



PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development
Meeting Date: October 7, 2020

NOTICE is hereby given that the **Cottonwood Heights Planning Commission** will electronically hold a work session meeting at approximately 5:00 p.m., and a business meeting beginning at approximately 6:00 p.m., or soon thereafter, on **Wednesday, October 7, 2020**. In view of the current COVID-19 pandemic, **this meeting will occur only electronically**, without a physical location, as authorized by the Governor's Executive Order 2020-05 dated March 18, 2020 and related legislation enacted by the Utah Legislature since that date. (See the attached written determination of the chair or acting chair of the Planning Commission that conducting this meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location). The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>.

To View the Work Session: Each citizen desiring to view the Work Session must register in advance to view the online video broadcast at the following link: https://cwh.zoom.us/webinar/register/WN_AGARdwVQ0C2qELgQXkLDg

To View or Participate in the Business Meetings: Unlike in past Planning Commission business meetings during the current pandemic, citizens now will be able to make live verbal comments during the "General Public Comment" or public hearing portion through the City's online video broadcast via Zoom. Each citizen desiring to make a citizen comment must register in advance to view or participate in the online video broadcast at the following link: https://cwh.zoom.us/webinar/register/WN_fCGmP7TnRn6obriZtnp1gw

Each registrant will receive a confirmation email containing information about joining the online video broadcast, and registrants who have entered the online video broadcast "waiting room" will be admitted one at a time for purposes of making comments to the Planning Commission. Public comments also may be given in writing by submitting the comments via email to mjohnson@ch.utah.gov by 5:00 p.m. on the meeting date. In the interest of time and those attending the meeting live, however, **submitted written comments** will be entered into the record and distributed to the Planning Commission but **will not** read at the public meeting.

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.

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

General public comments will be read into the record following the procedure detailed above.

3.0 Business Items

3.1 (Project ZMA-20-003)

A public hearing to receive comments and make possible recommendation to the City Council on a request from Robert Merrick (on behalf of Ralph Siebert) for a zoning map amendment to rezone 1.089 acres of property at 1166 E. Fort Union Blvd. from O-R-D (Office, Research & Development) to MU (Mixed Use).

3.2 (Project SUB-18-006)

A public hearing to receive comments and possible action on a request from Andrew Flamm for preliminary plat approval of Woodbridge subdivision, a 10-lot subdivision at 7380 S. Milne Ln.

3.3 (Project ZTA-20-006)

A public hearing to receive comments and make possible recommendation to the City Council on a request from Rockworth Development for an amendment to the Below Market Rate Housing Requirements of the Planned Development District Ordinance (19.51.060.B.12).

3.4 (Project PDD-19-001)

A public hearing to receive comments and make possible recommendation to the City Council on a request from AJ Rock, LLC, for an ordinance and zone map amendment for approximately 21.5 acres of property located at 6695 S. Wasatch Blvd. utilizing the city's Planned Development District (PDD) ordinance and changing the zoning designation from F-1-21 (Foothill Residential) to PDD-2 (this is a zoning designation prepared specifically for the subject property by the applicant, within the guidelines of chapter 19.51 of the city zoning ordinance).

Continued from the September 2, 2020 Public Hearing

4.0 Consent Agenda

4.1 Approval of Planning Commission Minutes

- July 15, 2020 Planning Commission Minutes

5.0 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). Written public comment received prior to the meeting will be read into the record.
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 prior to the start of the meeting to be read into the record. Comments should be emailed to mjohnson@ch.utah.gov. Comments received after the start of the meeting will be distributed to the Commission members after the meeting.

Notice of Compliance with the Americans with 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, September 25, 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 and the Utah public notice website at <http://pmn.utah.gov>.

DETERMINATION OF THE PLANNING COMMISSION CHAIR CONCERNING AN ANCHOR LOCATION

Pursuant to UTAH CODE ANN. 52-4-207(4), the chair (or acting chair) of the Cottonwood Heights Planning Commission hereby determines that conducting this Planning Commission meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of Utah, the Salt Lake County Mayor and Health Department, and the Mayor of this city have all recognized that a global pandemic exists related to the new strain of a coronavirus named SARS-CoV-2. Due to the state of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to information from state epidemiology experts, Utah is currently in an acceleration phase, which has the potential to overwhelm the state's healthcare system.

Signature

Date

DATED THIS 25TH DAY OF SEPTEMBER, 2020, Paula Melgar, City Recorder



PLANNING COMMISSION STAFF REPORT

Zone Map Amendment –1166 E. Fort Union Blvd.

