the site.*
43. *On the final plan set, the applicant shall indicate and label snow storage areas, subject to approval from the Cottonwood Heights Public Works Department.*
44. *The applicant shall submit a Construction Mitigation Plan prior to beginning any construction work on site, as approved by staff.*
45. *The proposal shall meet all applicable code requirements, including the Cottonwood Heights Municipal Code and Zoning Ordinance, the International Building Code, the International Fire Code, APWA, and other applicable codes.*
46. *Planning Commission approval of this project shall represent preliminary approval. Final approval will be granted upon the applicant submitting all necessary construction plans, subject to staff approval.*
47. *The City formally initiated proceedings to amend the Sensitive Lands provisions of Chapter 19.72 of the Code and the proposed adoption of the new Chapter 19.72, Sensitive Lands Evaluation & Development Standards (SLEDS), before this application was filed and therefore the City invokes the pending ordinance provisions of Utah Code Ann. §10-9a-509(1)(a)(ii)(B).*

In addition to the requirements of Condition #46, final approval shall be conditioned upon compliance with the requirements of the proposed amendment to the SLEDS ordinance which is currently pending as approved by the City Council.

Findings:

- 1. The Canyon Centre Heights multi-family building is appropriate in size, design and scale, with the conditions proposed.*
- 2. The use of the Dugala Restaurant is compatible with the Canyon Centre project and surrounding area, given the proximity of another restaurant directly adjacent to the north of the subject property, adequacy of onsite parking, and the proposed building entrance orientation, facing Canyon Centre Parkway.*
- 3. The reduction in setbacks for Canyon Centre Court does not create a negative impact on the site or surrounding area, and the requirement that any construction must comply with all zoning, building, fire, engineering, and public works codes and requirements. The reduced setbacks allow for creative design and result in a unique product that complements the theme and character of the Canyon Centre Master Development Plan.*
- 4. The increase in height to a third story on Canyon Centre Court lots 1-7, 9, 12, 15-17 will not create a negative impact on the project or on the surrounding area. The lots proposed for a height increase are located farthest away from adjacent residential areas, and are all located directly adjacent to Canyon Centre Parkway. Any negative impacts caused by increased height are mitigated by locating the tallest units farthest from adjacent single-family residential uses.*
- 5. The uses proposed in the project are consistent with those allowed in the Mixed Use Zone.*
- 6. The uses will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity.*
- 7. The use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the City.*
- 8. The use will be harmonious with the neighboring uses in the zoning district in which it is to be located.*
- 9. Nuisances which would not be in harmony with the neighboring uses shall be abated by the conditions imposed.*
- 10. That protection of property values, the environment, and the tax base for the City will be assured.*
- 11. That the use will comply with the City's General Plan.*
- 12. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner.*
- 13. That the internal circulation system of the proposed development is properly designed.*
- 14. That existing and proposed utility services will be adequate for the proposed development.*

15. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts.*
16. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the City's General Plan, Subdivision Ordinance, Land Use Ordinance, and any applicable design standards.*
17. *That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances.*
18. *That the proposed use preserves historical, architectural and environmental features of the property.*
19. *That operating and delivery hours will compatible with adjacent land uses.*

The motion died for lack of a second.

Motion: Commissioner Guymon moved to approve the application subject to the following:

Conditions:

Traffic

1. *Prior to final approval, the applicant shall submit an amended traffic study summarizing the projected impact of a traffic increase within Canyon Centre and on the public rights-of-way accessing the Canyon Centre project area (i.e. Racquet Club Drive, Wasatch Boulevard).*

Applicable Documents and Plans

Canyon Centre Heights (Multi-family housing structure)

2. *Prior to final approval, the applicant shall submit verification of vacation, abandonment, or permission for use of the Brown-Sanford irrigation ditch easement.*
3. *The applicant shall submit the details of any planned or anticipated rooftop mechanical equipment.*
4. *The applicant shall submit landscaping calculations demonstrating a minimum 15% of the lot area. This area can be calculated using the entire project area.*

Dugala Restaurant

5. *The applicant shall submit lot coverage calculations, in gross square footage and as a percentage of the total Canyon Centre project area.*
6. *The applicant shall submit landscape calculations, in square footage and as a percentage of the total Canyon Centre project area.*
7. *Prior to final approval, the applicant shall provide verification of easement vacation of existing easements through the property.*

