

1                                   **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
2                                   **PLANNING COMMISSION WORK MEETING**

3  
4                                   **Wednesday, September 4, 2019**

5                                   **5:30 p.m.**

6                                   **Cottonwood Heights City Council Room**

7                                   **2277 East Bengal Boulevard**

8                                   **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Members Present:** Chair Graig Griffin, Commissioner Craig Bevan, Commissioner Jesse  
13 Allen, Sue Ryser, Christine Coutts, Dan Mills

14  
15 **Staff Present:** Community and Economic Development Director Michael Johnson, City  
16 Attorney W. Shane Topham, Deputy City Recorder/HR Manager Heather  
17 Sundquist, Senior Planner Matthew Taylor, Youth Council Representative  
18 Nicholas Johnson  
19

20 **WORK SESSION**

21  
22 Chair Graig Griffin called the meeting to order at 5:06 p.m. and welcomed those in attendance.  
23

24 **1.0 Planning Commission Business.**

25  
26 **1.1 Review Business Meeting Agenda.**  
27

28 The agenda items were reviewed and discussed. Project CUP-19-008 is a request for 13 mixed-  
29 use live-work townhomes at 1810 East Fort Union Boulevard. An aerial map of the area was  
30 displayed, which showed that the subject property is adjacent to the Fort Union Fire Station. Three  
31 actions are required including site plan approval, a Conditional Use Permit for increased height  
32 and decreased setbacks, and preliminary plat approval of 13 lots. It was suggested that the public  
33 hearing be conducted and the matter continued to the next meeting. It was noted that the project  
34 was not reviewed by the Architectural Review Commission. The existing home on the site has  
35 been demolished and most of the trees have been removed. The property is just over one-half acre  
36 in size.  
37

38 With respect to the site plan approval, 13 units are proposed all of which are physically connected  
39 in one continuous structure. Because there are more than 10 units proposed, it is considered a  
40 major subdivision and both the site plan and the preliminary plat require Planning Commission  
41 approval. Other issues that will be considered are height and setbacks. A height of 35 feet is  
42 allowed in the Gateway Overlay District. In order to increase the height, a Conditional Use Permit  
43 is required. In addition, only two stories are permitted while three stories are proposed.  
44

45 For the purposes of measuring height, the Code states that if at any one point the finished floor is  
46 eight feet or more below grade, that story is not counted. In this case, there is a basement level on

1 the ground floor and three stories above. The request for a third story is also a conditional use.  
2 The zoning ordinance addresses what constitutes a story and bases it off of existing or natural  
3 grade rather than finished grade. Staff recommended a screening plan be implemented. There  
4 were 14 feet measured from the nearest point on the corner to the existing sidewalk and 10 feet at  
5 the corner. It was noted that the stairs count technically as part of the setback.

6  
7 A comment was made that it seems like if they were to do a zero-lot-line it would be better to place  
8 them against the fire station. In response to comments made, it was noted that one of the reasons  
9 the Fort Union setback was reduced was due to the potential for a required right-of-way dedication  
10 as a result of the Fort Union Plan.

11  
12 Procedural issues were discussed. The Planning Commission would need to tie any denial to a  
13 finding that one of the standards is not being met and the potential detriment cannot be overcome  
14 by imposing conditions. The issue of public clamor was discussed. The comment was made that  
15 public clamor should not have much to do with the decision. The issues of setbacks and walkability  
16 were also discussed.

17  
18 Staff recommended the Planning Commission take public comments and that the project go onto  
19 the ARC the following week. The matter should then be addressed next month. In the meantime,  
20 it was recommended that they obtain the lighting plan, waste and recycling pickup information,  
21 verify setbacks and street frontages, and provide full frontage improvements for a future bike lane  
22 and sidewalk. In terms of frontage improvements, staff was looking for an eight-foot sidewalk,  
23 five-foot bike lane, and 2 ½ feet for curb and gutter. The dedication is required to provide a full  
24 13 feet from the back of curb.

25  
26 Project SPL-19-007 was next discussed. In April, the Planning Commission recommended a  
27 rezone to the Mixed-Use Zone. The lots were previously zoned mixed-use. An existing retaining  
28 wall was estimated to have been built in the 1960s or 1970s. The property is surrounded by single-  
29 family. The property is zoned R-1-8 but is a church. The proposal included a request for 23  
30 townhomes. The plan had been reviewed by the ARC twice. The units will be live-work units  
31 with a main floor and a small office flex space. There are several permitted and conditional uses  
32 but primarily they are small professional offices. The retaining wall on the site is roughly the same  
33 height as the existing retaining wall. An internal sidewalk that will service the units and the  
34 complex.

35  
36 In response to a question raised, it was noted that the property owner will be responsible for  
37 maintenance of the park strip. The applicants are asking for a third story. The buildings were all  
38 to be built at grade. The site plan is a permitted use and meets the permitted use guidelines with  
39 the exception of the front yard, street-side yard, and the third story.

