



## PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development  
Meeting Date: March 4, 2020

**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, March 4, 2020.**

### 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. 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 LLA-20-001)

Action on a petition to amend Bengal Heights P.U.D., Lots 6 and 7, located at 7691 and 7725 S. Bengal Heights Ct. as requested from Jeremy McCune, Restored Realty.

##### 3.2 (Project CUP-20-003)

A public hearing and possible action on a request by Kellen Humpherys for a conditional use permit to operate a retail shop (Summit Cyclery) at 2540 E. Bengal Blvd. Suite #100 in the NC – Neighborhood Commercial zone.

##### 3.3 (Project CUP-20-004)

A public hearing and possible action on a request by Mayra Martins for a conditional use permit to operate a public health center (Blue Autism Clinic) at 2540 E. Bengal Blvd. Suite #300 in the NC – Neighborhood Commercial zone.

##### 3.4 (Project SPL-20-001)

A public hearing and possible action on a request by Brent Christensen (CW Management) for a site plan approval to operate a restaurant at 7237 S. Canyon Centre Pkwy. in the MU – Mixed Use zone.

### 3.5 (Project SPL-20-002)

A public hearing and possible action on a request by Brent Christensen (CW Management) for a site plan approval to operate a retail shop at 7333 S. Canyon Centre Pkwy. in the MU – Mixed Use zone.

### 3.6 (Project ZTA-20-001)

A recommendation on a proposed ordinance amending Chapter 14.44 – “Shade Trees,” and amending various other provisions in Title 14 – “Highways, Sidewalks and Public Places” relative to public trees and park strips in the right-of-way.

## 4.0 Adjourn

### 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](mailto: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, February 28, 2020 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](http://www.cottonwoodheights.utah.gov) and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 28<sup>th</sup> day of February, 2020, Paula Melgar, City Recorder



# PLANNING COMMISSION STAFF REPORT

Amending Bengal Heights PUD Subdivision, Lots 6 & 7

Meeting Date: March 4, 2020

Staff Contact: Matt Taylor, Senior Planner

(801) 944-7066. mtaylor@ch.utah.gov

## Summary

### Location

7725 and 7691 S Bengal Heights Ct

### Action Requested

**Plat Amendment:** Approve an amendment of Bengal Heights PUD Subdivision, adjusting their common lot line by 24 feet.

### Recommendation:

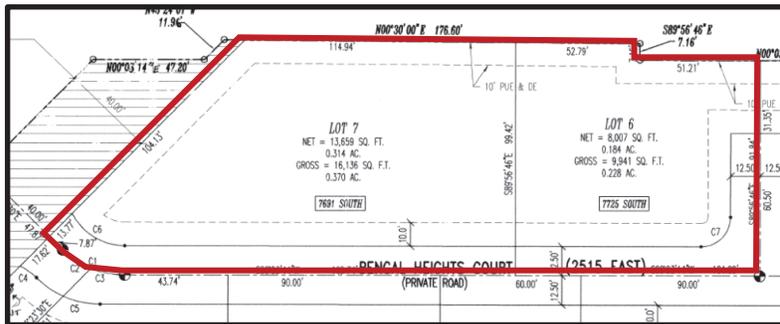
Approve.

**Applicant:** Restored Realty, Inc

**Project #:** LLA-20-001

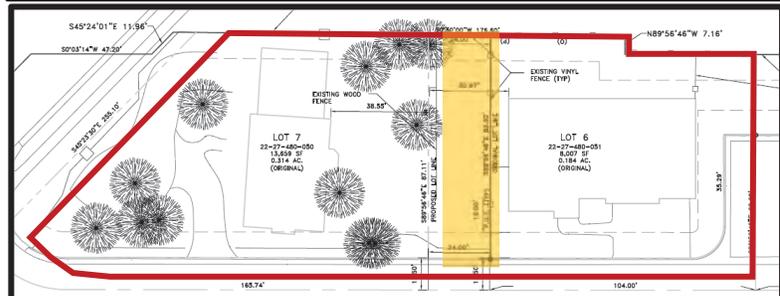
### Existing Plat

Bengal Heights PUD Subdivision, Lots 6 and 7.



### Proposed Plat

Bengal Heights PUD Subdivision, Lots 6 and 7, amended (yellow is the area proposed to be amended).



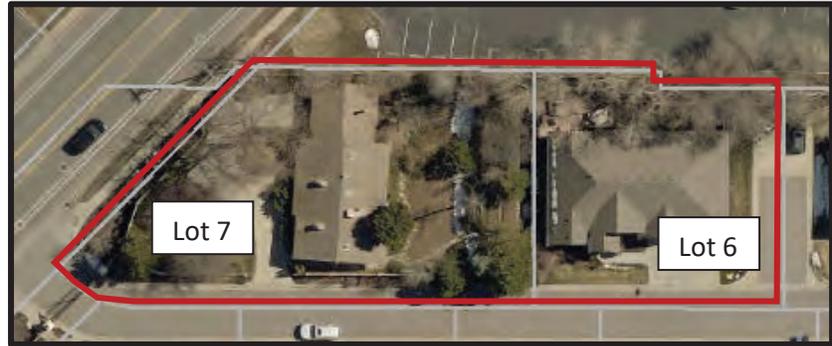
## Context

**Subject Property #1**  
7725 and 7691 S Bengal  
Heights Ct

**Property Owner**  
Lester G Whiting  
Heidi R Jensen

**Acres**  
0.37  
0.23

**Parcel #**  
22274800500000  
22274800510000



## Land Use

**Site**  
Single Family Residential

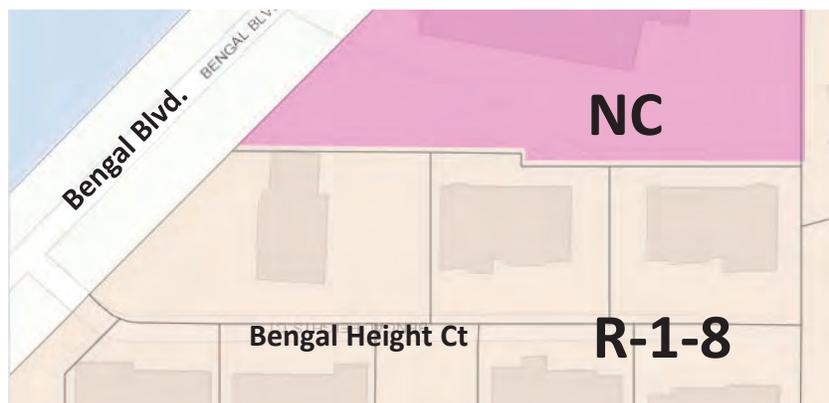
**Total Acres**  
0.50

**Surrounding Properties**  
Single Family Residential  
West: Neighborhood  
Retail/Office

## Zoning

**Site**  
R-1-8: Single Family Residential

**Surrounding Properties**  
R-1-8: Single Family Residential  
NC: Neighborhood Commercial



## Analysis

### Subdivision Regulations

#### Amendment of Existing Subdivision Lots

Typically, subdivisions of less than ten lots are reviewed and approved by city staff (see 12.08.030 CH Code). However, this application is an amendment of an existing lot line from the Bengal Heights PUD Plat. State code requires that boundary line adjustment between two platted lots are approved at a public meeting (see [UCA-10-9a-608](#)).

#### *Criteria for Approving the Vacation of Subdivision Lots*

*“If the planning commission is satisfied that neither the public nor any person will be materially injured by the proposed... amendment, and that there is good cause for the... amendment, then the planning commission may approve the proposed amendment.”*

See 12.26.030.B CH City Code.

#### Preliminary Plat Approval

The applicant has submitted a preliminary plat for review and approval (see attachment 1 for all details).

#### Subdivision Design Standards

The proposed preliminary plat meets all requirements of Title 12 – Subdivisions and requirements of Title 19 – Zoning.

### Zoning Regulations

The proposed subdivision is located in the R-1-8 – Single Family Residential zone. Subdivision lots are required to meet the minimum requirements of Title 19, Zoning. Both lots are proposed to meet all minimum lot area, width and setback regulations.

#### Summary of Zoning Compliance

Lot #	Min. Size: 8,000 ft <sup>2</sup>	Min. Width: 70 ft
6	10,093 ft <sup>2</sup>	102 ft
7	11,572 ft <sup>2</sup>	118 ft

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## Recommendation

Staff recommends approval.

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## Conclusions - Findings for Approval

- The proposed subdivision is in compliance with all provisions of Title 12 – Subdivisions and Title 19 – Zoning.
- Proper notice was given in accordance with local and state requirements.
- A public hearing was held in accordance with local and state requirements.

## Model Motions

### Approval

I move that we approve project LLA-20-001 based upon the findings for approval outlined in the staff report:

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

### Denial

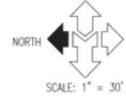
I move that we deny project LLA-20-001, based on the following findings:

- List findings for denial...
- 

## Attachments

- Bengal Heights PUD, Subdivision Plat
- Bengal Heights PUD, Lots 6 and 7, Amended Subdivision Plat

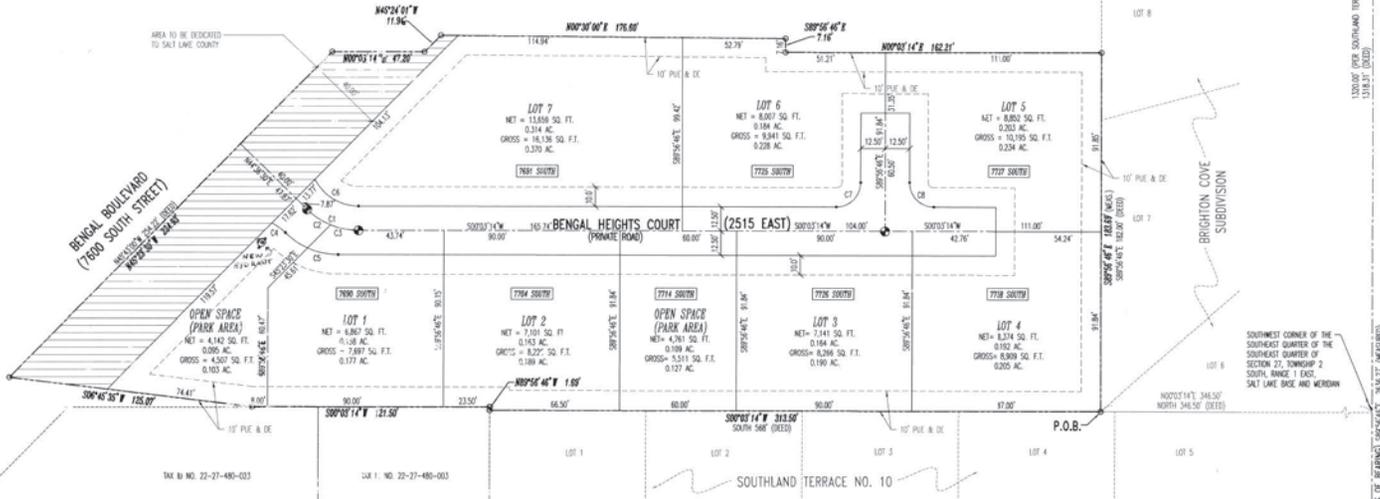
**BENGAL HEIGHTS P.U.D.**  
 LOCATED IN THE S.E. 1/4 SECTION 27  
 T2S, R1E S.L.B. & M.



- LEGEND**
- SECTION MONUMENT
  - EXISTING FIRE HYDRANT
  - PROPOSED FIRE HYDRANT
  - EXISTING MONUMENT
  - MONUMENT TO BE SET
  - PUBLIC UTILITY & DRAINAGE EASEMENTS

CURVE	RADIUS	LENGTH	DELTA	TANGENT
C1	27.50'	28.16'	44°31'47"	15.36'
C2	27.50'	14.63'	22°17'37"	7.36'
C3	37.50'	14.64'	22°17'36"	7.41'
C4	25.00'	8.51'	17°32'26"	4.30'
C5	38.00'	30.00'	49°21'27"	18.80'
C6	25.00'	27.44'	62°52'50"	15.20'
C7	12.50'	19.81'	90°30'00"	12.50'
C8	12.50'	19.81'	90°30'00"	12.50'

TAX ID NO. 22-27-480-029



- ACCESSORY STRUCTURE REQUIREMENTS:**
- ACCESSORY STRUCTURES SHALL BE APPROVED ON A CASE BY CASE BASIS.
  - AN ACCESSORY STRUCTURE SHALL NOT BE GUARANTEED FOR EACH LOT.
  - A MAXIMUM OF ONE ACCESSORY STRUCTURE SHALL BE ALLOWED PER LOT.
  - ACCESSORY STRUCTURE SETBACKS SHALL BE AS FOLLOWS:
    - 1. 10 FEET FROM DEVELOPMENT PERIMETER.
    - 2. 5 FEET FROM THE HOME ON THE LOT; AND
    - 3. 1 FOOT FROM THE INTERIOR SIDE LOT LINES.
  - ACCESSORY STRUCTURE HEIGHT SHALL NOT EXCEED 10 FEET MEASURED FROM THE LOWEST ORIGINAL GRADE TO HULL MAY BETWEEN THE TOP PLATE AND THE RIDGE LINE OF THE ROOF, AT THE FOUNDATION OF THE TALLEST SIDE OF THE STRUCTURE.
  - THE TOTAL AREA FOR ACCESSORY STRUCTURES ON LOTS SHALL NOT EXCEED THE REQUIRED OPEN SPACE OF THE PROJECT TO LESS THAN 50%.
  - ACCESSORY STRUCTURES SHALL NOT EXCEED 250 SQUARE FEET.

- MINIMUM SETBACKS:**
- FRONT YARD: 15 FEET TO PRIMARY STRUCTURE, 20 FEET TO THE GARAGE FRONT.
  - SIDE YARD: 8 FEET, EXCEPT CORNER LOTS WITH SIDES ADJACENT TO THE STREET SHALL HAVE THE SAME SETBACKS AS THE FRONT YARD.
  - REAR YARD: 15 FEET.
  - PROJECT PERIMETER: 15 FEET.

**NOTE:**  
 UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS UTILITY PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE, AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E."

- NOTE:**
- THE RIGHT-OF-WAY MUST BE KEPT UNOBSTRUCTED AT ALL TIMES.
  - THE REQUIRED FIRE DEPARTMENT TURN-AROUND MUST BE KEPT UNOBSTRUCTED AT ALL TIMES.

