



PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development

Meeting Date: December 4, 2019

NOTICE is hereby given that the Cottonwood Heights Planning Commission will hold a Work Session Meeting, beginning at 5:00 p.m. in Room 124 (Council Workroom) and a Business Meeting, beginning at 6:00 p.m. in Room 5 (Council Chambers) located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah on **Wednesday, December 4, 2019.**

5:00 p.m. **WORK MEETING**

1.0 Planning Commission Business

1.1. Review Business Meeting Agenda

The Commission will review and discuss agenda items.

1.2. A presentation by Landmark Design on an amendment to the Planned Development District (PDD) zone.

1.3. Additional Discussion Items

The Commission may discuss the status of pending applications and matters before the Commission and new applications and matters that may be considered by the Commission in the future.

6:00 p.m. **BUSINESS MEETING**

1.0 Welcome and Acknowledgements

1.1. Ex Parte Communications or Conflicts of Interest to Disclose

2.0 General Public Comment

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group that is present to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Senior Planner prior to noon the day before the meeting.)

3.0 Business Items

3.1. (Project CUP-19-019)

A public hearing and possible action on a request by Castle Valley Properties to approve a site plan and conditional use permit for the remodel and addition to an existing building for a proposed office and seven apartments/bed and breakfast use located at 6970 S. 3000 E. in the NC - Neighborhood Commercial zone.

3.2. (Project ZMA-19-005)

A public hearing and possible action on a request from Mohammad Pourkazemi for a zoning map amendment from RR-1-43 (Rural Residential – 1 acre lot minimum) to RR-1-21 (Rural Residential – 1/2 acre lot minimum) on 1.19 acres of property located at 8120 S. Royal Ln.

3.3. (Project SUB-19-012)

A public hearing and possible action on a request by Mo Vedadi for a reduction to the flag lot side yard setback requirement at the property located at 8564 S. Little Willow Cir. in the R-1-8 – Residential Single-Family Zone.

4.0 Consent Agenda

- 4.1. Approval of Planning Commission Minutes:
- October 2, 2019
 - November 6, 2019

5.0 Adjournment

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Planning Commission Deliberation
6. Planning Commission Motion and Vote

Planning Commission applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **NO agenda item will begin after 9 pm** without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than the Tuesday prior to the meeting at noon. Comments should be emailed to mtaylor@ch.utah.gov. After the public hearing has been closed, the Planning Commission will not accept any additional written or verbal comments on the application.

Notice of Participation by Telephonic/Digital Means

Planning Commissioners may participate in the meeting via telephonic communication. If a Commissioner does participate via telephonic communication, the Commissioner will be on speakerphone. The speakerphone will be amplified so that the other Commissioners and all other persons present in the room will be able to hear all discussions.

Notice of Compliance with the American Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, November 25, 2019 a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 25th day of November, 2019, Paula Melgar, City Recorder



PLANNING COMMISSION STAFF REPORT

Conditional Use Permit: Mixed-Use Office/Residential/Bed & Breakfast

Meeting Date: December 4, 2019

Staff Contact: Matt Taylor, Senior Planner

Summary

Action Requested

Site plan and conditional use permit approval at 6970 S. 3000 E. for a proposed remodel and addition to be used as

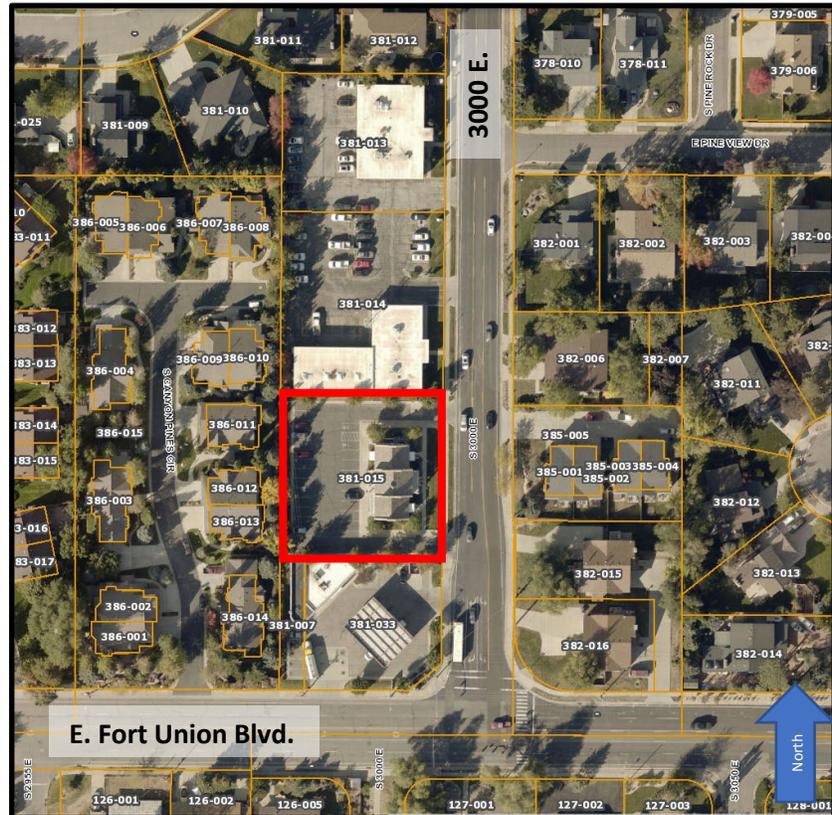
- 1) Office; and
- 2) 7 Residential Units/Bed and Breakfast

Recommendation

Approve, with conditions.

Applicant: Castle Valley Properties

Project #: CUP-19-019



Context

Subject Property #1

6970 S. 3000 E.

Property Owner

Castle Valley Properties

Acres

0.50

Parcel

22-23-381-015



Site Photos



Zoning and Land Use

Zone: NC – Neighborhood Commercial

Land Use: Vacant Retail, previously Elaine’s Quilt Shop

North

Zone(s): NC

Land Use: Office

South

Zone: NC

Land Use: Gas Station

East

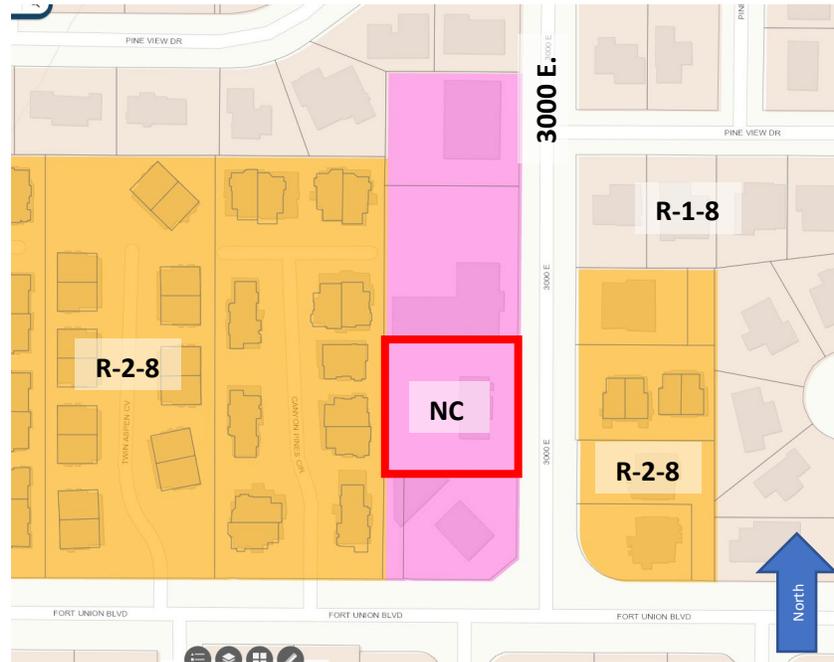
Zone: R-2-8 –Multi-Family Res.

Land Use: Twin Homes/Single-Family Res.

West

Zone: R-2-8 –Multi-Family Res.

Land Use: Twin Homes/Single-Family Res.



Applicant Proposal

The applicant is proposing a remodel and addition to an existing commercial building at 6970 S. 3000 E. in the NC - Neighborhood Commercial zone. All uses within the zone are conditional uses. The building and addition is proposed to accommodate:

- Seven two-bedroom apartments
- A 1,191 ft² commercial office space.

The applicant has described the proposal as follows:

“The structure on the property will undergo an interior remodel and an addition will be added onto the back of the building. Once the project is completed the structure will contain seven residential units and a commercial space. The commercial space will include offices and a garage area with four interior parking spaces and some storage space.”

“The seven residential units are planned to function as a Bed and Breakfast during the busy tourism months and long-term apartments during the slower months. The Bed and Breakfast will be managed from the commercial unit by the owners of the property or an employee working in that space. While operating as a bed and breakfast, breakfast items will be supplied and served to guest for consumption in each of their own private dining areas.” – See Attachment 1.

Analysis

Site Plan Review

The applicant has provided the following proposed site plan for the building addition:

Ordinance Review

Summary

	PERMITTED	PROPOSED
HEIGHT	35' max.	30'
STORIES	2	2
LOT COVERAGE	50% max.	22%
SETBACKS	Front and Sides: 25 min Rear: 25	25 min 44
PARKING	7 Apartments: 1.23 per unit 9 stalls Office: 2.84 per 1,000 ft ² 1780 ft ² in project = 5 Total: 14 total stalls	24 stalls

Staff Analysis

It appears that the minimum zoning criteria outlined has been satisfied. However, there are site plan design criteria that are not satisfied that will be addressed in the next sections of this report.

Lighting

A lighting plan has not been submitted. All building and site lighting must comply with the city's outdoor lighting ordinance.

Staff Analysis

It is proposed as a condition of approval that the lighting plan be approved by staff as part of the final site plan approval prior to the issuance of a building permit.

Screening and Fencing

Although an existing dumpster exists on site and is appropriately screened, no plans have been submitted for proper screening of condensing units or other mechanical equipment. Additionally, additional landscaping buffering is required per Chapter 19.80 – Parking for uses adjacent to residential uses. This will a

Staff Analysis

It is proposed as a condition of approval that details be provided demonstrating compliance with the screening requirements outlined in Section 19.37.120 and 19.37130.B prior to final site plan approval prior or the issuance of a building permit.

Parking Design and Layout

Although the minimum of required parking stalls is exceeded. There are design criteria relative to driveway width and stall orientation outlined in Chapter 19.80 CH code that are not satisfied, as follows:

- Two-way parking aisles with 90 degree parking require stall depths of 18 feet and a drive aisle of 24 feet (42 feet combined). The site plan is insufficient in this regard illustrating stall depth of 14 feet a drive aisle of 23 feet (37 feet combined).

Staff Analysis

As proposed, a final site plan could not be approved. However, staff does not view the design insufficiency as an insurmountable issue. The building addition could be reduced by five feet or the applicant could redesign the parking with angled parking (20.5 feet with a one-way driveway (14 feet) (requiring only 34.5 feet combined). Additionally, ADA accessible stalls will be required to be provided and designed. Even with these changes, staff anticipates that the site plan will accommodate 20-22 parking stalls will be able to be provided. A redesign of the garage doors could potentially accommodate two additional parking spaces within the proposed building addition. Staff recommends that the Planning Commission impose as a condition of approval that the site plan is reconfigured to meet all parking design requirements as outlined in Chapter 19.80 CH code, and that such reconfiguration maintain a proposed building addition of equal or lesser size than the site plan as presented by the applicant.

Conditional Use Permits

Conditional use of the NC zone include:

- *“Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter.”*
 - *“A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.” (see 19.37.040 CH code).*
- *Bed and breakfast*
 - *Bed and breakfast is defined as “a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations.” (see 19.04.340 CH code).*
 - *Dwelling is defined as “any building or portion thereof, which is designed or used as living quarters for one or more families.” (see 19.04.840 Ch code).*
- *Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;*
 - *This is defined as: “A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.” (see 19.04.1850 CH code).*

Staff Analysis

The proposed uses as described by the applicant, are all allowed conditional uses of the zone, with one exception. The definition for a Bed and Breakfast states that it is a dwelling used for multiple families, but must be “occupied as a permanent residence by an owner or renter.” If the Planning Commission determines to approve the proposal, a condition of approval is recommended that one of the units is permanently occupied by an owner or renter who will care for the tenants and provide the required “breakfast” service as defined by the zoning use definitions.

Criteria for Granting the Conditional Use permit

The city code establishes the criteria by which a conditional use permit may be issued:

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied (see 19.84.020.B CH Code).

Determination

The planning commission is required to approve or deny a conditional use based upon written findings of fact with regard to a set of standard (italicized type below) (see 19.84.080 CH Code). Staff has prepared findings of fact that the commission can consider adopting for each standard (unitalicized type below):

Per 19.84.080.B, CH Code, *“The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:*

1. *That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;*

Finding of Fact: The property located at 6970 S. 3000 E. is located in the NC – Neighborhood Commercial zone and office, mixed-use residential, and bed and breakfast uses are a conditional use within that zone.

2. *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;*

Finding of Fact: The proposed use, if compliant with the proposed conditions of approval, meet and often exceed the zoning requirements meant to protect the *health, safety, comfort, order or general welfare of persons residing or working in the vicinity*. With 22 to 24 on-site parking spaces, and restricted parking on 3000 East, Fort Union and the adjacent properties, parking is not anticipated to be a detriment.

3. *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;*

Findings of Fact: The use is a residential and commercial service that is fitting within the intent of the NC zone. These uses are compatible with the planning goals and objectives of the city as it provides services to residents, promotes business and economic activity, and puts a vacant retail building into productive utilization, and increases the tax base.

4. *That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;*

Findings of Fact: Neighboring uses are of commercial character with patrons coming and going for brief periods throughout the day. These uses are also largely conducted within buildings with patrons solely utilizing adjacent parking areas to arrive and depart from the premises. The design of the addition is harmonious with the existing building and compatible with adjacent residential uses in scale, form, and design.

5. *That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;*

Findings of Fact: The conditions imposed are meant to ensure that all zoning code requirements (that exist for the purpose of creating harmony with neighboring uses) are adhered to prior to any final approvals, building permits, or business licenses are issued.

6. *That protection of property values, the environment, and the tax base for the city will be assured;*

Findings of Fact: Productive economic utilization of the property with mitigated detriments will increase on-site and adjacent use property values. No degradation to the environment is anticipated. Increase utilization of commercial property increases the tax base is greatly anticipated with the number of residential uses planned for this site.

7. *That the use will comply with the city's general plan;*

Findings of Fact: Commercial and mixed-uses are within the goal of the City's general plan for this planning area.

8. *That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;*

Findings of Fact: The city licenses and regulates all business activity within the city. Conditional use permit conditions are required by city staff to be installed and inspected prior to the issuance of the business permit.

9. *That the internal circulation system of the proposed development is properly designed;*

Findings of Fact: The internal circulation system has been proposed for redesign according to City parking standards determined by Chapter 19.80 CH code as a condition of approval.

10. *That existing and proposed utility services will be adequate for the proposed development;*

Findings of Fact: Confirmation of adequate utility service will be required as part of the final site plan approval.

Potential Mitigating Condition of Approval: It is recommended that the final site plan approval, building permits or business license are not issued if utility providers indicate there is inadequate services.

11. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;*

Findings of Fact: The site is currently buffered by on-site and off-site landscaping and parking lots. The proposed use is not anticipated to increase light, noise and/or visual impacts.

12. *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;*

Findings of Fact: The use will be housed on an existing site already developed to conform with the city's land use ordinance and applicable design standards in force when the development occurred.

13. *That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;*

Findings of Fact: The landscaping is typical for that which currently exists within the NC zone. It currently meets minimum standards and is not proposed to be increased.

14. *That the proposed use preserves historical, architectural and environmental features of the property; and*

Findings of Fact: No change to the site is proposed.

15. *That operating and delivery hours will compatible with adjacent land uses.*

Findings of Fact: The hours of use are typical to those existing to each side of the property.

16. *The foregoing approval standards shall be subject to any contrary requirements of Utah Code Ann. § 10-9a-507, as amended.*

Findings of Fact: There is no conflict Utah Code Ann. [§ 10-9a-507](#), which governs how municipalities regulate conditional uses.

Recommendation

Staff recommends approval, with conditions as outlined below:

Recommended Conditions of Approval

Already stated as potential mitigating conditions of approval in this report, staff recommends that the Planning Commission impose the following conditions as part of the conditional use permit:

- That one of the units is permanently occupied by an owner or renter who will care for the tenants and provide the required “breakfast” service as defined by the zoning use definitions.
- That the lighting plan be approved by staff as part of the final site plan approval prior to the issuance of a building permit.
- That details be provided demonstrating compliance with the screening requirements outlined in Section 19.37.120 and 19.37130.B CH code prior to final site plan approval prior or the issuance of a building permit.
- That the site plan is reconfigured to meet all parking design requirements as outlined in Chapter 19.80 CH code, and that such reconfiguration maintain a proposed building addition of equal or lesser size than the site plan as presented by the applicant.
- That the final site plan approval, building permits or business license are not issued if utility service is found to be inadequate.
- That any conditions of approval will be represented on the final approved plans prior to the issuance of a building permit.
- That any conditions of approval will be completed, installed and/or inspected prior to the issuance of a business license.

Conclusions - Findings for Approval

- The proposed uses described in the report are a conditional use within the NC – Neighborhood Commercial zone.
 - A public hearing was held in accordance with local and state requirements.
 - That the Planning Commission adopts the written *Findings of Fact* outlined in the analysis of this report as demonstrating that the proposed animal day care use is compliance with the conditional use permit standards and that reasonable conditions are proposed to mitigate the reasonably anticipated detrimental effects of the proposed use.
 - That the Planning Commission adopt the recommended conditions of approval in this report as reasonable conditions to mitigate the anticipated detrimental effects of the proposed use.
-

Model Motions

Approval

I move that we approve project CUP-19-019, with the recommended conditions, based upon the findings for approval outlined in the staff report:

- List additional conditions...
- List findings for additional conditions...

Denial

I move that we deny project CUP-19-019, based on the following findings:

- List findings for denial...
-

Attachments

- Applicant statement
- Proposed project site plan, elevations and floor plans.

To: Cottonwood Heights Planning Commission

From: Castle Valley Properties

Date: November 4, 2019

RE: 6970 S. 3000 E. – Conditional Use

Thank you for taking the time to consider this proposal and Conditional Use application.

Castle Valley Properties recently purchased the property at 6970 S. 3000 E. The property was previously used as retail/commercial space and sits within a Neighborhood Commercial Zone. This zone consists of four properties along 3000 East. To the immediate south is a gas station (Dino Mart). To the immediate north of the property is the US Forest Service Station. Residential homes line the rear of the property.

The structure on the property will undergo an interior remodel and an addition will be added onto the back of the building. Once the project is completed the structure will contain 7 residential units and a commercial space. The commercial space will include offices and a garage area with 4 interior parking spaces and some storage space. The planting and green space areas on all borders of the property are planned to be kept as-is, to minimize the impact to neighbors on any side. The building will sit well within setbacks and would be attractive and well-kept.

The 7 residential units are planned to function as a Bed and Breakfast during the busy tourism months and long-term apartments during the slower tourism times. The Bed and Breakfast will be managed from the commercial unit by the owners of the property or an employee working in that space. While operating as a bed and breakfast, breakfast items will be supplied and served to guests for consumption in each of their own private dining areas.

Thank you for your consideration of our proposed use. We are excited to improve the property and add value to the area by providing quality dwelling units for guests and residents of Cottonwood Heights. We see this use as a benefit to the neighborhood, local restaurants, local retailers and to the city.

6970 S. 3000 E. – Existing Condition Photos



View from across street.



Aerial View of Front.



Aerial View of property.



View of North Driveway (next to Ranger Station).



View of South Driveway (next to Gas Station).



View from Gas Station on South side.



View from Ranger Station on North side.

