

1
2 Commissioner Jones asked staff if the map shows the location of the irrigation line.

3
4 Mr. Johnson's understanding is that there is an easement.

5
6 Commissioner Bevan asked if there was an easement on the back of the new lot.

7
8 Mr. Johnson responded that the image referred to is a preliminary plat, and all easement issues will be
9 addressed prior to final plat approval.

10
11 John Cowley, president of the homeowners' association where the plat is located, said he has spoken to a
12 number of residents and none object to the subdivision.

13
14 Mr. Kershaw stated that the property owner is aware of the water issues and will address the issue
15 appropriately.

16
17 There were no further public comments. The public hearing was closed.

18
19 **3.2 (Project #ZTA-15-002) Public Comment on City Initiated Text Amendment to**
20 **Chapter 19.82 (Signs) of the Cottonwood Heights Municipal Code.**

21
22 Mr. Johnson reported that the amendment was the result of a U.S. Supreme Court decision stating that any
23 sign code that contains content-based regulations violates the First Amendment. The proposed change
24 addresses the content-based regulations, cleans up some of the graphics, and fixes grammatical errors.
25 Commissioner Ryser asked if there was a place in the Code that addresses how long the signs can be
26 posted. Mr. Johnson stated that there is a provision in the Code that limits the duration of temporary signs
27 to 12 or 20 calendar days.

28
29 Chair Guymon opened the public hearing. There were no public comments. The public hearing was
30 closed.

31
32 **3.3 (Project #ZTA-15-003) Public Comment on a City Initiated Text Amendment**
33 **to Chapter 19.36 (Mixed Use Zone) of the Cottonwood Heights Municipal**
34 **Code.**

35
36 Mr. Goins explained that the proposed amendment will set a precedent for how to deal with projects that
37 come before the Planning Commission and will determine which ones can be dealt with on a staff level.
38 Specifically, buildings over a certain size require Planning Commission approval while buildings under the
39 maximum set, will be addressed at staff level as a permitted use. A specific number had not been
40 determined.

41
42 Mr. Goins stated that another proposed change included an amendment to the maximum height. Currently,
43 the Code allows for two stories or a height of 35 feet, whichever is less. A third story could be requested
44 from the Planning Commission. Mr. Goins stated that the issue has been problematic in the past and he
45 recommended a cap with a maximum height. The amendment also allows for a buffer for a neighborhood.
46 For example, if a building height exceeds 35 feet, the building would have to be moved away from a
47 residential neighborhood one foot for each additional foot in height, up to 45 feet.

48
49 The amendment also addresses problems with light pollution. Mr. Goins stated that the City hopes to ease
50 this burden by restricting lights to a certain height and requiring that they be boxed to help prevent light
51 trespass onto neighboring lots. Mr. Goins reported that the proposed amendment will also remove

1 Architectural Review Commission approval in some cases and instead link approval to City Design
2 Guidelines which would be administered by staff.

3
4 Commissioner Griffin asked if the setback came into play with any type of residential neighborhood.
5 Mr. Goins stated that it includes all residential neighborhoods. Commissioner Bevan asked if the setbacks
6 would be the same if the building is exactly 35 feet tall. Mr. Goins stated that the Code did not change for
7 that height.

8
9 (6:19:54) Chairman Guymon opened the public hearing.

10
11 Gale Frandsen, a Cinnabar Lane resident, asked if the setbacks would be from the street or the rear property
12 line. Mr. Goins responded that the setbacks will be based on the location of a residential zone and linked to
13 protecting the residential side. Mr. Frandsen asked if the height limitations will also include air
14 conditioning and other units on top of the building. Mr. Goins explained that the City recognized
15 mechanical as incidental and traditionally has not counted such structures against the maximum height.
16 Mr. Frandsen asked if the Planning Commission was considering any proposals to the Hillside Shopping
17 Area near Cinnabar Lane. Mr. Goins was not aware of any specific proposals, although there had been
18 discussions with interested parties about the potential for future development. He noted that nothing
19 concrete had been proposed.

20
21 Commissioner Ryser asked if the Code could clarify what could be placed on top of a building because the
22 mechanical units can be large. Mr. Goins responded that other City codes have a maximum height for
23 mechanical units on the roof while others have setbacks from the edge of rooflines and screenings. He
24 stated that the typical approach in Cottonwood Heights has been a wall. Commissioner Ryser asked if it
25 was something the City should be looking at. Mr. Goins responded that the Code requires Planning
26 Commission approval for screenings, however, the Commission can require something else, if they prefer.

27
28 Chair Guymon asked if there was a definition in the Code defining incidental apparatus. Mr. Goins
29 responded that there is not. Traditionally they consider anything that is not part of the roof structure that is
30 used for mechanical purposes incidental.

31
32 Randy Whitehead gave his address as 2363 Cinnabar Lane and stated that his backyard abuts the Hillside
33 Shopping Center and the proposed changes will affect him. He asked what is specified in the current Code.
34 Mr. Goins reported that the Code currently allows 35 feet and up to 45 feet with Planning Commission
35 approval. Mr. Whitehead stated that even 35 feet would eliminate his view. Mr. Goins explained that the
36 Code does not protect views but will always consider the residential impact of any development.
37 Mr. Whitehead stated that the proposal to back the structure up one foot for every one foot of height would
38 not make a difference because the development will still destroy his privacy and views. Mr. Goins asked
39 for a new recommendation that might help Mr. Whitehead and his neighbors. Chair Guymon suggested
40 that Mr. Whitehead send an email with any suggestions. Mr. Whitehead expressed his love for the City and
41 a desire to preserve goodwill of the residents. He also expressed concern with lighting that now shines in
42 his neighbors' windows and the damage that occurred to his own home during construction. He remarked
43 that the little things make a community enjoyable. He recommended that the Planning Commission create
44 special provisions for residents that will be impacted by future development.