8. *Prior to final approval, the applicant shall provide the height of any proposed on-site street lights.*

Canyon Centre Court (Single-family housing)

9. *The applicant shall increase be allowed a third-story addition on Lots 1 through 7, 9, 12, 15 through 17, as proposed, as recommended to the Planning Commission by the DRC.*
10. *The applicant shall provide lot coverage calculations, in gross square footage and as a percentage of the total Canyon Centre project area.*
11. *The applicant shall provide landscaping calculations, in square footage and as a percentage of the total Canyon Centre project area.*
12. *Prior to final approval, the applicant shall verify the vacation of the existing easement through the subject property.*
13. *Prior to final subdivision approval, the applicant shall provide a copy of the neighborhood Codes, Covenants, and Restrictions with specific detail addressing snow removal, property maintenance, and design guidelines.*

Architectural Design

14. *All exterior mechanical, utility, and communications equipment shall be screened by a wall that matches the architectural color and finish of the Canyon Centre project. Wall height for ground-mounted units shall be a minimum of one (1) foot higher than the tallest unit. All roof-mounted mechanical unit and screening shall be approved by the Planning Commission.*
15. *No exterior roof ladders shall be allowed where they are visible to the public or from an off-site location.*
16. *Roof drainage systems shall be interior, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural character of the building they are located on.*
17. *The face of all service entrances shall be flush with the building façade and painted to match the building.*
18. *Cut and fill slopes shall be rounded to blend with existing contours of the adjacent natural grades.*

Canyon Centre Heights

19. *The applicant shall add more architectural character to the northwest corner of the structure.*
20. *The applicant shall develop the northwest corner of the building with more plantings.*
21. *The applicant shall revise the plaza area as follows:*
 - a. *Ensure that at least 20% of the plaza area is landscaping.*

- b. Add seating walls throughout the plaza area.*
- c. Remove water features from the plaza area and add more area plantings.*

22. The applicant shall add additional plantings on the south side of the building.

23. The applicant shall add shrub plantings around the perimeter of the entire building.

Dugala Restaurant

24. The applicant shall integrate the corrugated metal material in a more holistic nature to the building's architecture.

25. The applicant shall address the materials on the north wall of the building.

Canyon Centre Court

26. The applicant shall limit or eliminate the amount of turf used throughout the neighborhood. Instead, consider using shrub and tree plantings using the same landscaping plant palate as used in the entire Canyon Centre project site.

27. Prior to final approval, the applicant shall provide a grading plan, indicating grading of the private roadway, the neighborhood access, and driveways

28. The applicant shall be allowed to construct third-story additions on lots 1-7, 9, 12, 15-17

Exterior Lighting Design

29. All exterior luminaries shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from adjacent property lines except for sign lighting.

30. The maximum height from finished grade of any light fixture shall be 18 feet.

31. All exterior light poles, pole fixtures, and yokes shall be a flat black or dark bronze.

32. Landscape lighting is not proposed or approved with this application.

33. All lighting next to residential uses shall be full cutoff.

34. All signage shall be reverse pan channel (halo lit signs), designed to reduce the amount of light spillage to adjacent properties.

35. All building-mounted lighting shall be recessed or shielded so the light source is not directly visible from property lines.

Flood Control

36. Prior to final approval, the applicant shall submit storm drain calculations showing conformity with the overall drainage design, and with City Code requirements.

37. *A development bond shall be submitted for any additional public improvements required to be made as a result of this application. The bond shall be submitted in the amount of 110% of the total improvement cost.*
38. *Prior to final approval, the applicant shall submit a complete final drainage report and plan.*
39. *The applicant shall construct at least one (1) refuse enclosure for each proposed use of this application.*
40. *Refuse enclosures shall be constructed to minimum Cottonwood Heights standards.*