**STREET NAMES APPROVED**  
 DATE: 2-22-05  
 SIGNED: [Signature]

**CHECKED FOR ZONING**  
 Zone: R-10 Lot Area: PUD AS APPROVED  
 Lot Width: AS SHOWN Front Yard: SEE NOTE  
 Side Yard: SEE NOTE Rear Yard: SEE NOTE  
 DATE: 04-01-05  
 SIGNED: [Signature]

**HEALTH**  
 APPROVED THIS 14<sup>TH</sup> DAY OF APRIL, A.D. 2005  
 SALT LAKE VALLEY HEALTH DEPT

**PLANNING & DEVELOPMENT SERVICES DIVISION**  
 I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
 DATE: 4-4-05  
 SIGNED: [Signature] DIRECTOR

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS 2<sup>ND</sup> DAY OF MAY, A.D. 2005  
 SIGNED: [Signature] SALT LAKE COUNTY DISTRICT ATTORNEY

**MAYOR**  
 PRESENTED TO THE SALT LAKE COUNTY MAYOR THIS 2<sup>ND</sup> DAY OF MAY, A.D. 2005 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
 SIGNED: [Signature] MAYOR OR DESIGNEE

**SURVEYOR'S CERTIFICATE**  
 I, D. Gregg Meyers, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 312770, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as BENGAL HEIGHTS P.U.D., and that same has been correctly surveyed and staked on the area, as shown on this plat. I further certify that the lots meet the area, frontage and width requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**  
 BEGINNING AT A POINT ON THE EASTERLY LINE OF "SOUTHLAND TERRACE NO. 10" AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT BEING NORTH 89°56'46" WEST 1320.00 FEET AND NORTH 0°03'14" EAST 346.50 FEET FROM THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 2 SOUTH RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°56'46" EAST 183.69 FEET; THENCE NORTH 0°03'14" EAST 162.21 FEET; THENCE SOUTH 89°56'46" EAST 71.16 FEET; THENCE NORTH 0°03'00" EAST 176.60 FEET; THENCE NORTH 45°24'01" WEST 11.86 FEET; THENCE NORTH 0°03'14" EAST 47.20 FEET MORE OR LESS TO THE CENTER LINE OF BENGAL BOULEVARD (7600 SOUTH STREET); THENCE NORTH 45°23'30" WEST ALONG SAID CENTER LINE 234.83 FEET; THENCE SOUTH 0°45'35" W 125.07 FEET; THENCE SOUTH 0°03'14" WEST 121.50 FEET; THENCE NORTH 89°56'46" WEST 1.69 FEET TO THE EASTERLY LINE OF SAID "SOUTHLAND TERRACE NO. 10"; THENCE SOUTH 0°03'14" WEST ALONG SAID EASTERLY LINE 313.50 FEET MORE OR LESS TO THE POINT OF BEGINNING.  
 CONTAINS: 89,028 SQ. FT. OR 2.044 ACRES MORE OR LESS

DATE: 2-16-05  
 SIGNED: [Signature]

**OWNER'S DEDICATION**  
 Known all men by these presents that I, the undersigned owner ( ) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the **BENGAL HEIGHTS P.U.D.**, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.  
 In witness whereof I have hereunto set my hand this 13 day of April, A.D. 19 2005.

**ACKNOWLEDGEMENT**  
 STATE OF UTAH : S.S.  
 County of Salt Lake :  
 On the 13 day of April, A.D. 2005, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, the signer ( ) of the above Owner's dedication, in number, who duly acknowledged to me that said [Name] signed it freely and voluntarily and for the uses and purposes therein mentioned.  
 MY COMMISSION EXPIRES: 12-31-07  
 SIGNED: [Signature] NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY

**BENGAL HEIGHTS P.U.D.**  
 CONTAINS 7 LOTS 1.826 ACRES  
 LOCATED IN THE S.E. 1/4 SECTION 27  
 T2S, R1E S.L.B. & M.

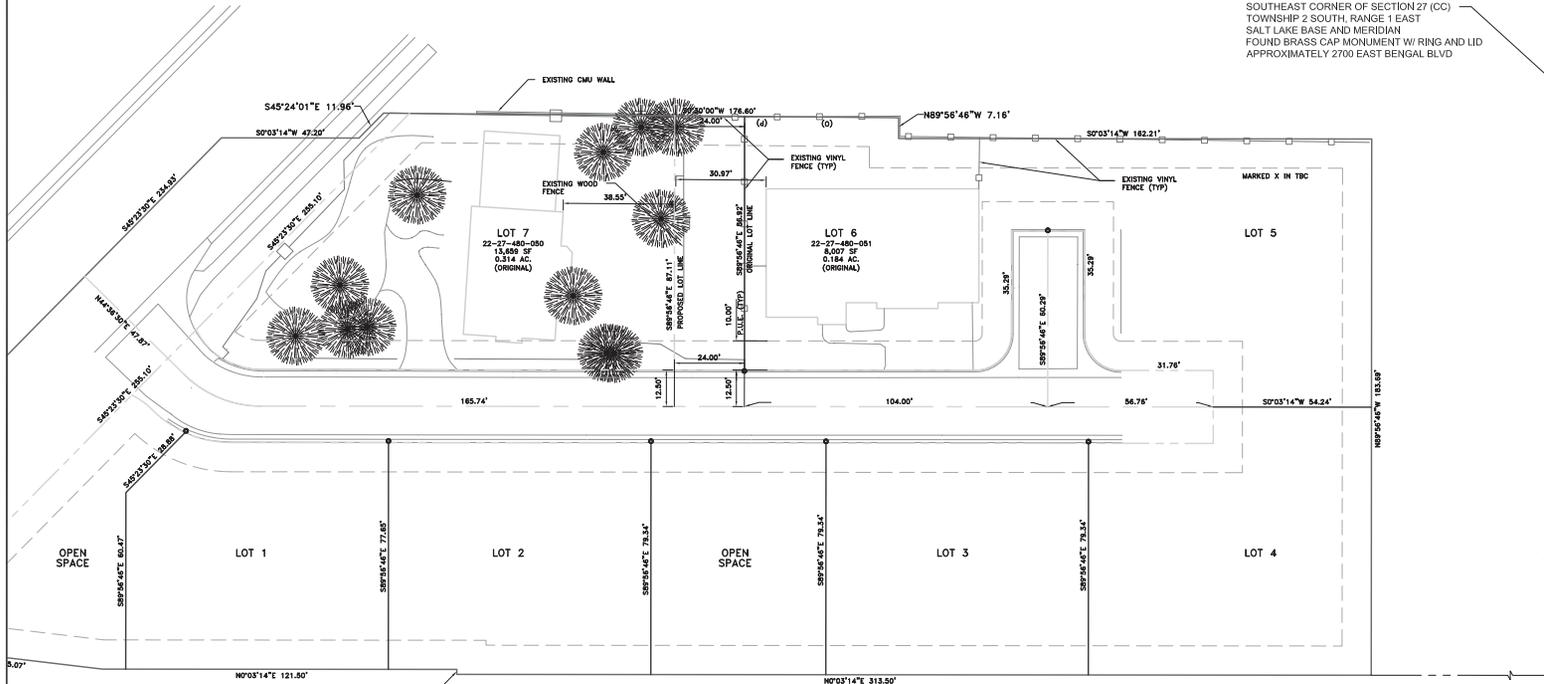
**RECORDED # 9367134**  
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF KIRK ALLEN SEN  
 DATE MAY 4, 2005 TIME 1:22 PM BOOK 2005 PAGE 134  
 \$38.00 FEE \$  
 SIGNED: [Signature] Deputy SALT LAKE COUNTY RECORDER

# RECORD OF SURVEY LOTS 6 & 7 BENGAL HEIGHTS, P.U.D. COTTONWOOD HEIGHTS, UT

LOCATED IN THE SOUTHEAST CORNER SECTION 27  
TOWNSHIP 2 SOUTH, RANGE 1 EAST  
SALT LAKE BASE & MERIDIAN

### LEGEND

- FOUND SECTION CORNER
- SET REBAR W/ CAP 485455
- FOUND REBAR W/ CAP
- FOUND CURB PIN
- SET PIN @ PL EXTENSION
- PLOTTED CENTERLINE
- FENCE LINE
- PLATTED P.U.E. LINE
- NEW LOT LINE



SOUTHEAST CORNER OF SECTION 27 (CC)  
TOWNSHIP 2 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
FOUND BRASS CAP MONUMENT W/ RING AND LID  
APPROXIMATELY 2700 EAST BENGAL BLVD

### SURVEYOR'S CERTIFICATE:

I, LEIF E. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 485455 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PARCELS OF LAND SHOWN ON THIS MAP & THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND IN MY PROFESSIONAL OPINION.



LEIF E. ANDERSON  
UTAH PROFESSIONAL LAND SURVEYOR  
LICENSE NO. 485455

### EXISTING PROPERTY DESCRIPTIONS:

TAX ID: 22-27-480-050  
ORIGINAL DESCRIPTION  
LOT 7 BENGAL HEIGHTS P.U.D., RECORDED AS ENTRY 9367134 IN BOOK 2005P ON PAGE 134.

TAX ID: 22-27-480-051  
ORIGINAL DESCRIPTION  
LOT 6 BENGAL HEIGHTS P.U.D., RECORDED AS ENTRY 9367134 IN BOOK 2005P ON PAGE 134.

### PROPOSED PROPERTY DESCRIPTIONS:

TAX ID: 22-27-480-050  
PROPOSED LOT 7  
BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BENGAL HEIGHTS P.U.D., RECORDED AS ENTRY 9367134, IN BOOK 2005P ON PAGE 134 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE S 0°05'00" W 90.85' ALONG THE EASTERLY BOUNDARY LINE OF SAID SUBDIVISION; THENCE N 89°56'46" W 87.11' TO THE WESTERLY LINE OF SAID LOT 7; THENCE THE FOLLOWING (5) COURSES ALONG THE WESTERLY AND NORTHERLY LINES OF SAID LOT 7: 1. N 0°03'14" E 141.74'; 2. 27.44' ALONG THE ARC OF A 25.00' RADIUS CURVE TO THE RIGHT (CHORD BEARS N 31°29'54" E 28.08'); THENCE S45°22'23" E 104.14' TO THE POINT OF BEGINNING. SAID LOT CONTAINS 11.5715F OR 0.26 ACRES MORE OR LESS.

TAX ID: 22-27-480-051  
PROPOSED LOT 6  
BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BENGAL HEIGHTS P.U.D., RECORDED AS ENTRY 9367134, IN BOOK 2005P ON PAGE 134 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE THE FOLLOWING (5) COURSES ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID LOT 6: 1. N 89°56'46" W 31.56'; 2. N 0°03'14" E 12.50'; 3. N 89°56'46" W 35.29'; 4. 8.82' ALONG THE ARC OF A 12.50' RADIUS CURVE TO THE RIGHT (CHORD BEARS N 44°56'46" W 17.68'); 5. N 0°03'14" E 103.00'; TO A POINT 24' NORTH OF THE SOUTH LINE OF LOT 7; THENCE S89°56'46" E 87.11' TO THE EAST BOUNDARY LINE OF SAID BENGAL HEIGHTS P.U.D.; THENCE ALONG SAID EAST BOUNDARY THE FOLLOWING (3) COURSES: 1. S 0°03'14" E 78.79'; 2. N 89°56'46" W 7.16'; 3. S 0°03'14" W 51.21' TO THE POINT OF BEGINNING. SAID LOT CONTAINS 10.0995F OR 0.23 ACRES MORE OR LESS.

### BASIS OF BEARINGS:

THE BASIS OF BEARING FOR THIS SURVEY IS N. 89°56'46" W. 2656.27 FEET (M) BETWEEN THE SOUTHEAST CORNER OF SECTION 27 AND THE SOUTH QUARTER CORNER OF SAID SECTION 27 IN TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

### NARRATIVE OF BOUNDARY

PURPOSE:  
THE PURPOSE OF THIS SURVEY IS TO IDENTIFY THE EXISTING BOUNDARY LINE BETWEEN LOTS 6 & 7 OF THE BENGAL HEIGHTS P.U.D., RECORDED AS ENTRY 9367134 IN BOOK 2005P ON PAGE 134, AND TO LOCATE THE EXISTING IMPROVEMENTS IN PREPARATION OF A PROPERTY LINE ADJUSTMENT BETWEEN SAID LOTS 6 & 7 IN THE BENGAL HEIGHTS P.U.D.

PROCEDURE:  
THE SUBDIVISION PLAN WAS OBTAINED AND PLOTTED PER THE MATHEMATICAL CALLS ON THE PLAT. THE SECTION CORNERS SHOWN ON THE PLAT WERE FOUND AND USED AS THE BASIS OF BEARING FOR THE FIELD WORK. A TOPOGRAPHIC SURVEY WAS PERFORMED ON 26 DECEMBER 2015 TO LOCATE THE EXISTING PRIVATE LANE, FENCES, BUILDINGS AND OTHER IMPROVEMENTS. THIS SURVEY INFORMATION WAS THEN COMPARED WITH THE PLOTTED SUBDIVISION LINE WORK.

RESULTS:  
THE SUBDIVISION PLAN HAS TWO DISTANCE CALLS FROM THE SOUTHEAST CORNER, 138.31' BY BEED AND 1320.00' PER THE SOUTHLAND TERRACE NO. 10, WHEN PLATTING THE PLAT WITH THE 1320.00' DISTANCE THE FENCE LINES, STREETS IMPROVEMENTS MATCH UP WITH THE PLOTTED LINE WORK. THE OWNERS OF LOTS 6 & 7 HAVE AGREED TO AN ADJUSTMENT IN THE LOT LINE BETWEEN THE TWO LOTS OF 24 FEET TO THE NORTH. THIS ADJUSTMENT WILL BE FINALIZED UPON APPROVAL OF COTTONWOOD HEIGHTS AND THE RECORDING OF A PROPERTY LINE ADJUSTMENT BETWEEN BOTH LAND OWNERS.

### GENERAL NOTES:

1. DOCUMENTS OBTAINED FROM THE SALT LAKE COUNTY RECORDER'S OFFICE AND SALT LAKE SURVEYOR'S OFFICE UTILIZED IN THE PERFORMANCE OF THIS SURVEY:
  - a. BENGAL HEIGHTS P.U.D. ENTRY 9367134, BOOK 2005P, PAGE 134
  - b. RECORD OF SURVEY 22005-04-0266, BY D. GREGG MEYERS
  - c. RECORD OF SURVEY 22003-03-0214 BY BRIGIT T. CURTIS
  - d. RECORD OF SURVEY 889-06-0270 BY M. CARL LARSEN
  - e. SECTION CORNER TIE SHEET FOR SOUTHEAST CORNER SECTION 27, POINT 251E2712
  - f. SECTION CORNER TIE SHEET FOR SOUTH QUARTER OF SECTION 27, POINT 251E2702
  - g. SECTION CORNER TIE SHEET FOR NORTHEAST CORNER OF SECTION 34, POINT 251E271Y

## RECORD OF SURVEY LOTS 6 & 7 BENGAL HEIGHTS, P.U.D. COTTONWOOD HEIGHTS, UT

LOCATED IN THE SOUTHEAST CORNER SECTION 27  
TOWNSHIP 2 SOUTH, RANGE 1 EAST  
SALT LAKE BASE & MERIDIAN

**LANDERSON SURVEYING &  
LAND DEVELOPMENT**

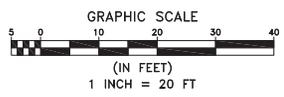
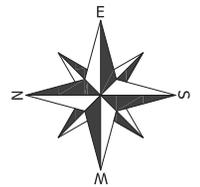
LEIF ANDERSON, PLS OWNER  
2087 Lone Tree Parkway  
Phone: (801) 879-9678; leif@landerson23@gmail.com

Sheet 1 OF 1

ROS



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	25.00'	27.44'	62°53'50"	26.09'	N31°30'09" E
C2	37.50'	29.18'	49°21'57"	28.43'	N27°19'52" E
C3	38.00'	30.09'	45°21'57"	29.31'	N22°40'59" E
C4	38.00'	13.86'	20°54'03"	16.10'	N12°13'57" E
C5	38.00'	16.23'	24°27'54"	13.79'	N34°54'58" E
C6	65.00'	8.53'	19°52'28"	8.55'	N35°31'55" E





# PLANNING COMMISSION STAFF REPORT

Conditional Use Permit: Summit Cyclery

Meeting Date: March 4, 2020

Staff Contact: Samantha DeSeelhorst, Assistant Planner  
(801-944-7069, sdeseelhorst@ch.utah.gov)

## Summary

**Action Requested:**

Conditional use approval for a retail shop (Summit Cyclery)