40  
41 Height issues were next addressed. Concern was expressed with the portion that goes back into  
42 existing residential. It was clarified that the height of the main building is 35 feet. Setback issues  
43 were discussed. With regard to retaining walls, there seemed to be a separation between the two  
44 and an issue with walkability. The possibility of bringing things to the ground level to make the  
45 project more walkable was suggested. The retaining wall will require more maintenance and will  
46 be visible from Fort Union Boulevard. It was suggested that it be pushed toward the back of the

1 property. It was noted that 95% of the site is four to five feet above the road. To bring the buildings  
2 down would interfere with the parking within the project. It was suggested that alternatively, just  
3 the front portion of the building be brought down. The wall will provide privacy as it is a  
4 residential project. A comment was made that it would be better for the success of the retail space  
5 for it to be lower.

6  
7 With regard to parking, the project was determined to meet the minimum parking ratio. They met  
8 the standard and provided excess parking for the residential. There will likely be concerns  
9 expressed by the public about the tandem parking. Staff looked at it closely from a legal  
10 perspective and found nothing in the Code prohibiting it. There is the potential for overflow  
11 parking into the visitor/business spots or onto the street or adjacent sites such as the church.  
12 Conditions should be imposed specifying that the business/visitor spots be specifically assigned to  
13 business use only during business hours. To allow residential use after that would be determined  
14 by the HOA.

15  
16 **1.2 Additional Discussion Items.**

17  
18 **1.3 Adjournment.**

19  
20 *Commissioner Coutts moved to adjourn the Work Session. Commissioner Mills seconded the*  
21 *motion. The motion passed with the unanimous consent of the Commission.*

22  
23 The Work Session adjourned at 6:04 p.m.

1  
2 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
3 **PLANNING COMMISSION MEETING**

4  
5 **Wednesday, September 4, 2019**

6 **6:00 p.m.**

7 **Cottonwood Heights City Council Room**

8 **2277 East Bengal Boulevard**

9 **Cottonwood Heights, Utah**

10  
11 ***ATTENDANCE***

12  
13 **Members Present:** Chair Graig Griffin, Craig Bevan, Jesse Allen, Sue Ryser, Christine Coutts,  
14 Dan Mills

15  
16 **Staff Present:** Senior Planner Matthew Taylor, Community and Economic Development  
17 Director Michael Johnson, Associate City Planner Andrew Hulka, City  
18 Attorney Shane Topham, Deputy City Recorder/HR Manager Heather  
19 Sundquist, Youth City Council Representative Nicholas Johnson

20  
21 **BUSINESS MEETING**

22  
23 **1.0 WELCOME/ACKNOWLEDGEMENTS**

24  
25 Chair Graig Griffin called the Business Meeting to order at approximately 6:05 p.m. and welcomed  
26 those in attendance.

27  
28 **1.1 Ex-Parte Communications or Conflicts of Interest to Disclose.**

29  
30 Chair Griffin reviewed the Business Meeting procedures.

31  
32 **2.0 General Public Comment**

33  
34 Nancy Hardy commented that at the July meeting she was disappointed that the Planning  
35 Commission approved the 7-Eleven proposal at the old Wingers location without going on a site  
36 visit. The presentation resulted in several questions yet a vote was taken. She did not feel it was  
37 an informed vote. She was of the opinion that it was based on speculation and memory and not  
38 on the facts. She commented that those types of decisions give the citizens the impression that the  
39 City represents the developers.

40  
41 Alan Blank asked about the time limit for public hearings and who decided that. He stated that  
42 citizens are given three minutes to speak yet developers have an unlimited amount of time. Chair  
43 Griffin stated that the intent was to give citizens the opportunity to speak but ensure that meetings  
44 are not overly long. Developers are given more time to respond to questions. He explained that  
45 the Commission Members are citizens as well and are present to get as much information as  
46 possible and make an informed decision. That cannot happen if a meeting is out of order.

1  
2 Forrest Campbell recently reviewed the Master Plan the City published in 2017 and it reminded  
3 him of what Sugarhouse is doing where there is a combination of retail and apartments. He asked  
4 if the plan was permanent and if they had considered the parking challenges that will result from  
5 developing all the way up Fort Union Boulevard.

6  
7 Community and Economic Development Director, Michael Johnson, explained that the Fort Union  
8 Master Plan was adopted in 2017 and is a portion of the General Plan. It provides a future vision  
9 for the Fort Union Corridor in terms of transportation, land use, development patterns, and existing  
10 and future conditions. It is not a legally binding document but is a policy document that has been  
11 used by the City Council and staff to create ordinances and regulations to implement the goals and  
12 visions set forth in the plan. That level of planning does not typically anticipate finite details.

13  
14 There were no further public comments. The public comment period was closed.