Other

41. *The applicant shall demonstrate compliance with all geotechnical recommendations and provide mitigation of all unsuitable soils to meet soil-bearing capacity requirements of the ICC. Mitigation efforts shall meet air quality requirements for dust control and minimize noise, vibration, and visual impact to the adjacent properties.*
42. *Prior to issuance of a Certificate of Occupancy for any building in this phase, the applicant shall provide verification that each site conforms to all geologic and geotechnical studies performed on the site.*
43. *On the final plan set, the applicant shall indicate and label snow storage areas, subject to approval from the Cottonwood Heights Public Works Department.*
44. *The applicant shall submit a Construction Mitigation Plan prior to beginning any construction work on site, as approved by staff.*
45. *The proposal shall meet all applicable code requirements, including the Cottonwood Heights Municipal Code and Zoning Ordinance, the International Building Code, the International Fire Code, APWA, and other applicable codes.*
46. *Planning Commission approval of this project shall represent preliminary approval. Final approval will be granted upon the applicant submitting all necessary construction plans, subject to staff approval.*
47. *The City formally initiated proceedings to amend the Sensitive Lands provisions of Chapter 19.72 of the Code and the proposed adoption of the new Chapter 19.72, Sensitive Lands Evaluation & Development Standards (SLEDS), before this application was filed and therefore the City invokes the pending ordinance provisions of Utah Code Ann. §10-9a-509(1)(a)(ii)(B). In addition to the requirements of Condition #46, final approval shall be conditioned upon compliance with the requirements of the proposed amendment to the SLEDS ordinance which is currently pending as approved by the City Council.*

Findings:

1. *The Canyon Centre Heights multi-family building is appropriate in size, design and scale, with the conditions proposed.*
2. *The use of the Dugala restaurant is compatible with the Canyon Centre project and surrounding area, given the proximity of another restaurant directly adjacent to the north of the subject*

property, adequacy of onsite parking, and the proposed building entrance orientation, facing Canyon Centre Parkway.

- 3. The reduction in setbacks for Canyon Centre Court does not create a negative impact on the site or surrounding area, and the requirement that any construction must comply with all zoning, building, fire, engineering, and public works codes and requirements. The reduced setbacks allow for creative design and result in a unique product that complements the theme and character of the Canyon Centre Master Development Plan.*
- 4. The increase in height to a third story on Canyon Centre Court Lots 1 through 7, 9, 12, and 15 through 17 will not create a negative impact on the project or on the surrounding area. The lots proposed for a height increase are located farthest away from adjacent residential areas, and are all located directly adjacent to Canyon Centre Parkway. Any negative impacts caused by increased height are mitigated by locating the tallest units farthest from adjacent single-family residential uses.*
- 5. The uses proposed in the project are consistent with those allowed in the Mixed Use Zone.*
- 6. The uses will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity.*
- 7. The use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the City.*
- 8. The use will be harmonious with the neighboring uses in the zoning district in which it is to be located.*
- 9. Nuisances that would not be in harmony with the neighboring uses, will be abated by the conditions imposed.*
- 10. The protection of property values, the environment, and the tax base for the City will be assured.*
- 11. The use will comply with the City's General Plan.*
- 12. Some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner.*
- 13. The internal circulation system of the proposed development shall be properly designed.*
- 14. Existing and proposed utility services will be adequate for the proposed development.*
- 15. Appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts.*
- 16. Architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards.*
- 17. Landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances.*

18. The proposed use preserves historical, architectural and environmental features of the property.

19. Operating and delivery hours will compatible with adjacent land uses.

The motion was seconded by Commissioner Jones.

Commissioner Bolyard stated that he is comfortable with the motion and considers the development to be a good addition to the community. He agrees with the public parking, which was well thought out and generously offered to the community.

Commissioner Guymon expressed concern with the proposed three-foot separation but believes that a 10-foot separation would create too much of a reduction of the density rights of the developer. He commented that there is not a meaningful difference between the two separations with regard to safety. He stated that as long as the Building Code requirements meet the safety concerns and fire walls, he would be in agreement.

Vote on motion: James Jones-Aye, Dennis Peters-Aye, Perry Bolyard-Aye, Paxton Guymon-Aye, Janet Janke-Aye, Jeremy Lapin-Nay, Chair Gordon Walker-Aye. The motion passed 6-to-1. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

3.2 (Project #PUD-14-001) Action on a request from Richard Cook, for a conditional use permit and site plan approval for the Giverny PUD located at 9160 S Wasatch Boulevard

Chair Walker presented the Giverny PUD request and stated that the Commission is allowing the developer to make a presentation and respond to many of the issues raised previously.