**Recommendation:**

Approve

**Applicant:**

Kellen Humpherys

**Project #:** CUP-20-003



## Context

**Subject Property**

2540 E. Bengal Boulevard,  
Suite #100

**Property Owner**

H3R Enterprises, LLC

**Acres**

0.74

**Parcel #**

22-27-480-029



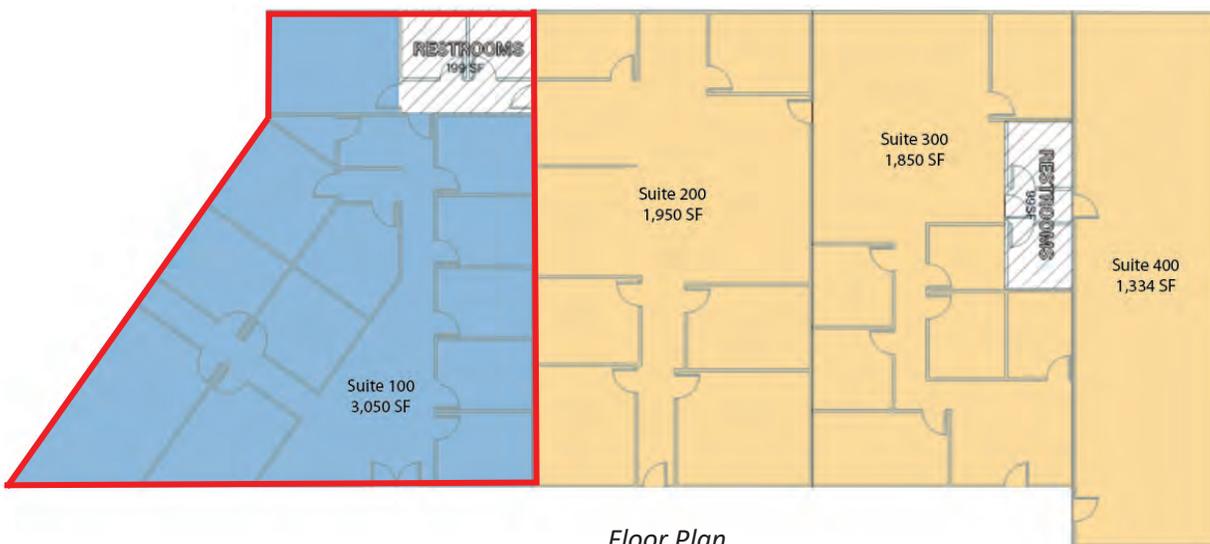
Site Photos



South View



East View



Floor Plan

## Zoning and Land Use

**Zone:** NC – Neighborhood Commercial

**Land Use:** Neighborhood Commercial

### North

**Zone(s):** PF – Public Facilities, RM – Residential Multi-Family, R-2-8 – Residential Multi-Family, NC – Neighborhood Commercial  
**Land Use(s):** LDS Meeting House, Brighton Park Apartments, Canterbury Townhomes, Root'd Cafe

### South

**Zone:** R-1-8 – Residential Single-Family  
**Land Use:** Residential Low-Density

### East

**Zone:** R-1-8 – Residential Single-Family  
**Land Use:** Bengal Car Wash

### West

**Zone:** R-1-8 – Residential Single-Family  
**Land Use:** Residential Low-Density



Zoning Vicinity Map

## Applicant Proposal

The applicant is proposing to locate a bicycle shop in an existing office suite at 2540 E. Bengal Boulevard.

## Analysis

### Site Plan Review

This proposal does not constitute any expansion of the building, or alteration of site components. It will be contained to Suite #100, with possible future signage. Future signage will be subject to compliance with City Code, and approval of a building permit.

## Ordinance Review

### Summary

There are no permitted uses in the Neighborhood Commercial (NC) Zone. All new uses must obtain a Conditional Use Permit in order to operate. Conditional uses in the NC Zone include, among others:

- *Retail commercial (19.37.030 L)*
- Retail shops are defined as “Establishment[s] engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods (19.04.2370).

### Staff Analysis

The proposed use is allowed in the NC Zone as a conditional use.

### Parking Design and Layout

There are no planned changes to the current parking lot, which contains 40 parking stalls, and wraps around the west and south sides of the building. A retail shop with 3,050 square feet requires 5 stalls. This requirement is satisfied, even with some stalls occupied by other uses. See the below tabulation for these details:

Suite	Use	Business	Approval Date	Stalls Required
#100	Retail	Summit Cyclery	In Review (CUP-20-003)	5
#200	Vacant	Vacant	Vacant	Vacant
#300	Public Health Center	Blue Autism Center	In Review (CUP-20-004)	6
#4	Music Studio	Mark Veldevere Guitar Studios	February 2005	5
Total stalls required: 16				
Total stalls provided: 40				

### 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).*

---

### Recommendation

Staff recommends approval of CUP-20-003, with no added conditions.

---

## Conclusions - Findings for Approval

- The proposed use described in the report is a conditional use within the NC – Neighborhood Commercial zone.
- A public hearing was held in accordance with local and state requirements.

---

## Model Motions

### Approval

I move that we approve project CUP-20-003, with the recommended conditions, based upon the findings for approval outlined in the staff report:

- List findings for conditions of approval...

### Denial

I move that we deny project CUP-20-003, based on the following findings:

- List findings for denial...

---

## Attachments

- Applicant statement
- Site Photos

**Conditional Use for:**  
*Summit Association LLC (a.k.a Summit Cyclery)*  
*2540 East Bengal Blvd. Suite 100*

*Summit Association LLC Owner Information:*

*Kellen Humpherys*  
*1673 East Forest Hills Drive*  
*Millcreek Utah*  
*84106*  
*435-896-3929*

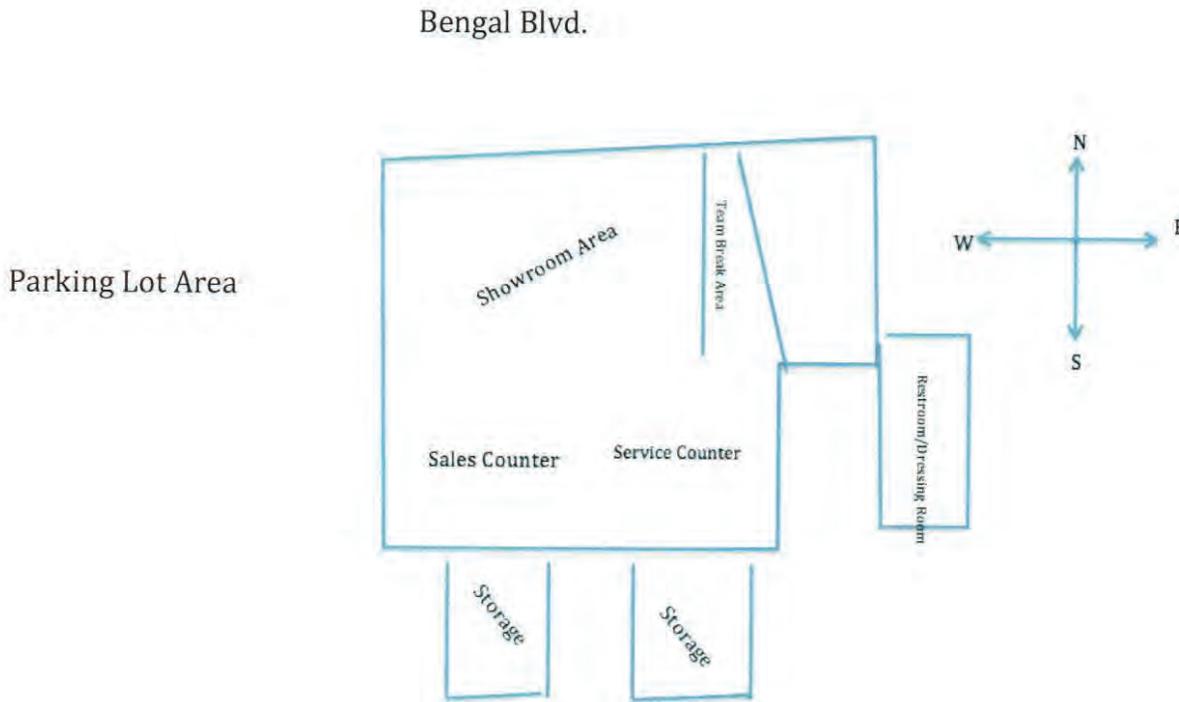
It is proposed to utilize suite 100 located in the building at 2540 East Bengal Blvd, Cottonwood Heights, Utah, 84121 as a retail space that specializes in the sales and services of all things related to bicycles. According to Cottonwood Heights Code of Ordinances Chapter 19.37.030.L/Y, the operation of a retail space in the aforementioned commercially zoned property is permissible under conditional use.

There will be no additional measures needed for this operation to ensure buffering from nearby residential properties. The parcel was previously equipped with sufficient barriers by fence and block wall to separate the commercial from the residential.

Summit Association is built on the conviction that bikes are for everyone. In addition to providing a premium selection of bikes, apparel, and accessories, we are focused on creating a retail space that will serve as a vibrant hub for the local cycling community. This is accomplished through personalized service, clean facilities, and a deep commitment to community involvement.

At Summit, we strive to embody the traits of integrity, honesty, friendliness, reliability, enthusiasm, and dedication to the customer and community. Believing that the lives of people in our community can be more enjoyable through cycling.

The layout of suite 100 is an open space with exception to two storage rooms, the bathroom, and the mechanical room. The majority of the space will be utilized as a showroom for product. Please see attached images for reference:



**Hours of Operation:**

Winter 11:00 am - 6:00 pm

Summer: 10:30 am - 7:00 pm

**Employees:**

3-6, with 4 on Location





# PLANNING COMMISSION STAFF REPORT

Conditional Use Permit: Blue Autism Center

Meeting Date: March 4, 2020

Staff Contact: Samantha DeSeelhorst, Assistant Planner  
(801-944-7069, sdeseelhorst@ch.utah.gov)

## Summary

### Action Requested

Conditional use approval for a public health center (Blue Autism Center)

### Recommendation

Approve

### Applicant:

Mayra Martins

Project #: CUP-20-004



## Context

### Subject Property

2540 E. Bengal Boulevard,  
Suite #300

### Property Owner

H3R Enterprises, LLC

### Acres

0.74

### Parcel #

22-27-480-029



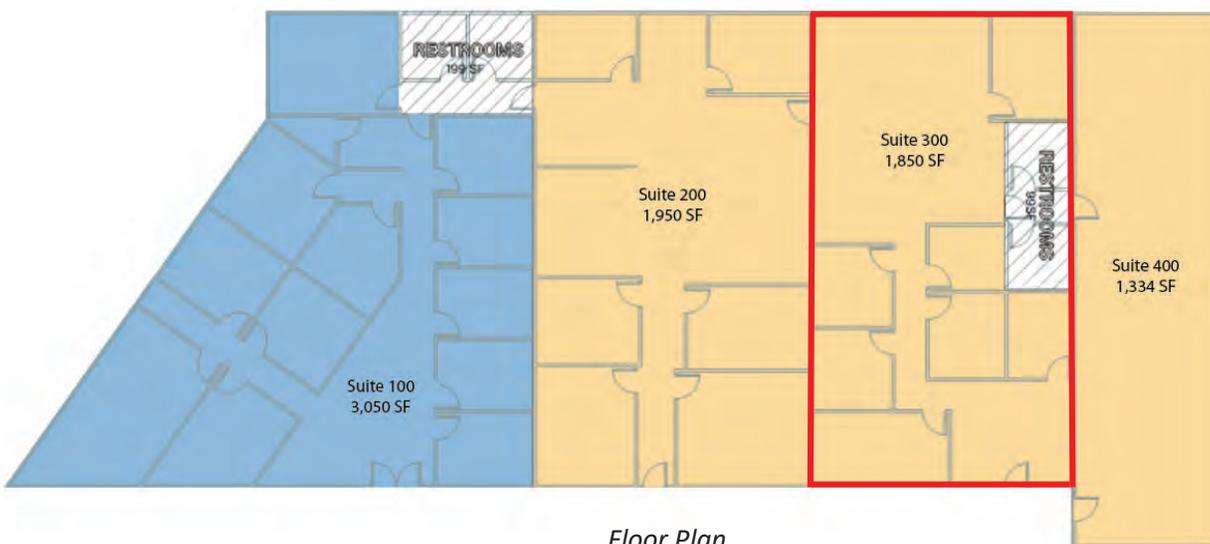
Site Photos



South View



East View



Floor Plan

## Zoning and Land Use

**Zone:** NC – Neighborhood Commercial

**Land Use:** Neighborhood Commercial

### North

**Zone(s):** PF – Public Facilities, RM – Residential Multi-Family, R-2-8 – Residential Multi-Family, NC – Neighborhood Commercial  
**Land Use(s):** LDS Meeting House, Brighton Park Apartments, Canterbury Townhomes, Root'd Cafe

### South

**Zone:** R-1-8 – Residential Single-Family  
**Land Use:** Residential Low-Density

### East

**Zone:** R-1-8 – Residential Single-Family  
**Land Use:** Bengal Car Wash

### West

**Zone:** R-1-8 – Residential Single-Family  
**Land Use:** Residential Low-Density



Zoning Vicinity Map

## Applicant Proposal

The applicant is proposing to locate a non-profit behavioral therapy center for children diagnosed with autism in an existing office suite at 2540 E. Bengal Boulevard.

## Analysis

### Site Plan Review

This proposal does not constitute any expansion of the building, or alteration of site components. It will be contained to Suite #300, with possible future signage. Future signage will be subject to compliance with City Code, and approval of a building permit.

## Ordinance Review

### Summary

There are no permitted uses in the Neighborhood Commercial (NC) Zone. All new uses must obtain a Conditional Use Permit in order to operate. Conditional use in the NC Zone include, among others:

- *Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care, or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet (19.37.030 H).*
- Medical facilities are broken into several different sub-categories within City Code. Staff has determined the applicable sub-category for this use to be “Public Health Center.” Public Health Center is defined as “A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices in connection therewith” (19.04.1670 E).

### Staff Analysis

The proposed use is allowed in the NC Zone as a conditional use. The definition of this use states that it cannot provide after-hours care, overnight care, or function as a traditional medical retail store. It also states that the use is not to occupy more than 7,500 square feet on any one floor, and 15,000 gross occupiable square feet. The proposed use will only be conducted during the business hours of 9:00 am – 4:00 pm, and will only involve the use of 1,850 square feet.

### Parking Design and Layout

There are no planned changes to the current parking lot, which contains 35 parking stalls, and wraps around the west and south sides of the building. A public health center with 1,850 square feet requires 6 stalls. This requirement is satisfied, even with some stalls occupied by other uses. See the below tabulation for these details:

Suite	Use	Business	Approval Date	Stalls Required
#100	Retail	Summit Cyclery	In Review (CUP-20-003)	5
#200	Vacant	Vacant	Vacant	Vacant
#300	Public Health Center	Blue Autism Center	In Review (CUP-20-004)	6
#4	Music Studio	Mark Veldevere Guitar Studios	February 2005	5
Total stalls required: 16 Total stalls provided: 40				

## 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).*

---

## Recommendation

Staff recommends approval of CUP-20-004, with no added conditions.

---

## Conclusions - Findings for Approval

- The proposed use described in the report is a conditional use within the NC – Neighborhood Commercial zone.
  - A public hearing was held in accordance with local and state requirements.
- 

## Model Motions

### Approval

I move that we approve project CUP-20-004, with the recommended conditions, based upon the findings for approval outlined in the staff report:

- List findings for conditions of approval...

### Denial

I move that we deny project CUP-20-004, based on the following findings:

- List findings for denial...
- 

## Attachments

- Applicant statement
- Site Photos



**Mayra Martins**

2540 East Bengal Blvd. Suite 300  
Cottonwood Heights, UT 84121  
(925) 338-4764  
[Mayram@blueautismcenter.com](mailto:Mayram@blueautismcenter.com)

5th February 2020

To Whom It May Concern,

This letter is to serve as a written narrative and detailed description of our organization in accordance with the conditional use application. Blue Autism Center is an innovative non profit organization that offers high quality behavioral services for early learners diagnosed with ASD or Autism Spectrum Disorder.

We intend to provide services to children ages 18 months to 8 years old. We expect to provide services to around 10 full time clients. Our office hours are 9:00 am to 4:00 pm. Each morning parents drop off their clients to an assigned registered behavioral therapist. Each client works one to one with a therapist. All therapists are supervised by a Board Certified Behavior Analyst.