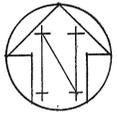
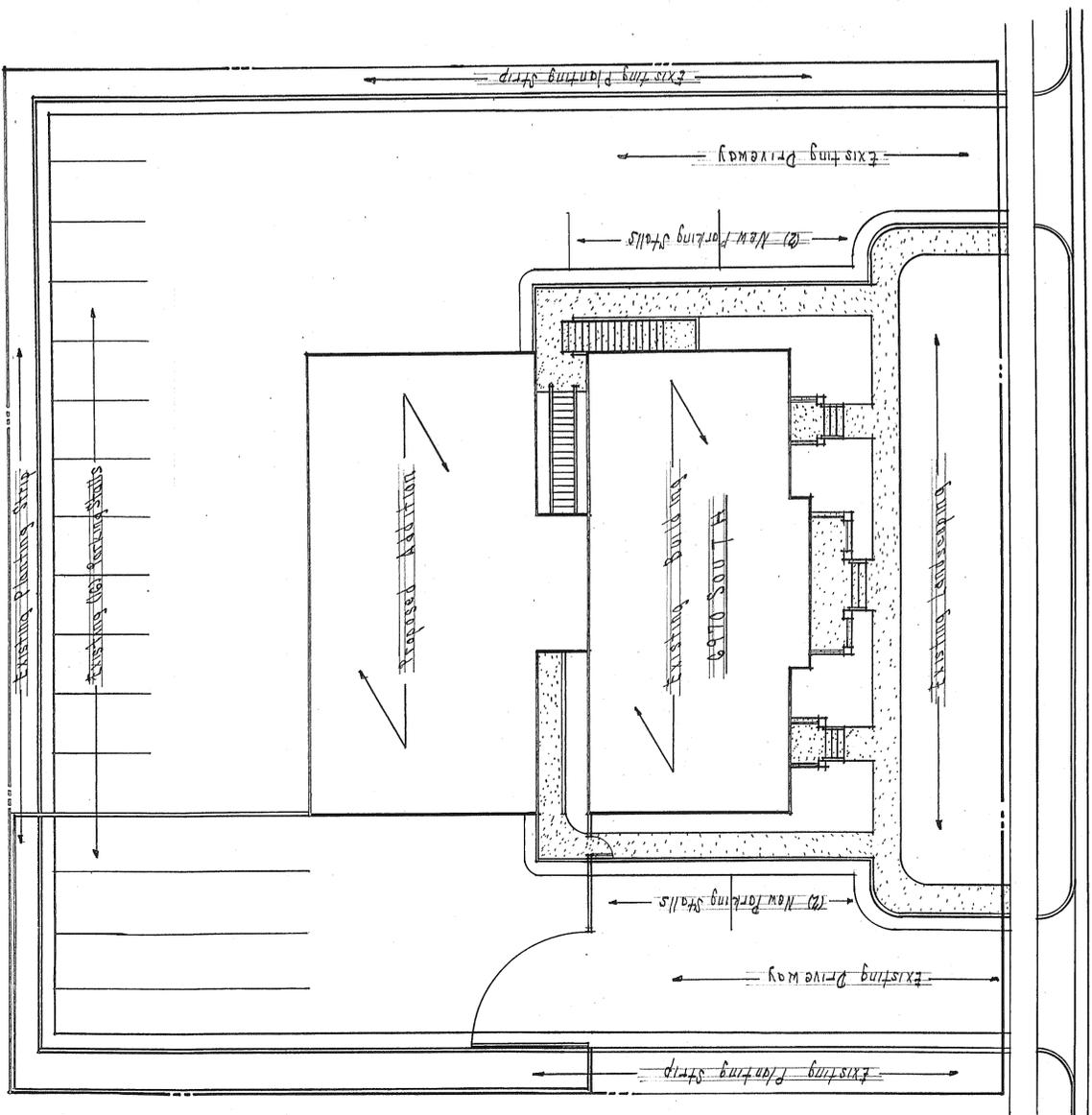


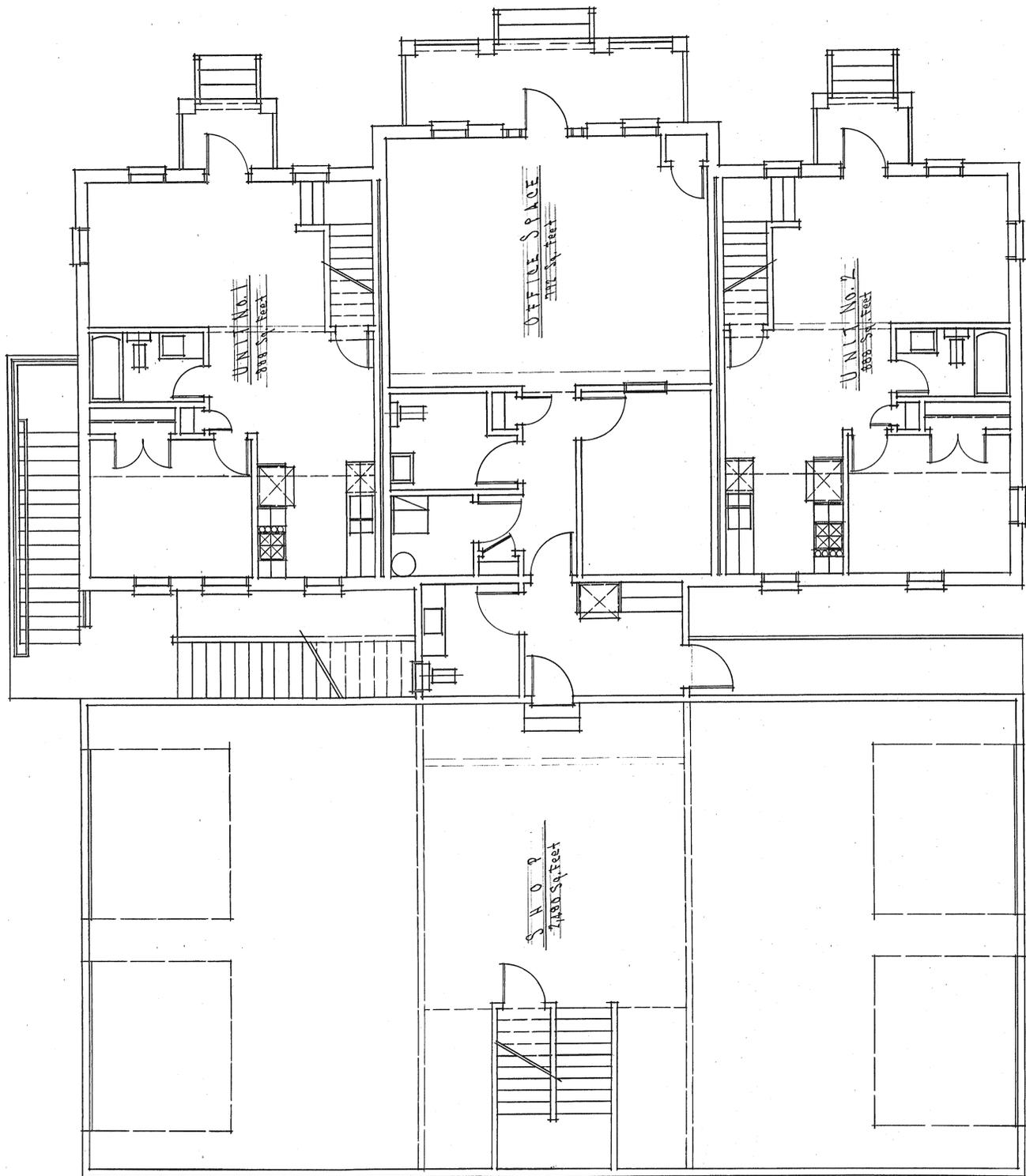
Rear parking lot viewed toward South.



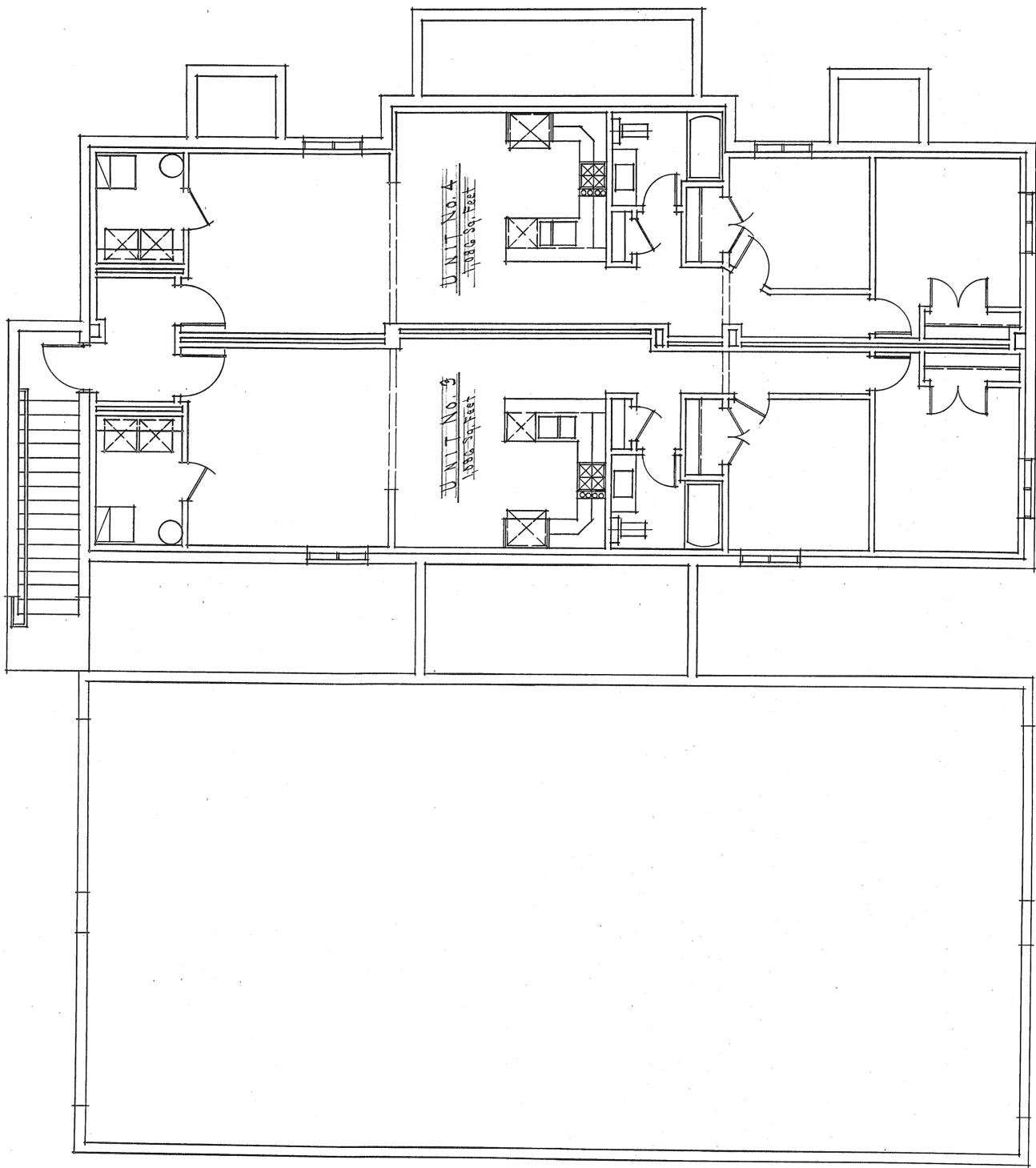
Rear parking lot viewed toward North.

1001 1/2 ST
N 47th St
LEANS 1511000 C
900 EAST STREET

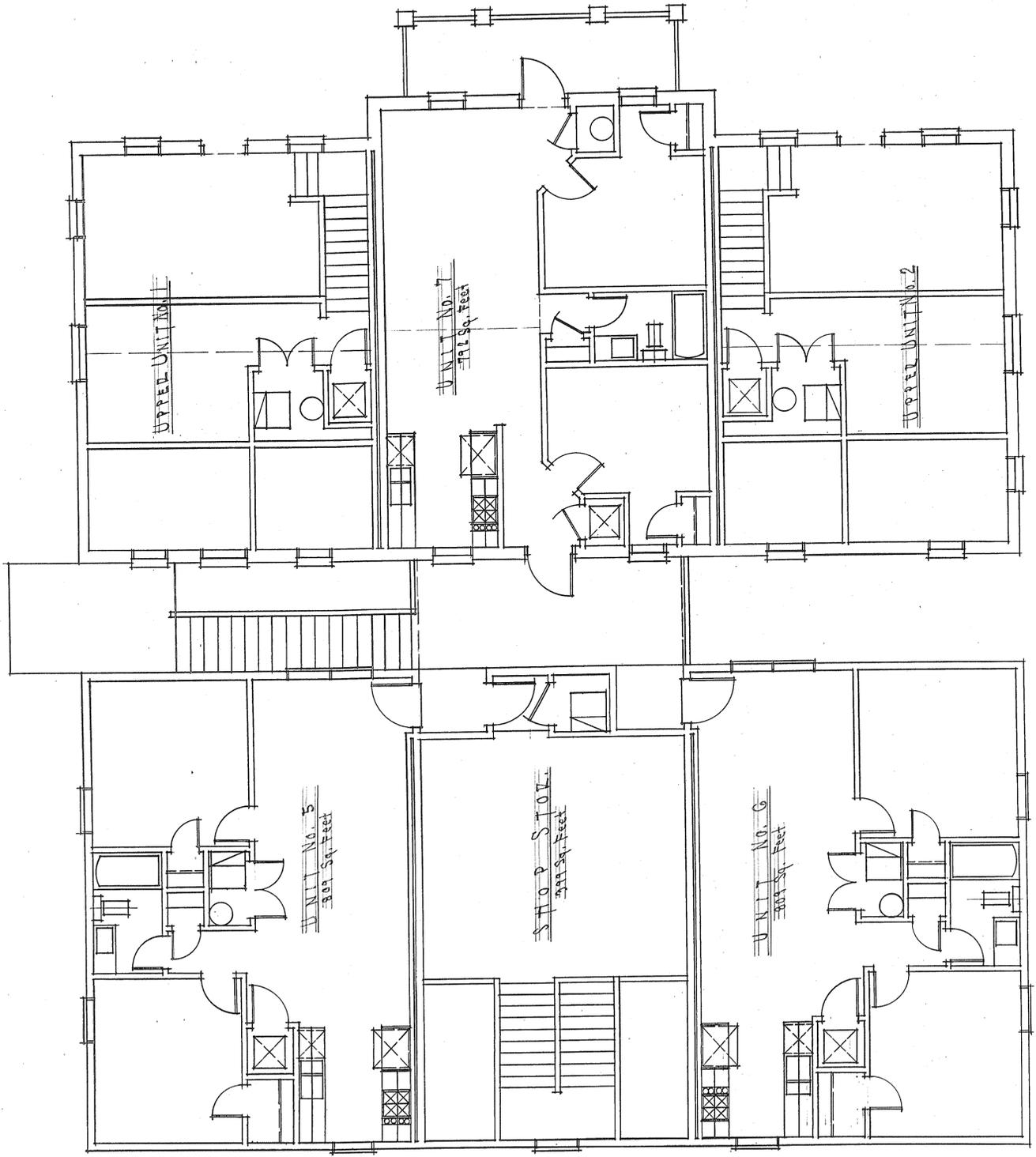




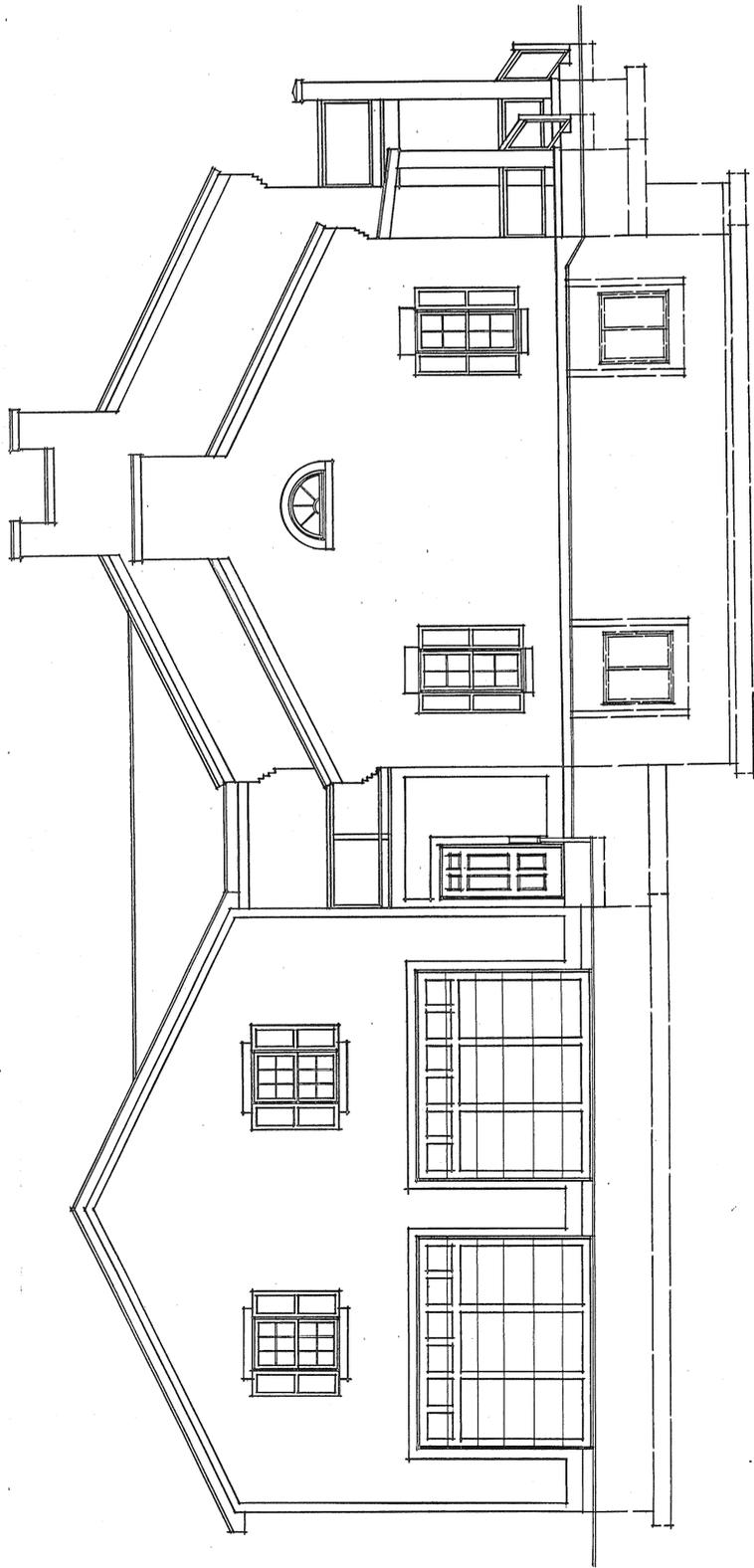
FIRST FLOOR PLAN
Scale 1/4" = 1'-0"



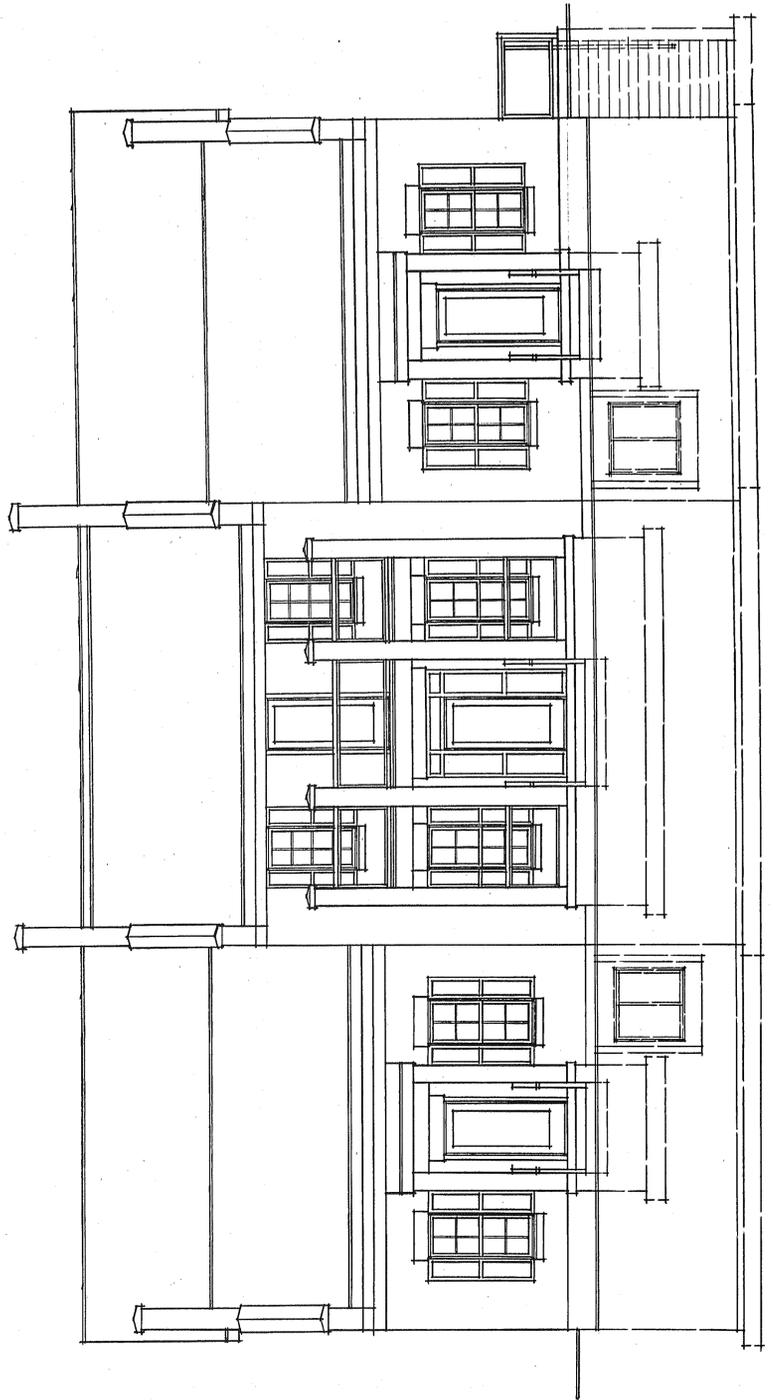
BASEMENT PLAN



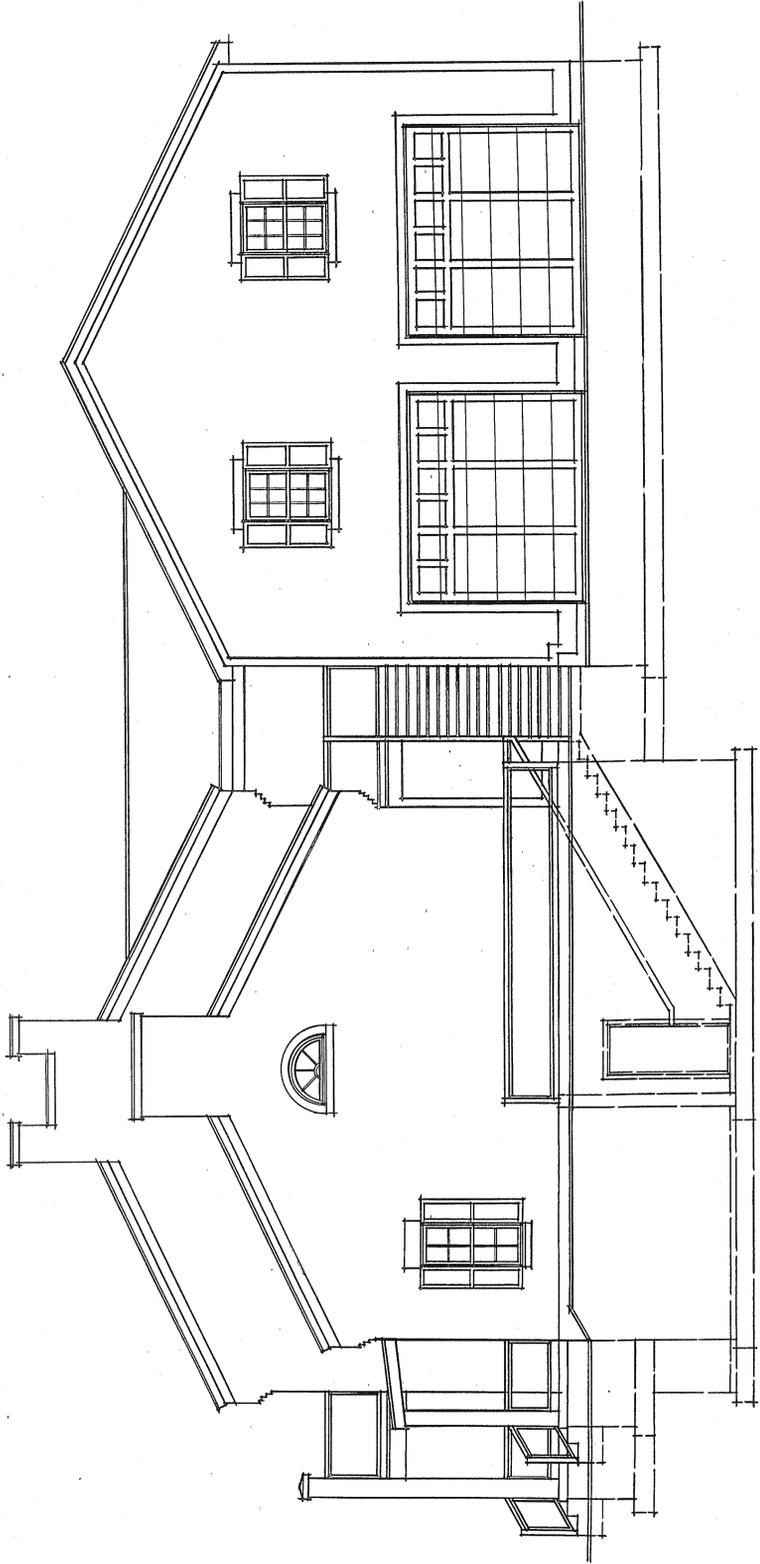
SECOND FLOOR PLAN
Scale 1/4" = 1'-0"