Mr. Goins stated that the above item was presented previously. Since that time the developer addressed a significant number of issues. The two main issues that prevented the item from appearing on earlier agendas were traffic, geologic, and geotechnical issues. The original proposal included 169 lots. That number has since been reduced to 165. The lots on the eastern edge were increased to a minimum of 8,000 square feet. The proposed access entry road has moved 20 feet to the north and additional parking is provided off of the main access. The developer changed the initial proposal of four lots along the McGee property to a total of two lots of over 15,000 feet. The applicant was asked to re-examine circulation of the pedestrian movement and add a sidewalk. The improvements were negotiated as a resolution to the issues raised in multiple transportation studies to the point that the City accepted from the applicant's Transportation Engineer the proposed mitigation measures. Geology and geotechnical issues were addressed to the satisfaction of the City Geologist with the conditions set forth in the staff report. Staff recommends approval with the specified conditions. With respect to Canyon Centre, a modification was proposed to Condition 34 which addresses notes on the subdivision plat and the structural engineering accommodations.

Dade Rose present on behalf of the applicant, Richard Cook. He stated previously it was requested that all seismic studies be conducted, completed, and approved by the City's consultants. Second, it was requested that the slope study be completed and that transportation studies be finished and reviewed by transportation engineers. Additional buffering of surrounding properties as well as an increase in pedestrian movement within the project was added and a description of the innovative design features was made available. Details of the seismic study were presented. Mr. Rose indicated that additional buffering was provided as requested and the access road was shifted from 23 feet to 34 feet from the Smith property line. Mr. Rose next detailed the pedestrian sidewalks throughout the development. With regard to the project's innovative design features, green space was added with a pond and park feature. He confirmed that there is a connection from the proposed development to Despain Way. Mr. Rose stated that there is a Fencing Plan

in place. If they are to fence around the Smith's or the McGee's properties they agreed to use wrought iron. He explained that they are not opposed to solid cedar fencing as suggested by the neighbors.

Commissioner Peters stated that the project will be one of the finest presented to the City recently, however, he still has concerns with the neighbors and their water and sewer connections.

Mr. Rose stated that the McGees have a water line easement that extends to Despain Way. They are required by law to continue to provide that service.

Dave Jenkins, from Ensign Engineers, stated that the intent would be for the new water line to be installed with the new road.

Mr. Rose confirmed that they will continue to provide the water service, regardless of whether it requires moving the existing water line or providing a new one, at no cost to the McGees or the Smiths. The Smiths do not have an easement for sewer as they presently use a septic tank. Sewer line installation was detailed. All property would be common and the homeowners' association would take care of maintenance and services. Title would be in the name of the HOA.

Commissioner Lapin expressed concern with the gates creating a barrier between neighborhoods. He is concerned with the consistency of the sidewalk systems and the arbitrary nature in which roads are selected for them.

Mr. Rose stated that there are three universal gates. They will be keyless and are intended as an accommodation. They are also used for traffic calming and to slow traffic rather than pursue an alternative such as speed bumps.

Motion: Commissioner Peters moved to approve the Giverny Planned Unit Development #PUD-14-001 action on a request from Richard Cook, for a conditional use permit and site plan approval located at 9160 South Wasatch Boulevard subject to the following:

Conditions:

- 1. Approval of this project constitutes a conditional use permit.***
- 2. Approval of this project constitutes approval of the planned unit development subdivision.***
- 3. The developer shall establish acceptable design guidelines, in a formalized manner, to be approved by staff as part of the final plat approval of the PUD.***
- 4. The proposed PUD shall be owned and maintained by a single or partnership Limited Liability Company, corporate entity, or jointly filed by all owners of land.***
- 5. The setbacks and lots standards are approved as proposed, and/or amended by the Planning Commission.***
- 6. Lots covered by at least fifty percent (50%) of the Sensitive Lands Overlay Zone shall have a height limitation of thirty (30) feet.***
- 7. In addition to the proposed sidewalk system, the developer shall provide enhanced intersection treatments, such as textured paving, to highlight pedestrian crossings, as agreeable and approved by the City Engineer.***