Our mission is to improve the lives of children with Autism Spectrum Disorder by practicing Applied Behavior Analysis (ABA), as well as offering parental education and family support. We use ABA principles in order to create individualized learning programs for each of our unique clients learning goals.

If you need further information please feel free to contact Mayra Martins Director of Blue Autism Center at (925) 338-4764

Best,

Nicole Tanner





# PLANNING COMMISSION STAFF REPORT

Site Plan Approval: Restaurant & Retail Shop

Meeting Date: March 4, 2020

Staff Contact: Andy Hulka, Planner  
(801-944-7065, ahulka@ch.utah.gov)

## Summary

### Project #:

SPL-20-001/SPL-20-002

### Subject Properties:

1. 7237 S. Canyon Centre Pkwy. (SPL-20-001)
2. 7333 S. Canyon Centre Pkwy. (SPL-20-002)

### Action Requested:

Site plan approval for a new restaurant and a new retail shop.

### Applicant:

Kevin Gates (CW Management)

### Recommendation:

Approve



Aerial View

## Context

### Property Owner:

Wasatch Gates, LLC

### Parcel Numbers:

1. 22-25-181-011
2. 22-25-181-012

### Acres:

1. 0.15 acres
2. 0.08 acres

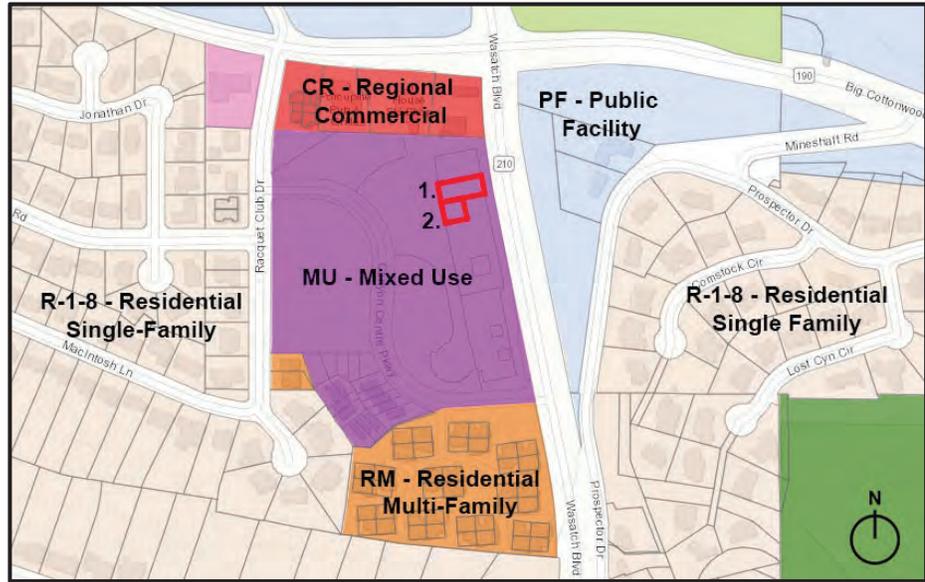


North View

### Zoning and Land Use

**Zone:**  
MU – Mixed Use

**Land Use:**  
Mixed Use



*Zoning Vicinity Map*

### Site Photos



*View from Canyon Centre Pkwy.*



*View from Wasatch Blvd.*



*View from Sidewalk on Wasatch Blvd.*

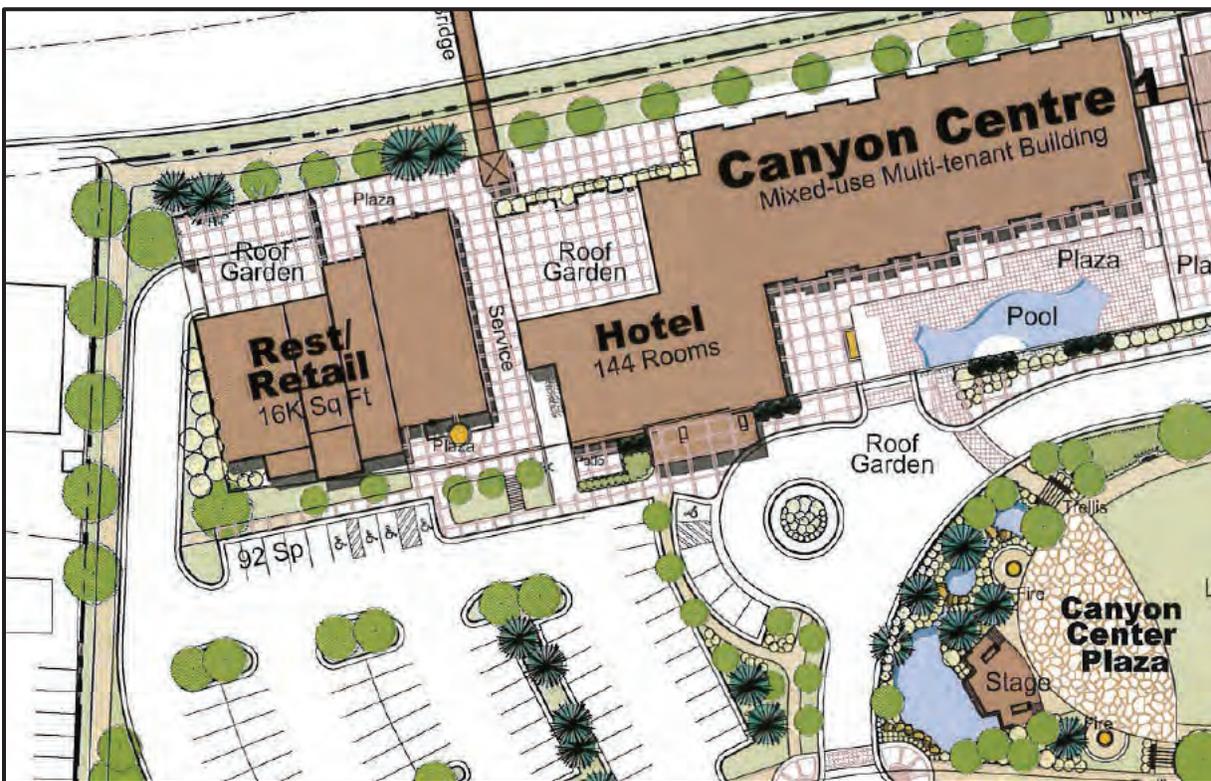
## Request

### Applicant Proposal

CW Management has submitted a request for site plan approval for a new restaurant and a new retail shop in the Canyon Centre Development at 7327 S. and 7333 S. Canyon Centre Pkwy. The restaurant will be attached to the Dugala Restaurant and Distillery and the retail shop will be part of the parking structure under the Marriott Hotel.

### Background

On March 5, 2014, the Planning Commission voted to approve a master development plan for Canyon Centre Phase I, which included conditional use approvals for the parking garage, office building, and increased building height. This original approval included a site plan showing future restaurant, retail, and hotel uses, but each new use has been required to come back to the Planning Commission for individual site plan and conditional use permit approval, as applicable. The conditional use permit for the Dugala Restaurant was approved on January 7, 2015 and the conditional use permit for the Marriott hotel was approved by the Planning Commission on January 23, 2019. The new restaurant and retail uses now require site plan approval by the Planning Commission.



*Previously Approved Site Plan – Canyon Centre Phase I*



*Previously Approved Plans – Marriott Hotel (space for retail use shown in red)*

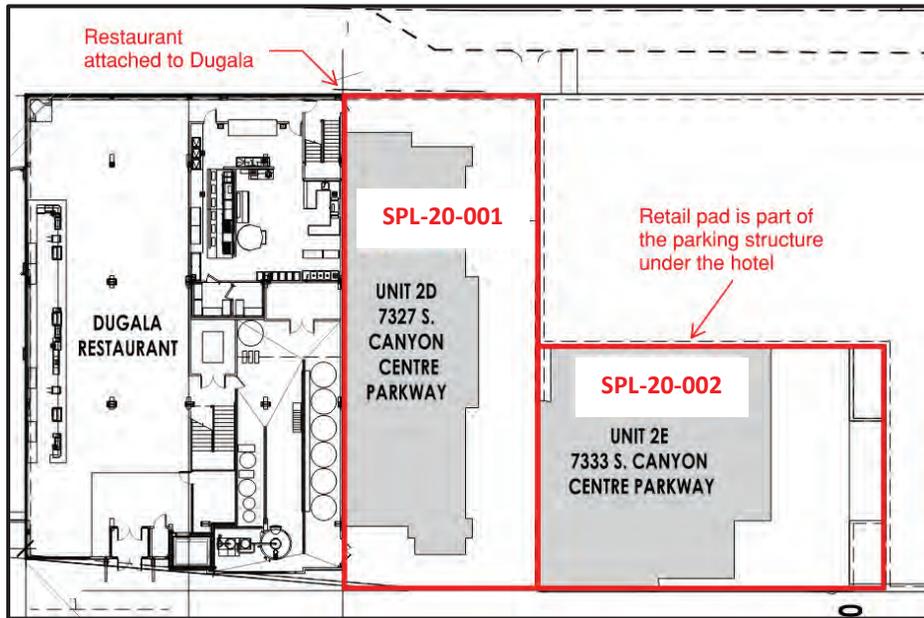


*Previously Approved Plans – Dugala Restaurant & Distillery (space for restaurant use shown in red)*

### Proposed Site Plan & Design

The site plan and architectural design were approved by the Architectural Review Commission (ARC) on February 27, 2020. The ARC issued a Certificate of Design Compliance with the following conditions:

1. Cohesive landscaping and lighting plans for the Canyon Centre development must be submitted for future review and approval by the ARC;
2. The new restaurant (7237 S. Canyon Centre Pkwy.) must be completed using the same finish materials as the south face of the adjoining restaurant (Dugala Restaurant, 7321 S. Canyon Centre Pkwy.).



*Proposed Site Plan*



*Proposed West Elevation (Restaurant – facing parking lot)*



*Proposed West Elevation (Retail – facing parking lot)*

## Analysis

### Site Plan Review

This proposed site plan is consistent with the previously approved site plan for Canyon Centre Phase I and has received a Certificate of Design Compliance from the ARC. All new commercial uses require site plan approval by the Planning Commission. The new retail shop is proposed within an existing structure and has no additional site impact.

**19.87.020 Approval required.**

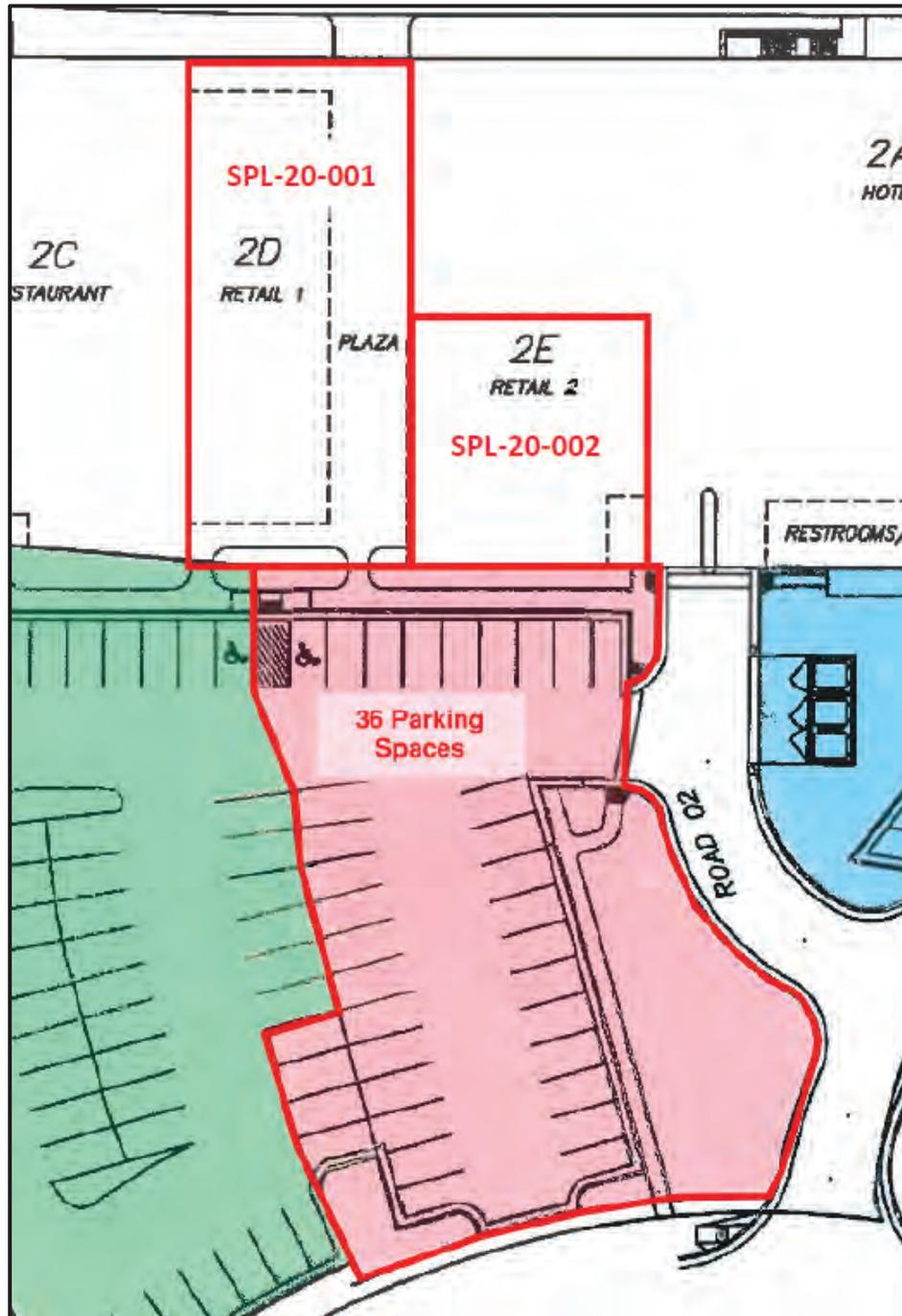
*Site plan approval is required for all developments which require a conditional use approval; for any other use, or reason, for which a site plan is required elsewhere in this code; and for the following other uses:*

*B. Any commercial use.*

### Permitted Uses

Retail uses and restaurant uses with under 25,000 square feet of gross square footage are permitted uses in the MU – Mixed Use zone.

Parking



The proposed shared parking plan was approved by the ARC on February 27, 2020. The parking plan was approved using the following parking ratios:

- Net Square Footages
  - Restaurant area: 2,100 sq. ft.
  - Retail area: 3,141 sq. ft.
- Parking Provided

- Restaurant parking: 21 spaces
  - (10 spaces/1,000 sq. ft.)
- Retail parking: 15 spaces
  - (4.67 spaces/1,000 sq. ft.)
- **Total parking: 36 spaces**

### Building Height

The plans for the restaurant and retail uses do not propose an increase in height. The retail shop is connected to the parking garage below the Marriott hotel and the restaurant will be attached and not to exceed the height of the Dugala restaurant.

### Lighting

No outdoor lighting plan was submitted with this application. All future lighting will be required to meet the City's outdoor lighting standards. Lighting plans must be submitted during the building permit review process. The ARC recommended that a cohesive lighting plan be completed for the full development.

### Landscaping

Landscaping and open space was reviewed and approved as part of the Canyon Centre Phase I approval. The ARC recommended that a cohesive landscaping plan be completed for the full development, including landscaping in the walkway area between the restaurant and hotel. The development is required to comply with the conditions of the Certificate of Design Compliance.

### Criteria for Granting the Site Plan Approval

The city code establishes the criteria by which a site plan approval may be issued:

***19.87.060 Application, review and approval.***

*E. Action. The planning division and the planning commission shall review and take action to approve, disapprove, or to modify any application made to it.*

---

## Recommendation

Staff recommends site plan approval of SPL-20-001 and SPL-20-002, with no modifications.