### 15 16 **3.0 BUSINESS ITEMS**

#### 17 18 **3.1 (Project CUP-19-008) – A Public Hearing and Possible Action on a Request by** 19 **Nathan Anderson for Approval of 13-Mixed-Use Live-Work Townhomes,** 20 **including a Conditional Use Permit for an Increase in Height and a Decrease** 21 **in Setbacks, at approximately 1810 East Fort Union Boulevard in the MU –** 22 **Mixed-Use Zone.** 23

24 Associate City Planner, Andrew Hulka presented the staff report and identified the property on a  
25 site map displayed. The request is for 13 live-work townhomes on a parcel that is slightly over  
26 one-half acre in size. Three actions are required by Code including site plan approval, conditional  
27 approval for an increase in the height and a decrease in setbacks, and approval of a preliminary  
28 plat. The home on the site has been demolished and the lot mostly cleared. The subject property  
29 is directly adjacent to the fire station on Fort Union Boulevard. The zoning of the surrounding  
30 uses was described.

31  
32 With regard to height, the proposed building is 38 feet and three stories. There are 13 units  
33 proposed with each unit having office space on the lower level. The use and density is approved  
34 and allowed in the zone. The height is measured from the average existing grade to the highest  
35 point of the roof structure. What is permitted is two stories and 35 feet without conditional use  
36 approval. Staff recommended approval of the height increase. The Fort Union Master Plan was  
37 referenced along with the long-range plan for the City being to create a main street, reduce  
38 setbacks, and increase heights along Fort Union Boulevard. There are perceived negative impacts  
39 from height so conditions could be imposed to mitigate them.

40  
41 Setbacks will also require conditional approval. The applicants are proposing 14-foot setbacks in  
42 front, five on the east side, 25 feet on the south, and seven feet on the west side. The permitted  
43 setbacks on the front are 20 feet. Mr. Hulka explained that decreased setbacks along Fort Union  
44 Boulevard are in harmony with the Fort Union Master Plan.  
45

1 With regard to lighting, the landscape plan shows bollard lighting with five in the front and five in  
2 the rear. Clarification was sought about what types of lights will be on the building. Pedestrian  
3 walkways are required by Code to be lit as well. Four street trees were proposed and are on Rocky  
4 Mountain Power's list of trees that are recommended below power lines.

5  
6 In terms of parking, 1.38 stalls were proposed per townhome. Two-car garages are proposed for  
7 each unit for a total of 26 total parking spaces, while 18 are required. A minimum parking  
8 requirement for the office space was proposed as part of the mixed-use. Five stalls are required in  
9 addition to what is provided in the garages. The minimum parking requirements are being  
10 exceeded by the applicant.

11  
12 Traffic reports were conducted with the project anticipated to generate approximately 71 new  
13 external daily trips. Five trips in the morning peak hours and six trips during the evening peak.  
14 The project traffic will add approximately .33% of the daily traffic to existing vehicles along Fort  
15 Union and 1% along Brookhill Drive. An existing driveway access will be removed from Fort  
16 Union Boulevard and place it along the side street.

17  
18 Staff recommended that the Planning Commission conduct the public hearing and then the  
19 consideration to a future meeting. The Architectural Review Commission (ARC) has to approve  
20 the design of any new construction in the Gateway Overlay District. Their meeting was postponed  
21 with the next one scheduled for September 12. Clarification was also sought on the setbacks, street  
22 frontage, the lighting plan, waste and recycling pickup, screening of mechanical equipment and  
23 waste facilities, and the verification of street trees with Rocky Mountain Power.

24  
25 The applicant, Nathan Anderson reported that there are clarifying issues to consider moving  
26 forward. They consulted with several professionals and looked in detail at the Fort Union Overlay  
27 Zone. What is presented is the culmination of several people coming together. With regard to  
28 height, their professionals indicated that the rooftop deck area would be very advantageous for the  
29 owner. Mr. Anderson explained that they will eliminate the rooftop decks so that the height is  
30 under 35 feet. He did not want a height exception and preferred to eliminate it. With regard to the  
31 side yards, the west side next to the fire station is 9.76 feet. They wanted to make it 10 feet but  
32 the Code as written stands back from the edge of the cantilevered deck. They will pull those back  
33 in so as to not encroach on the 10 feet.

34  
35 Mr. Anderson stated that their architects will redesign the entryways so that they come in on the  
36 sides. Doing so will eliminate the staircase from the Brookhill side so that there is a solid 10 feet.  
37 The setbacks will be 10 feet on the east, 10 on the west, 25 in the rear, and 20 feet in the front.  
38 With regard to cyclists, Mr. Anderson stated that he was willing to give the right-of-way for the  
39 bike lane on Fort Union Boulevard.