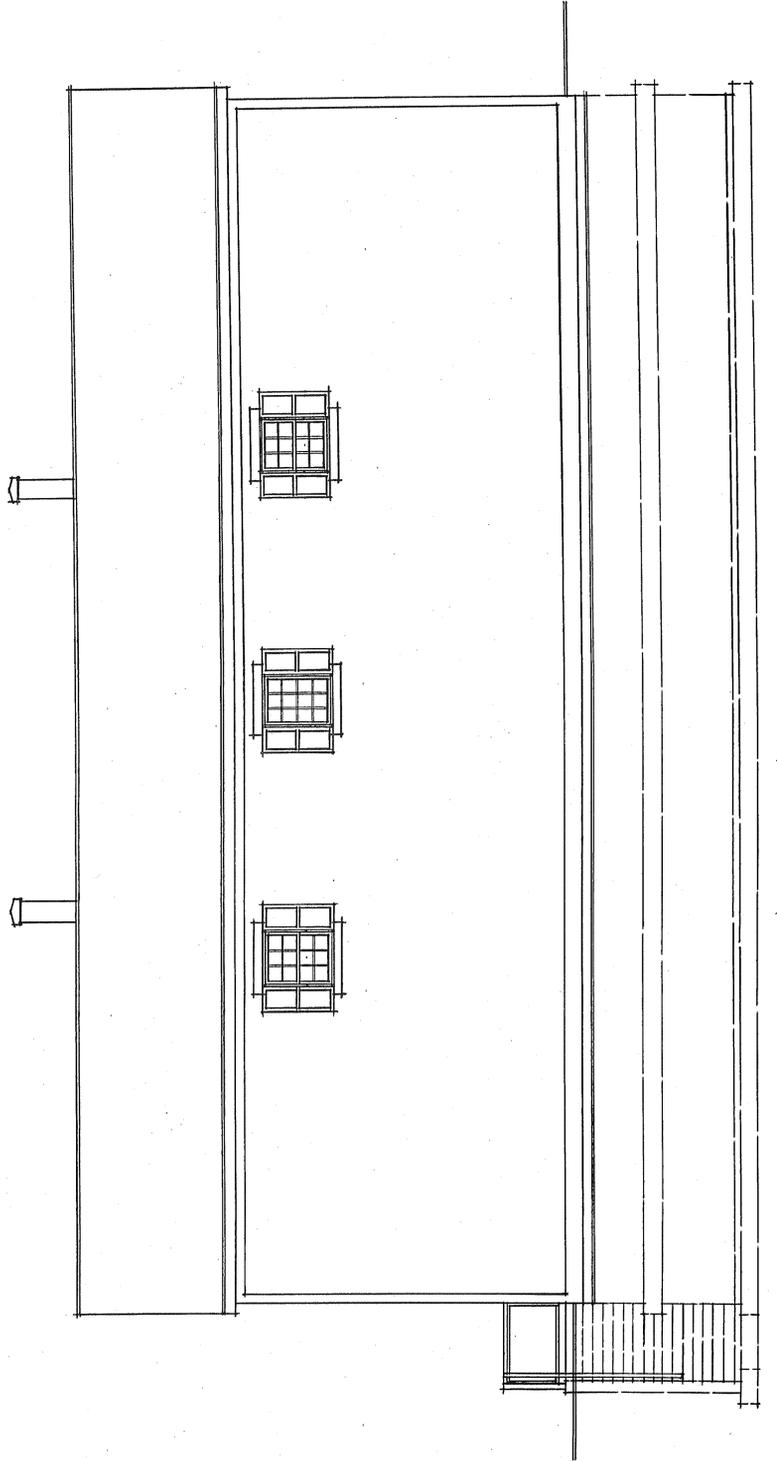
SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
Scale 1/4" = 1'-0"



WEST ELEVATION
Scale 1/4" = 1'-0"



PLANNING COMMISSION STAFF REPORT

Zone Map Amendment – 8120 S Royal Lane

Meeting Date: December 4, 2019

Staff Contact: Matt Taylor, Senior Planner

Summary

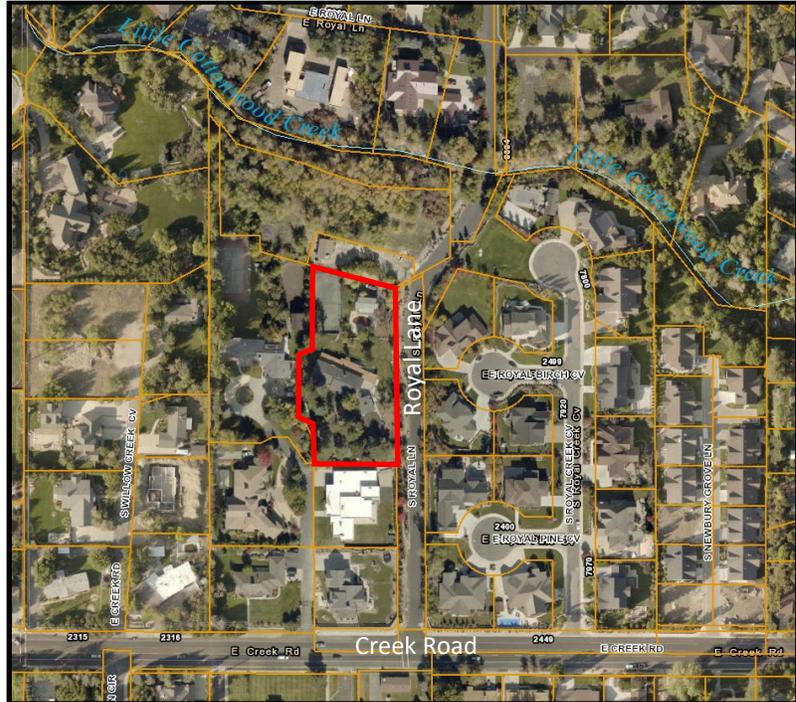
Applicant: Mohammad Pourkazemi

Subject Properties:
8120 S Royal Lane

Action Requested:
RR-1-43 (Rural Residential – 1 acre lot minimum) to RR-1-21 (Rural Residential – 1/2 acre lot minimum) on 1.19 acres of property.

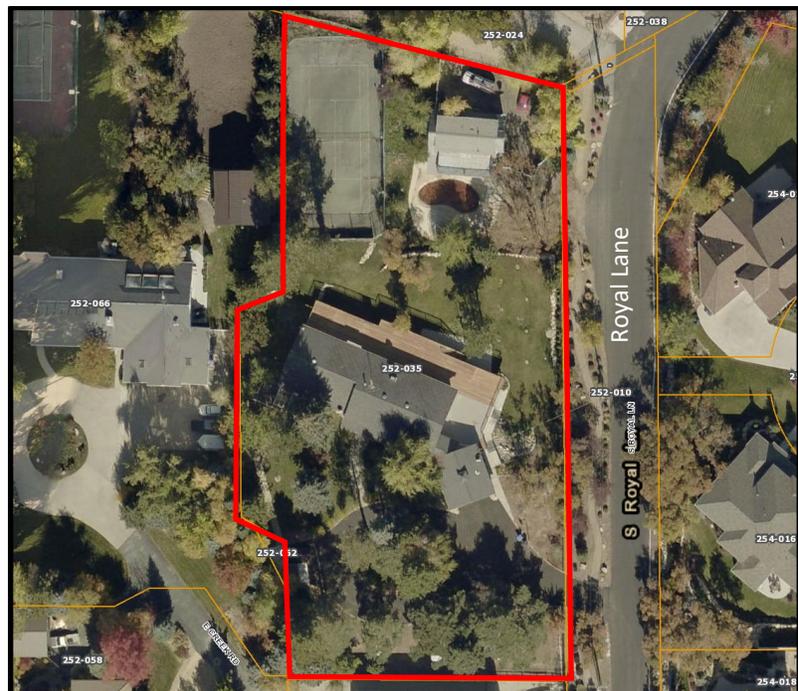
Recommendation:
Recommend **Approval**

Project #: ZMA-19-005



Context

Property Owner	Address -- Parcel #	Acres
Mohammad Pourkazemi	8120 S Royal Ln 22-34-252-035	0.24
	Total Acres:	1.19



Site Photos

Subject Property –Northwest View



Subject Properties –West View



Zoning and Land Use

Site

Use: Single-Family Residential with Pool House

General Plan Land Use: Residential Rural Density

Zone: RR-1-43 (Rural Residential with 1 acre lots)

Proposed Zone: RR-1-21 (Rural Residential with 1/2 acre lots)

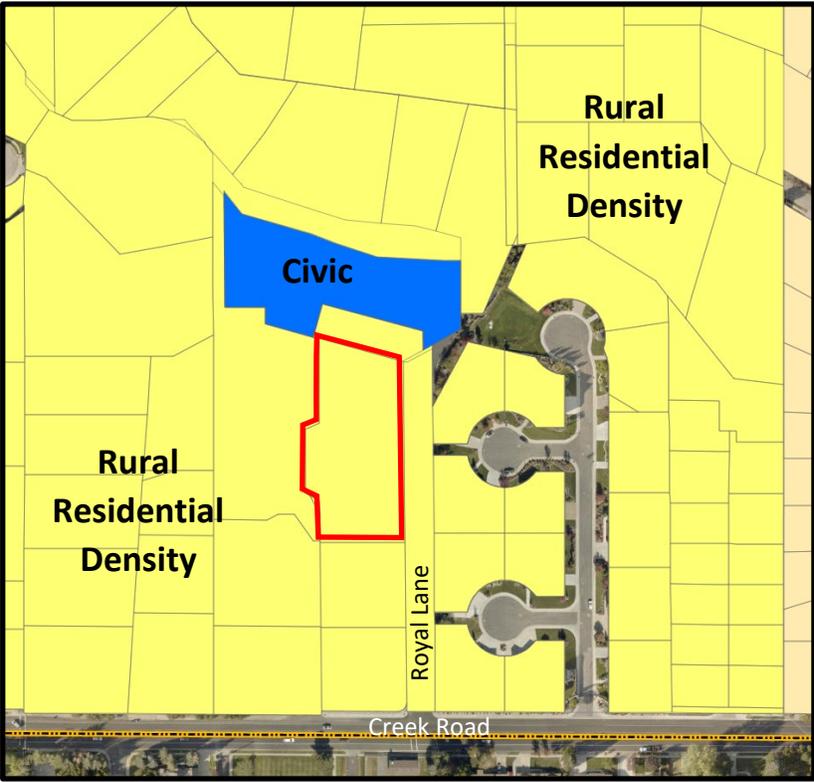
Surrounding

Use: Single-Family Residential

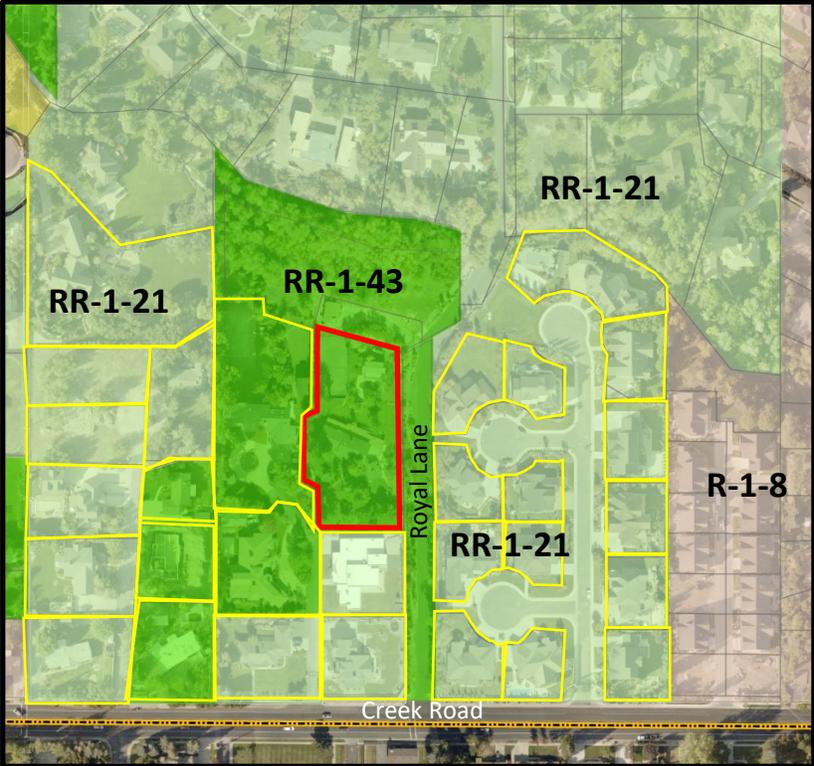
General Plan Land Use: Residential Rural Density

Zone: RR-1-43 (Rural Residential with 1 acre lots) / RR-1-21 (Rural Residential with 1/2 acre lots)

Land Use



Zoning



Analysis

Request

An application has been made by Mohammad Pourkazemi RR-1-43 (Rural Residential – 1 acre lot minimum) to RR-1-21 (Rural Residential – 1/2 acre lot minimum) on 1.19 acres of property located at 8120 S Royal Lane, Cottonwood Heights.

General Plan

The General Plan land use map identifies preferred land uses throughout the city and is used to guide decision making for rezone applications. The first goal of the General Plan's land use element is to "preserve the quality of life and existing image of the City." One of the objectives of this goal is to "adopt a future land use map that reflects the needs of the community and guides future growth/development, including support of thriving development within existing zoning categories." It further states that the city should "promote a stable economy through a coordinated public land use strategy."

Current Land Use Policy

The General Plan Land Use Map indicates that this area is planned to Residential Rural Density. The General Plan indicates that RR – Rural Residential Zones are compatible with this land use (see CH General Plan p. 2-13).

The General Plan states:

"Residential – Rural Density is a very low-density classification that allows residential and/or limited animal and agricultural uses and no more than 2 units per acre."

"This land use is reserved for large lot (potentially with animal rights) residential development. Clustering may be allowed within this land use to preserve rural character, sensitive open space, or community park space."

Zoning Map Designations

There are three zoning designations compatible with the RR -Residential Rural Density:

- RR-1-43 – Rural Residential Zone (one acre lot size min)
- RR-1-29 – Rural Residential Zone (2/3 acre lot size min)
- RR-1-21 – Rural Residential Zone (1/2 acre lot size min)

Potential Impact

The proposed change is estimated to allow one additional independent single-family home lot created. This increase in density is consistent with many of the adjacent and surrounding properties.

Zone Map Amendment Procedure

19.90.010 Amendment procedure.

A. The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. The city council may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have

received the positive recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.

B. Zoning amendment applications which receive a recommendation of denial by the planning commission shall thereafter be considered by the city council.... The city council, after review of the recommendation of the planning commission, may affirm, reverse, alter or remand for further review and consideration any recommendation made by the planning commission.

Staff Conclusion

The request to amend the zone map from RR-1-43 (Rural Residential Density) to RR-1-21 (Rural Residential Density) is consistent with the goals of the General Plan, and this increase in density is consistent with the existing density of adjacent and surrounding properties.

Recommendation

Staff recommends approval of the application.

Conclusions – Recommended Findings for Approval

- The proposed zoning is compatible with the goals of the General Plan.
- A public hearing was held in accordance with local and state requirements.

Model Motions

Approval

I move to approve project ZMA-19-005, based upon the recommended findings for approval outlined in this staff report:

- List any other findings or conditions of approval...

Denial

I move to deny project ZMA-19-005, based on the following findings:

- List findings for denial...

Attachments

1. Applicant Written Statement

8120 S. Royal Lane Cottonwood Heights, UT

1.2 acre parcel

Mohammad Pourkazemi

October 21, 2019

Narrative for Rezone:

1. How will your proposed amendment conform to what is envisioned for the future of the site or area, as expressed in the General Plan?

Answer: The properties to the south and west are both RR-1-21. It falls within the master plan of the area.

2. What level and type of development currently exists in the area?

Answer: Single Family Residential. The same as proposed.

If approved, how would development of the property under the new zoning be consistent with the existing development?

Answer: It would be the same single family residential homes as currently is in place.

3. If the amendment is approved, how would subsequent development affect demand on public services and facilities such as utilities, emergency services, schools, etc.?

Answer: There would only be one additional home added to this area. The area would still be low density with ½ acre minimum lots.

Can you insure that any negative impact will be mitigated? How?

Answer: We believe the impact is negligible due to only one additional home being added. We don't believe there will be any negative impact on this neighborhood.

4. If approved, how would the amendment affect public health, safety, and/or general welfare?

Answer: We don't believe approving this parcel from 1 large 1.2 acre lot to 2 large half acre plus lots will affect public health, safety, and/or general welfare in any negative way.

5. Disregarding any specific development that might be envisioned for the property following any proposed rezoning, discuss all the various uses that would be allowed under the current zoning; how would the proposed uses fit better with the area than the uses that are allowed under the current zoning.

Answer: As stated in item 1 above, the properties directly adjacent to the west and south are currently RR-1-21, single family residential with a minimum of half acre. We believe that one acre properties are harder to maintain and, unless you have animals, such as horses, the majority of the property is not used.

6. What has changed since the zoning classification was established that makes this requested amendment necessary?

Answer: This 1 acre minimum area was done many years ago. We believe half acre minimum lots is still low density and works better with home owners who don't want animals, such as horses.

7. Disregarding any benefit to the specific property owner or developer, how will your proposal benefit the community as a whole?

Answer: It will allow the homeowner to landscape his/her yard without having to spend a substantial amount of time keeping it up. There will be less wasted land.

8. How does the proposed amendment further the purposes of the current zoning ordinance as outlined in Title 19.02.020 ("Purpose of provisions")?

Answer: Allows a single family home on a large half acre lot with less excess land that is hard to maintain. Still much more landscaping than building area for the home.

9. Which of the following has arisen that is not properly addressed in the current zoning ordinance or general plan?

Answer: More home owners that purchase in this area desire lots less than one acre and don't necessarily want horses, which justify larger lots.
We believe this follows the general plan of this area. Single family low density.



