COTTONWOOD HEIGHTS

RESOLUTION NO. 2020-20

A RESOLUTION APPROVING AN EXCEPTION TO PRIVATE ROADWAY DESIGN REQUIREMENTS AFFECTING THE FRONT YARD SETBACK OF A LOT LOCATED AT 1561 EAST 7200 SOUTH

WHEREAS, Chapter 12 of Title 14 ("*Chapter 14.12*") of the COTTONWOOD HEIGHTS CODE OF ORDINANCES (the "*Code*") sets forth, *inter alia*, standards and requirements for roadways in the city of Cottonwood Heights (the "*City*"); and

WHEREAS, Code section 14.12.130(E) provides that the front building line of any building lot located outside a planned unit development which fronts on a private roadway with at least 25 feet of paved surface shall be set back at least 50 feet from the centerline of the roadway; and

WHEREAS, however, Code section 14.12.150 allows the City's city council (the "*Council*"), after receiving a recommendation from the City's planning commission (the "*Planning Commission*"), to grant variations or exceptions to the requirements of Chapter 14.12 in cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, so long as such variations or exceptions are not detrimental to the public safety or welfare; and

WHEREAS, the owner ("*Applicant*") of a building lot located at 1561 East 7200 South in the City (the "*Lot*") has requested an exception to the front building line setback requirement for the Lot; specifically, reduction from 50' to 39.5' of the front building line setback from the centerline of the abutting private street, resulting in a 25' front building line setback from the back of the curb of such private street, as shown on and described in City's staff report for City project SUB-20-001 (the "*Exception*"); and

WHEREAS, on 6 May 2020 the City's planning commission (the "*Planning Commission*") held a public hearing on Applicant's request for the Exception, at which time all interested parties were given the opportunity to provide written or oral comment concerning the Exception; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 6 May 2020 the Planning Commission recommended approval of the Exception and forwarded such recommendation of approval to the Council for final action; and

WHEREAS, on 19 May 2020 the Council met in regular meeting to consider, among other things, whether to grant the Exception; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in

the best interest of the health, safety and welfare of the citizens of the City to approve the Exception;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the Exception is hereby approved based on the Council's finding that the Exception is authorized under Code section 14.12.150 and that approval of the Exception will not be detrimental to the public safety or welfare; and it is

FURTHER RESOLVED that the City's Director of Community and Economic Development is hereby authorized and directed to effect the Exception as to the Lot in full conformity with all other applicable laws and ordinances.

This Resolution, assigned no. 2020-20, shall take effect immediately upon passage.

PASSED AND APPROVED this 19th day of May 2020.

ATTEST:

By: _____
Paula Melgar, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By: _____
Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea ✓	Nay ___
Douglas Peterson	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Tali C. Bruce	Yea ✓	Nay ___
Christine Watson Mikell	Yea ✓	Nay ___

DEPOSITED in the office of the City Recorder this 19th day of May 2020.

RECORDED this 19 day of ~~December~~ May 2020.