40  
41 Mr. Anderson stated that they have developed live-work townhomes in Salt Lake City and the  
42 residents have run their businesses there. Only one resident out of the 10, a seamstress, has people  
43 come to the site. The rest rely on digital communication. With regard to traffic generation,  
44 Mr. Anderson questioned whether the estimate was correct and stated that it might be if everyone  
45 in the project were to leave each weekday morning. In response to a question raised, it was  
46 estimated that the distance between the two buildings is 36 to 37 feet. Mr. Anderson noted that

1 the cantilever will exist but the railing will be pulled so as to not eliminate any footage from the  
2 20-foot setback.

3  
4 Chair Griffin opened the public hearing.

5  
6 Brent Doyle was opposed to the increased height on Brookhill and Fort Union.

7  
8 Nicki Selfridge, a 13-year resident, believed the project has the potential and expressed concern  
9 with the 35-foot height. She was concerned that the plans show three stories along the south with  
10 four stories on the north. The project views will be directly into her backyard and she would not  
11 want to purchase one due to the close proximity to the neighbor. She described the current zoning  
12 regarding conditional use permits where it states that such development will not be detrimental to  
13 the health, safety, comfort, order or general welfare of persons working or residing in the vicinity.  
14 She hoped the south four units would not be approved for the fourth level as a courtesy to both  
15 parties.

16  
17 Bill Smelser commented that the plan is appealing if built in a different location. He stated that  
18 the traffic pattern is based on a two-level structure where the proposed building has four levels and  
19 does not take into account the neighboring school.

20  
21 Forrest Campbell stated he lives near the development and pointed out that the street is narrower  
22 than what is shown on a typical residential street. It measures 23 feet and he did not see the  
23 possibility of constructing a bike lane in addition to the decreased setbacks. One car parked along  
24 the street creates an impassible situation. He believed the project will create the same situation  
25 along Brookhill. He was in favor of the design and it being in harmony with the Fort Union Master  
26 Plan.

27  
28 Chair Griffin explained that the bike path is along Fort Union Boulevard only and will not affect  
29 Brookhill. Mr. Hulka confirmed that the right-of-way is typically 50 feet in width. Sidewalk will  
30 be one of the required improvements.

31  
32 Janice Barson commented that she backs onto Brookhill and was surprised that the development  
33 includes the incline. She encouraged the developer to include excavation with a beautiful retaining  
34 wall.

35  
36 Kent Hugh, a Brookhill resident, asked if consideration has been given to an additional entrance  
37 off of Fort Union Boulevard rather than the proposed single access.

38  
39 Syndee Quigley was involved with the no parking initiative in the neighborhood to enable easier  
40 access and safety. She felt that the proposed building is too large for such a small space and was  
41 concerned about entering onto Brookhill. An entrance through Fort Union was proposed in order  
42 to keep children safe.

43  
44 Myrna Hill reported that she lives across from the project and is one of the two residents who will  
45 be most impacted by the proposal. She was devastated by the height and project in general. She  
46 expressed her opposition to the project.

1  
2 Travis Wardle stated if anyone parks on either side of Brookhill, it becomes a one-way road. He  
3 remarked that the increase from the project will only solidify the one-way access.  
4

5 There were no further public comments.  
6

7 *Commissioner Coutts moved to continue Project CUP-19-008 to the October 2 Planning*  
8 *Commission Meeting and keep the public hearing open. Commissioner Ryser seconded the*  
9 *motion. Vote on motion: Jesse Allen-Aye, Sue Ryser-Aye, Christine Coutts-Aye, Craig Bevan-*  
10 *Aye, Dan Mills-Aye, Chair Graig Griffin-Aye. The motion passed unanimously.*  
11

12 **3.2 (Project SPL-19-007) – A Public Hearing and Possible Action on a Request by**  
13 **John Prince for Approval of 24 Mixed-Use Live-Work Townhomes, Including**  
14 **a Conditional Use Permit for an Increase in Height and a Decrease in Setbacks,**  
15 **at Approximately 1650 East Fort Union Boulevard in the MU – Mixed-Use**  
16 **Zone.**  
17

18 Mr. Hulka presented the staff report and identified the property on a site map displayed. The  
19 request is for approval of 23 mixed-use live/work townhomes. The conditional use is for an  
20 increase in height from two to three stories and a conditional decrease in setbacks on the front yard  
21 along Fort Union and side yard along 1700 East. The zoning for the property is mixed-use and  
22 located in the Gateway Overlay District. The land use currently is single-family. The zoning of  
23 surrounding uses was described. Parking is contained within each unit with 10 outside stalls  
24 accessed by the collective drive that exits onto 1700 East.  
25

26 The proposal has been to the Architectural Review Commission twice and is pending final  
27 approval. The applicant made several changes to improve the project and bring it into compliance  
28 with the City’s design guidelines. The most recent changes involved breaking up the massing of  
29 the building into two buildings, eliminating one unit. Exterior details were reviewed. ADA access  
30 had been included internally. The project meets all permitted use development standards with the  
31 exceptions of the conditional use requests. He confirmed that the details of an eight-foot sidewalk  
32 and bike lane will be worked out.  
33