PLANNING COMMISSION STAFF REPORT

Subdivision Exception: Flag Lot Setback Reduction

Meeting Date: December 4, 2019

Staff Contact: Andy Hulka, Planner

Summary

Action Requested

Subdivision Exception:

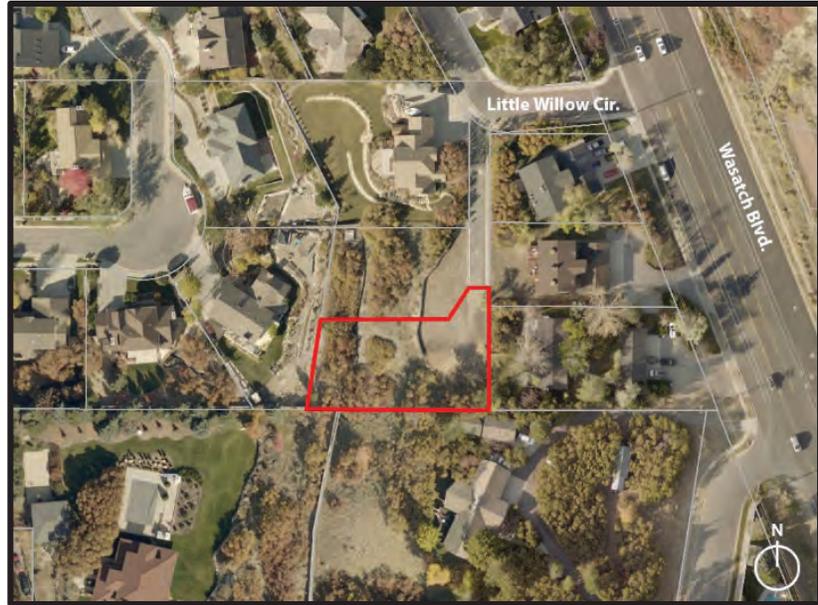
Reduction to the flag lot side yard setback requirement at 8564 S. Little Willow Cir.

Applicant:

Mo Vedadi

Project #:

SUB-19-012



Context

Subject Property:

8564 S. Little Willow Cir.

Property Owner:

VEDADI, MOHAMMAD

Acres:

0.36

Parcel #:

22-35-481-020



Land Use & Zoning

Site

Single-Family Residential
(Little Willow Subdivision,
Plat B)

Surrounding Properties

North:

Single-Family Residential
(Willow Creek Hill Subdivision)

South:

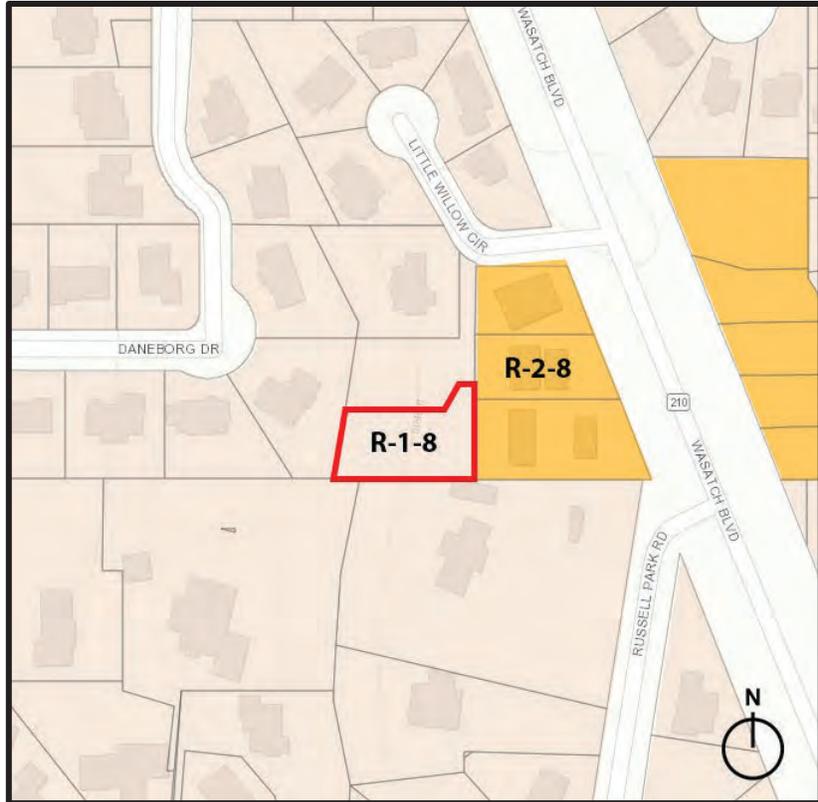
Single-Family Residential
(Russell Park Rd.)

East:

Multi-Family Residential
(Duplexes – Wasatch Blvd.)

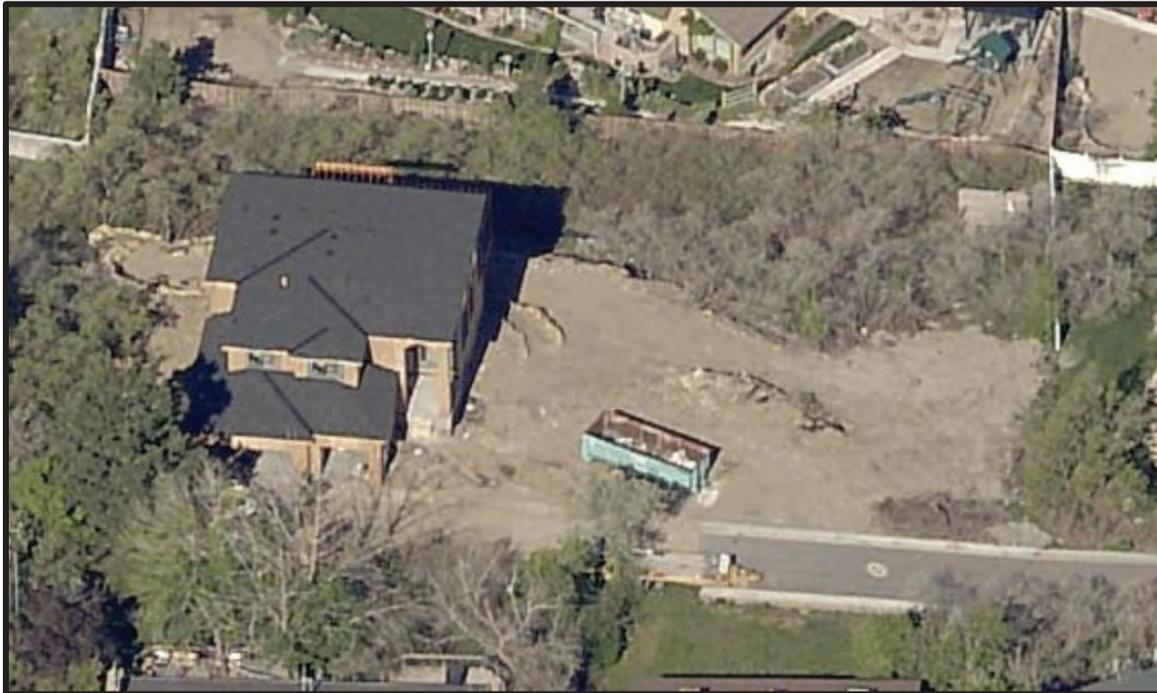
West:

Single-Family Residential
(Little Willow Subdivision)



Site Imagery

Front of Home – Looking West (June 2019 Imagery)



Back of Home – Looking East (June 2019 Imagery)



Analysis

Summary

The city has received a request for an exception to the flag lot requirements for the property at 8564 S. Little Willow Cir. The home was originally approved per code, following the City's permitting process. At the footing inspection the survey stakes were inaccurate, which led to the home being constructed in violation of the approved plans and minimum required setbacks. The home is currently nearing completion but cannot move forward until the setback violation issue is resolved.

Criteria for Granting a Subdivision Exception

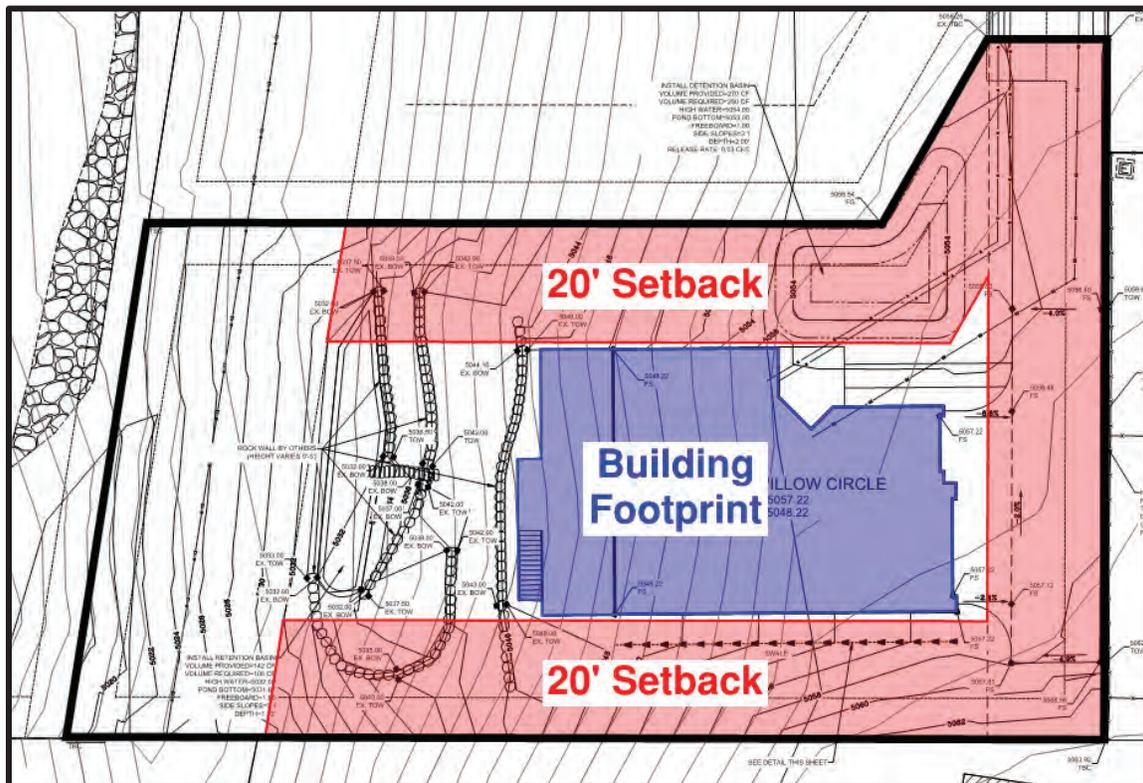
The setback standards for flag lots are established in the Subdivision Ordinance. There is a provision in the Subdivision Ordinance which allows the City Council to make exceptions to subdivision requirements after receiving a recommendation from the Planning Commission:

12.08.020 Exceptions—Permitted when.

In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the city council after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Title.

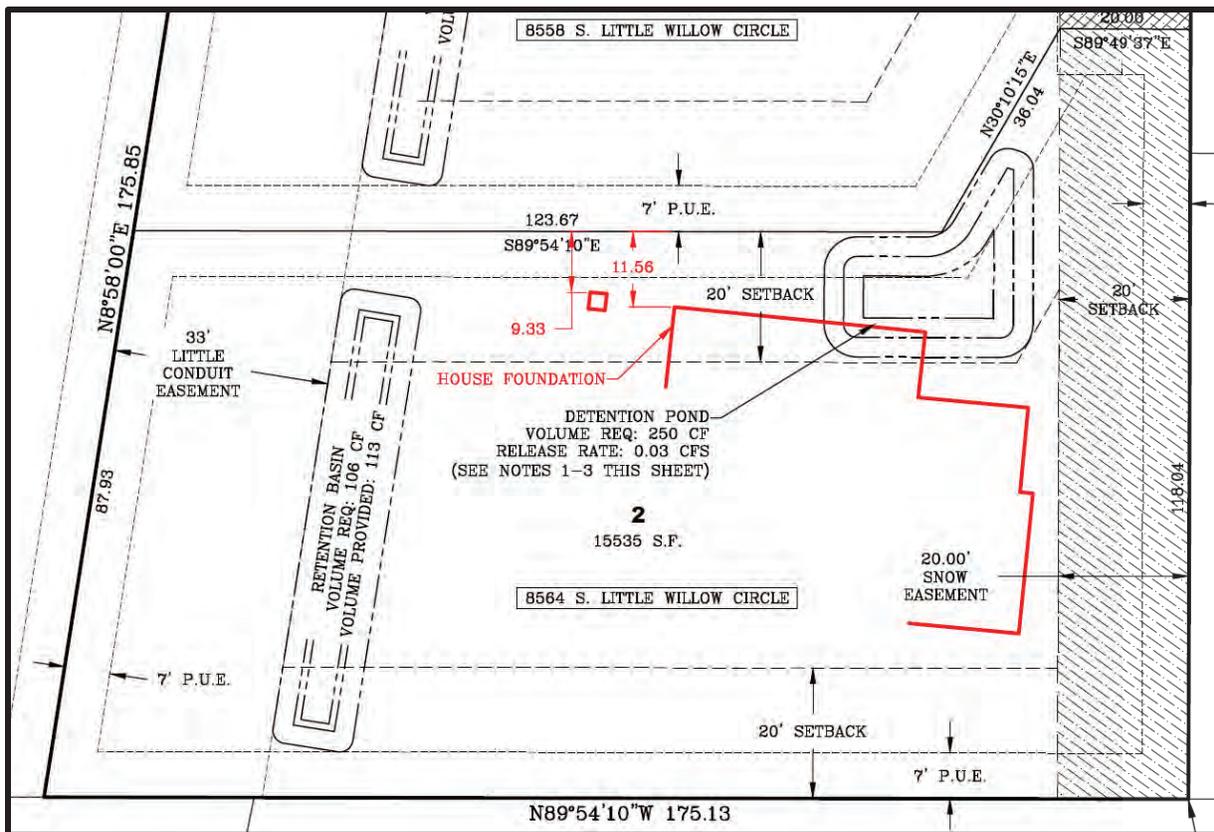
Background

- **November 9, 2018:** Building permit issued (BP-18-0617)
 - An approved site plan was prepared and stamped by a licensed civil engineer, which shows 20' setbacks in all directions, as required by section 12.20.050 (Flag lots permitted) of the Subdivision Ordinance (site plan attached to report).



- **December 10, 2018:** Footing inspection passed
 - Inspection notes: “Setbacks done to contractors survey stakes. Layout and steel done to the plan. Ok to pour.”
 - The building inspector relies on contractor’s stakes to verify the placement of the building’s footings in compliance with the engineered site plan.

- **September 18, 2019:** Letter of Concern received
 - Letter from adjacent property owner submitted to the City describing concerns related to property lines and excavation dirt (full letter attached to report).
- **September 20, 2019:** Stop work order posted
 - “Violation: Potential violation of minimum setback standards and noncompliance with contractor survey stakes and approved site plan. Stop work pending further investigation of issue.”
- **September 27, 2019:** Survey results received
 - A survey of the house foundation was completed that shows the deck post on the northwest corner of the house is 9.33’ away from the property line (survey attached to report).
 - Surveyor’s comments: *“Please see the attached copy of the plat. We have drawn on the location of the home to the south based on our survey today. As you can see the home is rotated and not within the setbacks.”*



Request

The applicant has submitted a request for a special exception to the side yard setback requirements contained in the subdivision ordinance. The request is to reduce the side yard setback requirement on the north side of the property from 20' to 9.33', as surveyed. The applicant states that the request would eliminate a substantial detriment to the public good and would not substantially violate the intent and purposes of section 12.08.020 (Exceptions – Permitted when). The applicant’s narrative is

attached to this report for reference. The only other likely alternative solution is to demolish and reconstruct the home on the lot.

At the applicant's request, staff visited the site on November 19, 2019 to conduct an informal inspection to assess the work that still needs to be done to complete this permit if the setback exception is granted:

Building Inspection

1. Seal the holes in the garage ceiling.
2. The regulator in the garage needs to be in a horizontal position.
3. The stairs in the garage can not have more than a 3/8" difference between risers.
4. The handrail to the upstairs needs 1 1/2" clearance.
5. Provide a thermostatic valve for the garden tub.
6. Secure the prv.
7. Replace water heater joints that are missing tinted primer. Leave cut out joints on site.
8. Label ac units a,b etc.
9. Provide res check sticker in basement panel.
10. Provide blower door test.
11. Provide duct test for attic ducts.
12. Seal the exterior lights.
13. Finish landings and stairs on all secondary exits. Include handrails and guards as needed.
14. Finish south eve termination.
15. Provide 30" between ac units for electrical clearance.
16. The max breaker for the east ac unit is 25 amps.
17. Provide post to beam connections on all deck post to beam locations. Have engineer address.

Zoning & Engineering Inspection

1. Submit an updated site plan stamped by a licensed engineer showing the site "as-built." Include the following items on the updated site plan:
 - a. Final placement of the house and updated setback measurements.
 - b. Revised grading and drainage plans.
 - c. 2-foot contour lines.
 - d. All existing and proposed retaining walls.
 - e. All existing and proposed retention ponds.
2. The revised grading & drainage plan must include the following items:
 - a. Show all retaining walls with top of wall and bottom of wall elevations.
 - b. The retention basin must be designed to retain 363 cubic feet.
 - c. Show existing and proposed storm drain facilities to capture all stormwater generated on the frontage and convey the stormwater to the retention pond.
 - d. Design lot grading to prevent cumulative aggregation of stormwater flows onto the adjacent properties.
3. Show all existing and proposed retaining walls on the revised site plan.
 - a. Label all top of wall and bottom of wall elevations for all retaining walls.
 - b. All retaining walls shall have a drainage design, including free draining gravel wrapped in filter fabric behind the retaining wall.

- c. All retaining walls with an exposed height of greater than four feet must be designed with structural calculations that incorporate the in-place soil parameters. Calculations shall include an analysis under seismic and static loads.
- d. Tiered retaining walls are considered a single structural unit unless the tiered walls are horizontally offset by a minimum distance of two times the exposed wall height of the lower wall.
- e. The Geotech engineer shall submit an observation report stating that the retaining wall was built per approved design.

The applicant has met with the adjacent property owner to discuss a possible compromise if the modification is granted. A letter from the adjacent property owner is attached to this report for review.

Approval Process

This request must be approved or denied by the City Council after receiving a recommendation from the Planning Commission. Any conditions of approval must be completed prior to the issuance of any Certificate of Occupancy.

Recommendation

Staff recommends that the Planning Commission review the staff report, related documents, and public comments to determine if at least one of the following criteria are met, and make a recommendation to the City Council:

- Unusual topographic conditions exist.
- Unusual aesthetic conditions exist.
- Other exceptional conditions exist.
- The welfare, best interests and safety of the general public will be usefully served or protected.

Recommended Conditions of Approval

If the Planning Commission finds that this request meets the criteria for exceptions as outlined in the Subdivision Ordinance, then staff recommends including the following conditions of approval:

1. The applicant shall work with city staff to address all technical corrections to the proposed plans.

Conclusions - Findings for Approval

If the Planning Commission finds that this request meets the criteria for exceptions as outlined in the Subdivision Ordinance, then staff recommends adopting the following findings:

- The request constitutes a case where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, as required by section 12.08.020 (Exceptions – Permitted when) of the Subdivision Ordinance.
- The requested exception will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of Title 12 (Subdivisions).
- That perceived negative impacts which would not be in harmony with the neighboring uses will be abated by the conditions imposed;

Model Motions

Approval

I move that we forward a positive recommendation to the City Council for project SUB-19-012, a reduction to the flag lot side yard setback requirement at 8564 S. Little Willow Cir., subject to the findings and conditions of approval in the staff report dated December 4th, 2019:

- Add any additional conditions of approval...

Denial

I move that we forward a negative recommendation to the City Council for project SUB-19-012, based on the following findings:

- List reasons for denial...

Attachments

- Applicant's Written Narrative
- Approved Site Plan (November 9, 2018)
- Letter of Concern (September 18, 2019)
- Survey of Lot 2 Building Foundation (September 27, 2019)
- Letter to the Planning Commission from Lot 1 Property Owner



November 19, 2019

City of Cottonwood Heights
c/o Andy Hulka
2277 East Bengal Blvd.
Cottonwood Heights, Utah 84121

Re: Request for a Special Exception for Property at 8564 South Little Willow Circle

To Department of Community & Economic Development:

Our office represents Hammerhead Homes regarding the residential home under construction at 8564 South Little Willow Circle, Cottonwood Heights City, Permit #180617. Hammerhead Homes is the general contractor for the home.

On behalf of our client and the property owner, we wish to apply for a Special Exception for the subject property pursuant to the provisions of section 12.08.020 of the Municipal Ordinances of Cottonwood Heights pertaining to “side yard” setback requirements.

It has been brought to the attention of my client that there is an apparent problem with the location of the home pertaining to the required setbacks as set forth in the city code and as approved in the building permit and site plans.

This request is made in good faith to correct an apparent innocent mistake regarding the placement of the home when construction commenced. The adjacent property owner of Lot 1 has submitted a proposal to our client which would reduce the impacts of this mistake and would resolve any issues between the parties regarding the apparent setback violation. This proposal was received by our client on November 17, 2019 and we understand this same letter was forwarded to the City as well. Our client is reviewing the practical, physical and financial implications of the proposal but has not yet accepted all of the terms of the proposal. However, it is our belief that these property owners will come to a mutual understanding to resolve the problem.

With this anticipated resolution between the parties, it would be consistent with the purposes of section 12.06.020 which are (1) elimination of substantial detriment to the public good; and (2) without substantially violating the intent and purposes of section 12.08.020 that a “special exception” be granted by the City Council upon a recommendation of the planning commission. As you know, the home is nearly complete and the homeowner is ready to move in to the home. It would be a great travesty if an exception was not granted.

3165 East Millrock Drive
Suite 500
Salt Lake City, Utah
84121-4704

t (801) 438-2000
f (801) 438-2050
www.btjd.com

This is a simple request to grant the special exception submitted in order to be placed on the agenda for the December 5, 2019 Planning Commission meeting. We will supplement this request within the next ten days so that the commission has a complete understanding of the request.