45
46 (6:37:00) Bart VanAllen, a Cinnabar Lane resident, stated that the enclosures around mechanical units
47 reduce noise and he was pleased that it was done. He also asked for help reducing light pollution because
48 the glare from neighboring buildings ruins his view and shines through his window all night long. He
49 stated that other cities require notice be sent to concerned residents. He requested that the Planning
50 Commission follow suit. Mr. Goins responded that there are notification procedures in place but a City-
51 wide Code Amendment that affects every property in the City has a different notification requirement.

1 Notification on the proposed amendment was not sent out because it was a City-wide consideration and not
2 based on a future development of the Hillside Shopping Area.

3
4 Richard Warr gave his address as 2384 East Catalina and stated that he is one street up from Cinnabar
5 Lane. He asked if the setback was in addition to the current setback. Mr. Goins explained that it would be
6 in addition to the current required 25 feet. Mr. Warr expressed concern with the light pollution and asked if
7 existing buildings will be grandfathered in or required to adjust to the new amendment. Mr. Goins
8 responded that the changes will not affect existing structures unless they make a change to the building.
9 Mr. Warr stated that when he first moved into his property, he was asked by his neighbor to top his trees to
10 preserve his view. Although he was reticent to do so, he recognized that it affected his neighbor's property
11 value. He asked that the Planning Commission act accordingly and consider the views of residents.

12
13 Commissioner Ryser asked if the current Code prohibits lighting from shining into homes. Mr. Goins
14 stated that lighting is addressed zone-by-zone, however, in the case of the properties being affected on
15 Catalina and Cinnabar, the structures were developed under Salt Lake County provisions. Mr. Goins stated
16 that staff has investigated lighting issues and had adjustments made when they became aware of the
17 problem. He expressed a willingness to address their concerns. Commissioner Ryser asked what the
18 residents should do next. Mr. Goins recommended they bring the issue to the attention of the City with an
19 address so that they can investigate the problem.

20
21 (6:46:50) Commissioner Jones shared his personal experience with problematic lighting and reported that
22 he worked with the City to address his neighbors' problems. He stated that the City is ready to help
23 residents.

24
25 Chairman Guymon reported that the public hearing would remain open until February 3, 2016.

26
27 **3.4 (Project #SUB-15-008) Public comment on a City Initiated Text Amendment**
28 **to Chapter 19.76 (Supplementary and Qualifying Rules and Regulations) of**
29 **the Cottonwood Heights Municipal Code.**
30

31 Mr. Goins stated that there are two main sections in the proposed amendment. The first involves the
32 addition of a provision that requires home occupations that intend to have clients come to the homes be
33 considered a conditional use and require a conditional use permit. The second would address fences and
34 walls since placing a fence on top of a wall can increase the height of the overall structure significantly.
35 The suggestion was that any wall that is proposed to be added to a property be considered part of a fence
36 and comply with the applicable fence height. The current height is six feet in height with the potential to
37 ask for eight feet with a conditional use permit. If the wall is considered necessary, it will not count against
38 the height.

39
40 Commissioner Jones asked if the first provision would include businesses such as preschools. Mr. Goins
41 indicated that preschools are in another provision of the Code.

42
43 Chair Guymon opened the public hearing.

44
45 Randy Whitehead asked for clarification on when a wall is required. Mr. Goins responded that the City
46 Engineer would determine whether a wall is required or elective.

47
48 There were no further public comments. Chair Guymon closed the public hearing.
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1 **4.0 ACTION ITEMS**

2
3 **4.1 (Project #SUB-15-008) Action on a request from Charles M. Koehn for**
4 **approval of a subdivision amendment of the Pheasant Wood Estates**
5 **Subdivision.**
6

7 Commissioner Ryser acknowledged a possible conflict and indicated that Mr. Koehn is a friend but that
8 friendship would not affect her vote on the matter.
9

10 *(6:56:35) Commissioner Jones moved to approve Project #SUB-15-008), a request from Charles M.*
11 *Koehn for approval of a subdivision amendment of the Pheasant Wood Estates Subdivision.*
12

13 *Commissioner Griffin seconded the motion. Vote on motion: Commissioner Greg Griffin –*
14 *Aye, Commissioner Sue Ryser – Aye, Commissioner James Jones – Aye, Commissioner Allen*
15 *Orr – Aye, Commissioner Craig Bevan – Aye, Chairman Paxton Guymon – Aye. The motion*
16 *passed unanimously.*
17

18 **4.2 Approval of Minutes for August 5, September 2, October 7 and November 4, 2015.**
19

20 *Commissioner Bevan moved to approve the minutes of August 5, September 2, October 7, and*
21 *November 4, 2015. Commissioner Jones seconded the motion. Chairman Guymon asked for a voice*
22 *vote. The minutes passed with the unanimous consent of the Commission.*
23

24 **5.0 ADJOURNMENT**

25
26 The Planning Commission Meeting adjourned at 6:58 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights*
2 *City Planning Commission Meeting held Wednesday, January 20, 2016.*

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9
10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary

13
14
15 Minutes approved: March 2, 2016