34 With regard to setbacks, the applicant has requested a six-foot setback reduction to 14 feet.  
35 Setbacks along Fort Union Boulevard vary with a minimum setback of 7.75 feet. The average  
36 front yard setback is 18 feet with a right-of-way dedication and a request for an additional eight  
37 feet. A minimum height for the mixed-use zone of 33.5 feet has been met. Staff recommended  
38 approval and believed the proposed building height and massing will help achieve the downtown  
39 feel and support the General Plan. The parking was determined to meet the Code requirement with  
40 two spaces per townhome. The developers have provided 56 total stalls, while 46 are required.  
41 Parking was identified. Staff recommended a condition of approval that the applicant be very  
42 specific in the HOA documents regarding how parking will be managed. Mr. Hulka indicated that  
43 notes be included on the plat detailing business parking.  
44

45 With regard to traffic, the applicant provided a traffic study which the City Engineer will review.  
46 Staff recommended a continuance to allow final details to be further reviewed.



1  
2 The applicant, John Prince stated that he understood the residents' concerns with the new  
3 development. He agreed to leave a packet depicting plans and details for further review. He felt  
4 the project has integrity and was designed by award-winning architects going above and beyond  
5 on requirements. A traffic study was completed. A total of 38 parking stalls were recommended  
6 and they are proposing a total of 56. Mr. Prince noted that a similar project was built with  
7 comparable units at 1500 South Main Street. He encouraged the Commission Members and  
8 residents to visit the project. Traffic flow issues were described.

9  
10 Commissioner Coutts asked for clarification of the lighting plan. Mr. Prince described the various  
11 types of proposed lighting and emphasized that none will filter onto neighboring properties. Low-  
12 level lighting will be located between buildings. Mechanical units will be located on the rooftop  
13 and covered by a parapet, eliminating them from sight.

14  
15 Chair Griffin opened the public hearing.

16  
17 Ramona Doyle reported that she lives adjacent to the subject property and was opposed to the  
18 proposed density and height. Traffic was a concern and she believed it will infringe on her privacy.

19  
20 Forrest Campbell stated that the proposed height is of concern and projects like this can force  
21 traffic through neighborhoods and past the elementary school.

22  
23 Allan Blank stated he lives directly behind the development and expressed concern with the plan  
24 depicting 31% landscaping. Increased traffic could pose a safety issue along with business street  
25 parking. He did not feel the project was appropriate for the neighborhood and will negatively  
26 impact the quality of life.

27  
28 Liliana Casale reviewed Section 19.84.080 of the Code and expressed concern with increased  
29 traffic and pollution. She calculated 167 trips per day, which will create more congestion and  
30 safety concerns. She asked how the developer will mitigate the problems this project will create.  
31 The loss of view will result in decreased property values. She wished to continue the discussion  
32 detailing environmental concerns.

33  
34 Kathy Jensen, a Park Ridge resident, and expressed concern with traffic utilizing 1700 East as a  
35 short cut. She asked for the distance to the light from the egress from the project. Her mother  
36 lives on La Cresta Drive and was denied a request to expand. Ms. Jensen remarked that it seems  
37 that exceptions are made for developers rather than private citizens.

38  
39 Sydnee Quigley questioned how municipal services will support the additional units and if their  
40 taxes will increase due to the additional units. She also asked if there will be a privacy wall  
41 constructed as well as visitor parking.

42  
43 Ben Briggs, a Hill Rise Circle resident, expressed concern with traffic and safety. He reported that  
44 his son was hit by a driver who was not paying attention at 1700 East and 7200 South. The increase  
45 in traffic poses a problem for the safety of the children and he asked for clarification as to where  
46 parking will be located.

1  
2 Parys Lightel gave her address as 1685 East Staker Way and stated that she lives adjacent to the  
3 project. She is a teacher and lives to serve the community and its future. She believed the zoning  
4 was not done with clarity and honesty and she was told that mixed-use would mean a small shop  
5 with parking during the day and enforced height requirements. This is the last family  
6 neighborhood between Highland Drive and Fort Union Boulevard and it is already overloaded  
7 with traffic. Safety is a concern as is crime, decreased property values, and light and noise  
8 pollution. Residents of the project will be able to see directly into her backyard and into her  
9 children's bedroom windows. She commented that her children will never be able to play in their  
10 yard again. She expressed her opposition.

11  
12 Debi Durtschi reported that she has served on the Ridgecrest Elementary School Community  
13 Council since 2010 and assisted with the Safe Routes to School grant for sidewalk. She expressed  
14 concern with children coming up Fort Union Boulevard and turning on 1700 East continuing to  
15 school. Concessions and considerations with the developer were recommended allowing the  
16 children to cross safely.