No application fee is submitted for this request. It is my understanding that the fee previously paid for a variance request will be transferred to satisfy the financial obligations of this application

If there are any questions or additional information needed, do not hesitate to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Craig Hall', with a long horizontal stroke extending to the right.

H. Craig Hall
Benjamin D. Johnson

cc: Client
Shane Topham, City Attorney

September 18, 2019

City of Cottonwood Heights
Attn: All Building Parties
RE: Parcel Property Lines & Excess Excavation Dirt

To whom it may concern:

I am writing this letter as it relates to my ownership in the property located at 8558 S. Little Willow Drive, Cottonwood Heights, UT 84121.

Building Permit # 190377

It is my intent to document and inform the City of Cottonwood Heights of some concerns I have as it relates to the house being built by the owner Mohammed Vedadi located at 8564 S. Little Willow Drive, Cottonwood Heights, UT 84121.

- I have concerns that the home currently under construction by Hammerhead Homes does not fall within the 20 ft. set-back requirement. I am coordinating with my surveyor to verify the actual property lines to resolve this issue. The surveyor representing me will be on site on Tuesday, September 24th. It appears that there is a 4 -7 ft variance on the setback depending on where the measurement is taken along the Property line. Once the survey is completed, we are willing to share the findings with all parties involved. If there is a discrepancy, we are open to working with Hammerhead Homes on comparing survey results.
- It is very apparent that the dirt that was excavated from the Property located at 8564 S. Little Willow Circle was placed onto my Property located at 8558 S. Little Willow Circle. I ask that this issue be reviewed by the appropriate parties so we can come to a resolution as to who is responsible for removing the excess dirt. I have pictures of the property prior to any excavation and can show proof that large amounts of dirt were placed onto my property.

Thank you for your time and I ask that you add this to my file as documentation of these concerns. It is important that we are able to resolve these issues in order to avoid any delays in the process of both properties.

Thank you.

Sincerely,

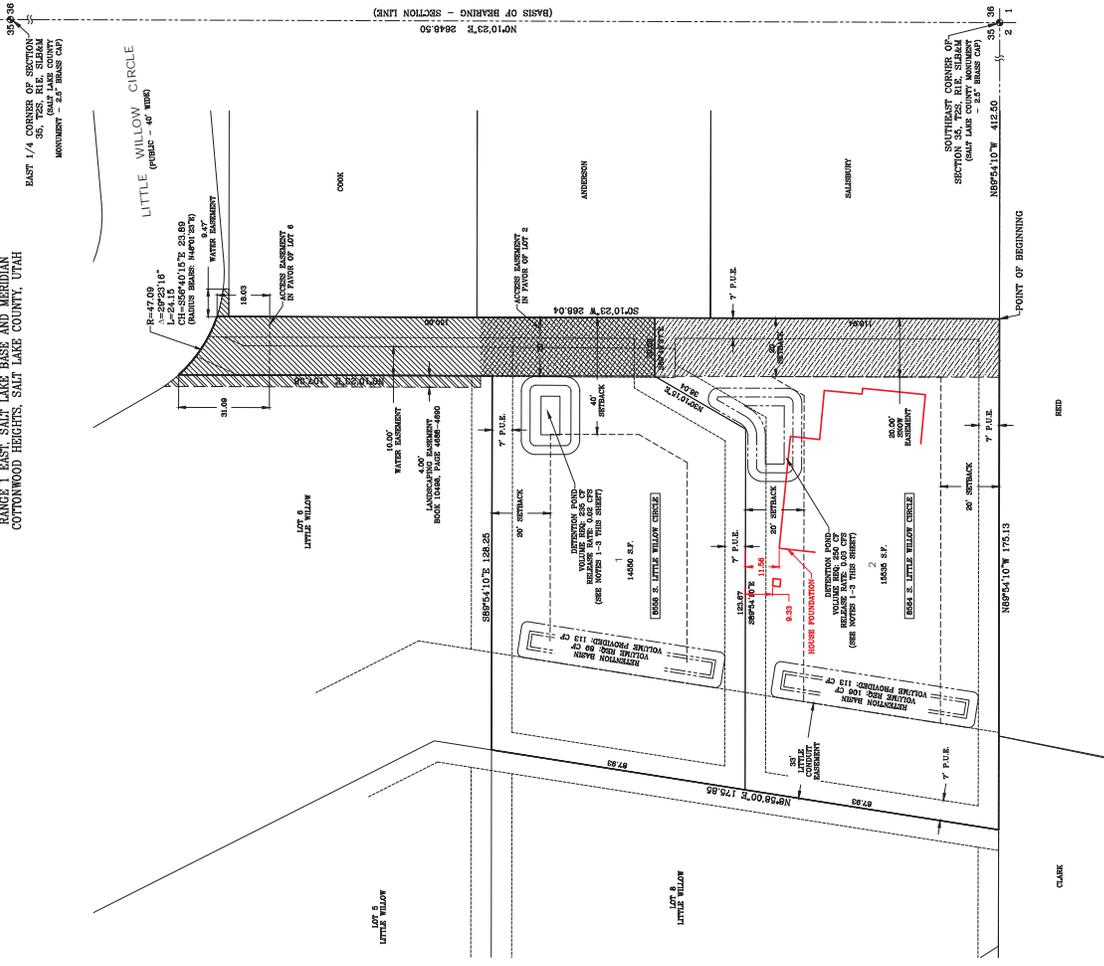
Ryan T. Reid
801.618.5015
ry.thomas.reid@gmail.com

LITTLE WILLOW SUBDIVISION, PLAT "B"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, COTTONWOOD HEIGHTS, SALT LAKE COUNTY, UTAH

LEGEND

- 35 | 36 EXISTING SECTION CORNER (ROUND)
- 2 | 1 BOUNDARY LINE
- INTERIOR LOT LINE
- PROPOSED THE FITMENT
- EXISTING STRIP LANE
- BOUNDARY LINE
- PROPOSED THE FITMENT
- ACCESS EASEMENT
- SNOW BASINMENT
- LANDSCAPE EASEMENT
- PUBLIC UTILITY EASEMENTS
- PROPOSED THE FITMENT
- ACCESS EASEMENT
- SNOW BASINMENT
- LANDSCAPE EASEMENT



- NOTES:**
1. PROPERTY OWNERS RESPONSIBLE FOR MAINTENANCE OF RETENTION & DEFENTION POND TO DRAIN TO DRAIN TO FRONT (EAST) DEFENTION POND. REMAINDER OF PROPERTY TO DRAIN TO REAR (WEST) DEFENTION POND.
 2. ALL ROOF DRAINS TO DRAIN TO FRONT (EAST) DEFENTION POND. REMAINDER OF PROPERTY TO DRAIN TO REAR (WEST) DEFENTION POND.
 3. ALL ROOF DRAINS TO DRAIN TO FRONT (EAST) DEFENTION POND. REMAINDER OF PROPERTY TO DRAIN TO REAR (WEST) DEFENTION POND.
 4. EROSION CONTROL MEASURES SHALL BE INSTALLED AS REQUIRED TO PREVENT SOIL EROSION AND TO MAINTAIN THE STABILITY OF THE SLOPE. EROSION CONTROL MEASURES SHALL BE INSTALLED AS REQUIRED TO PREVENT SOIL EROSION AND TO MAINTAIN THE STABILITY OF THE SLOPE.



QUESTAR APPROVAL

QUESTAR APPROVES THIS PLAN AND THE INFORMATION CONTAINED HEREIN FOR THE PURPOSES OF THE QUESTAR APPROVAL PROCESS. QUESTAR DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. QUESTAR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. QUESTAR IS NOT A PARTY TO THIS INSTRUMENT. QUESTAR'S ROLE IS LIMITED TO THE REVIEW OF THE PLAN FOR TECHNICAL INFORMATION. QUESTAR'S REVIEW IS LIMITED TO THE TECHNICAL INFORMATION PROVIDED BY THE SUBMITTER. QUESTAR'S REVIEW IS LIMITED TO THE TECHNICAL INFORMATION PROVIDED BY THE SUBMITTER.

APPROVED THIS _____ DAY OF _____, A.D. 2006.

GENERAL GAS COMPANY

BY: _____

CITY COUNCIL

PRESENTED TO COTTONWOOD HEIGHTS CITY COUNCIL THIS _____ DAY OF _____, A.D. 2006.

HEATH E. COLLIER, JR., MAYOR

ATTEST: PAULA NEZAR, CITY RECORDER

PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, A.D. 2006, BY THE COTTONWOOD HEIGHTS PLANNING COMMISSION.

CHAIRMAN _____

DIRECTOR _____

BOARD OF HEALTH

APPROVED THIS _____ DAY OF _____, A.D. 2006.

CHAIRMAN _____

DIRECTOR _____

CITY ENGINEER

APPROVED THIS _____ DAY OF _____, A.D. 2006.

CITY ENGINEER, BRAD GILSON, P.E.

COMMUNITY DEVELOPMENT

APPROVED THIS _____ DAY OF _____, A.D. 2006.

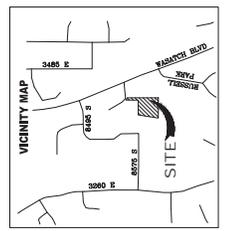
DIRECTOR, BRAD GILSON, P.E.

EASEMENT APPROVAL

DATE _____ DATE _____ DATE _____

BOCKY MOUNTAIN POWER _____

CONQUEST _____



SURVEYOR'S CERTIFICATE

I, RIAN W. HALL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD A CURRENT LICENSE TO PRACTICE AS A SURVEYOR IN THE STATE OF UTAH. I HAVE PERSONALLY CONDUCTED THE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND I HAVE BEEN ASSISTED BY THE FOLLOWING PERSONS:

LITTLE WILLOW SUBDIVISION, PLAT B

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND SHOWN ON THE ABOVE PLAN.

BOUNDARY DESCRIPTION

ALL OF LOT 7, LITTLE WILLOW SUBDIVISION AND MORE PARTICULARLY BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 10954.07' ± 10.20' FEET FROM THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE COUNTY, UTAH; THENCE S89°54'10" W 175.95' ± 10.20' TO THE POINT OF BEGINNING; THENCE S89°54'10" W 175.95' ± 10.20' TO THE POINT OF BEGINNING; THENCE S89°54'10" W 175.95' ± 10.20' TO THE POINT OF BEGINNING; THENCE S89°54'10" W 175.95' ± 10.20' TO THE POINT OF BEGINNING.

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF ALL OF THE ABOVE DESCRIBED TRACT OF LAND HAVE HEREBY DEDICATED AND SET APART THE TRACT OF LAND SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF, HAVE HERETOBY SET _____ THIS _____ DAY OF _____, A.D. 2006.

BY: _____

ACKNOWLEDGMENT

STATE OF UTAH _____ S.S.

COUNTY OF SALT LAKE _____ S.S.

PERSONALLY APPEARED BEFORE ME, _____ WHO _____

PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SET FORTH IN THE ABOVE INSTRUMENT AND THAT SAID PERSON(S) HAS/HAVE(S) EXECUTED THE INSTRUMENT.

NOTARY PUBLIC FOR UTAH

DATE COMMISSION EXPIRES: _____

PLACE OF EXERCISE: _____

COMMISSION # _____

PLAT "B"

LITTLE WILLOW

SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASIN AND MOUNTAIN

6662 S. LITTLE WILLOW CIRCLE, COTTONWOOD HEIGHTS, UTAH

OWNER: MARCUS PINNOCK
1095 W. SOUTH JORDAN PARKWAY
SALT LAKE CITY, UT 84171

SCALE: 1" = 20' FEET

RECORDED

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FILE # _____ SALT LAKE COUNTY RECORDER

November 17, 2019

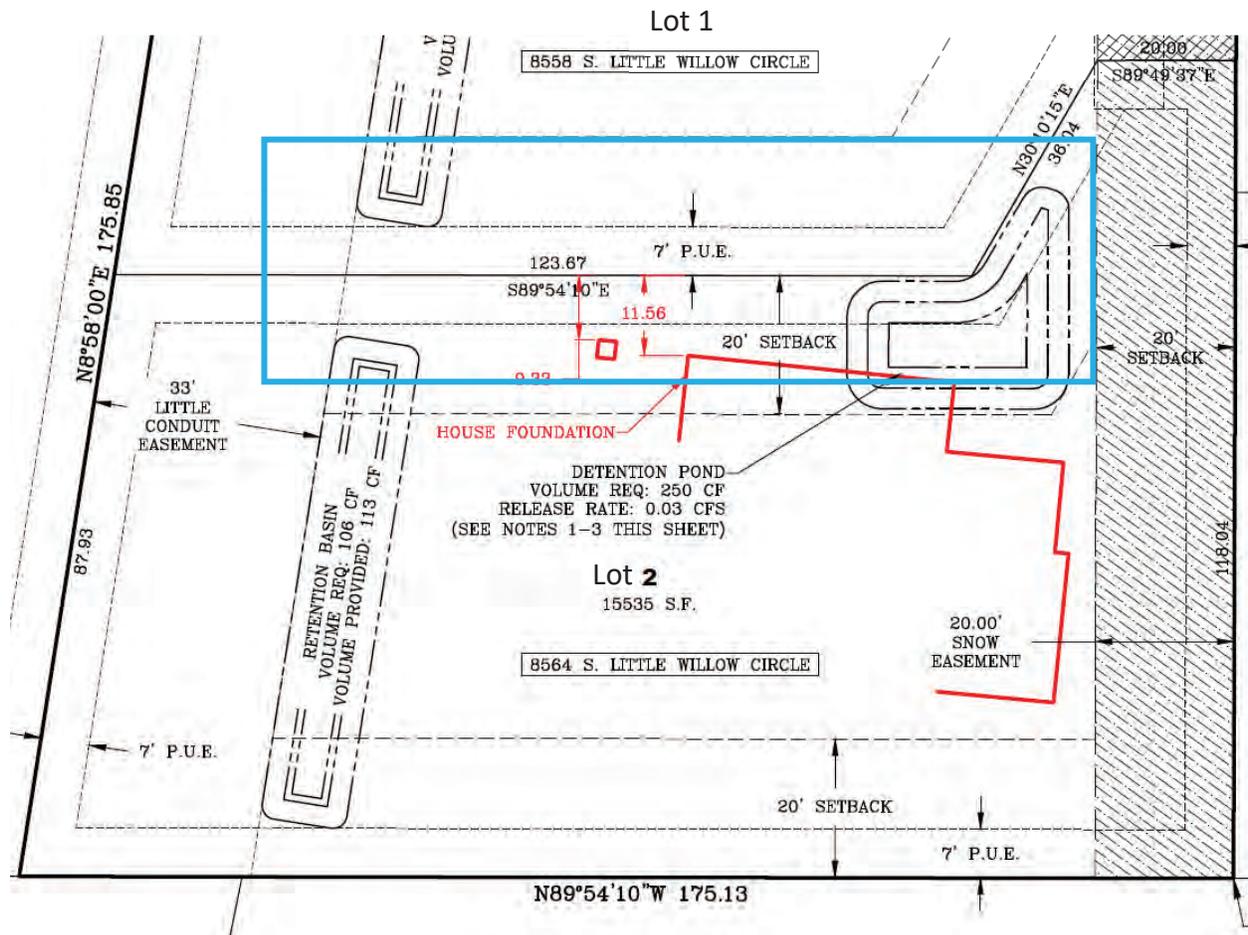
Attention: Cottonwood Heights Planning Commission

I am writing this letter as it relates to my ownership in the property located at 8558 S. Little Willow Drive, Cottonwood Heights, UT 84121 ("Lot 1").

Building Permit # 190377

It is my intent explain to the Cottonwood Heights City Planning Commission the concerns and considerations I have as it relates to the house being built by Mohammed Vedadi located at 8564 S. Little Willow Drive, Cottonwood Heights, UT 84121 ("Lot 2").

Since February 27, 2019, I have made several attempts to coordinate with Hammerhead Homes (general contractor hired by Mohammed) regarding his home being built outside of the 20 ft. setback requirement as approved in their set of plans. After receiving my building permit on August 20th, 2019 and with permission and coordination with the owner of Lot 2, I hired a surveyor to provide their findings on the position of the home—at my cost. Below is an illustration of those findings that have not been refuted by any party involved. The red line represents the foundation of the home built on Lot 2.



Due to the misplacement of the home on Lot 2, it has caused concerns for me relating to the economic impact of my property, the ability for Lot 2 to retain soil and run-off onto my property (as well as the properties to the West of both Lots), and overall privacy due to the home being considerably closer than what was allowed in the approved subdivision plat.

In consideration to the owner of Lot 2 and as an attempt to resolve these issues in a fair, healthy, and reasonable manner, I have spoken with the owner of Lot 2 regarding actions that could be taken to resolve my concerns:

1. Both parties will engage a licensed engineer to design and plan the retaining and drainage of all the property within the setbacks and up to the foundation of both homes (**see blue rectangle above**). The design would take into account the setbacks of both Lot 1 & 2 and tie in proper retaining of both properties to manage each lot's own water and soil retention. **This would be at the sole cost of the owner of Lot 2 to pay for the engineered designs and plans to drain the setback area on both lots.**
 - a. I have suggested Bill Turner at CMT Engineering as he is familiar with the subdivision and provided oversight and certification of the retaining wall on my property.
 - b. It is important to recognize that the retaining of soil and water would have been low-cost and much simpler to construct if the home on Lot 2 was properly placed on the property. I would recommend a site visit from any party involved to better understand the constraints and issues this has caused given the distance of the homes from each other, grade of Lot 2 into Lot 1, and the effect of trying to design around the public utility easements on both sides of the property (7 ft. on both sides).
2. Both parties will engage a licensed general contractor to construct the retaining wall and drainage system as designed by the engineer. **This would be at the sole cost of the owner of Lot 2 to properly retain and drain the setback area on both lots, which would include all materials and labor (see blue rectangle above).**
 - a. I have suggested LJ Whitmore at OGI Construction as he is familiar with the subdivision and constructed the retaining wall and drainage system on my property.
3. Both parties will mutually agree upon the materials and design of the fence adjoining the two properties. I would make request to the city to allow an 8' fence along this property line. **The owners of both lots will split this cost 50/50.**
4. The owner of Lot 2 would plant columnar like trees inside the owner's property line to help support the privacy taken away from the homes being closer, create a stronger void, and to build a greater sense of privacy between the homes.

Given the circumstances, it is my opinion that the resolutions as described above support the objective of mitigating the significant issues that have been caused by the placement of the home on Lot 2. In addition, it covers some "unquantifiable" economic impact (lost value of the homes being closer together), resolves the soil/water run-off issue and integrates a design that works for both lots, and creates a better sense of privacy.

If the planning commission and both owner's find the above resolutions acceptable, I would ask that Cottonwood Heights City provide guidance to make sure that these changes are incorporated into an updated site plan of Lot 2 to be approved and enforced by the city.

Lastly, as part of an updated site plan (or, the existing subdivision plan), it is important that both owners of the Lots understand where snow will be stored when removed from the private lane. The approved subdivision plan (as seen above in the survey picture) requires a 20' snow easement. I would perceive this to be intended for a snowplow to push the snow to the most south end of the private lane. The current construction of Lot 2 does not leave space for snow storage without blocking their garage.

I believe this can be fixed if the existing 1-2' retaining wall found at the most southern end of the street was pushed back to the property line. Then it seems there would be sufficient space for snow to be pushed by a snowplow to the southernmost end of the private lane. I ask that the city provide some thoughts or suggestions on this issue or guidance if I am misunderstanding this requirement. I am unsure where else we would put the snow and believe that is why it was required in the original subdivision plan. It is my understanding that based on the approved subdivision, that the city would enforce the easement to sufficiently allow for snow removal prior to granting a certificate of occupancy.

I appreciate your time and hope we can resolve this difficult situation amicably.

Sincerely,

A handwritten signature in black ink that reads "Ryan T. Reid". The signature is written in a cursive, flowing style.

Ryan T. Reid

801.618.5015

ry.thomas.reid@gmail.com

1
2 Project SPL-19-007 was next addressed. The request is for 23 mixed-use live-work townhomes
3 at 1650 East Fort Union Boulevard. Public comment was taken at the last meeting and the matter
4 was continued to allow for collaboration with the Architectural Review Commission (ARC). The
5 intent would be to provide a response to requests made previously. The floor plans were displayed.
6 The maximum height in the zone is 45 feet. The Mixed-Use Ordinance allows a maximum height
7 of 35 feet. An applicant may request a third story as a conditional use with Planning Commission
8 approval. The proposed heights range from 33.5 to 35 feet with a third story requested, which is
9 subject to conditional use review. Mr. Johnson explained that the conditional use shall be granted
10 unless there are perceived negative impacts that cannot be mitigated with reasonable conditions.

11
12 The maximum lot coverage is 65% with the current request being 31%. The permitted density is
13 35 units per acre with 21 units per acre proposed. The standard setback is 20 feet but the
14 Commission may reduce that at its discretion. The minimum front setback is 7.75 feet. The
15 average setback along the entire frontage of the development is 26 feet but reduces to 18 feet as a
16 result of the road dedication. A rear setback of 25 feet is required.

17
18 The parking requirement was calculated by adding the square footage of the live-work space in the
19 units plus the standard multi-family requirements. It was determined that 31 parking stalls are
20 required. The applicant is proposing 56 stalls including the two-car tandem parking stalls and
21 additional site parking. A question was raised as to whether the office parking spaces can be shared
22 with residential spaces. Mr. Johnson confirmed that they can. After business hours the office
23 parking lot would be available to residential use. The site and circulation details were described.