Meeting Date: October 7, 2020

Staff Contact: Andy Hulka, Senior Planner

Summary

Action Requested:

Rezone from O-R-D (Office, Research and Development) to MU (Mixed Use)

Recommendation:

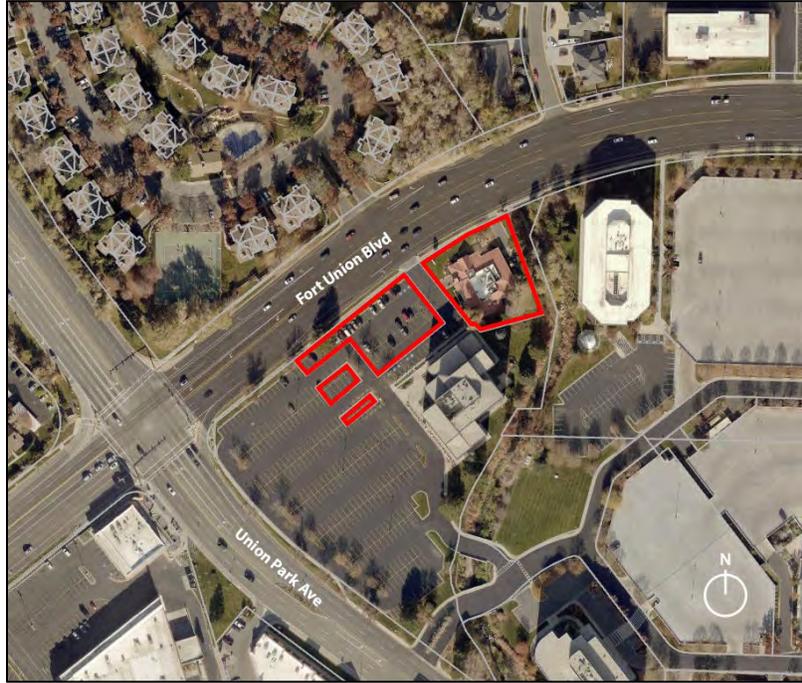
APPROVE

Applicant:

Robert Merrick – FFKR Architects, on behalf of Ralph Siebert

Project #:

ZMA-20-003



Aerial View

Context

Subject Property:

1166 E. Fort Union Blvd.

Property Owners:

Ralph H Siebert Family LLC;
Walter J Coulam;
Karen T Coulam

Acres:

1.089 acres

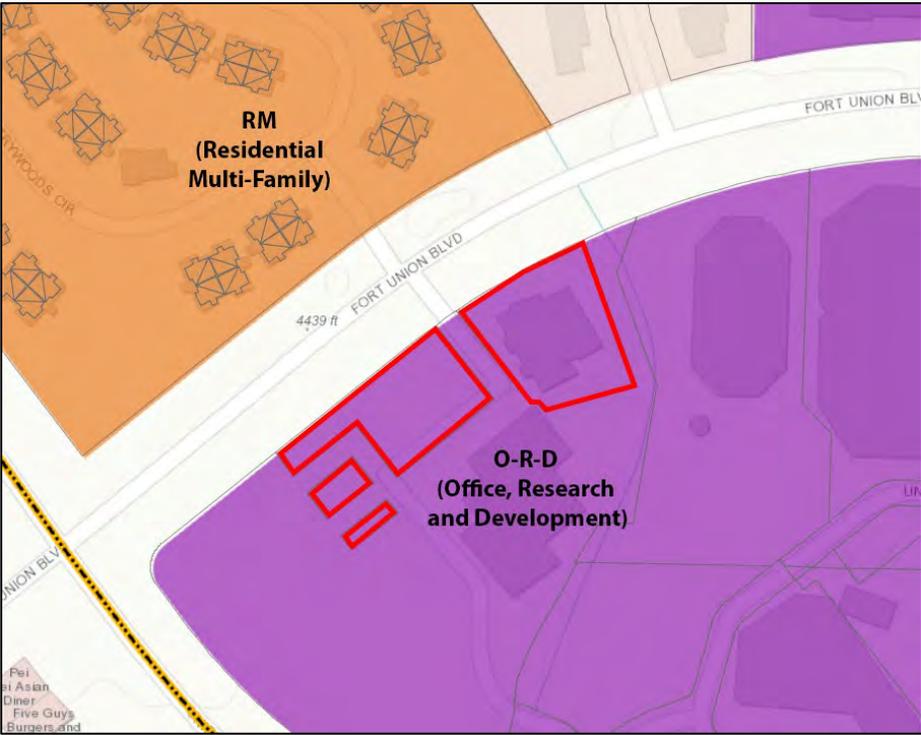
Parcel #:

22-20-454-003-0000
22-20-454-004-0000
22-20-454-005-0000
22-20-454-006-0000

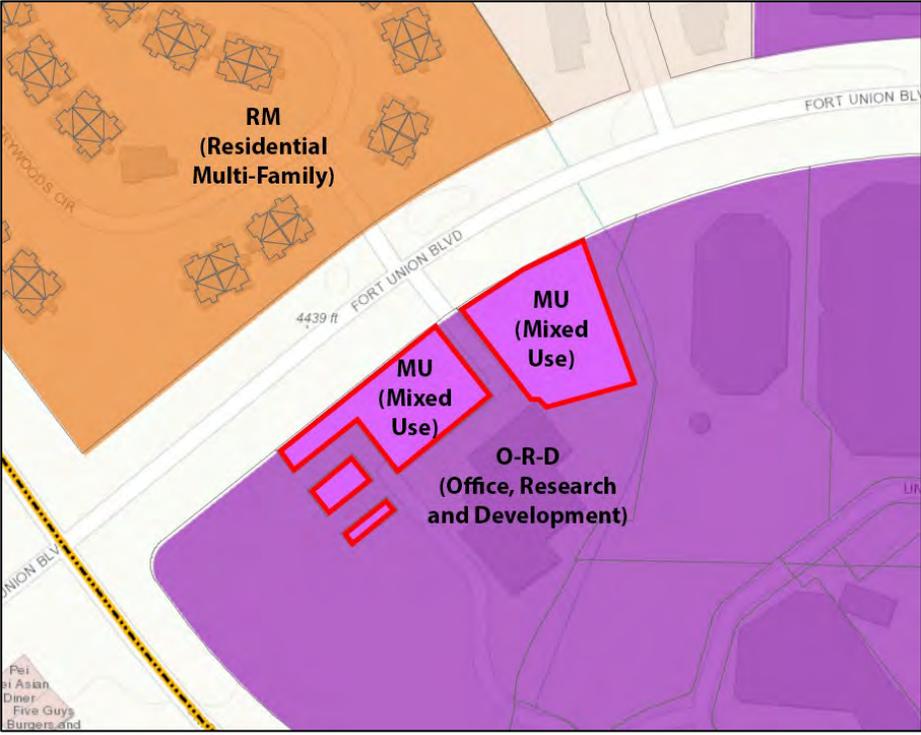


Street View

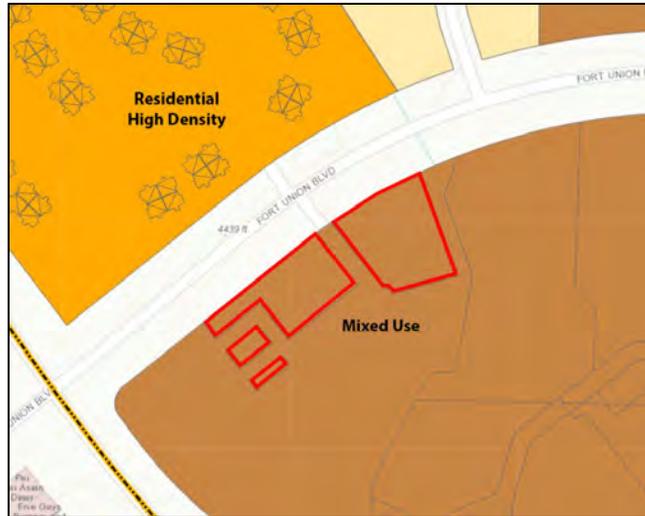
Zoning & Land Use



Current Zoning



Proposed Zoning

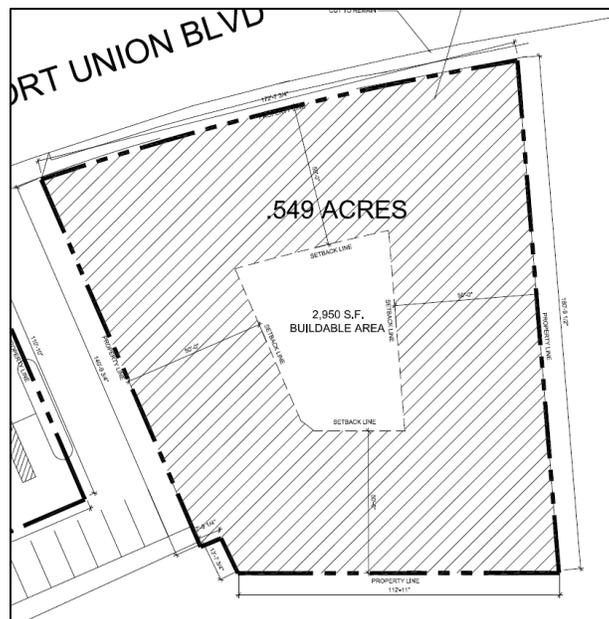


Current Land Use (No Change Proposed)