8. *Gates are allowed in accordance with the provisions of Title 12 and Title 14 of the Cottonwood Heights Municipal Code.*
9. *Fencing is limited to rear (and side yards for corner lots), and the perimeter, unless approved by staff for mitigating purposes. A six-foot fence shall be required around the perimeter of the Smith and McGee property. Said fence shall be mutually agreed upon between the applicant and property owners within the next 60 days.*
10. *Fences within the project shall not exceed six (6) feet in height.*
11. *Only one monument entry sign shall be allowed. The sign shall be limited to six (6) feet in height and no more than thirty-six (36) square feet in size. The sign shall be setback at least three (3) feet from the adjacent right-of-way.*
12. *All easements shall be duly mitigated to the satisfaction of staff and/or their assigns prior to the recordation of the plat(s).*
13. *Staff shall review and approve proposed fencing and gates. (per ARC 6-12-14)*
14. *All Sensitive Lands Areas shall be shown on the final plat.*
15. *Lots within the Sensitive Lands Overlay Zone shall have a minimum 3,500 square foot buildable area and a minimum dimension of fifty (50) feet.*
16. *Lots within the Sensitive Lands Overlay Zone shall allow dwelling units to be within 250 feet of a public street.*
17. *Lots within the Sensitive Lands Overlay Zone shall have a maximum 35% impervious lot coverage (includes roofs & driveways).*
18. *Lots within the Sensitive Lands Overlay Zone shall comply with all applicable requirements of Chapter 19.72.050 "Development standards" of the Sensitive Lands Code.*
19. *All development within the PUD shall comply with the provisions of the Cottonwood Heights Design Guidelines.*
20. *Details shall be submitted to staff regarding ownership, care and long-term maintenance for all open space parcels. Details shall be submitted as part of final plat approval.*
21. *Disputes regarding plat provisions, requirements or staff administration of these conditions, once approved and not subject to appeal, shall be brought before the DRC and/or Planning Commission for discussion and resolution.*
22. *Developer shall comply with APWA Specifications for construction.*
23. *All roads shall comply with International Fire Code, Appendix D, for access, roads, gates and dwellings. The project must meet all local building and fire code requirements.*

Storm drainage:

24. *Submit storm drain design, including plan and profile of all proposed storm drain infrastructure, including hydrologic and hydraulic calculations for the sizing of the infrastructure. Provide construction details for all proposed appurtenant storm drain facilities.*
25. *The developer shall bear the full cost of all offsite storm drain improvements. This includes the design and construction as approved by the City Engineer.*
26. *The developer shall meet all City standards and applicable NPDES storm water requirements for the proposed development which include drainage, subsurface infrastructure, detention, treatment, and transmission to accommodate the impacts from the development.*
27. *The developer shall obtain a flood control permit for discharge into Little Cottonwood Creek. The discharge may also require a Stream Alteration permit from the Utah State Engineer and additional permitting as directed by the State Engineer from the Army Corps of Engineers.*
28. *All work in the roadway right-of-way requires a permit and shall follow City requirements.*
29. *Show lot drainage on individual lots on the final plans. Sensitive Lands Requirements and Geologic Hazard Mitigation.*
30. *The Geotechnical Report specifies a line west of which over two inches of deformation may occur during a seismic event. For all lots with any portion of the lot located west of the line delineating two inches of deformation, a note shall be added to the plat that states that at least four inches of deformation, but maybe more, is expected and requires a structural engineering design to accommodate the deformation expected on that lot and that this requirement exceeds the criteria outlined in the IBC/IRC. A stamped and certified structural engineering design shall be performed with calculations and a cover letter stating that every structure has been designed to withstand 4-inches of deformation or the expected deformation whichever is greater. The calculations and letter must be stamped by a licensed structural engineer in the State of Utah.*
31. *A foundation observation inspection shall be performed by a licensed Geotechnical Engineer or geologist for each building lot.*
32. *All requirements of the geotechnical and geology reports shall be followed.*
33. *The final surface fault rupture study shall be recorded and submitted to the Utah State Geologist and kept on file at the City for review by the public.*
34. *All lots that require structural engineering to accommodate deformation shall have a separate notice recorded with the Salt Lake County Recorder's Office, in addition to notes on the subdivision plat. The wording and format of this notice shall be prepared by the City Engineer and City Attorney. The developer shall fully and promptly cooperate with the City to finalize such notices, cause such notices to be signed by the fee owners of such lots, and then deliver the approved signed notarized recordable notices to the City for recording as valid encumbrances against such laws.*
35. *Lots that require special structural engineering to accommodate additional differential settlement due to deformation shall be reviewed by a structural engineer and inspected by a structural engineer during construction. The cost for a third party structural review shall be*

borne by the applicant of the building permit.