24
25 Setback issues were discussed. Mr. Johnson reported that the request was reviewed by the ARC
26 who found from a design perspective that a setback reduction makes sense. The Lighting Plan was
27 next presented with all of the lights being proposed to be full cutoff. With regard to fencing, the
28 proposed fencing was previously chain link. The ARC recommended the fencing be constructed
29 of the same material used as an accent on the units.

30
31 A diagram was shown of the mechanical screening. The most recent Landscaping Plan showed a
32 landscape buffer proposed around the back units. The trees will be planted at the grade of the site,
33 which is lower than the property. There will be a retaining wall as well with a six-foot fence on
34 top. Two parking stalls were proposed per unit. The site details were addressed.

35
36 Key findings from the traffic study were that the proposed development is estimated to generate
37 168 new vehicle trips per day. It was expected to require 38 parking spaces with 46 proposed. All
38 intersections were determined to be operating at an acceptable level of service so no mitigation
39 was required. It was reported that few quantifiable traffic impacts will be created by the project.

40
41 With regard to site grading and the possibility of lowering the property, the Project Engineer
42 concerns with emergency vehicles being able to access the site as well as the impact on the
43 steepness of the driveway. The ARC considered the matter in detail and their suggestions resulted
44 in architectural features on the west side in addition to other site improvements. The ARC
45 recommended the Certificate of Design Compliance be issued with conditions.

46

1 In response to a question raised, Mr. Johnson reported that the units will all be rentals. Concern
2 was expressed about ADA accessibility from Main Street. Mr. Johnson stated that the intent is for
3 it to be an elevated site to accommodate grade. He estimated the distance from the intersection to
4 the entrance as approximately 65 feet. A remark was made that the project does not further the
5 walkable feel of the Main Street area. There was some objection and a comparison was made to a
6 brownstone, which is very similar. Potential issues were identified such as visibility, privacy,
7 grading, ADA compliance, and sidewalk issues.
8

9 **1.2 Additional Discussion Items.**

10
11 **1.3 Adjournment.**

12
13 *Commissioner Bevan moved to adjourn the Work Session. Commissioner Mills seconded the*
14 *motion. The motion passed with the unanimous consent of the Commission.*

15
16 The Work Session adjourned at 6:02 p.m.

1 Forrest Campbell commented on parking for high-density developments. Salt Lake City recently
2 announced that they were reversing an ordinance that allowed developers to build 80-unit
3 apartment buildings with only 40 parking spaces. This created a parking issue for the residents
4 who were left with no parking within a reasonable distance of their home. In addition, parking
5 tickets increased 400% for the City and vehicles were impounded. The developers and the City
6 thought that because they live next to a Trax station or are in a walkable community that it was
7 acceptable to build an 80-unit apartment complex with only 40 stalls. Mr. Campbell suggested
8 that Cottonwood Heights consider future development and providing adequate parking.

9
10 Nicki Selfridge commented that the property on the corner of Brookhill Drive and Fort Union
11 Boulevard has a chain-link fence but limited visibility makes it difficult to pull onto Fort Union
12 Boulevard. She asked that the situation be addressed and that there be limited parking on the street
13 to better allow people to get in and out of their driveways.

14
15 Eric Kraan commented on the vision of the Fort Union Master Plan and stated that Conditional
16 Use Permits are a tool used to bring the values referenced in the plan to fruition. For that reason,
17 he was compelled to grant them sparingly and only when they improve the character of the
18 community, which is a stated goal.

19
20 **3.0 BUSINESS ITEMS**

21
22 **3.1 (Project CUP-19-012) – A Public Hearing and Possible Action on a Request**
23 **from Doggy Pet Grooming for a Conditional Use Permit to Operate an Animal**
24 **Daycare at 1873 East Fort Union Boulevard in the CR – Regional Commercial**
25 **Zone.**

26
27 Community and Economic Development Director, Michael Johnson presented the staff report and
28 stated that the request involves a current tenant in the shopping center just west of Whole Foods.
29 The license for San Doggy currently allows the applicant to operate a dog grooming business,
30 which is a permitted use. The request is to expand the use to include daytime dog boarding
31 services. The property is zoned Regional Commercial and is adjacent to Neighborhood
32 Commercial. The proposed hours of operation are 8:00 a.m. to 6:00 p.m. Dogs will be kenneled
33 indoors and walked individually twice per day in designated areas. The applicant, Tony Serrano,
34 was requesting to board up to 16 dogs per day. The animals were to be kept inside as there are no
35 outdoor care areas.

36
37 Because the daycare use is allowed in the CR zone as a conditional use and because most of the
38 impacts are mitigated by the fact that the proposed use takes place indoors and is managed by staff,
39 staff recommended approval with two conditions set forth in the staff report.

40
41 Mr. Serrano reported that the request was due to demand from their clients. For dog grooming
42 services, appointments take place throughout the day. Many clients may have a morning
43 appointment for example and drop their dog off before they go to work. Many would like to be
44 able to pick their pet up after work in the evening. It was noted that the business is 1,700 square
45 feet in size. The dogs will be kenneled the majority of the day and the daycare clients will be
46 grooming clients.

1
2 Chair Griffin opened the public hearing.

3
4 Dorathy Hart reported that she has been a dog trainer for nearly 50 years and stated that it is not
5 appropriate to leave a dog in a kennel for eight hours per day. She considered the request to be
6 unreasonable.

7
8 Eric Kraan suggested that there be a cap on the number of dogs.

9
10 There were no further public comments. The public hearing was closed.

11
12 Commissioner Ryser agreed that keeping an animal in a kennel all day is not good but she was not
13 sure that was something the Commission can legislate. It was clarified that the applicant is not
14 trying to operate a daycare facility and simply wishes to provide a service to his clients.
15 Commissioner Ryser suggested the number of dogs be limited.

16
17 Chair Griffin was of the opinion that 16 dogs is plenty and he doubted they would have that many
18 on a given day. To limit the applicant to one dog per kennel could be problematic. Mr. Serrano
19 did not think it was unreasonable to impose a cap. However, some owners are concerned about
20 their pets being split up and like them to be in the same kennel. He felt that a limit of 22 was
21 reasonable. He clarified that they are not a dog daycare facility and the service is simply to fill a
22 need that their customers have.

23
24 Mr. Johnson reminded the Commission Members that any condition needs to be based on a
25 perceived negative impact. Mr. Serrano stated that there will always be two staff members present
26 to care for the dogs. They strive to treat the pets they serve like they would their own animals. He
27 noted that any concern with the number of dogs and the noise is mitigated by the fact that they
28 have someone there with them. In response to a question raised, Mr. Serrano indicated that they
29 currently have approximately 30 kennels. The request is to add up to 16 more. Dog daycare would
30 be separated from the grooming area.

31
32 It was reported that Cottonwood Heights has the highest concentration of animal services in the
33 State. It was recommended that a letter from the applicant's landlord be submitted. In response
34 to a question raised, Mr. Serrano stated that the adjoining space on one side is vacant and on the
35 other side is a smoke shop. An air filtration system was also recommended.

36
37 ***Commissioner Bevan moved to recommend approval of CUP-19-012 subject to the following:***

38
39 ***Conditions:***

- 40
41 ***1. Install one 12- x 18-inch sign near the entrance requesting animals to be***
42 ***restrained.***
43
44 ***2. The animal daycare use shall be limited to receiving patrons during the regular***
45 ***daytime hours of 8:00 a.m. to 6:00 p.m.***
46

- 1 3. *A letter from the landlord shall be submitted to staff indicating that they are*
2 *aware of the proposal and approve of it.*

3
4 ***Findings:***

- 5
6 • *The proposed animal daycare use is a conditional use within the CR – Regional*
7 *Commercial zone.*
8
9 • *Proper notice was given in accordance with local and state requirements.*
10
11 • *A public hearing was held in accordance with local and state requirements.*
12
13 • *That the Planning Commission adopts the written Findings of Fact outlined in*
14 *the analysis of this report as demonstrating that the proposed animal daycare use*
15 *is compliance with the conditional use permit standards and that reasonable*
16 *conditions are proposed to mitigate the reasonably anticipated detrimental effects*
17 *of the proposed use.*
18
19 • *That the Planning Commission adopt the recommended conditions of approval*
20 *in this report as reasonable conditions to mitigate the anticipated detrimental*
21 *effects of the proposed use.*

22
23 *Commissioner Ryser seconded the motion. Vote on motion: Commissioner Mills-Aye,*
24 *Commissioner Rhodes-Aye, Commissioner Bevan-Aye, Commissioner Ryser-Aye,*
25 *Commissioner Coutts-Aye, Commissioner Allen-Aye, Chair Griffin-Aye. The motion passed*
26 *unanimously. Alternate Planning Commission Member Bob Wilde did not participate in the*
27 *vote.*

28
29 3.2 **(Project SPL-19-007) – A Public Hearing and Possible Action on a Request by**
30 **John Prince for Approval of 24 Mixed-Use Live-Work Townhomes, Including**
31 **a Conditional Use Permit for an Increase in Height and a Decrease in Setbacks,**
32 **at Approximately 1650 East Fort Union Boulevard in the MU – Mixed-Use**
33 **Zone.**
34

35 Chair Bevan reported that three pieces of written communication were submitted to the City and
36 made part of the public record.

37
38 Mr. Johnson presented the staff report and stated that the project includes a 24-unit live-work
39 mixed-use townhome development. A graphic was displayed of the area showing properties that
40 have been rezoned over the past few years to mixed-use. The site is currently zoned mixed-use as
41 is the land use designation. The surrounding uses were described. The current properties have
42 two driveways along Fort Union Boulevard and one along 1700 East. The driveways along Fort
43 Union Boulevard are proposed to be eliminated with one access to be utilized off of 1700 East.
44 The intent along the Fort Union corridor is to create a more vertical development.
45

1 Mr. Johnson explained that 22 of the 23 units are to be the same floor plan. The parking proposal
2 includes tandem parking. Staff reviewed the request and discovered that there is nothing in the
3 City's off-street parking ordinance prohibiting a developer from proposing tandem parking and
4 counting it as two parking stalls. One unit is proposed with a standard two-car width garage.
5

6 Mr. Johnson explained that as a general use, residential live-work mixed-use is a permitted use in
7 the Mixed-Use zone. There are, however, certain standards that must be met and components of
8 the project that the Commission is required to review as a conditional use. The first is building
9 height. In the Mixed-Use Zone, the permitted building height is two stories or 35 feet. The current
10 proposal consists of three-story buildings ranging in height from 33.5 to 35 feet. While they do
11 not exceed the maximum height generally permitted in the Mixed-Use Zone, they do exceed the
12 maximum number of stories. Therefore, the additional third story is before the Commission as a
13 conditional use request.
14

15 With regard to lot coverage, the maximum permitted is 65% with the proposed being 31%. The
16 density allowed in a Mixed-Use Zone is 35 residential units per acre. This proposal is for 21 units
17 per acre. Setback reductions also require conditional use consideration. It is an option in the
18 Mixed-Use Zone that grants the Commission the authority to approve modified setbacks beyond
19 what is normally required if it is determined to benefit the project. The standard permitted front
20 setback is 20 feet. The minimum proposed setback reduction, in this case, would reduce the
21 setback to 7.75 feet, which is the distance from the property line. The average without any
22 additional land dedication along Fort Union Boulevard would be 18 feet. Any setback of less than
23 20 feet must be approved by the Planning Commission as a conditional use.
24

25 The rear setback to the south allows for a permitted setback of 25 feet, which is being met. The
26 side setback on the east side requires 20 feet. The applicant is proposing 14 feet. Any side that is
27 adjacent to a single-family residential zone or use has a required setback of 25 feet, which is being
28 met with this proposal.
29

30 The parking requirements were derived from the Institute of Traffic Engineers Parking Generation
31 Manual. Adding the limited potential commercial space to each unit in addition to the multi-family
32 townhome use, the ratio is 1.34 spaces per unit plus 10 office spaces. In all, 56 stalls are proposed,
33 which exceeds the minimum required parking allocation.
34

35 Mr. Johnson explained that conditional use requests must be approved unless there are perceived
36 negative impacts that cannot be mitigated. A cross-section from the Fort Union Master Plan was
37 displayed that showed the total cross-section of the future improvements of 96 feet. On major
38 redevelopment projects, they can require additional property dedication to obtain the 48 feet of
39 half-width.
40

41 Mr. Johnson described the frontage improvements required as a result of the Fort Union Master
42 Plan. They are constrained with regard to what can be done with the curb location because of the
43 major transmission power lines in the area. It is not feasible to relocate them but additional
44 dedication is required behind the curb. It will consist of a four to five-foot park strip area consisting
45 of low-maintenance treatment with amenities.
46

1 The Fort Union Master Plan and the City’s Bicycle Master Plan contemplate a bike trail on Fort
2 Union, which is difficult to make work in a constrained roadway. What is proposed is an asphalt
3 path that will accommodate one-way bicycle traffic. It will serve as a bike lane separate from the
4 eight-foot sidewalk. It was noted that the applicant is dedicating 20 feet of property behind the
5 curb to provide the improvements. The City’s intent is to require that the improvements be
6 installed immediately.

7
8 Mr. Johnson explained that the applicant will develop the property and deposit a bond to ensure
9 that it is done to plan. Once the work is complete, the funds will be returned. Any public
10 improvements are required to be installed at the developer’s expense.

11
12 An elevation profile was displayed showing the massing of the project in relation to the grade and
13 the adjacent homes. Proposed lighting materials and screening were discussed. Mr. Johnson
14 reported that the fencing was changed to a six-foot IPE wood material along the south property
15 line that matches the front yard fences and the siding material on the homes. The trash enclosure
16 will also be constructed of the same material and match the architecture.

17
18 With regard to the landscaping plan, in the areas adjacent to the single-family residential there is
19 a 25-foot buffer and setback proposed. The area is recessed six to eight feet into the ground. The
20 ARC also requested that trees be planted along Fort Union Boulevard. As part of the live-work
21 units, there will be a signage plan submitted that will be reviewed by staff.

22
23 Key findings of the traffic study, which was conducted by licensed transportation engineers, was
24 described and reviewed by the City Engineer. The proposed project is estimated to generate
25 approximately 168 new external trips daily with 11 trips during the a.m. peak and 13 trips during
26 the p.m. peak. The number of parking stalls proposed exceeds what was recommended in the
27 traffic study. It was determined that the level of service will not be substantially impacted by the
28 proposed development.

29
30 Mr. Johnson reported that at the last meeting the Planning Commission asked the applicant to
31 consider lowering the entire site down to the level of Fort Union Boulevard. Potential problems
32 were described. Any projects in the main corridors go through the ARC who is charged with
33 reviewing the landscaping, architecture and overall design against the City’s design guidelines to
34 ensure compliance. The ARC meetings where this issue was discussed were held on June 27, July
35 28, and September 24. Changes were requested at each meeting. Renderings of the original versus
36 the current proposal were displayed.

37
38 It was noted that the landscaping along the frontage has been increased substantially. On 1700
39 East frontage improvements will be made including a sidewalk, a stamped treated crosswalk across
40 the driveway, and an ADA ramp. Per the ARC recommendation, additional trees will be planted
41 to the Fort Union corridor that comply with Rocky Mountain Power standards. The concrete
42 retaining wall along Fort Union Boulevard will be treated with a color that is complementary to
43 the architecture on the site. Staff recommended approval subject to the findings and conditions
44 set forth in the staff report.

1 The applicant/property owner, John Prince was proud of the development and identified ways they
2 have tried to make it a prominent pedestrian-friendly streetscape that is also acceptable to their
3 neighbors. Mr. Prince reported that the maximum density in the Mixed-Use Zone is 35 units per
4 acre. The project includes 23 units on 1.2 acres or 20 units per acre, which is substantially less
5 than is allowed. In the Mixed-Use Zone, the maximum lot coverage for buildings is 65%. Their
6 buildings only occupy 33.4% of the lot area or half of what is allowed. The landscape minimum
7 is 15% of the lot area. This includes sidewalks, walkways, and sitting areas. Grass and plantings
8 occupy 22.5% of the project. Their open space is 42.5% of the project, which is nearly double the
9 minimum. In the Mixed-Use Zone, the maximum height is 35 feet. Their buildings are 32 feet.
10 Due to the grade of the property and, because they have already lowered the site to function with
11 existing roads, they appear even lower than that to the neighbors. The minimum setback from
12 abutting residential properties is 25 feet and they are at least 25 feet in all areas where they neighbor
13 residential and on average are 30 feet from property lines. They are substantially further than that
14 from homes.

15
16 Per the traffic study, they are providing substantially more parking than required. Mr. Prince stated
17 that they have exceeded all requirements even though a denser project is probably more appropriate
18 for the zone. Walkability issues were discussed. Mr. Prince stated that they are dedicating a very
19 large portion of the project to the City to help further the goals of the Fort Union Master Plan. The
20 primary concern that has been raised is traffic. Their goal is to enhance the walkability. To
21 maintain the main street feel, he preferred fewer setbacks in front. It was clarified that the two
22 issues under consideration tonight are the setbacks and the number of stories.

23
24 Chair Griffin reopened the public hearing.

25
26 Sydnee Quigley stated that her husband was a double amputee so she was very aware of ADA
27 guidelines. It appeared that the developer was only going to place a ramp on the one side near
28 1700 East. With regard to the businesses, she asked where patrons will enter and how the ADA
29 guidelines will be met. Mrs. Quigley also asked what businesses will locate in the units and about
30 the placement of the dumpsters.

31
32 Debbie Durtschi was present on behalf of the Ridgecrest Elementary School Community Council
33 who represents the safe routes walking routes. While they do not want to stand in the way of
34 progress, they ask that consideration be given to the children. She noted that if all of the walkways
35 and bike paths being discussed are constructed, it will be necessary for children to walk exclusively
36 on the north side of Fort Union Boulevard and cross at 1700 East at the single entrance and exit
37 into the development. She considered the project to be an investment for the developer and as a
38 result, the community should receive a benefit. The Community Council's main concern was the
39 safety of children. For a motorist turning right at the entrance to the development, it is necessary
40 to slow down or stop to turn a second time. The result will be cars backing up onto Fort Union
41 Boulevard. When cars exit the development there is a double yellow line. She asked that that be
42 addressed as well. Traffic will be forced to turn right and find a place to make a U-turn. It was
43 suggested that a change be made to the grade at 1700 East to protect the safety of children.
44 Ms. Durtschi suggested the development be lowered to provide noise, light, and view abatement.
45 A Safe Route to School grant was being considered for 1700 East that will help provide

1 improvements such as a retaining wall. A grant was received to complete work near Butler Middle
2 School on the east side of the road to provide retaining areas.

3
4 Chair Griffin asked about the trigger that would require students to cross over. Ms. Durtschi stated
5 that it is based on the walkability of Fort Union Boulevard. The Canyons School District
6 conducted a Walkability Hazard Study that looked at various factors. Once they go to a modified
7 streetscape, Fort Union Boulevard will be deemed less of a risk and they will lose assistance.
8 Specifically, there will be a crosswalk to bring children across Fort Union Boulevard.
9 Ms. Durtschi assumed it would go directly in front of this project but there is no sidewalk on that
10 side of the street. Ms. Durtschi stated that it is a modified sidewalk currently. The Council
11 determined that children should not cross 1700 East and instead go to the east side.

12
13 Mr. Johnson described how a determination is made once a crosswalk is triggered. In terms of
14 walking and hazard routes, staff meets with Canyons School District representatives quarterly to
15 discuss these types of issues. They identify their process and hazard routes and ask for feedback.
16 He stressed that it is not a mandate. He could not speak to the school district's process for
17 determining or lifting hazard routes but stated that recently one was lifted and there was concern.
18 Ultimately, the bus route was reinstated.

19
20 Ms. Durtschi clarified that she was representing the School Community Council that is involved
21 with the School Land Trust Fund and establish the Safe Walking Routes. They are given \$120,000
22 per year that they decide how to spend. Chair Griffin stated that the Commission wants to be sure
23 that their decisions are based on facts and clarified that there is no guarantee that the crosswalk
24 will go in front of the project.

25
26 Ben Briggs reported that at the conclusion of the last meeting, he drove past Pinnacle Highland
27 and noticed that it has three floors. It is very large and can be seen from far away. He considered
28 it to be a blight on the hill. Mr. Briggs would not want to something similar to be built on the
29 subject property. He questioned why it is necessary for developers to always build to the maximum
30 height and density. He also did not feel that the number of proposed parking stalls was adequate.

31
32 Alan Blank read a written statement indicating that the developer's application does not comply
33 with the height and setback limits. The height must not exceed two stories or 35 feet, whichever
34 comes first. After receiving a favorable recommendation from the DRC, the Planning Commission
35 *may* increase the maximum height of the structure in a Mixed-Use Zone to no more than three
36 stories upon finding that such increased height will not adversely impact the public health, safety,
37 or welfare. Mr. Blank remarked that many citizens have spoken against violating the height
38 provisions. He considered three stories to be inappropriate and jeopardize the safety, privacy, and
39 property values of citizens. The project will forever change the character of the surrounding area.
40 Mr. Blank asked that the impact it will cause be carefully considered. He pointed out that safety,
41 privacy, and property values are protected by the Building Code and the City should protect the
42 rights of citizens rather than the developer. Mr. Blank contended that the developer does not have
43 the right to use the land any way he chooses. A long wall of units all reaching the same maximum
44 height does not comply with the Code requirements and will not be aesthetically pleasing.

1 Richard Hanson, a 30-year resident, stated that he walks this route nearly every day and the
2 intersection is already difficult. To add 32 more units will only make it more unsafe. He asked
3 where visitors will park when there is an event. He considered the parking that is provided to be
4 woefully inadequate.