Analysis

Request

An application has been made by Robert Merrick (FFKR Architects), on behalf of Ralph Siebert, to rezone 1.089 acres of property at 1166 E. Fort Union Blvd. from O-R-D (Office, Research and Development) to MU (Mixed Use). The applicant is requesting approval of the rezone primarily for the setback requirements. The existing vacant restaurant building (formerly Famous Dave's) is nonconforming to the setback requirements of the O-R-D zone, which require 50' from all property lines. Any new development must meet current setbacks, so a new would be limited to a small buildable area in the center of the parcel. The MU zone setbacks are less restrictive and allow the Planning Commission to reduce setbacks that promote better development as a conditional use.



Buildable Area Under Current Zoning

General Plan

The General Plan Land Use Map indicates that this area is designated for future Mixed Use development. The Cottonwood Heights General Plan defines Mixed Use as:

Mixed Use:

This land use allows for a combination of residential and commercial land uses within the same development. Mixed use developments can be designed at a variety of densities and intensities. They are designed to be accessible at the pedestrian scale.

The request to rezone the property to MU (Mixed Use) is consistent with the City's General Plan.

Zoning Ordinance

The MU (Mixed Use) zone allows the following uses:

19.36.020 Permitted uses.

A. Permitted uses in the MU zone include the following:

1. Mixed-use residential buildings as defined in this chapter;
2. Bed and breakfast;
3. Churches;
4. Commercial recreation;
5. Convenience store without gasoline or convenience store/fast food combination without gasoline;
6. Home occupations;
7. Home day care/preschool, small (see section 19.76.040[D]);
8. Retail, gross square footage less than 25,000 square feet;
9. Financial institutions;
10. Community recreation services;
11. Convenience retail stores;
12. Restaurant, under 25,000 square feet of gross floor area;
13. Shop for the manufacture of retail articles sold primarily on the premises;
14. Government services;
15. Public libraries and cultural exhibits;
16. Open food stand/market/food truck, temporary;
17. Professional office, administrative and medical buildings with a maximum of 25,000 gross square feet; and
18. Grocery store, foodstuffs, retailing, or delicatessen with a maximum of 25,000 gross square feet.

19.36.030 Conditional uses.

A. Conditional uses in the MU zone include the following:

1. Home day care/preschool (see 19.76.040[E]);
2. Child daycare/preschool;
3. Convenience store with gas;
4. Parks, playgrounds or community recreation;
5. Public and private utility buildings or facilities;
6. Residential facilities for persons with disabilities;
7. Residential facilities for elderly persons;

8. Schools;
9. Grocery store, foodstuffs, retailing, or delicatessen greater than 25,000 gross square feet;
10. Hotels;
11. Class D private clubs;
12. Retail, gross square footage greater than 25,000 square feet;
13. Commercial schools;
14. Professional office, administrative and medical buildings greater than 25,000 gross square feet;
15. Restaurant, over 25,000 gross square feet;
16. Indoor theatre;
17. Garages (public); and
18. Mixed-use self-storage.

The applicant's narrative indicates that their intent is to build a new credit union on the property. Financial institutions are listed as a permitted use in both the O-R-D and MU zones. Although the rezone should be evaluated separately from any potential future development, it may be helpful to note that the proposed use that has been suggested would otherwise be permitted in the current zone. Future development will be subject to further review and approvals by City staff and the Planning Commission as applicable.