---

## Conclusions - Findings for Approval

- The proposed uses described in the report are permitted uses within the MU – Mixed Use zone.
- A public hearing was held in accordance with local and state requirements.
- A Certificate of Design Compliance was issued by the ARC on February 27, 2020.

---

## Model Motions (SPL-20-001)

### Approval

I move that we approve project SPL-20-001, based upon the findings for approval outlined in the staff report:

- List any additional modifications...

### Denial

I move that we deny project SPL-20-001, based on the following findings:

- List findings for denial...

---

## Model Motions (SPL-20-002)

### Approval

I move that we approve project SPL-20-002, based upon the findings for approval outlined in the staff report:

- List any additional modifications...

### Denial

I move that we deny project SPL-20-002, based on the following findings:

- List findings for denial...

---

## Attachments

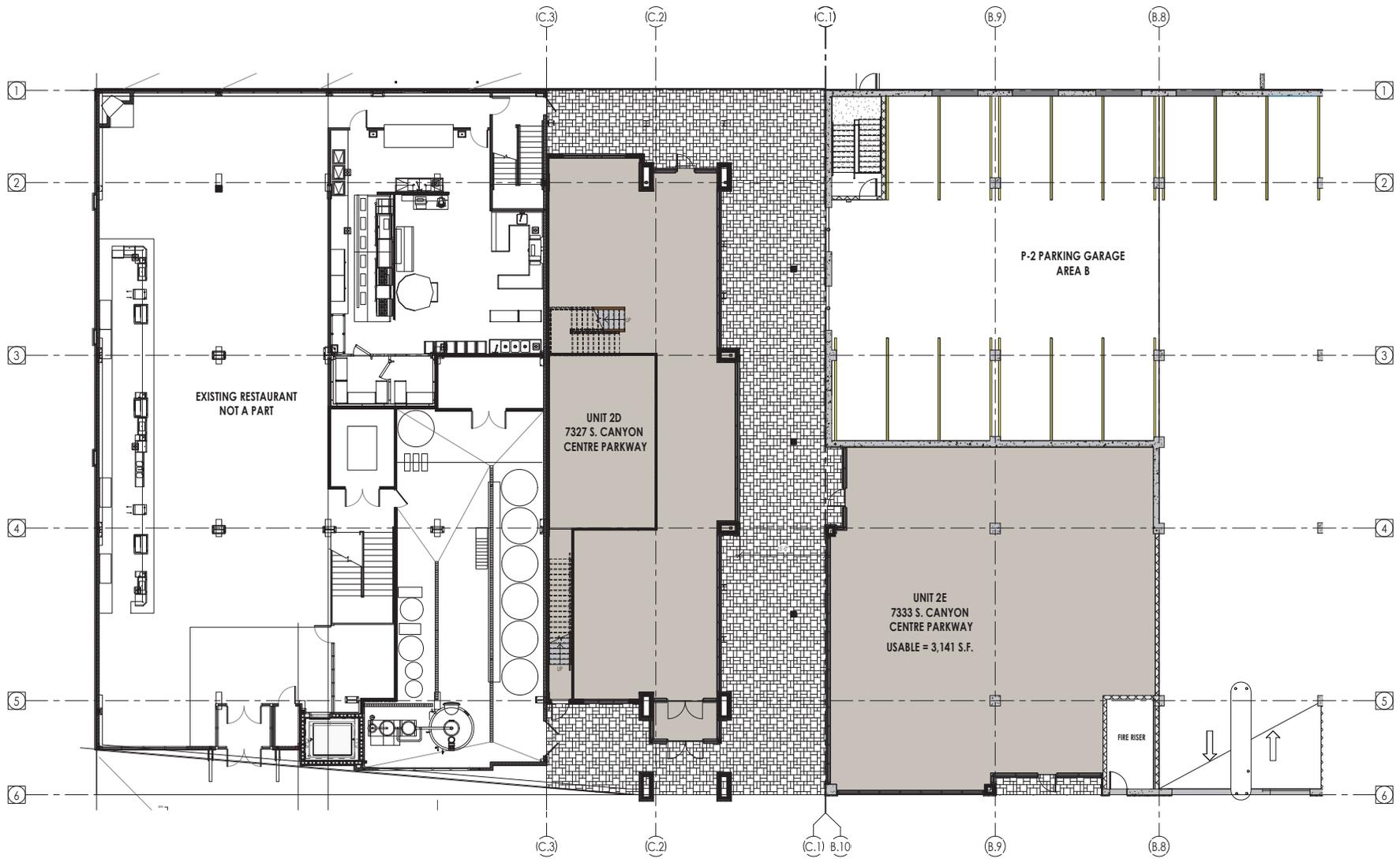
- Proposed Plans

---

# CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

06 FEB, 2020



LEVEL 1 - PRESENTATION  
1/8" = 1'-0"

1  
010



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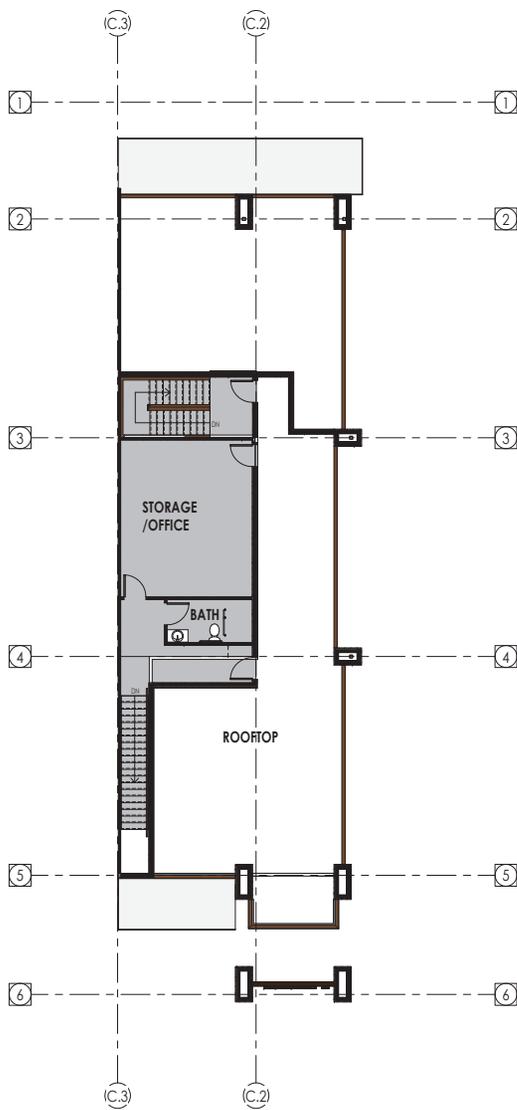
# CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

LEVEL 1

D101

06 FEB, 2020



LEVEL 2 - PRESENTATION  
 1/8" = 1'-0"



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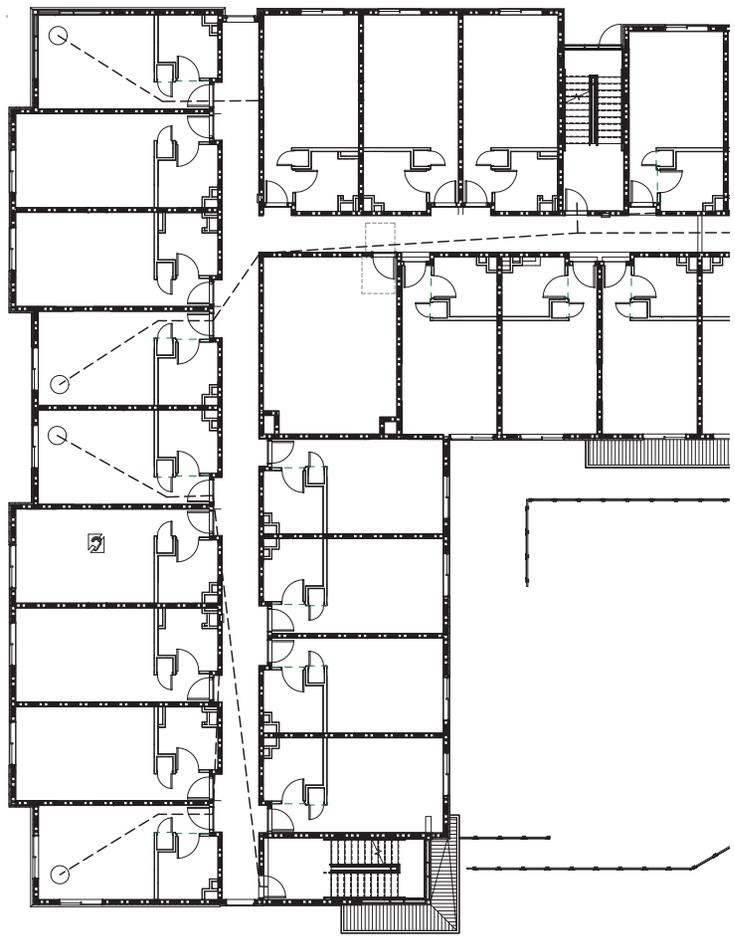
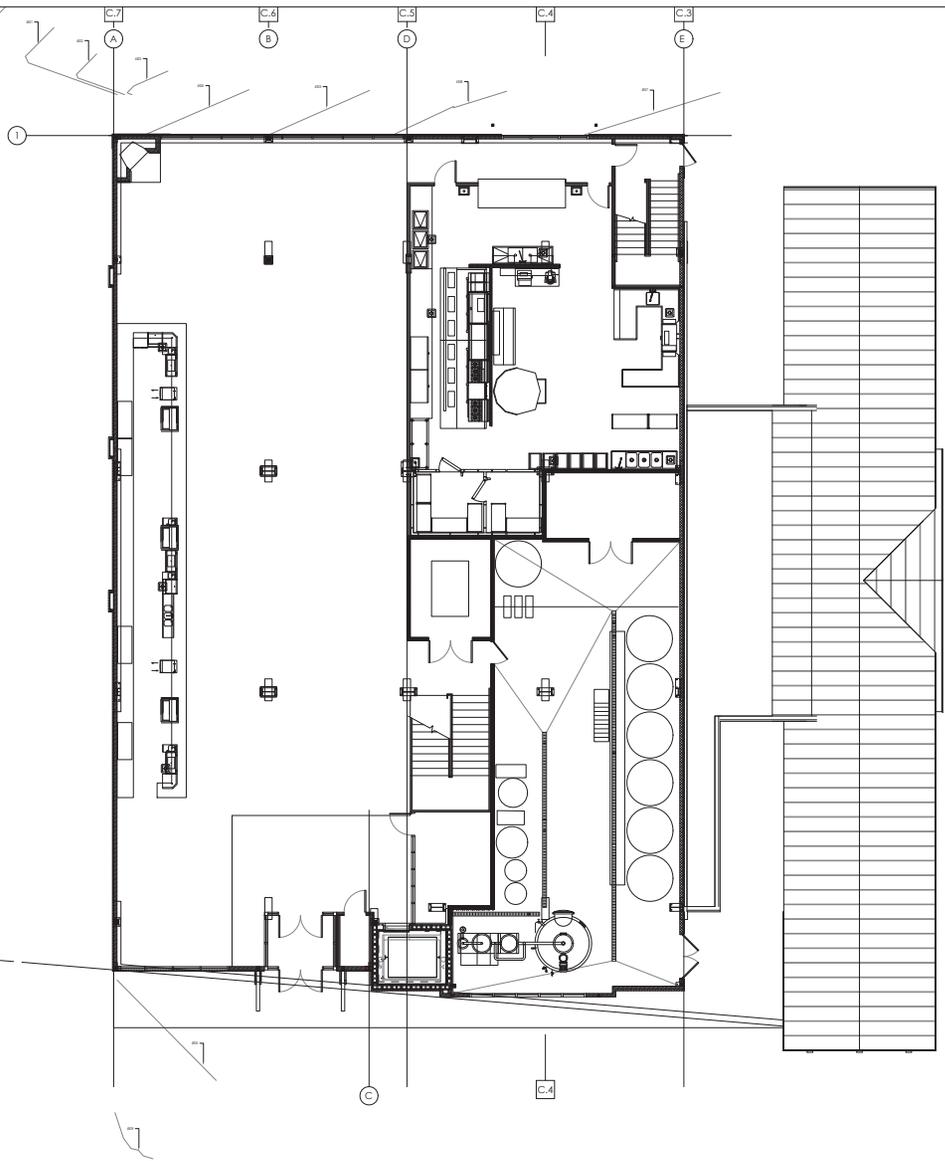
# CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

LEVEL 2

D102

06 FEB, 2020



UPPER ROOF BEARING - PRESENTATION  
1/8" = 1'-0"



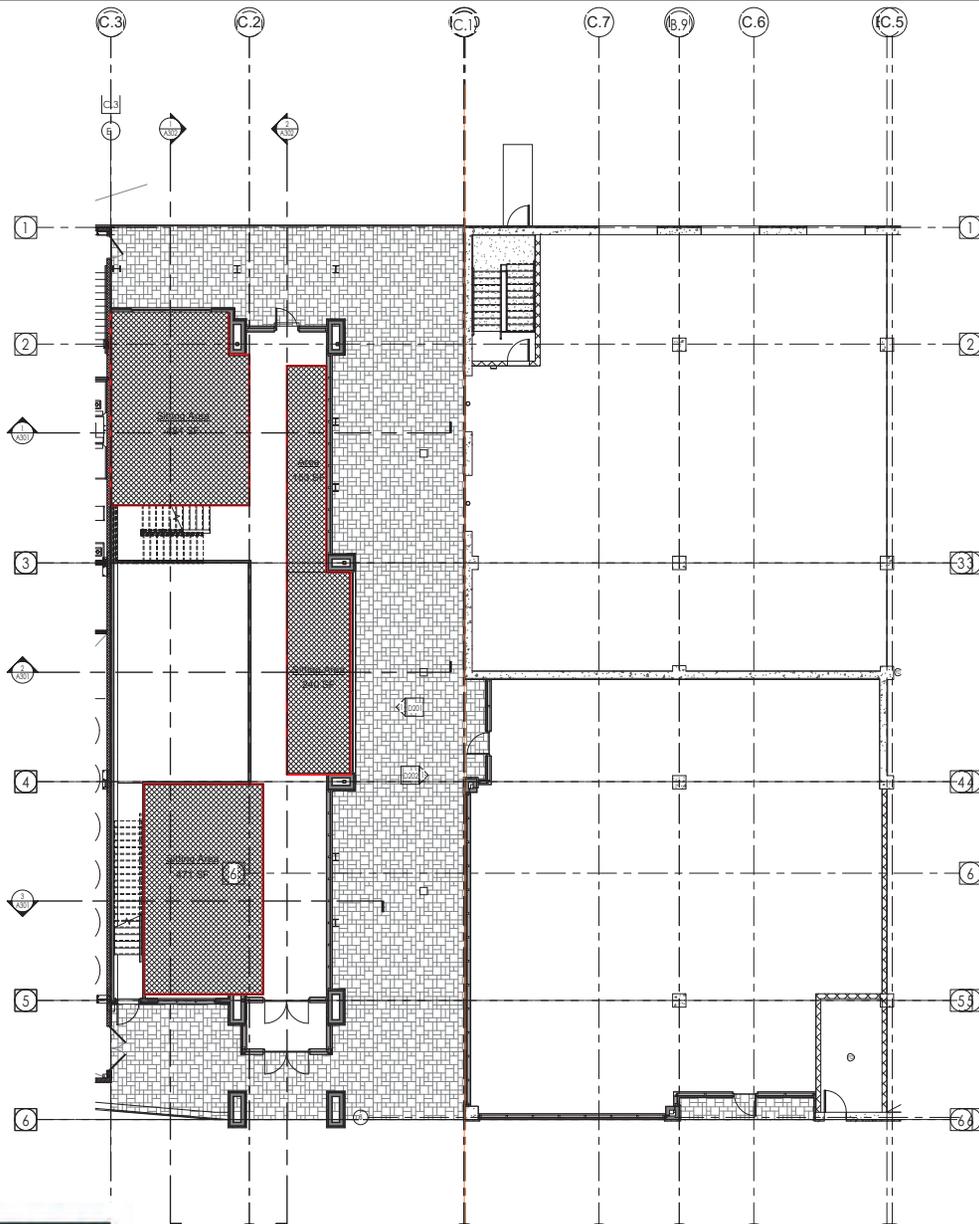
# CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