17  
18 Paul Ellingson offered support for those backing the project. He remarked that the City should be  
19 representing the neighbors and not developers. The neighbors are not opposed to having additional  
20 neighbors but would like development to be done responsibly. When the project was first was  
21 presented as a mixed-use proposal, he felt that the residents' concerns were not heard. His main  
22 concern was safety along 1700 East. Because there is no left turn, it forces drivers to turn right  
23 and turn around.

24  
25 Leonard Gunderson reported that he owns and lives in the home the project will be just east and  
26 north of. He was not opposed to the development but feels he will be buried by the size and height.  
27 If his property value is diminished, he asked he be compensated for the lost value.

28  
29 Brent Doyle commented that traffic is a concern and backs up certain times of the day. He  
30 expressed opposition to the project height.

31  
32 Jenna Ellingson stated that if properties are to be developed, it should be done in coordination with  
33 the City and surrounding entities. She asked how autistic children in their neighborhood will be  
34 protected with the increased traffic.

35  
36 Lanae Ferre, a 43-year resident, believed the developer has proposed the height because he can  
37 and because it will generate additional income. She moved to Cottonwood Height for its beauty  
38 and emphasized the need to keep children safe.

39  
40 Russell Lightel expressed his love for the community and stated that he wants to raise his children  
41 there. He noted the absence of the applicant and opposed a 35-foot building in his backyard. He  
42 asked the Commission to consider their situation and put themselves in the residents' position.

43  
44 Callie Holme stated that she lives on 7080 South, which is the thoroughfare to Fort Union  
45 Boulevard. She is the mother of two autistic children and traffic has always been a problem.  
46 Increased traffic was a major concern for children and the elderly in the neighborhood. She

1 reported that a child trying to cross Fort Union Boulevard was hit by a bus. Ms. Holme expressed  
2 strong opposition to the project.

3  
4 Jim Blackburn gave his address as 6978 South 1700 East and emphasized the difficulty he has  
5 backing out of his driveway due to existing traffic congestion.

6  
7 Lori Mylar remarked that the project looks like it will be two large buildings with no room for  
8 growth around them. She commented that what is proposed does not fit in the community.

9  
10 There were no further public comments.

11  
12 Mr. Johnson reported that one recommendation of the Fort Union Plan was access management  
13 along Fort Union Boulevard and the elimination of conflict points. The City completed an Access  
14 Management Study that recommends the road striping and any additional concerns be brought  
15 back before the Commission.

16  
17 *Commissioner Ryser moved to continue Project SPL-19-007 to the next Planning Commission*  
18 *Meeting of October 2, 2019 and keep the public hearing open with the following:*

19  
20 ***Recommendations:***

- 21  
22 1. *Receive a Certificate of Design Compliance from the ARC.*
  - 23  
24 2. *Submit a traffic study and any pertinent preliminary plan information as*  
25 *requested by the City Engineer.*
  - 26  
27 3. *Submit a lighting plan with details about building-mounted lighting that complies*  
28 *with section 19.36.120 of the zoning ordinance.*
  - 29  
30 4. *Verify the appropriateness of the proposed street trees with Rocky Mountain*  
31 *Power.*
  - 32  
33 5. *That provisions be incorporated into the development CC&R's and condominium*  
34 *plat limited signage to the development sign plan or seek specific modification of*  
35 *sign plan by architectural review committee approval.*
  - 36  
37 6. *That the exterior parking stalls be sufficiently signed to indicate that parking is*  
38 *for business patrons and visitors only between the hours of 8:00 am and 5:00 pm*  
39 *and that this regulation is incorporated into the development CC&Rs and*  
40 *condominium plat and also explicitly detail the agreement among condominium*  
41 *owners on the use of parking spaces in common areas.*
  - 42  
43 7. *Safety mitigations proposed at the drive access to 1700 east including a diagram*  
44 *showing clear view angles that a driver is able to see as pedestrians are walking*  
45 *on the sidewalk.*
- 46

- 1           8.     *Provide elevations or 3D views including specification of screening materials*  
2                     *being proposed along the south property line and three units to the south.*  
3                     *Clarification of the southwest parking area.*  
4  
5           9.     *Address the ability of lowering the grade of the site to address the connection*  
6                     *concern increasing the connection between retail spaces on level 1 and Fort*  
7                     *Union and potentially lowering the impact of the height of the buildings to the*  
8                     *adjacent single-family residential.*  
9

10     *Commissioner Bevan seconded the motion. Vote on motion: Commissioner Allen-Aye,*  
11     *Commissioner Ryser-Aye, Commissioner Coutts-Aye, Commissioner Bevan-Aye, Commissioner*  
12     *Mills-Aye, Chair Graig Griffin-Aye. The motion passed unanimously.*  
13

14     Chair Griffin invited the public to attend the next Work Session to be held prior to the next Regular  
15     Business Meeting at 5:00 p.m. on October 2, 2019 in the Work Room. Mr. Johnson confirmed  
16     that staff will no longer send out additional mailers. He encouraged residents to refer to the City  
17     website as well.  
18