5
6 Paul Ellingson commented that when the Planning Commission met originally to consider making
7 the property on Fort Union Boulevard and 1700 East mixed use, many of the neighbors showed
8 up to voice their concerns. Despite those concerns the recommendation was made to proceed with
9 mixed-use zoning. The current request is for an increase in height and a decrease in setbacks. The
10 Planning Commission was also being asked to approve a third story. Mr. Ellingson was concerned
11 that the developer will likely not be a long-term partner in the community and was aware of the
12 zoning when the property was purchased. With regard to the traffic study, Mr. Ellingson applauded
13 those who have expressed concern with the traffic study. The intersection is dangerous and during
14 a snowstorm the hill poses problems for motorists. He hoped that a traffic study would be
15 conducted in the wintertime with real life situations. There had been discussion about the safety
16 of children who he sees walk to school every day. Mr. Ellingson was concerned that the neighbors
17 were not listened to but hoped the Planning Commission would consider his concerns.

18
19 Eric Kraan commented that the developers are seeking to maximize revenue. There are guidelines
20 concerning what constitutes a main street and one aspect is walkability. He pointed out that the
21 proposed long wall does not promote a pedestrian-friendly environment. He suggested there be
22 terracing or gradual steps up to create a linear park. The current request does not address the goals
23 set forth in the Master Plan. Noise issue were also identified as a concern.

24
25 Marshall Stevens reported that he lives near the proposed development and moved to Cottonwood
26 Heights eight or nine years ago. While walking by the property recently, they were nearly hit by
27 a car. It was suggested that improvements be made to address traffic safety concerns. He stressed
28 that where the road and the access meet is extremely dangerous. He urged the Commission
29 Members to walk it personally. He had no objection to any other part of the proposal and expected
30 what is developed to be an improvement.

31
32 Russ Lightel commented that the proposed building is beautiful but does not belong in the
33 proposed location. He asked that the Planning Commission consider designating an overflow
34 parking area. He hoped the concerns of the residents will be considered rather than a developer
35 who is not part of the community. Mr. Lightel commented that he walks the neighborhood and
36 there are potential dangers for children. Traffic circulation issues were identified. He lives south
37 of the proposed project and was concerned about the additional traffic that will be generated and
38 potential safety issues.

39
40 Parys Lightel stated that in reality the plan is for multi-family rental housing rather than mixed-
41 use and there is no guarantee that there will be businesses there. She had tried unsuccessfully to
42 access information on the City's website and explained that the Mixed-Use Zone is intended to
43 achieve the cohabitation of use while ensuring that the impacts on residents are minimized. She
44 was opposed to allowing for three stories, which does not fit the vision for the area. The Planning
45 Commission can make an exception if the use does not adversely affect the public health, safety,
46 or welfare. Ms. Lightel stated that it is already negatively impacting the safety and welfare of her

1 and her family. With regard to height, Ms. Lightel was informed by Mr. Johnson that the
2 developers will only be able to build halfway up the grade, which is where the current garage is
3 being built. She was concerned that the renderings do not match what the residents are being told.
4 She was also worried about the proposed buildings looking down into her property.
5

6 Rodger Fullmer commented that he loves the neighborhood and was worried about the impact and
7 disruption that will take place during construction. Their neighborhood is friendly and inviting
8 but the new development will have a negative impact. He was opposed to the proposed project
9 coming into the neighborhood and changing the dynamics of the area.
10

11 Leonard Gundersen stated that his home is directly behind the proposed project on two sides. He
12 did not object to the development but was concerned about the safety of children. He referenced
13 the Code, which specifies that a permit shall not be approved unless it will not be detrimental to
14 the safety, comfort, or general welfare of the persons residing in the vicinity. The preservation of
15 existing property values was also to be assured. There should be protection against light, noise,
16 and visual impacts as well. Mr. Gundersen's main concern pertained to property values and he
17 asked how his property value can be assured. He was relieved to learn that the units will not be as
18 high and graded down.
19

20 Liliana Casale echoed the previous comments made and urged the Commission to be the voice of
21 the citizens. She pointed out that the job of the Planning Commission is to defend the community.
22 She was not opposed to the development but objected to the developer being in violation of the
23 Code. The developer is asking for a reduction to the setback and an increase in the height. She
24 was also concerned about the buildings looking down into the adjoining residences. She saw no
25 benefit to the community of having such large buildings. The building will also not increase the
26 walkability of the area. She did not support allowing the developer to do whatever he wishes.
27

28 Susan Meyer had strong feelings about the request and has lived in the area for 75 years. She loves
29 her neighbors and can see that they are hurting. She was concerned about traffic and the safety of
30 children. She commented that the entrance and exit look like an accident waiting to happen.
31 Ms. Meyer urged the Commission to respect the wishes of the neighbors rather than the developer.
32 She also was opposed to allowing three stories and tandem parking.
33

34 Forrest Campbell commented that the 1700 East ingress and egress seems to be located in a poor
35 spot. Any type of slowing in front of the entrance will result in delay on Fort Union Boulevard.
36 He took a photo earlier in the morning and reported that from 7:30 a.m. and 8:30 a.m. traffic is
37 backed up all the way to house that is to be demolished. He did not understand how the residents
38 of the proposed development will be able to turn left across the double line, which conflicts with
39 traffic laws. The result will be to force traffic into the neighborhood. He pointed out that three of
40 the six pathways into the neighborhood run in front of Ridgecrest Elementary School.
41 Mr. Campbell stated that the development will invite increased traffic in front of the school. There
42 are dedicated bus routes in the area for the school that are deemed a priority for snow removal
43 crews. He suggested the City consider requiring all parking to be contained within the facility.
44 Tandem parking will simply allow for storage in front of the parking.
45

1 Ernie Cummings gave his address as 7180 South 1700 East where there is no sidewalk. He watches
2 children walk in front of his home every day and there is a similar problem all the way down 1700
3 East. He was deeply concerned about the safety of children and the traffic problems the
4 development will generate. A few weeks prior he met with the Mayor, a Council Member, and
5 the City Planner and asked if a traffic study had been conducted. He was told that there had not
6 been. Mr. Cummings questioned why the project was approved without it.

7
8 Larry Jewkes, a 50-year resident, was concerned about the proposal to increase from two stories
9 to three. He was concerned that the development will only benefit the builder and not the
10 community. He referenced a project in Millcreek City that has totally blocked the views of the
11 neighbors and had a very detrimental impact.

12
13 Jenna Ellingson thought she lived in the suburbs and was surprised to hear the Commission refer
14 to the area as urban. The neighbors prefer to preserve the area as a place where children can play.
15 Ms. Ellingson acknowledged how dangerous the road is near the entrance to the proposed project
16 and found it contradictory for the City to state that they want the community to be more walkable
17 while allowing more businesses and density in the area.

18
19 Larry Selfridge suggested that the site plan be submitted with the zone change request. He
20 commented that there seems to be a disconnect. If the citizens were on board with the request, the
21 rest of the process would be much easier. He questioned whether the conditional use should be
22 approved tonight.

23
24 Tom Barnes, a 40-year resident, stated that his son lives just south of the proposed project. He had
25 noticed that as the road has been widened along Fort Union Boulevard, it has changed the grade
26 on both sides. When Big O Tires was constructed on 2250 East it was set back but blocks the
27 views because it so tall. He was concerned that the proposed project is going to be a “monstrosity”.
28 He was concerned that such a large structure being set up so high will block the neighboring
29 residents.

30
31 There were no further public comments. The public hearing was closed.

32
33 Commissioner Ryser disclosed a potential conflict and stated that she is endorsing a City Council
34 candidate for whom this project has been a political issue.

35
36 Chair Griffin reported that one of the goals is to educate the public. The Commission represents
37 38,000 residents and while they are mindful of the future of the City, there are guidelines that they
38 must adhere to. Chair Griffin described the purpose of conditional use permits.

39
40 Commissioner Coutts commented that in the Mixed-Use Zone a developer can request up to 145
41 feet in height. In a Single-Family Zone, the maximum height is 35 feet. The number of stories
42 was a different issue. Chair Griffin clarified that the applicants are well within the height
43 restriction and are simply asking for three stories. A comment was made that increased ceiling
44 heights increase property values. Market factors, however, were not within the purview of the
45 Commission. The Commission must approve the request if they cannot show how the difference

1 between two and three stories negatively impacts the public welfare or that it has not been
2 mitigated by the developer. The issue of property values was discussed.

3
4 Commissioner Mills considered three stories to be inappropriate and will jeopardize safety,
5 privacy, and property values. Commissioner Ryser did some research on property values in
6 Sugarhouse and saw no change in the values of homes placed next to developments that would
7 seemingly cause a decrease. A comment was made that if \$10 million is invested into a state-of-
8 the-art building next to a single-family home, it was not expected that the property value would
9 decrease. When the proposed change was first proposed, there was concern that the height was
10 being increased. When it was discovered that the change pertained to the number of stories, that
11 concern was resolved.

12
13 Setback issues were discussed. Chair Griffin stated that the elevation decided on was largely
14 driven by ensuring that the driveway is as flat as possible so that children that cross there will be
15 visible to motorists. The more the elevation is dropped, the less safe the driveway becomes.

16
17 Commissioner Ryser was concerned about having 23 units share one egress and potential safety
18 issues. Mr. Johnson commented that the Fire Department signed off on the site plan in terms of
19 turnaround and access. There are tiered requirements in the Fire Code. If no fire sprinklers or fire
20 rating is proposed, the project would be limited to a certain number of units. That number can be
21 increased based on additional fire mitigation practices. He noted that the Walsh project consists
22 of 200 units on one egress.

23
24 Commissioner Allen was most concerned about the sidewalk and the safety of pedestrians. The
25 applicant modified the site plan to include stamped concrete. He was not sure that goes far enough
26 to adequately address the walkway. A raised crossing was considered previously but
27 Commissioner Allen was of the understanding that that can pose issues with drainage. It seemed
28 like a raised crossing there would be preferable. Commissioner Allen's concern from the previous
29 meeting regarding clearance and visibility had been resolved. It was clarified that there is 30 feet
30 of visibility at each point.

31
32 Commissioner Allen commented that the proposed setbacks are away from the single-family
33 residences. In all cases, they are in compliance with the Code with respect to property lines
34 bordering or next to single-family residences. Chair Griffin explained that Fort Union Boulevard
35 has a streetscape with a bike lane, an eight-foot sidewalk, and a park strip that in this case
36 accommodates the existing power poles. The developer is dedicating over one-half acre of
37 property valued at over \$500,000 and building it to the City's specifications. It will provide a
38 physical example of what they would like Fort Union Boulevard to look like. When looking at
39 setbacks, much of the reduction being sought at the two points is covered by the eight feet the
40 developer is dedicating. Ultimately, the developer is dedicating a significant amount of property
41 to the City and improving it. In turn, they are asking for some setback reduction. In most cases,
42 the setback is more than is needed.

43
44 Commissioner Coutts commented that the public right-of-way will get built out and there will be
45 a few feet left where there is an opportunity for a street-side amenity. It was noted that the ARC

1 recommended the retaining wall be rearranged to be more inviting. Specific guidelines were given
2 to help accomplish that.

3
4 Commissioner Wilde commented that he drives by the project several times per day and he agreed
5 with the gentlemen who described it as blighted. He believed it was appropriate for the property
6 to be developed. He estimated that 40 to 50 property owners have expressed interest or concern
7 with this project and its impact on them. He pointed out that the Commission is very restricted in
8 terms of the action they can take.

9
10 Due to the meeting extending beyond 9:00 p.m., a motion was needed to continue the discussion.

11
12 ***Commissioner Allen moved to continue the meeting beyond 9:00 p.m. Commissioner Rhodes***
13 ***seconded the motion. The motion passed with the unanimous consent of the Commission.***
14 ***Alternate Planning Commissioner Bob Wilde did not participate in the vote.***

15
16 Chair Griffin acknowledged that the City is experiencing change. Cottonwood Heights differs
17 from many cities because they do not have a lot of vacant land. In many cases, projects that come
18 forward involve redevelopment. He asked that the public have faith in staff, the Commission, and
19 their elected officials and understand that there are rules to be applied. They listen and take public
20 comment into account. Chair Griffin explained that land planning changes constantly. When they
21 negotiate, the public can be assured that they are being listened to. He encouraged the public to
22 continue to be engaged. Driveway grade issues were discussed.

23
24 Ingress and egress issues were addressed. Commissioner Coutts pointed out that many of the
25 negative comments expressed pertained to congestion. She believed that removing driveways
26 from Fort Union Boulevard will be very helpful. The impacted area studied in the traffic report
27 showed that the net increase in congestion is minimal.

28
29 ***Commissioner Bevan moved to approve Project SPL-19-007 subject to the following:***

30
31 ***Conditions:***

- 32
33 1. ***That provisions be incorporated into the development CC&Rs and condominium***
34 ***plat limiting signage to the development sign plan or seek specific modification***
35 ***of sign plan by architectural review committee approval.***
36
37 2. ***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 use of parking spaces in common areas.***
42
43 3. ***That all conditions of the Architectural Review Commission's Certificate of***
44 ***Design Compliance be adhered to in the final plan.***
45
46 4. ***An ADA sidewalk ramp will be constructed from Fort Union Boulevard into the***
47 ***project.***

- 1
2 5. *The applicant shall work with staff and the City Engineer to improve any*
3 *crosswalk across the driveway, if feasible.*
4

5 ***Findings:***
6

- 7 • *The proposed use is in compliance with the standards of the MU – Mixed-Use zone.*
8
9 • *Proper notice was given in accordance with local and state requirements.*
10
11 • *A public hearing was held in accordance with local and state requirements.*
12
13 • *That the Planning Commission adopts the written Findings of Fact outlined in the*
14 *analysis of this report as demonstrating that the proposed third story and decreased*
15 *street-side setbacks is compliance with the conditional use permit standards and that*
16 *reasonable conditions are proposed to mitigate the reasonably anticipated detrimental*
17 *effects of the proposed use.*
18
19 • *That the Planning Commission adopt the recommended conditions of approval in this*
20 *report as reasonable conditions to mitigate the anticipated detrimental effects of the*
21 *proposed use.*
22

23 ***Commissioner Coutts seconded the motion.***
24

25 Commissioner Allen commented that the proposed development has a lower density than is
26 allowed, meets the setback requirements on all sides facing single-family residences, has a lower
27 lot coverage by 50% than what is allowed by Code, meets the height requirements, eliminates
28 driveways on Fort Union Boulevard, the southern units are recessed down six feet and reduces the
29 impact to the properties to the south, has substantial landscape screening and fencing along the
30 south property line, exceeds the ITE standard number of parking stalls, has no bearing on the
31 jaywalking issue, and there is no evidence that the project will negatively impact traffic.
32

33 Chair Griffin stated that the developer has tried to accommodate all that the City has asked for and
34 believed the project will be viable.
35

36 ***Vote on motion: Commissioner Mills-Nay, Commissioner Rhodes-Aye, Commissioner Bevan-***
37 ***Aye, Commissioner Coutts-Aye, Commissioner Allen-Aye, Commissioner Ryser-Nay, Chair***
38 ***Griffin-Aye. The motion passed 5-to-2. Alternate Commission Member Bob Wilde did not***
39 ***participate in the vote.***
40

41 Commissioner Ryser voted against the motion due to concerns with parking and mass and the
42 impact on surrounding neighborhoods.
43

44 **3.3 (Project CUP-19-008) – A Public Hearing and Possible Action on a Request by**
45 **Nathan Anderson for Approval of 13 Mixed-Use Live-Work Townhomes,**
46 **Including a Conditional Use Permit for an Increase in Height and a Decrease**

1 **in Setbacks, at 1810 East Fort Union Boulevard in the MU – Mixed-Use Zone.**
2

3 The above matter was continued to the next Planning Commission Meeting. Based on feedback
4 from the Architectural Review Commission (ARC) the project was being redesigned by the
5 applicant.
6

7 *Commissioner Coutts moved to table agenda item 3.3 to the November 6, 2019 meeting.*
8 *Commissioner Rhodes seconded the motion. The motion passed with the unanimous consent*
9 *of the Commission. Alternate Planning Commissioner Bob Wilde did not participate in the vote.*

10
11 **4.0 CONSENT AGENDA**
12

13 **4.1 Approval of Planning Commission Minutes.**
14

15 **4.1.1 Approval of Minutes for September 4, 2019.**
16

17 *Commissioner Mills moved to approve the minutes of September 4, 2019, as written.*
18 *Commissioner Bevan seconded the motion. The motion passed with the unanimous consent of*
19 *the Commission. Alternate Planning Commissioner Bob Wilde did not participate in the vote.*
20

21 **5.0 ADJOURNMENT**
22

23 *Commissioner Ryser moved to adjourn. Commissioner Rhodes seconded the motion. The*
24 *motion passed with the unanimous consent of the Commission.*

25
26 The Planning Commission Meeting adjourned at approximately 9:10 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, October 2, 2019.*
3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary
9

10 Minutes Approved: _____

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

3
4 **Wednesday, November 6, 2019**

5 **5:00 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, Craig Bevan, Jesse Allen, Sue Ryser, Christine Coutts,
13 Dan Mills, Doug Rhodes, Bob Wilde (Alternate)

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 City Planner Matthew Taylor, Associate City Planner
18 Andrew Hulka, Assistant City Planner/Sustainability Analyst Samantha
19 DeSeelhorst
20

21 **WORK SESSION**

22
23 Chair Graig Griffin called the meeting to order at approximately 5:08 p.m. and welcomed those in
24 attendance.
25

26 **1.0 Planning Commission Business.**

27
28 **1.1 Review Business Meeting Agenda.**
29

30 Community and Economic Development Director, Michael Johnson introduced Assistant City
31 Planner/Sustainability Analyst, Samantha DeSeelhorst.
32

33 Associate City Planner, Andrew Hulka addressed Project CUP 19-008 and reported that the
34 property is located at 1810 East Fort Union Boulevard. It had been reviewed previously by the
35 Commission and the proposed changes were identified.
36

37 Mr. Johnson explained that when the project originally was presented, significant concern was
38 expressed by the Planning Commission and the Architectural Review Commission (“ARC”).
39 After the original hearing, the item was continued. The applicant requested additional time to
40 substantially rework the development. On October 30 the ARC approved the project and issued a
41 Certificate of Design Compliance with four recommendations, which were described.
42

43 At the last ARC Meeting, one of the issues addressed was what to do on the rooftop area. The
44 original request was for a height in excess of 35 feet. Some of the comments were that it seemed
45 too large, tall, and tight on the site. With regard to the rooftop stairways, the applicant submitted
46 two options; one with internal stairwells and one with covered stairways above the roof. To the

1 top of the parapet wall is no higher than 35 feet on any of the buildings but the covered stairways
2 and trellises extend beyond that. The applicant was willing to do either design. The ARC preferred
3 having the covered stairwells for several reasons including the concern with snow and leaves
4 creating a maintenance issue. They were also worried that the covered area would provide a
5 separation between each of the units and create privacy. In addition, having the unified trellis
6 design would provide a sense of uniformity and prevent the owners from having umbrellas or
7 temporary structures that may not be uniform. Approval was recommended with the additional
8 height for the covered stairways.

9
10 The project was broken up into three buildings. Some of the comments made by the ARC included
11 a desire to step the units. On the rear unit, the ARC was concerned that it has a flat face and
12 suggested that some interest be added. Major recent changes were described. Building A is 38.5
13 feet tall, Building B is 32.5 feet, and Building C is 39.5 as measured from grade to the top of the
14 stairs. The applicant provided drawings and was willing to remove the stairwells from the front
15 and back buildings. Staff recommended the Commission consider granting approval with Building
16 A in front and require the internal stairwells on Building C. It was noted that Building B, regardless
17 of the stairwells, is only 33 feet in height.

18
19 A question was raised as to how to prevent the rooftop decks from being enclosed. Mr. Taylor
20 explained that there are very specific plans that act as an approval. There were concerns that some
21 of the units have office space on the ground level. The previous design did not provide parking in
22 front of the businesses and there was no internal pedestrian circulation. The units had since been
23 divided into separate buildings. There was still the same amount of guest parking, which exceeds
24 the minimum requirement but there are no pedestrian connections. Previously there were 31 total
25 parking stalls and that number had since been reduced to 29 as a result of the reduction of one unit.
26 There was also concern that the traffic study referenced two-story buildings, however, the
27 proposed buildings are three stories.

28
29 With regard to landscaping, the original plan included 31 trees. The revised plans include 30.
30 There is no minimum landscaping requirement because the total site is less than one acre in size.
31 Street trees will be provided along Fort Union Boulevard. Staff recommended that in areas within
32 20 feet of the drive approaches, shrubs be maintained to be no taller than three feet in height. Trees
33 shall be pruned to 10 feet.

34
35 With regard to the sidewalks, Mr. Hulka reported that the desired width of the Fort Union
36 Boulevard sidewalk is seven feet with five feet for a bike lane. It was suggested that there be
37 consistency. It was noted that the half width dedication of the right-of-way is equal for both
38 projects. Project renderings were reviewed.

39
40 Staff recommended approval subject to the conditions set forth in the staff report.