- 36. Submit a map that shows all lots that are affected by any deformation that exceeds the standard of care as specified by the City Geologist.*

Wasatch Boulevard and Traffic Impact:

- 37. Comply with all requirements as outlined in the reviews by Dr. Joe Perrin, including, but not limited to:*
- a. Striping from south of the access to SR 210 with a center two-way turn lane and the transitions that are needed at SR 210 and south of the access point. Longitudinal stationing and dimensions are needed as well as radius and taper length, particularly at the southern end where the left turn lane is being developed so that it is clearly shown that it meets AASHTO standards.*
 - b. The curb line for extending south of the new access should be located 11 feet from the bike line so the north and south side curb lines align.*
 - c. Tie into the existing roadway to the north of the access and south of the access needs to be more clearly defined.*
 - d. Roadway design showing the sub base, base and asphalt sections and material specifications.*
- 38. Include the following note on the plat, "Private development must provide and maintain continuous public access through development for 3450 East, Treasure Way & Despain Way to Wasatch Boulevard. This includes ongoing maintenance and snow plowing on the same standard and scale as a typical residential public street. The repair period for any failing gate mechanisms shall not impede traffic flow for more than a 24-hour period in one calendar year."*
- 39. On the final plat, show a perpetual access easement and description for snow plows and the cross traffic access mitigation for the roads that connect to Despain Way, Treasure Way, and 3450 East. The easement shall be the width of the proposed roadway.*
- 40. The developer shall bear the costs of all off-site improvements that are required to mitigate the traffic impact from the development. A detailed plan set shall be submitted for approval by the facilities, drainage, grading, storm water infrastructure, pavement design, utilities, property lines, existing conditions, and other design requirements as directed by the City Engineer.*
- 41. All final design submittals, plans and memos must be stamped and signed by a professional engineer in the State of Utah.*
- 42. UDOT must approve the retiming of the signal for Wasatch Blvd/ State Road 210. Submit a new timing plan so that the City can assist the developer in obtaining approval from UDOT.*
- 43. The developer shall make full frontage improvements for all Giverny properties that front on Wasatch Boulevard, including parcel "U".*
- 44. A full roadway treatment is required before new striping is placed on the roadway, as required by the City Engineer and Public Works Director. Removing existing striping with grinding*

techniques or paint is not permitted on the chip sealed road on Wasatch Boulevard. The applicant will complete all these improvements prior to any certificate of occupancy being issued by Cottonwood Heights City.

The Commission had the following comments about proposed roadways in the development:

- 45. Roadways shall meet AASHTO standards.*
- 46. Development shall meet all ADA standards.*
- 47. Provide documentation of the resolution for all easement and boundary issues.*
- 48. If the Granite Annexation Plat is not approved, the developer shall obtain an access permit for Wasatch Boulevard from Salt Lake County and comply with all additional requirements by this jurisdiction.*
- 49. Provide sidewalks as required by City Code. Trails may be used in lieu of sidewalk. On the south side of the development, a trail way on the south backside of each lot may be used to connect each property.*

Final Plans and Documents:

- 50. Submit a final plan of the utility and construction drawings and obtain approval by the City Engineer.*
- 51. Submit a final plat.*
- 52. Submit an engineering bond estimate with unit cost breakdowns for approval by the City Engineer and obtain a bond based on the approved amount.*
- 53. Submit a copy of Environmental Reports.*
- 54. Provide offsite utility plans.*
- 55. Submit Full Construction Drawings with plan and profile and all applicable details.*
- 56. Submit final storm water calculations and report.*
- 57. Storm water Pollution Prevention Plan.*
- 58. Submit an Erosion Control Plan.*
- 59. Submit an O & M manual for the traffic gates and storm water treatment system.*
- 60. Prepare a plan for the relocation of the McGee water line. Said waterline to be relocated by the applicant or provide a new connection to subdivision water system at the option of the applicant.*
- 61. Submit a Snow Removal Plan.*
- 62. Submit a Traffic Control Plan.*

63. *Obtain approvals from other utilities.*
64. *The roadway along Wasatch Boulevard requires LED street lights that meet City standards. The streets lights shall be connected to Rocky Mountain Power by the developer. The lights shall be metered. The cost of all connections, fees, and hardware will be borne by the developer. The utility bill will be paid by the City.*
65. *Obtain an NOI prior to a pre-construction meeting with the City.*
66. *All other applicable designs, studies, plans, and documents as required by the City or other agencies including will serve letters from SLDPU and Cottonwood Sewer District.*
67. *The developer shall meet all requirements as outlined in the Cottonwood Heights Code of Ordinances and as required by the City standards for development as directed by the City Engineer.*
68. *The developer shall submit As-Constructed Drawings, both stamped paper and digital (GIS and CAD format).*