19           3.3     **(Project SUB-19-007) – A Public Hearing and Possible Action on a Request by**  
20                     **Giverny, LLC and Regal Homes for an Amendment to a Recorded Plat Note**  
21                     **on a Giverny Planned Unit Development Amended Subdivision at 9216 South**  
22                     **Wasatch Boulevard in the R-1-8 Single-Family Zone.**  
23

24     Mr. Johnson presented the staff report and stated that the request is a very technical proposed  
25     amendment to the recorded Giverny subdivision plat, but not a proposal to modify lots, streets,  
26     massing, or physical development. It is an amendment of a note written on the subdivision plat.  
27     Because of geologic hazards and slope stability issues, lots along the west ridge were required to  
28     be closely studied to determine what engineering mitigations could take place to ensure the houses  
29     built on those lots met minimum safety factors. The recorded note made everyone aware of the  
30     slope stability issues but also included information on very specific mitigations. AGEC  
31     Geotechnical Engineering completed a comprehensive analysis of the lots and recommended a  
32     very specific type of mitigation. The foundations were to be built deeper than what is standard  
33     based on how close they were to the tow of the slope.  
34

35     The City reviewed this method against the City’s Sensitive Lands Ordinance and met the standards  
36     at that time. That specific type of engineering was recorded right on the plat, where they generally  
37     would not record such a specific note on a plat. It was reported that a number of homes have been  
38     stalled as they have proposed alternative means of engineering to mitigate the slope stability  
39     hazard. Those alternatives mean the request cannot be approved because of the note on the plat  
40     stating that mitigation can be only done one way. Staff and the City Engineer acknowledged there  
41     can be multiple ways to safely mitigate the slope stability hazards.  
42

43     Mr. Johnson explained that an amendment to the plat note has been applied for by Regal Homes  
44     to make it more general. The language would specify that any lots that are not already developed  
45     along the ridge must still go through requisite engineering, meet all City Code requirements, be  
46     reviewed and approved by City Staff so safety is still guaranteed, and be any engineering method

1 the City finds acceptable to mitigate the hazard. Any homes already constructed in Giverny will  
2 not be affected by the note. If approved, staff will work with the applicant and the Salt Lake  
3 County Recorder to determine the best means of recording the change. He noted that because  
4 there are a handful of lots affected by the amended plat note, the owners of the lots will likely be  
5 required to sign the amended plat. Specific notice is required against each specific property that  
6 is separate from the plat. A very similar copy of that note has been recorded against the title of  
7 each of the lots. Staff recommended approval.

8  
9 Commissioner Coutts asked about the reference to the Code that addresses the deformation. She  
10 wanted to make sure the very specific information is not lost.

11  
12 Mr. Johnson referenced Chapter 19.72 Sensitive Land Ordinance, which requires very specific  
13 studies for different types of hazards.

14  
15 Commissioner Mills asked if the City had any concern with precedence when making exceptions.  
16 He also questioned if they anticipate a change to the Code if allowing the other means of  
17 mitigation. Mr. Johnson did not believe a precedent had been set due to the rigid review process  
18 for the sensitive lands lots being very specific.

19  
20 Chair Griffin opened the public hearing.

21  
22 Jim Phillips identified himself as one of the owners of Lot 412 located on the ridge. When he  
23 purchased the lot, he was not informed that there was a deformation on the lot or the ridge. He  
24 spent \$125,000 of his own money to mitigate the issue, which was not disclosed prior. He  
25 requested further consideration on how Regal Homes provides disclosures to lot owners and asked  
26 that it be reviewed to clarify the deformation. Regal Homes told him the information was located  
27 on the plat and he should have considered it more carefully. He appreciated the efforts of  
28 Mr. Hulka and the time he took to explain the deformation.

29  
30 An identified member of the public asked about the height of City Hall to help her gain perspective  
31 of the proposed project.

32  
33 Tony Catering indicated that he is one of the owners of the lots being considered. He asked the  
34 Commission to further review the issue as he has been trying to get his home built since June 2018.  
35 Because of the plat, it has been difficult to make any type of adjustment. He encouraged the  
36 Commission to approve the amendment.

37  
38 Commissioner Bevan was comfortable with the City engineer's recommendation of alternative  
39 mitigation procedures.

40  
41 There were no further public comments. The public hearing was closed.

42  
43 Commissioner Coutts emphasized the importance of notifying property owners. In the report,  
44 there is a specific application for how to build the foundation and there are other ways to  
45 structurally mitigate the issues. She encouraged clarity regarding the issues and the need for  
46 information to be disclosed.