ROOF PLAN

D103

06 FEB, 2020



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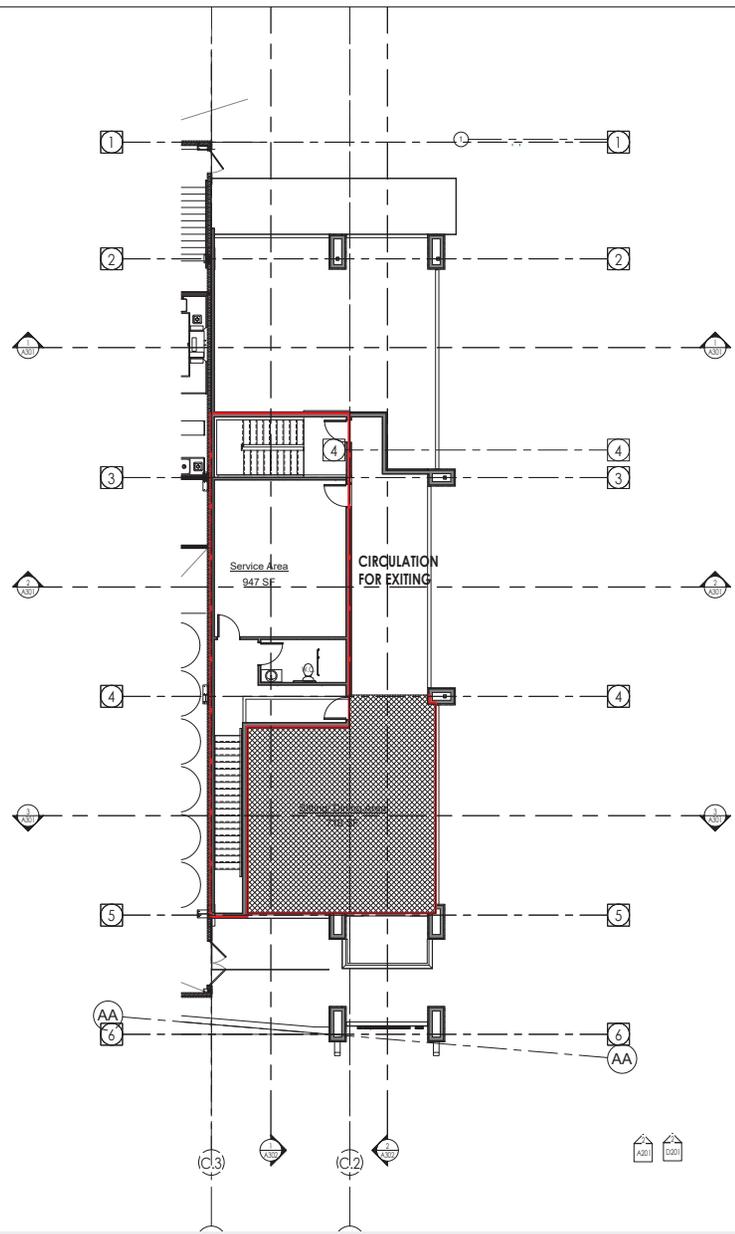
## CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

LEVEL 1 USABLE SITTING  
AREA

D104

06 FEB, 2020



LEVEL 2 - USABLE  
1/8" = 1'-0"



# CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

Unnamed

D105

06 FEB, 2020

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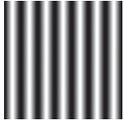
ELEVATION MATERIAL LEGEND



APPROVED CANYON CENTRE STONE



SHERWIN WILLIAMS - SW 4133 COLOR PAINT



VERTICAL CORRUGATED METAL PANEL



RED OAK WOOD



STUCCO TO MATCH HOTEL  
 CANYON CENTRE STONE  
 CLEAR GLASS IN DARK BRONZE ALUM. FRAME TO MATCH RESTAURANT  
 BEAUTY SALON  
 STUCCO TO MATCH HOTEL  
 CANYON CENTRE STONE

NORTH ELEVATION @ SOUTH RETAIL  
 1/8" = 1'-0"



METAL ROOFING TO MATCH RESTAURANT  
 VERTICAL CORRUGATED METAL PANEL TO MATCH RESTAURANT  
 CANYON CENTRE STONE  
 CLEAR GLASS IN DARK BRONZE ALUM. FRAME TO MATCH RESTAURANT

EAST ELEVATION SD  
 1/8" = 1'-0"



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CANYON CENTRE - RETAIL SHELL

COTTONWOOD HEIGHTS, UT 84115

EXTERIOR ELEVATIONS

D202

06 FEB, 2020



3D View 1

1  
D902



3D View 2

2  
D902



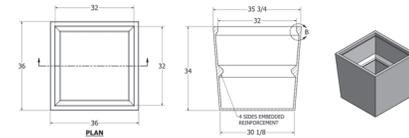
3D View 3

3  
D902

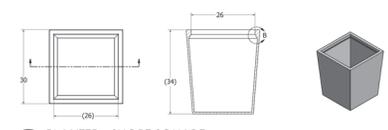


3D View 4

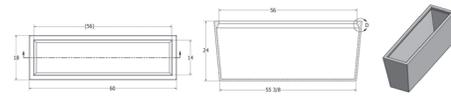
4  
D902



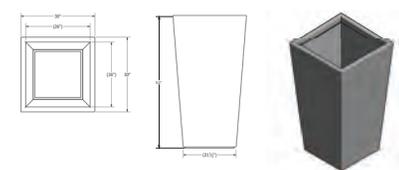
1 PLANTER - LARGE SQUARE  
TOURNESOL UCR-3600 GFRC 36" SQUARE, 34" TALL



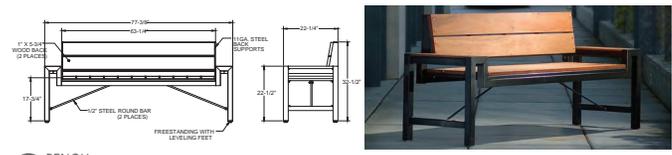
2 PLANTER - SHORT SQUARE  
TOURNESOL UCR-3000 GFRC 30" SQUARE, 32" TALL



3 PLANTER - RECTANGLE  
TOURNESOL UR-601824 GFRC 60"X18" RECTANGLE, 24" TALL



4 PLANTER - TALL SQUARE  
TOURNESOL UCR-3000 GFRC 30" SQUARE, 53" TALL



5 BENCH  
TOURNESOL GALLERIA COLLECTION GA-0100-72



6 PAVERS  
BELGARD LAFITT GRANA SLAB





# PLANNING COMMISSION STAFF REPORT

Public Trees and Park Strips Ordinance

Meeting Date: March 4, 2020

Staff Contact: Matt Taylor, Senior Planner

(801) 944-7066. mtaylor@ch.utah.gov

---

## Summary

**PROJECT NAME:** Public Trees and Park Strips Ordinance. Project ZTA-20-001.  
**REQUEST:** Zoning Ordinance Text Amendment  
**APPLICANT:** Cottonwood Heights City  
**RECOMMENDATION:** Recommend Approval

---

## Background

The City Council has requested that staff prepare for the Planning Commission's recommendation a Public Tree ordinance. As most public trees are within park strips within the right-of-way, staff has also prepared citywide regulations for the development and maintenance of park strips. Included with this packet is a presentation on the general benefits of trees in cities (see Appendix "B").

---

## Proposal

The draft ordinance (appendix "A") has been prepared in a manner to achieve desired outcomes but also to provide a reasonable balance of options for how property owners and developers manage the trees and landscaping within park strips adjacent to their property. In summary, the ordinance proposes the following requirements:

- Establishes the goals for public tree management.
- Establishes a city contact for public tree issues
- Clarifies and outlines responsibilities of private property owners and the city for the care of public trees and park strips abutting private property.
- Addresses potential hazards presented by trees.
- Prohibits practices damaging to public trees and establishes a penalty for unauthorized removal of trees.
- Establishes standards for allowed materials – and ratio of those materials – within park strips.
- Establishes a process for the city's Architectural Review Commission to review and require the preservation of existing vegetation in new development.
- Amends various existing provision related to trees for consistency and clarity.
- Creates additional definitions to help manage the implementation of the ordinance.

## Applicability

These regulations are proposed to apply as follows:

- To any future changes to trees and park strips within existing developed areas. Any situation made non-conforming by the adoption of this ordinance shall be permitted to remain until changes are made and then property owners will be allowed to make complete or incremental improvements to bring park strips into alignment with the standards at their own discretion and timeline.
- To any new development and redevelopment of property will be required to adhere to these standards.
- Staff will provide educational materials at city hall and on the city website to help educate individuals about the goals established by this ordinance and to encourage voluntary compliance with ordinance standards.
- Any property owner violating these provisions in the future may be subject to city enforcement.

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## Recommendation

Staff recommends that the Planning Commission review the attached materials, receive public comments, and provide feedback on the proposal so a final draft may be presented at the following meeting for recommendation to the City Council.

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## Model Motion

Sample motion– “ Based on the feedback provided to staff, I move we continue this item to the April 1, 2020 Planning Commission meeting

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## Attachments

1. Draft Ordinance of Outdoor Lighting Regulations
2. Summary of Benefits of Trees Preservation and Enhancement
3. Selected pages from “Walkable City Rules” by Jeff Speck.

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# Cottonwood Heights City Public Tree and Park Strip Ordinance

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## Chapter 12.04 - DEFINITIONS

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### 12.04.335 Park Strip

“Park strip” means the area between the curblines and the sidewalk, or fenceline in a case where no sidewalk exists, in any public or private rights-of-way.

....

## Chapter 12.24 - REQUIRED IMPROVEMENTS

### 12.24.070 Curbs, gutters, sidewalks and park strips.

A. Curbs and gutters on all streets shall be concrete of the standard high back-type unit, not less than 30 inches in overall width, and not less than six inches thick where the curb abuts the street pavement. Low back curb may be installed in cul-de-sacs and wherever approved by the city engineer.

B. All curb corners shall have a radius of not less than 25 feet.

C. The subdivider shall be required to install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

D. The subdivider ~~may shall~~ be required ~~by the city~~ to install a park strip per Section 14.12.060 and property owners provide landscaping per Section 14.44. In cases where a new sidewalk with planter strip is required to connect to a sidewalk with no planter strip, an appropriate angled sidewalk connection shall be required within 20 feet between sidewalks in the area between the curb and sidewalks. The type and amount of landscaping required shall be at the discretion of the community and economic development director and may vary within the development.

E. Waterways shall meet APWA standards.

~~F. The plants and other landscaping material that best serve the intended functions shall be used. Landscaping material shall be appropriate for local environment, soil conditions and availability of water.~~

**Commented [MT1]:** This may be a confusing term, but it has been utilized to be consistent with the current definition and terminology used in this title.

**Commented [MT2]:** Need to find a place to move this to.

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## Chapter 14.04 - DEFINITIONS

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### 14.04.040 Curblines.

“Curblines” means a line on either side of the center of a highway ten feet inside the right-of-way line and running parallel to the right-of-way line. Any individual exceptions to this definition must be approved by the city.

### 14.04.050 Department.

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“Department” means the city’s community development department or other designee of the city.

Commented [MT3]: Should this be changed to Public Works?

**14.04.060 Fenceline.**

“Fenceline” means a line on either side of the center of a highway coterminous with the outside boundary or limits of the highway.

....

**14.04.090 Maintenance.**

“Maintenance” means the performance of all things necessary to keep a public highway, sidewalk, or park strip in serviceable condition.

....

**14.04.105 Park Strip**

“Park strip” means a landscaped area between the curblin e and the sidewalk, or fenceline in a case where no sidewalk exists, in any public or private rights-of-way.

**14.04.107 Park Strip Landscaping**

“Park strip landscaping, impervious hardscape” means, concrete, stamped-concrete, and paver systems with less than one-eighth inch (1/8”) minimum joint spacing. Asphalt is prohibited as an impervious hardscape landscaping material.

“Park strip landscaping, permeable hardscape” means natural or crushed rock and stone (minimum 1” diameter and greater), flagstone, organic and/or inorganic mulch, and permeable paver systems with one eighth inch (1/8”) minimum joint spacing that allow water to penetrate into the soil.

“Park strip landscaping, softscape” means living plants such as trees, shrubs, vines, ground covers, flowers, turf or ornamental grass at three-year maturity.

“Park strip landscaping, water efficient” means a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water and incorporate drought tolerant and extra drought tolerant plants through a combination of vegetative softscape, and permeable hardscape.

....

**14.04.125 Public Tree**

“Public tree” shall mean any tree on a property owned or maintained by Cottonwood Heights City, including trees planted within park strips within the public right-of-way.

....

**14.04.150 Sidewalk.**

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“Sidewalk” means ~~that area~~ a concrete walkway between the ~~curbline~~ park strip and the fenceline, or curblin in a case where no park strips exist, on either side of a highway.

**14.04.160 Tree Planting Line.**

“Tree Planting Line” means a line equidistant between the sidewalk and curblin.

**14.04.170 Weed(s).**

“Weed(s)” means a wild plant growing where it was not intentionally planted by human means and/or in competition with cultivated plants.

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**Chapter 14.12 - STANDARDS FOR ROADWAYS, SIDEWALKS AND OTHER INFRASTRUCTURE**

**14.12.040 Clear view of intersecting streets.**

A. Corner sight distance for local streets as defined in the AASHTO guidelines shall be a minimum of 300 feet. All other locations shall be provided with sight distance in accordance with AASHTO guidelines.

B. No constructed or planted obstruction to view, in excess of ~~two feet~~ three-feet in height above the level of the adjacent street pavement (measured at the edge of the pavement) shall be allowed within the clear view of intersecting streets. Exception to this are signs that conform to the applicable zoning code; a reasonable number of trees pruned to ~~ten feet~~ thirteen and one-half feet above the street pavement; and pumps at gasoline service stations. In the event that the provisions of this subsection conflict with zoning codes, the most restrictive shall apply.

**Commented [MT4]:** To make consistent with 19.76.050.A

**Commented [MT5]:** To make consistent with 14.12.050

C. Landscaping material or other obstructions which infringes the clear view of intersecting streets that creates a safety hazard, after 20 days’ notice to property owner by certified mail has been given, may be trimmed or removed by city employees or by any other person or entity designated by the city.

D. The city shall be entitled to reimbursement of the costs incurred by it in trimming or removing landscaping or obstructions under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereto at the statutory rate, and the city’s attorney’s fees and costs of suit.

**14.12.050 Landscaping overhanging street pavement.**

Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet above the street pavement. Trees and landscaping which violate the requirements of this section may be trimmed or removed by city employees or by any other person or entity designated by the city after 20 days’ notice by certified mail to the property owner has been given. The city shall be entitled to reimbursement of the costs

**Commented [MT6]:** Proposed that 14.12.040 is made consistent with this standard.

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incurred by it in trimming trees and landscaping under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereon at the statutory rate, and the city's attorney's fees and costs of suit.

### 14.12.060 Sidewalks and Park Strips.

A. Sidewalks shall be located as far as practical from travel lanes. As the minimum standard, concrete sidewalks shall be ~~four~~ five-feet in width with a five foot ~~utility~~ park strip between the ~~roadway~~ edge of sidewalk and back of curb.

B. A five-foot sidewalk will be allowed integral with the back of curb where exceptional topographic conditions exist or where specifically approved by the city. Where integral sidewalk is permitted, the right-of-way may be reduced accordingly.