Geology / Geotechnical

69. *The rear yard setback of 15 feet for Lots 303 through 308 should be noted on the plat as a fault setback area. This 15-foot fault setback area is to remain a recorded fault setback unless a lot specific surface fault rupture hazard assessment is conducted that provides data satisfactory to the City to modify the setback.*
70. *Subsurface conditions within at least the 15 feet east of the proposed building footprint for Lot 302 shall be observed, prior to City approval for placement of footings, by a qualified Licensed Geologist to confirm that no active faults are located within 15 feet of the proposed footings for the residence constructed on that lot. The portion of Lot 302 that lies within 15 feet west of the east end of the area that will be observed shall be shown on the plat as a fault setback area on a line perpendicular to the mapped orientation of fault F-2b of the SBI surface rupture hazard study.*
71. *Subsurface conditions within at least the 15 feet east of the proposed building footprint for Lot 303 shall be observed, prior to City approval for placement of footings, by a qualified Licensed Geologist to confirm that no active faults are located within 15 feet of the proposed footings for the residence constructed on that lot. The portion of Lot 303 that lies within 15 feet west of the east end of the area that will be observed shall be shown on the plat as a fault setback area on a line perpendicular to the mapped orientation of fault F-2b of the SBI surface rupture hazard study.*
72. *For structures built on lots where any portion of the lot is located west of the two-inch deformation line, as shown on the subdivision plat, the Structural Design Engineer for the structure shall include, in the design of the structure, mitigation of all potential slope stability hazards assessed by the Geotechnical Engineer including all slope stability data provided by AGECE. At a minimum, four inches of potential slope deformation should be designed. If any portion of the structure is planned to be located west of the line delineating four inches of deformation at 10 feet of depth the Structural Design Engineer shall consider the additional slope stability hazards assessed by the Geotechnical Engineer and mitigate any anticipated*

deformation through improvements in the design of the structure.

- 73. The applicant shall connect a new sanitary sewer to serve the McGee and Smith residence if required by the applicable sewer district at the expense of the applicant, less the connection fee. (This condition was ultimately removed by the Commission).*

Findings:

This recommendation is based on the following findings:

- 1. The proposed PUD conforms to the recommended density of the underlying R-1-8 Zone.*
- 2. The proposed zone map amendment is adjacent to an existing R-1-8 Zone and development.*
- 3. The proposed PUD was reviewed by the Architectural Review Commission on June 12, 2014, and received a Certificate of Design Compliance.*
- 4. The project was approved in accordance with the applicable provisions of Chapter 19.78 "Planned Unit Development" of the zoning code.*
- 5. The project was approved in accordance with the applicable provisions of Chapter 19.72 "Sensitive Lands" of the zoning code.*
- 6. The project was approved in accordance with the applicable provisions of Chapter 19.84 "Conditional Uses" of the zoning code.*
 - a. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located.*
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity.*
 - c. That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the City.*
 - d. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located.*
 - e. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed.*
 - f. That protection of property values, the environment, and the tax base for the City will be assured.*
 - g. That the use will comply with the City's General Plan.*
 - h. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner.*

- i. That the internal circulation system of the proposed development is properly designed.*
 - j. That existing and proposed utility services will be adequate for the proposed development.*
 - k. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts.*
 - l. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards.*
 - m. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances.*
 - n. That the proposed use preserves historical, architectural and environmental features of the property.*
 - o. That operating and delivery hours will compatible with adjacent land uses.*
- 7. The project was approved in accordance with the applicable provisions of Title 12 "Subdivisions" of the Cottonwood Heights Municipal Code.*
 - 8. The project was approved in accordance with the applicable provisions of Title 14 "Highways, Sidewalks and Public Places" of the Cottonwood Heights Municipal Code.*
 - 9. Proper notice was given in accordance with Section 19.90.020 of the Municipal Code.*

The motion was seconded by Commissioner Bolyard.

With regard to Condition 60, Chair Walker stated that the private water line will be replicated as the existing service if the developer can do it more advantageously in a different manner, providing the exact same service.

Mr. Topham stated that Mr. McGee has a property right in the private water line and it is up to him to surrender it in favor of another.