1 **1.2 (Project PDD-19-001) Discussion on a Proposed Planned Development District**
2 **Preliminary Plan and Rezone Application for the Redevelopment of**
3 **Approximately 21.7 Acres at 6695 South Wasatch Boulevard Currently in the**
4 **F-1-21 (Foothill Residential) Zone and Identified in the General Plan for**
5 **Mixed-Use Development.**
6

7 Mr. Taylor reported that the above request was presented at the last meeting. The applicant
8 discussed the issue of the corporate headquarters they are proposing. They are requesting the
9 City’s support and plan to build an apartment structure that will serve as their corporate
10 headquarters. The plans include 650 to 800 parking stalls. At a recent meeting with staff it was
11 reported that UDOT’s goal is 5,000 stalls near the mouth of the canyon. They felt that a shared
12 parking situation would be advantageous rather than constructing a parking structure that is built
13 and used exclusively for parking. The various aspects of the project were described. Cottonwood
14 Heights City asked that the other corporate buildings down the hill make their parking available
15 outside of office hours to alleviate traffic congestion in the canyons. It was reported that the
16 Canyon Center is charging a fee for parking.
17

18 A question was raised about seismic data and the fault. Mr. Taylor explained that the information
19 that is available is from the last five years. Western Geologic and GeoStrata Engineering were
20 hired to provide an analysis. An entire chapter in the ordinance is dedicated to how it is to be
21 studied. The burden is on an applicant to submit the studies, which are reviewed by the contract
22 geologist against the Code.
23

24 Mr. Taylor reported that staff was in the process of reviewing the comments received from the
25 Planning Commission and the Engineering Department. The intent was to have the application
26 back before the Commission in the next few weeks. Potential options on the site were discussed
27 in detail as well as constraints that exist.
28

29 A question was raised about amenities for the condos and apartments. The applicant stated that
30 there will be several amenities including patio and courtyard areas, a swimming pool, fire pits,
31 sports courts, and gathering areas. Commissioner Coutts’ understanding was that with the special
32 zoning, one of the advantages is that the City would get something in return. She asked what the
33 benefit would be to the City. The applicant explained that there will be trail connections and
34 landscaped gathering areas along the trail. The condominiums will be 10 stories tall on top of five
35 stories of parking. The apartments will consist of five stories on top of two stories of parking. It
36 was noted that the ordinance requires a tremendous amount of detail and the current plans are far
37 from being fully articulated. It was suggested that 50 feet of parking garage not be shown next to
38 the trail. While both the apartments and condominiums have above ground parking, it will be
39 hidden.
40

41 **1.4 Adjournment.**
42

43 *Commissioner Coutts moved to adjourn the Work Session. Commissioner Rhodes seconded the*
44 *motion. The motion passed with the unanimous consent of the Commission.*
45

46 The Work Session adjourned at 6:27 p.m.

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

3
4 **Wednesday, November 6, 2019**

5 **6:00 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, Craig Bevan, Jesse Allen, Sue Ryser, Christine Coutts,
13 Dan Mills, Doug Rhodes, Bob Wilde (Alternate)

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 City Planner Matthew Taylor, Associate City Planner
18 Andrew Hulka, Assistant City Planner Samantha DeSeelhorst, Youth City
19 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 6:32 p.m. and welcomed
26 those in attendance.
27

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

29
30 There were no conflicts.
31

32 **2.0 General Public Comment**

33
34 Laron Selfridge a Cottonwood Heights resident, thanked the Commission for their efforts in
35 educating the public. He also appreciated staff and the work they do. He was informed by the
36 Utah Transit Authority (“UTA”) that there is no intention in the near future of any lines coming
37 into Cottonwood Heights. If the Planning Commission and City Council wish to create a
38 sustainable city, the population must increase in a concentrated area. He did not support the
39 Mixed-Use zone and considered it a mechanism to create community development and mimic
40 every other city along the Wasatch Front. He suggested taking the existing commercial and
41 potential high-density multi-family and divert it to the town center. He pointed out that the area
42 is intended to serve as a gateway to the canyons. To divert it would encourage UTA to consider
43 coming to Cottonwood Heights.
44

45 There were no further public comments. The public comment period was closed.
46

1 **3.0 BUSINESS ITEMS**

2
3 **3.1 (Project CUP-19-008) – A Public Hearing and Possible Action on a Request by**
4 **Nathan Anderson for Approval of 12 Mixed-Use Live-Work Townhomes,**
5 **including a Conditional Use Permit for the Inclusion of a Third Story, at 1810**
6 **East Fort Union Boulevard in the MU – Mixed-Use Zone.**
7

8 Associate City Planner, Andrew Hulka presented the staff report and displayed an aerial view of
9 the site. The property is zoned Mixed-Use and what is proposed is a permitted use in the zone.
10 The matter was before the Commission to address the site plan approval as well as the conditional
11 use approval for the third story. The various changes proposed since the project was initially
12 presented were reviewed.
13

14 The property is in the Gateway Overlay District, which requires a Certificate of Design
15 Compliance from the Architectural Review Commission (“ARC”). The certificate was issued on
16 October 30 by the ARC with conditions of approval. One condition involved addressing the
17 rooftop area. The ARC preferred a rooftop area with covered stairs as opposed to an open rooftop
18 deck with internal stairwells. The ARC also addressed the building massing and specifically the
19 rear elevation.
20

21 Since the original submittal, the applicant has provided new designs. The comments pertaining to
22 the original design with one large building and 13 units were primarily that it was too large and
23 does not fit the site. The revised plans split the one 13-unit building into three buildings with four
24 units each for a total of 12. The change reduces the overall project density from 24 units per acre
25 to 22.
26

27 Mr. Hulka reported that the applicant provided two options for consideration. One with all of the
28 buildings at 35 feet in height or lower from grade and one with covered stairwells above the roof
29 that extend above 35 feet on the front and back. With regard to setbacks, initially the applicant
30 was requesting a conditional use permit for reduced setbacks, however, many felt it was too close
31 to Brookhill Drive and Fort Union Boulevard. The new site plan meets all required setbacks.
32

33 With regard to height, Mr. Hulka explained that the measurement to the top of the parapet wall
34 above the roof is less than 35 feet in every case. A portion of Buildings A and C, however, exceeds
35 that limit. The applicant submitted another optional design that did not include any structures
36 above the parapet wall on the roofs of Buildings A and C. the result was to bring the height of the
37 buildings under 35 feet in all cases to the highest point. In both options, Building B was lower
38 than 35 feet.
39

40 Parking was addressed frequently during the last public hearing. Each unit has two parking stalls
41 with five guest parking spaces available off-street rather than in the garages. The original plan
42 included 31 parking spaces with the revised plan showing 29. That number was reduced by two
43 when one unit was lost as part of the redesign. One concern with parking was that Brookhill Drive
44 is a narrow street and it can be difficult to pass when cars are parked on both sides of the street.
45 Staff’s recommendation was to post no parking signs and restrict parking to one side of the street
46 along a portion of Brookhill Drive.

1
2 With regard to landscaping, the new plan includes 30 trees. The original plan proposed 31. Along
3 the rear property line, the trees were more closely clustered together. The intent was to provide a
4 landscape buffer between the project and the adjacent residential properties. Staff recommended
5 a condition be added that the clear view areas adjacent to the driveway accesses remain open. It
6 was recommended that trees be pruned that are within 20 feet of the accesses to 10 feet. Shrubs
7 within 20 feet will be maintained at a height of no greater than three feet.
8

9 One of the concerns raised during the Work Session pertained to Building C. The Commission
10 did not want a situation where residents can see over the edge and down into the neighboring
11 properties. The applicant submitted floor plans showing one-third of the roof dedicated to solar
12 panels and mechanical equipment. The intent was for the rooftop deck to face away from the
13 neighboring properties and create an additional buffer.
14

15 Renderings of the site were displayed. Another option was to have the internal stairwells not
16 extend above the roof. Staff recommended approval subject to the seven conditions set forth in
17 the staff report. Mr. Hulka explained that with the redesign, the applicant indicated that just the
18 four units facing Fort Union Boulevard will be used as live-work units. The impact was expected
19 to be minimal.
20

21 The applicant, Nathan Anderson referred to the ARC's recommendation that the stair tower
22 remains consistent. He explained that the rooftop deck area is highly sought after by the
23 homeowners who expressed interest in purchasing the units. They also placed solar panels on half
24 of the roof structure and a rooftop deck on the other half separated by a parapet wall. The stair
25 tower would be oriented away from the neighbors on the south.
26

27 With regard to the commercial along the front along Fort Union Boulevard will include offices
28 that are 9 ½ feet x 12 feet in size. In total, all four combined will be only 455 square feet. Mr.
29 Anderson noted that the live-work units that have been developed in Salt Lake City have done
30 quite well and tend not to generate much traffic or customers.
31

32 On Building C, there are windows facing south on the third level. The windows on the second
33 level are above the cabinetry, which lets light into the unit without impacting the view. He
34 commented that the use of the offices will be governed by the CC&Rs as well as what occurs on
35 the rooftop decks. No advertising will be allowed on the doors and no commerce will take place
36 in the offices other than those fronting Fort Union Boulevard.
37

38 Mr. Anderson was commended for proposing the solar panels on the roof as for his response to the
39 Fort Union Master Plan for the front at the main street level. Support was expressed for the lack
40 of retaining and the ability to make it accessible from the street level. It was reported that there
41 will be no dumpsters on the site. All trash and recycling bins will be stored inside the garages. It
42 was clarified that each unit will have its own garbage bins.
43

44 Chair Griffin opened the public hearing.
45

1 Sydnee Quigley a neighboring resident, commented on the garbage cans and stated that there will
2 be 36 garbage cans lined up along Brookhill Drive on garbage day. With regard to parking, she
3 asked if the project will be ADA compliant and provide handicapped stalls. She asked how the
4 sidewalk connects to the existing properties and if the units will be rented or owned. She reported
5 that she drives 700 East frequently and has noticed flags, banners, and trellises on these types of
6 buildings. She asked how they will control that. In addition, there are large orange signs that
7 prevent people from touching the solar panels. She asked if that type of equipment will be on the
8 rooftops as well. Ms. Quigley asked about parking and who will monitor it and who will be
9 responsible for maintaining the landscaping. She noted that the area around Fort Union Boulevard
10 has very limited visibility and she urged the Commission to take into consideration the fact that
11 Brookhill Drive is very narrow. During a past medical emergency, medical personnel were unable
12 to navigate the street to reach her now deceased husband.

13
14 Bill Smelser noted that the Fire/Traffic Study was completed in June when school was not in
15 session. As the area in question is part of a school bus route, he did not believe the study provided
16 an accurate picture of the traffic pattern on Brookhill Drive. In addition, the study covered the
17 mouth of Brookhill Drive and Fort Union Boulevard but did not address the area directly around
18 the school. Because of congestion on Fort Union Boulevard, most of the traffic is diverted down
19 Brookhill Drive. Mr. Smelser explained that the traffic the project will generate increased traffic
20 into the school zone. He understood that development is inevitable, but it should be done
21 responsibly. Cost-effectiveness for developers results in greater profit; however, Mr. Smelser did
22 not feel the burden should be placed on the neighborhood to subsidize those profits. He reported
23 that over 65% of the project is on Brookhill Drive and not on Fort Union Boulevard. For that
24 reason, he felt it should not be referred to as a Fort Union project. Mr. Smelser requested that an
25 additional traffic study be undertaken to accurately reflect traffic on school days. Mr. Smelser
26 indicated that there are portions of the Brookhill Drive that are only 20 feet wide, which is
27 comparable to an alleyway. Adding additional traffic to such a narrow road would pose a safety
28 threat to children and others who will be forced to walk in the street due to a lack of sidewalks.

29
30 Randi Robison reported that she has resided in the Brookhill area since April 2019. She has three
31 teenaged children, all of whom are licensed drivers with their own vehicles. All three park their
32 cars on the street in front of the family home. Ms. Robison stated that if parking for the proposed
33 project is designated to be on the street, residents and their guests will occupy on-street parking
34 spaces that are needed by the residents of the single-family homes. She reiterated that this will
35 pose a major safety risk for neighborhood residents, particularly since there is no sidewalk for
36 pedestrians. She challenged the applicant's statement that mixed-use developments are common,
37 as she was unaware of any in the Cottonwood Heights area. She asked if the applicant is a resident
38 of Cottonwood Heights and whether he would appreciate a similar project so close to his home.
39 She asked that committee members consider visiting the location during school hours to experience
40 firsthand how congested the area can be, before making a decision.

41 A Commissioner acknowledged that the parking situation is a dichotomy. Ms. Robison was asked
42 what her parking preference would be. She remarked that any solution that requires on-street
43 parking would ultimately encroach on spaces currently utilized by her family. Staff was asked if
44 it is possible to provide parking for residents only. Mr. Hulka confirmed that there is a provision
45 in the ordinance for permit parking near the Ferguson Canyon Trailhead. Residents and guests
46 would be required to obtain permits to park there, which can be enforced.

1
2 The width of the right-of-way was estimated to be 45 feet wide.
3

4 Mike Jessop brought up the construction process for the project and stated that he has been
5 involved in the development of similar projects. He felt that the proposed space and road are not
6 adequate for the project, particularly the road. Once construction begins, truck traffic and
7 equipment will increase and impede local traffic.
8

9 Nicki Selfridge identified her property on the map displayed and expressed concern with traffic.
10 She suggested the Commission visit the area on a Wednesday when school is in session and
11 garbage cans are out for collection. Between on-street parking and the presence of garbage cans,
12 she was concerned about school busses having difficulty navigating the road. In addition, she
13 voiced concern about issues relative to snow removal and blocking available parking spaces. She
14 expressed a desire to have sidewalks extended for pedestrian safety. Ms. Selfridge was concerned
15 about people who live on the opposite side of the development and suggested that solar panels be
16 placed in a manner that will prevent residents of the new development from seeing down into
17 neighboring properties.
18

19 Chair Griffin commented that school buses are nine-feet wide but there is 26 feet of asphalt. As a
20 result, two school buses would be able to pass one another even with garbage cans on the
21 street. While not ideal, it is possible.
22

23 Xiaofen Jin identified herself as the new owner of a duplex next to the proposed development. She
24 was concerned that the presence of high buildings will cast excess shade on her property and
25 permanently block the sun. A lack of sunlight was raised a health concern for Ms. Jin. In addition,
26 occupants of the new development would have a clear view into her backyard, which will eliminate
27 her privacy. Because she shares a driveway with the homeowners of the adjoining unit, it is
28 necessary to back their vehicles onto Brookhill Drive, because it is not possible to execute a turn.
29 If there is an increase in cars parked on the street, it will be difficult for her to safely back out. She
30 expressed a desire for rooftops of the new project not be accessible, as she would not be
31 comfortable seeing people standing at such a great height. In addition, she was concerned about
32 24 garbage cans lining the street, and the impact it will have on drivers. She asked where the
33 transformers will be located. If close to her home, they could pose a health risk for her as well as
34 result in increased noise pollution. She was also worried that the project will result in additional
35 lighting, which will make it difficult for her to sleep.
36

37 Bliss Allen was concerned about the narrow roadway, primarily because when people come into
38 the neighborhood, they are approaching from Fort Union Boulevard where there the speed limit is
39 40 miles per hour. Turning drivers approach at speeds so as not to inconvenience drivers behind
40 them. On a weekly basis, there is a landscaping truck and trailer parked close to this turn, resulting
41 in a very congested, dangerous situation. The addition of trash cans would exacerbate the situation.
42 She suggested the possibility of making use of the large parking lot at the fire station.
43

44 Gary Allen reported that he attended many meetings related to the accessory dwelling unit and
45 recalled that parking was a concern then as well. The project currently in question involves half
46 as many units. He asked why the applicant is requesting that an exception be made for him rather

1 than going through appropriate channels. With regard to the applicant maximizing the property
2 by reducing the total density by one unit, Mr. Allen felt that the reduction was not significant
3 enough. The addition of living space on the patio rooftops was of particular concern. He noted
4 that none of the surrounding properties have rooftop living spaces. He agreed that the installation
5 of solar units will create a buffer for properties to the south but felt that the necessary condenser
6 will lead to an increase in noise for the surrounding residents. He believed that if “no parking”
7 signs are placed on the property, people will simply park further down the road, as has happened
8 at Pinnacle Highland Apartments, where cars are frequently parked bumper to bumper.

9
10 Laron Selfridge addressed a previous discussion about the CC&Rs. He state that CC&Rs are not
11 enforceable unless the City is consistent. In his experience, CC&Rs do not typically have a long
12 duration. He previously recommended to staff that requirements be listed on the plat so that they
13 are clearly visible to residents. He remained concerned about water and sewer. In past years,
14 numerous water and sewer lines have broken on Brookhill Drive. He questioned whether water
15 and sewer authorities have adequately reviewed the development plans. With regard to trees being
16 planted on the south side of the development, Mr. Selfridge recommended the use of mature trees.
17 He also felt it would be ideal for the bathrooms in the units be southerly located to provide as much
18 privacy as possible for both the occupants and the surrounding residents. He questioned whether
19 the suggestions regarding solar panels are enforceable

20
21 There were no further public comments. The public hearing was closed.

22
23 A question was raised about the lighting ordinance and if it addresses rooftop lighting. Mr. Hulka
24 explained that in a commercial or mixed-use zone, lighting must be full cut off and directly
25 shielded away from adjacent properties in residential zones. A photometric plan would also need
26 to be submitted that shows very little or no light trespass at the property lines as measured from
27 the ground. The conditions of approval also reference the outdoor lighting standards. It was
28 clarified that any permanent lighting must comply with the ordinance that is in place. The intent
29 was to eliminate the direct impact of the bright bulbs and the light trespass. Any lighting emanating
30 from the site will be indirect and minimal.

31
32 With regard to a question raised regarding signage, Mr. Hulka explained that there is no master
33 plan so signs will be regulated by what is allowed in the Mixed-Use zone. With regard to the
34 CC&Rs, staff will make sure that they exist but will not review or enforce them. In response to a
35 question raised, Mr. Anderson explained that the top of the parapet wall surrounding the
36 townhomes is approximately 4 ¾ feet tall. The tallest air conditioning unit stands 3 ½ feet.
37 Mr. Hulka explained that the Mixed-Use zone requires rooftop mechanical equipment to be
38 completely screened from the public view. A comment was made that if there is to be rooftop
39 access it should be consistent across all buildings. The CC&Rs will also make it easier to control
40 what is up there.

41
42 With regard to parking, a comment was made that to restrict parking on Brookhill Drive will annoy
43 the residents. If, however, they restrict parking within the project, people will just go up the street
44 and park in front of private homes. A suggestion was made that they either prohibit the rooftop
45 access on Building C or request that the building be lowered to match Building B.

1 In response to a comment about the difficulty pulling onto Fort Union Boulevard, Mr. Hulka stated
2 that there is a clear view requirement that prohibits vertical obstructions within a specific distance
3 of the intersection. It was noted that the buildings are fully compliant with the setback
4 requirements.

5
6 With regard to snow and snow removal, Mr. Hulka explained that it is a private development so
7 the residents must provide its own snow removal service. Snow cannot be placed on public
8 property and the minimum parking requirement must be maintained.

9
10 ***Commissioner Allen moved to approve Project CUP-19-008 subject to the following:***

11
12 ***Conditions:***

- 13
14 1. ***The final site plan shall comply with all conditions of the Architectural Review
15 Commissioner’s Certificate of Design Compliance.***
- 16
17 2. ***The applicant shall submit an outdoor lighting plan that complies with the
18 standards of Section 19.77 (Outdoor Lighting) of the zoning ordinance.***
- 19
20 3. ***The final plan shall include a plan with details for all equipment and dumpster
21 locations and screening if applicable and a plan for residential waste and
22 recycling pickup.***
- 23
24 4. ***No “No Parking” signs shall be required on the west side of Brookhill Drive.***
- 25
26 5. ***All trees within 20 feet of the driveway approaches shall be pruned to 10 feet and
27 all shrubs within 20 feet of the driveway approaches shall be maintained at no
28 more than three feet in height.***
- 29
30 6. ***The final plan shall include a traffic letter that is updated to remove any
31 references to two-story buildings.***
- 32
33 7. ***The applicant shall provide full frontage improvements in accordance with the
34 Fort Union Corridor Master Plan and City right-of-way standards.***
- 35
36 8. ***Building C shall not have any rooftop access.***

37
38 ***Commissioner Rhodes seconded the motion.***

39
40 ***Commissioner Ryser moved to amend the motion to include a condition that references a
41 signage master plan. The amendment died for lack of a second.***

42
43 ***Vote on motion: Jesse Allen-Aye, Sue Ryser-Aye, Christine Coutts-Aye, Doug Rhodes-Aye, Dan
44 Mills-Aye, Craig Bevan-Aye, Chair Griffin-Aye. The motion passed unanimously. Alternate
45 Planning Commission Member, Bob Wilde did not participate in the vote.***

1 **4.0 CONSENT AGENDA**

2
3 **4.1 Approval of Planning Commission Minutes.**

4
5 **4.1.1 Approval of Minutes of September 4, 2019.**

6
7 *Commissioner Coutts moved to approve the minutes of September 4, 2019. Commissioner*
8 *Bevan seconded the motion. The motion passed unanimously. Alternate Planning Commission*
9 *Member, Bob Wilde did not participate in the vote.*

10
11 **4.1.2 Approval of Minutes of October 16, 2019.**

12
13 *Commissioner Coutts moved to approve the minutes of October 16, 2019. Commissioner Allen*
14 *seconded the motion. The motion passed unanimously with one abstention. Commissioner*
15 *Bevan abstained from the vote as he was not present at the October 16, 2019 meeting. Alternate*
16 *Planning Commission Member, Bob Wilde did not participate in the vote.*

17
18 **5.0 ADJOURNMENT**

19
20 *Commissioner Bevan moved to adjourn. The motion was seconded by Commissioner Coutts.*
21 *The motion passed with the unanimous consent of the Commission. Alternate Planning*
22 *Commission Member, Bob Wilde did not participate in the vote.*

23
24 The Planning Commission Meeting adjourned at approximately 8:30 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, November 6, 2019.*

3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary

9
10 Minutes Approved: _____