~~C. When properties are adjacent, but do not access or front on public right of way, a stamped brick pavement in the utility strip or other suitable approved finishing material shall be required to reduce maintenance in these areas unless an exception is granted by the city.~~

~~D. C.~~ In developments which have a minimum lot area of one acre, aesthetic alternatives may be approved in lieu of standard concrete, except areas along collectors and arterials. The department or its designee shall review and approve all design and geometric standards for such requests.

~~E. D.~~ Sidewalks shall remain unobstructed from vegetation and other obstructions to a minimum height of seven feet. Landscaping or other obstructions which violate the requirements of this section may be trimmed or removed by city employees or by any other person or entity designated by the city after 20 days' notice by certified mail to the property owner has been given. The city shall be entitled to reimbursement of the costs incurred by it in trimming or removing landscaping or obstructions under this section, and may seek such reimbursement by sending an itemized invoice by certified mail to the property owner at its last known address. If the property owner fails to pay such costs to the city within 20 days after the date of mailing such invoice, the city may cause suit to be brought in an appropriate court of law seeking such payment, interest thereon at the statutory rate, and the city's attorney's fees and costs of suit.

### 14.12.070 Horizontal clearance to obstructions.

On all streets a minimum clearance of 24 inches shall be provided between the curb face or shoulder edge and obstructions such as utility poles, fire hydrants, trees, landscaping exceeding three (3) feet in height, etc., except standard mailboxes approved by the U.S. Postal Service.

**Commented [MT7]:** Issues with park strips located on double frontage lots are relocated to Ch. 14.44.

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## Chapter 14.44 - PARK STRIP LANDSCAPING AND PUBLIC SHADE TREES

### Sections:

- 14.44.010 Care of public trees in public right-of-way and public spaces.
- 14.44.020 ~~Planting line.~~ Park Strip Design Standards
- 14.44.030 ~~Condemnation and removal of trees.~~ Park Strip Tree Standards.
- 14.44.040 Condemnation and removal of trees.

### **14.44.010 Care of public trees in public right-of-way and public spaces.**

~~—In all cases the abutting property owner who receives the beneficial use of and benefit from trees is to care for and water the same. Failure to care for trees may constitute a nuisance.~~

- A. Purpose: The city prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. It is declared to be a policy of the City that:
1. Promote the general welfare of the City by establishing and maintaining the maximum amount of canopy coverage provided by trees;
  2. The City's sustainability objectives be achieved, including, but not limited to, increased air quality, improved water quality, the reduction of urban heat island effect, increased conservation of energy, decreased consumption of water resources, increased biodiversity and habitat, reduced light and noise trespass, decreased driving speed, increased roadway longevity, and decreased impact on city storm drainage.
  3. Preserve and enhance the City's environmental, economic and social character with mature trees;
  4. Encourage planning, building, and development activities to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City;
  5. Maintain trees in healthy, non-hazardous condition through the application of tree care standards;
  6. Establish and maintain appropriate species diversity and age classes in order to provide a stable and sustainable community forest;
  7. City property will be landscaped to enhance the natural beauty of the City.
  8. The City plant species of trees that are aesthetically pleasing, require less maintenance (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
  9. The street environment be made hospitable through landscaping.
  10. Residents of the city be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.
- B. Urban Forester: The Community and Economic Development Director shall designate an employee or contracted entity as the city's urban forester, who shall:

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1. Be responsible for the long term management, inventory, planting, and design of city trees in cooperation with the Director.
  2. Maintain partnerships between public and private parties for the benefit of trees.
  3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
  4. Keep abreast of new information and research in arboriculture.
  5. Coordinate with Public Works in the training of city crews or contract providers so the best methods of tree care are practiced in the community.
  6. Work with engineers, architects, and the community development department during the design phase of development.
- C. Private Property Owner Responsibilities: Property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in park strips abutting their real property except in those park strips that are maintained by the city.
1. Park strips shall be developed, maintained, or restored to the park strip design standards outlined in this chapter whenever development or redevelopment occurs.
  2. Park strip installation and maintenance shall be the responsibility of the adjacent property owner and are required to landscape the park strip with approved landscaping materials as outlined in this Chapter. All park strip landscaping shall be maintained in a safe and well-kept condition by the abutting property owner. Trash, debris, and seed-bearing weeds (regardless of height) are prohibited.
  3. Periodic watering and fertilization of city trees as necessary to maintain good health and vigor.
  4. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet above the street pavement and seven feet above sidewalks.
  5. Protect city trees in park strips from damage caused by lawn mowers, weed trimmers, snowblowers, and similar equipment.
  6. Protect city trees in park strips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
  7. The species of trees planted in the park strips should comply with the city street tree guide or otherwise approved by the director.
  8. Remove private trees or limbs that have fallen upon a city street, property, or sidewalk. Notify the city of any hazard tree.
  9. Raking, cleanup, and properly disposing of leaves that fall from city and private trees so leaf fall does not impede the stormwater system.
  10. The city shall have no liability for the failure of any tree or landscaping installed by private parties on other than city maintained property.
  11. Owners of property on streets without curbs and gutters are not required to maintain formal landscaping within the public right-of-way.
- D. City Responsibilities: The city shall assume responsibility for:

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1. Tree care in city owned and operated parks, on the grounds of city buildings, and in park strips that the city administration has designated will be maintained by the city.
  2. Pruning of city trees, as necessary, after appropriate notification to property owners.
  3. Pruning of city trees in the public rights of way and utility easements.
  4. Removal of diseased or dying city trees that are beyond reclamation.
  5. Removal of city trees and/or limbs that the city determines to be a hazard after appropriate notification.
  6. Maintenance of planted areas on city property and specifically designated city rights of way.
- E. Responsibility For Correcting Private Hazard Trees: Where a hazard tree exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.
1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
  2. If the city determines that a particular tree is a hazard tree, the city may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
  3. Notice under this section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of twenty eight (28) calendar days in advance of further action.
  4. If the hazard tree is not mitigated, abated, removed, or corrected within twenty eight (28) additional calendar days after the notice is complete, the city may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
  5. The city may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
  6. If the person, firm, or corporation disputes or denies the city's determination that the tree is a hazard tree or refuses to remove or permit removal, the city may bring an action to abate the hazard tree as a public nuisance. If the city is granted a judgment, the city may recover the costs of having the public nuisance abated.
  7. The city, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
  8. Notice of appeal of the city's determination that a tree is a hazard tree may be filed with the city recorder within ten (10) days of service of the notice to abate. Appeals of the urban forester's decisions shall be heard by the mayor or his designee within fifteen (15) days of receipt of the appeal, which decision is final.

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F. Protection Of Public Trees:

1. It shall be unlawful for any person to do any of the following:
  - a. Construct a concrete, asphalt, brick, or gravel sidewalk within eighteen inches (18") of a city tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
  - b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.
  - c. Pile building material, equipment, or other substance on or near a city tree so as to cause injury to the tree.
  - d. Pour or spray any injurious matter on or around a city tree.
  - e. Injure any city tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any city tree, shrub, ground cover, or lawn.
  - f. Post any sign, tree stake, or guard, or by fastening any guywire, cable, or rope to any city tree, tree stake, or guard.
  - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a city tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than four feet (4') high and have a two foot (2') radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured four and one-half feet (4 1/2') aboveground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The city engineer must be consulted about any deviation to this standard.
3. No person shall use a city tree for any unauthorized purpose.

G. Trees Planted In Park Strips: See Section 14.44.030.

H. Violation And Penalty: Any person who violates any provision of this chapter shall be guilty of an infraction. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on city owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide For Plant Appraisal" as published by the International Society Of Arboriculture. The city may pursue criminal or civil actions against any person or entity who violates this chapter as is deemed appropriate, including abatement or injunctive relief.

~~14.44.020 Planting line.~~

~~The line on which the trees are to be centered within a city highway right-of-way shall be determined by the department.~~

**14.44.020 Park Strip Design Standards**

Commented [MT8]: Moved to definitions – 14.04

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As required by Section 14.12.060, new park strips shall be a minimum of five (5) feet in width between the sidewalk and the rear of curblin.

Right-of-ways with no park strip or park strips less than five (5) feet in width do not require upgrading to five (5) feet until the adjacent property develops or redevelops and only if the planned street right-of-way anticipates a five (5) foot planter strip in the future.

### **Landscaping**

Park Strips Four (4) feet or Greater in Width: The entire area within park strips shall be covered in landscaping.

- 100% of the park strip may be developed in softscape landscaping. Water-efficient landscaping is highly encouraged.
  - Organic mulch materials not exceeding six inches in height may be used as water conserving mulch for vegetation but shall not be used exclusively as a landscaping material.
  - Landscaping shall be installed within two-years of the issuance of any building permit.
- No more than fifty percent (50%) of the park strip area shall be developed in permeable hardscape landscaping.
  - Permeable hardscape sections should be no more than ten feet (10') in length and shall alternate with landscaped sections.
  - Impermeable hardscape surfaces are prohibited except as provided in Section 14.44.030.
  - Landscaping shall not exceed three (3) feet in height, and not more than two (2) feet within ten (10) feet of any drive approach or within clear view areas.
- Prohibited materials include impervious hardscape landscaping, asphalt, thorn-bearing vegetation, and other vegetation and materials determined to be a nuisance by the Community and Economic Development Director.
- Wasting water in park strips, by significantly over-spraying landscaped areas, or by creating excess runoff, is prohibited. If, after notice from the City and a reasonable opportunity to correct this violation, a property owner fails to cease this practice, it shall be deemed a nuisance, which nuisance may be abated as provided by law.

Park Strips Less Than Four (4) feet in Width: The entire area within park strips shall be covered in landscaping.

- 100% of the park strip may be developed in softscape landscaping, although water-efficient landscaping and permeable hardscape landscaping is highly encouraged.
  - Organic mulch materials may be used as water conserving mulch for vegetation but shall not be used exclusively as a landscaping material.

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- Up to one hundred percent (100%) of the park strip area maybe developed in permeable hardscape landscaping.
  - Impermeable hardscape surfaces are prohibited except as provided in Section 14.44.030 – Double Frontage Lots – or the park strip is less than two (2) feet in width.
- Landscaping shall not exceed three (3) feet in height, and not more than two (2) feet within ten (10) feet of any drive approach or within clear view areas.
- Prohibited materials include impervious hardscape landscaping, asphalt, thorn-bearing vegetation, and other vegetation and materials determined to be a nuisance by the Community and Economic Development Director.

### **14.44.030 Park Strip Tree Standards.**

Park Strips Four (4) feet or Greater in Width: Park strips four (4) feet or more in width shall be planted with trees. Such trees shall be:

- spaced not more than twenty-five (25) feet apart exclusive of driveway approaches;
- planted along the tree planting line; and
- shall have a minimum caliper size of two (2) inches;
- have a planting bed of three (3) feet on either side of the tree trunk. The tree planting bed shall entirely exclude any hardscape, and shall be primarily covered with decorative bark or mulch;
- selected from the city tree selection guide maintained by the City Forester and shall be appropriate to their location and the park strip width;
- shall be installed with proper irrigation and an 18 inch deep by six (6) foot long root barrier on the sidewalk side of the park strip.

#### **Bonding**

Required trees shall be bonded for prior to the issue of a building permit of final site plan approval.

Park Strips Less Than Four (4) feet in Width: Park strips four (4) feet or less in width shall not include new trees. Existing trees may remain, but if the tree root system is in danger of damaging the adjacent sidewalk through cracking or uplift, then the tree is highly encouraged to be removed. Existing trees identified on [aerial image dataset] dated [date] are legal nonconforming. Trees determined to be planted after [date] are prohibited and shall be removed at the expense of the adjacent property owner.

#### **Double Frontage Lots.**

Regardless of size, any park strip adjacent to a rear property line shall adhere to the standards outlined in 13.25.050(C) – Small Park Strips, except that impermeable hardscape park strip landscaping (see definition) may be used as a substitute for other park strip landscaping.

~~14.44.030~~ **14.44.040** **Condemnation and removal of trees.**

The department, upon giving proper notice to abutting property owner, shall have the authority to condemn and remove, or order the removal by the abutting property owner of, any tree, tree stump, shrub or vine upon any city roads, avenues, or ways where the tree, tree stump, shrub or vine is dead, diseased or for any other reason undesirable. The department shall have authority to trim or prune any road tree or remove any tree that is in violation of any city ordinance, without serving notice upon the abutting property owner.

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## Chapter 19.87 - SITE PLAN REVIEW PROCESS

### 19.87.040 ARC requirements.

A. **Gateway design guidelines.** All developments within the gateway overlay zones, or those areas and developments which are specifically listed as being subject to the gateway design guidelines, shall adhere to the requirements of the gateway design guidelines and standards.

B. **Mechanical equipment.** All mechanical equipment shall be located or screened (and/or other measures taken) so as not to be visible from any public or private street. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the planning commission.

C. **Trash enclosures, storage areas, and external structures.** Landscaping, fencing, berms or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be compatible with the proposed or existing building and surrounding structures. These areas shall be well-maintained and oriented away from public view. The consolidation of trash areas between businesses and the use of modern disposal and recycling techniques are encouraged. Chain-link fences and fencing with vinyl slats are prohibited. Acceptable gates will be painted metal.

D. **Exterior materials.** The city's architecture review commission ("ARC") shall ensure that all buildings are aesthetically pleasing and conform to an overall master design theme or plan for the project or overlay area of the city. Building elevations shall be submitted that indicate all colors, styles, materials and other proposed building treatments.

E. **Landscape guidelines.** All site plans shall conform to the city's landscaping guidelines.

**F. Saving existing vegetation.**

(1) Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs unless the City Forester finds (or a certified arborist in the absence of a finding from the City Forester) that such preservation is unwise. The ARC or its designee shall review the appropriateness of removal of such vegetation if proposed in a development plan.

(a) The ARC may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and

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incorporate the vegetation into the design of a development versus the problems such vegetation may create for the development in terms of general construction techniques, the impact removal may have on the character of the area, the topography of the site and harmful conditions the vegetation may create.

(b) The ARC may disapprove a development plan if it determines trees or other vegetation were removed prior to submittal of the development application. If existing trees, clusters of trees or clusters of large shrubs deemed beneficial to the property are removed without City authorization prior to approval of a development, then a fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council shall be assessed to any person responsible for such removal.

(2) Trees and other vegetation to be saved shall be clearly marked to ensure protection against removal or damage. Snow fencing or other acceptable barriers shall be used to protect existing vegetation designated to be saved. The Community and Economic Development shall approve the location of such barriers.

~~F.~~ **G. Building lighting.** Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be shielded and full cut-off so that the light source does not penetrate beyond the property where the structure is located. To prevent light pollution, to the greatest extent possible lighting shall not project above or beyond the property line.

~~G.~~ **H. Parking lot and street lighting.** All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Lighting of all pedestrian pathways is required.

1. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings.
2. Intensities shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the City's lighting design standards.