Chair Walker stated that condition number 73 is for the sewer and the developer would be responsible if the McGees and Smiths were required to hook up to the new line and the developer would be required to provide the sewer for them. The McGees and Smiths would be responsible for the connection fee.

Mr. Jenkins stated that the proposed sewer lines are connecting to the three streets to the north. The elevation is higher than at the McGee's house. The Smiths could potentially connect, but it is not viable for the McGees and would be waived.

Commissioner Guymon is of the opinion that the Commission is trying to define terms for private negotiation. The developer has to reasonably mitigate the negative impacts of their development, but does not have to cure design flaws of an existing sewer system for a property owner. He stated that that is the responsibility of the McGees and not the developer.

Mr. Goins stated that the issue is really with state law. The Commission has the obligation to determine reasonable mitigation.

Mr. Topham is unsure that this is an area the conditional use approval statute intends the Commission to be involved in. It is an economic issue that occurs and he is having trouble imposing all of the costs on the developer when the McGees and Smiths have an upside if they do connect. He suggests the Commission not get involved in terms of conditions of approval of the application.

Commissioner Peters withdrew condition number 73 and implored the developer and applicant to do what they can to help the McGees and Smiths if they are ultimately required to connect.

Commissioner Guymon stated that this has been a long process and hopes it has been recognized that the process itself has merit. The developer made numerous changes to address the Commission's concerns regarding impacts and he commended them for their patience.

Commissioner Janke concurred with Commissioner Guymon and stated that although the project is not what she had in mind, she considers it to be aesthetically beautiful.

Commissioner Lapin wished he could support the project, but believes the developer has not addressed the pedestrian requirements of the PUD, among other items. He wants to see additional changes before he would be willing to grant approval.

Commissioner Bolyard stated that the ground is very desirable and the City could have ended up with a project much less desirable than what is proposed.

Chair Walker agrees that this project may not have been what he anticipated for this particular property. He appreciates the McGees and Smiths continuing to be involved in the process. He congratulated the developer on the project and thanked him for being receptive and for being willing to work with the community and the Planning Commission.

Vote on motion: Jeremy Lapin-Nay, Janet Janke-Nay, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Nay, Chair Gordon Walker-Aye. The motion passed 4-to-3. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

3.3 (Project #ZTA - 14-004) Action on a City-initiated text amendment to combine current Chapter 19.72 ("Sensitive Lands") and Chapter 19.75 ("Geological Hazard Areas") of the Cottonwood Heights Municipal Code into new Chapter 19.72 ("Sensitive Lands Evaluation & Development Standards" ("SLEDS"))

Community and Economic Development Director, Brian Berndt, presented the text amendment and stated this it has been in the process for roughly five years. The proposed amendment makes the ordinance more utilitarian and provides specificity on how the industry deals with these types of technical issues. Staff recommends the matter be forwarded to the City Council with a positive recommendation.

Motion: Commissioner Janke moved to recommend approval of Project #ZTA-14-004 to the City Council for action on a City-initiated text amendment to combine current Chapter 19.72 ("Sensitive Lands") and Chapter 19.75 ("Geological Hazard Areas") of the Cottonwood Heights Municipal Code into new Chapter 19.72 ("Sensitive Lands Evaluation & Development Standards" ("SLEDS")). The motion was seconded by Commissioner Jones. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-

Aye. The motion passed unanimously. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

3.4 Action to elect a new Chair and Vice Chair

Chair Walker stated the intent is to elect a new Chair and Vice Chair for the current calendar year.

Motion: Commissioner Guymon moved to re-appoint Gordon Walker as Chair for the following year. The motion was seconded by Commissioner Peters. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

Motion: Commissioner Bolyard moved to appoint Paxton Guymon to serve as Vice Chair for the following year. The motion was seconded by Commissioner Peters. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

3.5 Approval of December 3, 2014, Minutes

Motion: Commissioner Janke moved to approve the December 3, 2014, minutes. The motion was seconded by Commissioner Bolyard. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Abstain. The motion passed with one abstention. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

4.0 ADJOURNMENT

Motion: Commissioner Bolyard moved to adjourn. The motion was seconded by Commissioner Janke. The motion passed unanimously on a voice vote. Alternate Planning Commission Member Joseph Demma did not participate in the vote.

The Planning Commission Meeting adjourned at 8:08 p.m.

Minutes approved: 02/04/2015