1  
2 City Attorney, Shane Topham explained they are also required to record against the individual lots  
3 that are affected. When a lot is purchased and under contract, the property owner receives a title  
4 report that discloses the recording. It is incumbent upon the buyer to review the report. A separate  
5 Notice of Deformation was recorded against each of the affected lots as well as the plat note.  
6

7 Mr. Johnson confirmed that there are recorded notices specific to each lot which have not yet been  
8 received from the County Recorder.  
9

10 *Commissioner Bevan moved to approve Project SUB-19-007 based on the following:*

11  
12 *Findings:*

- 13  
14 1. *The proposed subdivision meets the applicable provisions of the Cottonwood*  
15 *Heights subdivision ordinance.*  
16  
17 2. *Proper notice was given in accordance with local and state requirements.*  
18  
19 3. *A public hearing was held in accordance with local and state requirements.*  
20

21 *Commissioner Ryser seconded the motion. Vote on motion: Commissioner Allen-Aye,*  
22 *Commissioner Ryser-Aye, Commissioner Coutts-Aye, Commissioner Bevan-Aye, Commissioner*  
23 *Mills-Aye, Chair Graig Griffin-Aye. The motion passed unanimously*  
24

25 3.4 **(Project ZTA-19-002) – A Public Hearing and Possible Action on a City-**  
26 **Initiated Zoning Text Amendment to Chapter 19.80; (Parking Standards) of**  
27 **the City’s Zoning Ordinance.**  
28

29 Senior City Planner, Matthew Taylor presented the staff report and stated that they recognize the  
30 concerns expressed over tandem parking. In areas where there is limited parking availability,  
31 tandem parking is acceptable. In the meantime, the negative impacts of parking in front of other  
32 homes, although legal, is an unwritten right. Other components include enforcement and the  
33 utilization of adjacent lots. Staff prepared an ordinance for consideration that can be forwarded to  
34 the City Council. Simplified language was detailed. Mr. Taylor explained that Provo City  
35 prohibits tandem parking in every scenario except for single-family homes as they have a  
36 minimum parking standard of three spaces for every home. Cottonwood Heights requires a two-  
37 parking space minimum. Outcomes the City would like to produce should be considered.  
38 Mr. Johnson clarified that there is a provision for developments in the Gateway Overlay District,  
39 but the ARC can approve modifications to the parking standards.  
40

41 Chair Griffin opened the public hearing.  
42

43 Kirk \_\_\_\_\_ stated that his garage is built for tandem parking as there is not enough space to  
44 build it two cars wide. He was in favor of tandem parking being allowed in single-family homes.  
45 He expressed trust and confidence in City staff and has always had a good experience with the  
46 City government.  
47

1 *Commissioner Ryser moved to continue Project ZTA-19-002. Commissioner Bevan seconded*  
2 *the motion. Vote on motion: Commissioner Allen-Aye, Commissioner Ryser-Aye,*  
3 *Commissioner Coutts-Aye, Commissioner Bevan-Aye, Commissioner Mills-Aye, Chair Graig*  
4 *Griffin-Aye. The motion passed unanimously.*

5  
6 **4.0 CONSENT AGENDA**

7  
8 **4.1 Approval of Planning Commission Minutes.**

9  
10 **4.1.1 Approval of Minutes for June 5, 2019.**

11  
12 *Commissioner Bevan moved to approve the minutes of June 5, 2019, as written. Commissioner*  
13 *Coutts seconded the motion. The motion passed with the unanimous consent of the*  
14 *Commission.*

15  
16 **4.1.2 Approval of Minutes for July 17, 2019.**

17  
18 *Commissioner Coutts moved to approve the minutes of July 17, 2019, as written. Commissioner*  
19 *Mills seconded the motion. Vote on motion: Commissioner Allen-Aye, Commissioner Ryser-*  
20 *Aye, Commissioner Coutts-Aye, Commissioner Bevan-Abstained, Commissioner Mills-Aye,*  
21 *Chair Graig Griffin-Aye. The motion passed unanimously with one abstention.*

22  
23 **4.1.3 Approval of Minutes for August 7, 2019.**

24  
25 *Commissioner Allen moved to approve the minutes of August 7, 2019, as written. Commissioner*  
26 *Ryser seconded the motion. Vote on motion: Commissioner Allen-Aye, Commissioner Ryser-*  
27 *Aye, Commissioner Coutts-Abstained, Commissioner Bevan-Aye, Commissioner Mills-Aye,*  
28 *Chair Graig Griffin-Aye. The motion passed unanimously with one abstention.*

29  
30 **5.0 ADJOURNMENT**

31  
32 *Commissioner Ryser moved to adjourn. The motion was seconded by Commissioner Allen. The*  
33 *motion passed with the unanimous consent of the Commission.*

34  
35 The Planning Commission Meeting adjourned at approximately 9:00 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, September 4, 2019.*

3  
4

5 Teri Forbes

6 Teri Forbes  
7 T Forbes Group  
8 Minutes Secretary

9  
10 Minutes Approved: October 2, 2019