**Consolidate Fee Schedule**

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UNAUTHORIZE PUBLIC TREE FEE..... \$500



# ▶ Urban Forestry Benefits

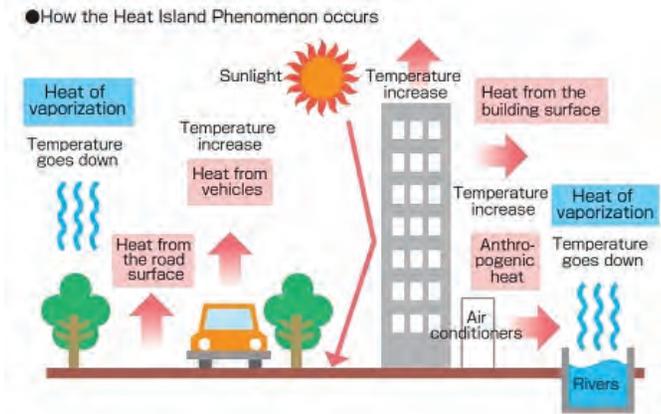
For a Greener Cottonwood Heights

# Property Values

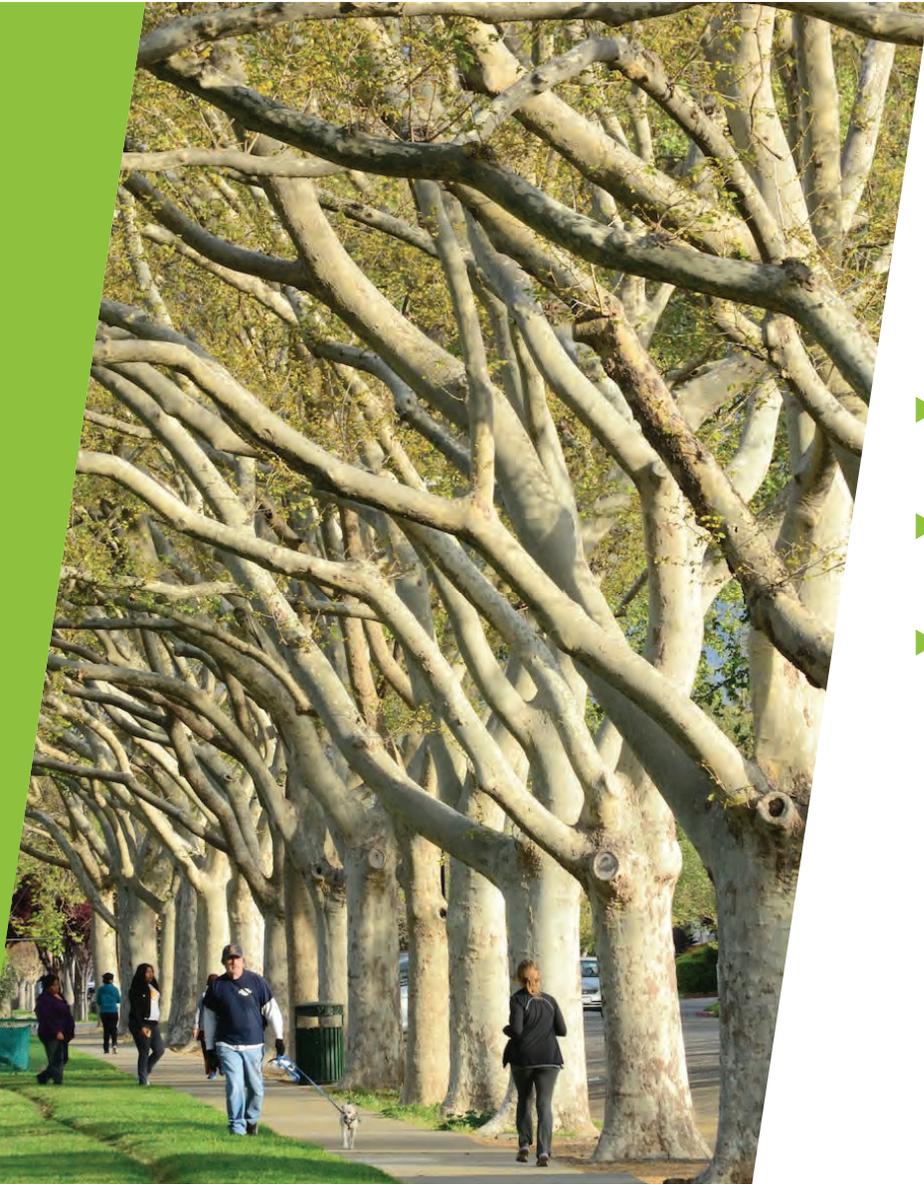


- ▶ Trees have been shown to have a substantial effect on residential and commercial property values
- ▶ Property values can rise from 5-15% with mature street trees

# Heat Management



- ▶ Street trees mitigate the Urban Heat Island Effect
- ▶ Air temperatures in suburban areas with mature street trees experience a reduction of air temperatures by 4-6 °F, while temperature reduction of buildings and street surfaces is around 20%
- ▶ Property owners save money on cooling costs
- ▶ Fewer heat related health problems
- ▶ Cooler streets attract pedestrians



## Beautification & Community Identity

- ▶ Street trees make a property and roadway more attractive
- ▶ Street trees can aid in fostering a distinct character for a city
- ▶ Trees are culturally important to many communities



## Water Quality

- ▶ Groundwater as well as surface water quality can be greatly improved by greater tree presence in our cities
- ▶ Trees near creeks, rivers, and lakes improve the health of aquatic ecosystems by providing nutrients to the microorganisms
- ▶ Additionally tree root systems provide an efficient means to cleaning groundwater

# Air Quality



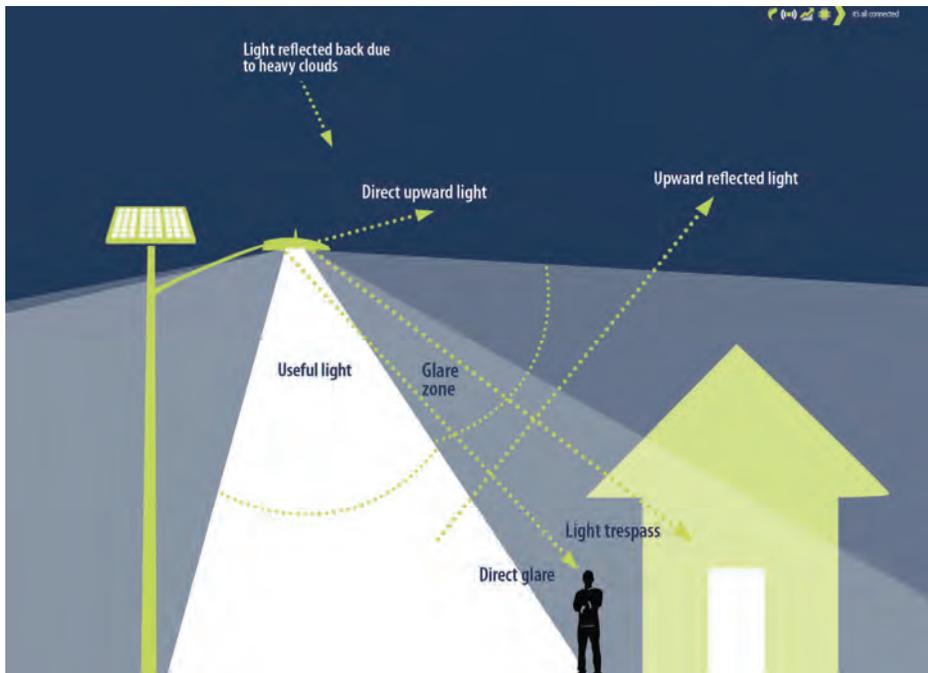
- ▶ Young trees absorb 13 pounds of CO<sub>2</sub> per year
- ▶ Mature trees absorb around 48 pounds of CO<sub>2</sub> per year
- ▶ At full maturity, trees produce on average nearly 260 pounds of oxygen each year or enough oxygen to sustain two human beings
- ▶ Additionally, trees reduce the greenhouse effect by shading homes and offices, saving money and energy

# Animal Habitat

- ▶ Every tree hosts a microhabitat that can be home to animals, plants, and fungi
- ▶ While much of the life associated with urban trees goes unnoticed, their impact is beneficial to cities and important to the urban ecosystem



# Light and Noise Trespass



- ▶ Placing trees alongside roadways reduces light and noise trespass into homes and businesses
- ▶ Residents can experience difficulty with sleeping, and relaxation, which can have serious health effects



The presence of trees along roadways slows down traffic and makes roadways safer



Drivers are affected by the added visual complexity that trees provide alongside roadways and slow their speed



Trees create a physical barrier between pedestrians and vehicles, making sidewalks safer



Far less than 1% of U.S. annual vehicle crashes involve a tree on an urban street

# Driving Speeds



## Pedestrian Activity/Health

- ▶ In areas where there are more trees along roadways, there is on average greater pedestrian activity as well as cycling
- ▶ Pedestrians are attracted to tree lined streets because they are more attractive, shaded, and safe
- ▶ As more people walk and use active transportation, they develop healthier lifestyles, reducing health risks and the associated costs
- ▶ In commercial areas, this added pedestrian activity can create more business

# Roadway Longevity

- ▶ Shaded streets can have life spans from 40-60% longer than unshaded streets
- ▶ Trees lessen heat associated roadway expansion and contraction as temperatures fluctuate throughout the day
- ▶ This saves a great amount of money in road maintenance costs





## Maintenance costs

- ▶ Nationally, 75% of spending on urban forestry goes towards maintenance and management, leaving few funds for planting new trees
- ▶ Other than trimming, street trees need to have their root systems checked to prevent sidewalk damage
- ▶ Trees also require trunk injections to prevent life threatening diseases

# Revenue Streams



TREE WORK PERMIT,  
DEVELOPMENT, AND  
INSPECTION FEES



COMPENSATORY  
PAYMENTS AND  
ENVIRONMENTAL FEES



UTILITY BILL  
DONATIONS



MEMORIAL AND HONOR  
TREES



PROMOTION OF  
FEDERAL TAX  
INCENTIVES TO CITIZENS



CARBON TRADING



SALE OF MUNICIPAL  
WOOD PRODUCTS



PRIVATE  
DONATIONS/CORPORAT  
E SPONSORSHIPS

# Financing Instruments



GENERAL FUND AND  
DEPARTMENTAL FUNDS



FEDERAL, STATE, AND  
PRIVATE FOUNDATION  
GRANTS



TAXES, SPECIAL  
ASSESSMENTS, AND  
SPECIAL TAX DISTRICTS



CAPITAL IMPROVEMENT  
BUDGETS

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# 78 Put Street Trees Almost Everywhere

*There is no better use of public funds.*

AMONG ALL THE HUNDREDS of physical assets that American cities do or don't invest in, none is as consistently undervalued as street trees. If our leaders were to understand their true worth, street trees would receive many multiples of their current funding. Communicating this worth has to be central to any campaign to improve walkability and urban vitality.

What makes street trees so valuable, and so essential? *Walkable City* dedicated a full chapter to this topic, and more evidence has been uncovered since.

**Street trees protect sidewalks.** Like parked cars, mature street trees form a sturdy barrier between moving vehicles and pedestrians. When viewed in perspective, a tight row of trees can almost feel like a wall between the sidewalk and the street.

**Street trees reduce crashes.** A study along Orlando's Colonial Drive compared a segment of roadway with street trees and other vertical objects along it to a segment without. It found that the segment with no trees experienced 45% more injurious crashes and many more fatal crashes: six vs. zero.<sup>229</sup>

**Street trees shape space.** As discussed in Rule 83, people are drawn to places with firm edges. Street trees can

play a vital role of providing good spatial definition to public spaces that would otherwise feel poorly shaped. Also, people just like being around them.

**Street trees absorb stormwater.** A typical mature tree absorbs about the first half inch of each rainfall that hits it.<sup>230</sup> Many of our cities' costly and destructive Combined Sewage Overflow problems could have been avoided if we had planted more trees in the 1990s. Avoiding future problems means planting more now.

**Street trees absorb UV and pollutants.** In addition to keeping ultraviolet rays from reaching the ground, street trees absorb a tremendous amount of airborne carbon dioxide—ten times more than trees located farther from roadways.<sup>231</sup>

**Street trees reduce urban heat islands.** As the planet warms, heat waves have already begun to claim hundreds of lives daily in major cities. Street trees have been shown to create local temperature reductions as great as 15° Fahrenheit. The federal government reports that a single mature tree has the same cooling impact as "ten room size air conditioners operating 24 hours a day."<sup>232</sup>



Street trees protect the sidewalk in part because their presence causes cars to slow down. Sometimes abruptly.

**Street trees improve property value.** A study conducted by the Wharton School of Business found that street trees increase home prices by 9%.<sup>233</sup> Such improved valuations translate directly into increased property tax revenue. The City of Portland found that, for this reason, its investment in tree planting and maintenance pays off at a ratio of twelve to one.<sup>234</sup>

**Street trees improve retail viability.** From Nantucket to Beverly Hills, the most desirable Main Street districts in North America are, with few exceptions, characterized by consistently planted street trees. One study found that shops on streets with good tree cover earn 12% more

income.<sup>235</sup> Visibility-seeking merchants who fight for tree removal forget that much main-street shopping is experience-based. With cheaper prices and better convenience on Amazon, providing a great environment is becoming central to retail viability.

**Street trees improve public health.** Multiple studies have shown that regular exposure to trees prolongs life, aids mental health, reduces asthma, obesity, stress, and heart disease, and basically just makes us happier.<sup>236</sup> Along with urban cycling facilities, street trees represent a well-justified use of public health funds.

**RULE 78:** Launch a "Continuous Canopy Campaign" around planting trees citywide. Modify land development codes to require new streets to include not only sidewalks but also street trees along the curb. Allocate funding to tree planting and maintenance from city budgets for stormwater management, sustainability, and public health.

# 79

## Select and Locate Street Trees Properly

*It's easy to get street trees wrong; here are some important tips.*

**The right tree:** Given their potential health and environmental impacts, street trees, even in shopping districts, should be selected for their capacity to grow large and hefty. In tight circumstances, taller and narrower, but still substantial, species should be chosen. Smaller flowering trees can be used to create a special experience on a unique street, but should remain an exception to the rule. Most palm trees are merely decorative, and should not find their way onto city tree lists unless your city has Palm in its name. Or you could change the name.

**Be consistent:** The best streets develop a unique character by containing the same tree planted consistently down their full length. While fear of blights like Dutch elm disease has led some cities away from this approach, the risk can be averted by planting similar-appearing but genetically distinct subspecies side by side.

**Proper spacing:** The objective with street trees is to achieve "arboring" canopies that touch at maturity. This means ideally planting the tree at an on-center spacing distance no greater than its anticipated diameter. Tighter spacing works just fine, and even the broadest trees can be happily planted 40 feet apart; any farther is not adequate to line a street. The proper

spacing for most urban trees is 30 feet on-center. Narrower species chosen due to a tight fit can be planted as closely as twenty feet on-center, budget permitting. One tree per parking space is a nice solution along a main street. Spacing should be as consistent as possible to create a legible rhythm.

**Line 'em up:** While not essential, aligning the trees on both sides of the street contributes markedly to the quality of place, as it helps arboring to occur over the roadway. When three or more rows of trees are used, as with a median, alignment becomes even more impactful. In tighter circumstances, an aligned diagonal stagger can be a good solution. The challenge is to design each street's tree cover in a way that imparts the greatest degree of rhythm and order to the street space.

**Double allées:** When sidewalks are wider than 20 feet, it often makes sense to insert a second row of trees on the inboard side of the walking zone. This solution, which can be seen on New York's Fifth Avenue against Central Park, costs a bit more, but pays off in multiples in creating places of value.

**Build to the corner:** When designing a block with street trees, the trees closest to the corners should be located



In tight spaces, a vertical species like ginkgo biloba can provide ample cover—and fall color.

about 10 feet from the crosswalk edge. City codes that push them farther away from intersections need to modify their sight-triangle requirements.

**No medians without trees:** A median with regularly spaced street trees contributes markedly to a street's safety, comfort, and beauty. A median without trees makes a street look and function like a highway. Municipal engineers must sometimes be reminded that the era of referring to trees as FHOs—Fixed and Hazardous Objects—is over.

**Structural soil and previous top:** The conventional tree-pit is designed for failure. Best practices have advanced, and the proper foundation for an urban street tree is a continuous trench of structural soil—an engineered, root-friendly, load-bearing substrate of crushed stone and soil—that should

sit beneath the entire sidewalk to a depth of about 3 feet.<sup>237</sup> This trench is well drained underneath, and topped with a pavement that, at least within the tree-zone, allows ample infiltration. Pavements built on structural soil cost more, but they allow trees to thrive without creating the sort of root heaves that create accessibility failures and demand expensive replacement.

**RULE 79:** On most streets, plant trees of a consistent large species in a regular pattern with a spacing distance of 20 to 40 feet, depending on the tree. Use double allées where they fit, and put trees in all medians. Place urban street trees in structural soil following current best practices.