The MU zone requires the following setbacks:

19.36.090 Setbacks, yards and other requirements.

A. Yards and setbacks.

1. *The minimum front or side yard along a street shall be 20 feet; however, the planning commission may reduce or eliminate the setback if it abuts CR, MU, NC, ORD, or PF-zoned properties and finds that the reduction or elimination helps create a better designed development, and that the reduction or elimination will not adversely affect the public health, safety or welfare.*
2. *Minimum side and rear yards of 25 feet shall be required for side or rear yards of a lot in an MU zone abutting a residential zone. For lots adjacent to a non-residential zone, the minimum setback shall be ten feet for side and rear yards not on a street; however, the planning commission may reduce the setback if it finds that the reduction helps to create a better designed development, and that the reduction will not adversely affect the public health, safety or welfare.*

Any future development will need to meet all applicable requirements of the zoning ordinance, including the Sensitive Lands and Gateway Overlay Districts. A new commercial development would need to be reviewed by the Planning Commission for site plan and conditional use approval and by the Architectural Review Commission for a Certificate of Design Compliance. A new building would need to meet all height and setback requirements of the MU zone, as well as all parking, landscaping, outdoor lighting requirements, and relevant recommendations of the Fort Union Master Plan.

Zone Map Amendment Procedure

19.90.010 Amendment procedure.

*A. The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. **The city council may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have received the positive recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.***

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

Staff Conclusion

The request to amend the zone map from O-R-D (Office, Research and Development) to MU (Mixed Use) is consistent with the goals of the General Plan and Fort Union Master Plan.

Recommendation

Staff recommends that the Planning Commission forward a **RECOMMENDATION OF APPROVAL** to the City Council.

Conclusions - Findings for Approval

- The proposed zoning is compatible with the goals of the General Plan.
 - The application was made pursuant to 19.90 of CH City Code.
 - A public hearing was held in accordance with local and state requirements.
-

Model Motions

Approval

I move that we forward a recommendation of approval to the City Council for project ZMA-20-003 based on the findings listed in the staff report dated October 7, 2020.

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

Denial

I move that we forward a recommendation of denial to the City Council for project ZMA-20-003.

- List findings for negative recommendation...
-

Attachments

- Applicant Narrative

MEMO

To:	Andy Hulka 2277 Bengal Blvd, Cottonwood Heights, UT 84121	Memo #:	01 – Rezone Narrative
		Date:	September 16, 2020
		Project:	Utah First Credit Union – Cottonwood Heights Branch 1166 Fort Union Blvd. Cottonwood Heights, Utah
From:	Rob Merrick – FFKR Architects	FFKR Project #:	20052

Mr. Hulka,

We are proposing a change in the current zoning for the parcel attached to the address of 1166 Fort Union Blvd. The current zone is O-R-D, (Office, Research, and Development) and we are requesting a zoning change to MU (Mixed Use).

If we are successful with our proposed rezone, we plan to build a new Credit Union to this site. This will be in harmony with the area as well as add value to the exiting office and retail buildings in the current exiting zone, as well as the residential areas that are adjacent to the proposed site. The current development in this area is vacant restaurant space on the parcel in question as well as office space to the south west. All of which share the parking area to the west of the site. Three of the four parcels effected in this rezone are current parking stalls. There is no intent to change their usage at this point in time.

If the rezone is successful, our proposed development will burden the site infrastructure less than the existing restaurant building. We will have less of a traffic impact on the are as well as less usage on all the utilities needed to run the proposed business. There should be no adverse effects on the adjacent schools, emergency services, public heath, or general welfare, than the existing buildings are their functions.

Our proposed use is allowed under the current zoning, the problem with the current zoning that exists is the required setbacks. The zoning has changed, since the current building was constructed, as it would not fit the required boundaries either. The required setbacks of the O.R.D. zone are 50' on all sides of the property. With the small size of the parcel, this leaves anyone looking at a new building on this site with a constructible footprint of only 2,950 sq. ft. with the price of property this footprint would not allow very many business to be able to afford to develop the said property.

With the proposed rezone, we are able to develop the site as we would like to create a successful branch on this site that would be an asset to this community. We fail to see that there could possibly be any adverse effects from the rezone to a MU Zone. The proposed amendment to the zoning is in full harmony with the intent of Title 19.02.020 "Purpose and Provisions" in the current ordinance.

Our main burden with the site as currently zoned, as discussed is the required setbacks, there are no other existing burdens, or revisions to infrastructure or development standards that are limiting our development of this property.

We appreciate your consideration in this zoning amendment and are happy to answer any other questions that you, or the planning commission may have.

Regards,



Rob Merrick AIA, NCARB
Senior Associate | Architect
D 801.534.4275 M 801.910.8126

FFKR ARCHITECTS



PLANNING COMMISSION STAFF REPORT

Woodbridge Subdivision – 7380 S. Milne Ln.

Meeting Date: October 7, 2020

Staff Contact: Andy Hulka, Senior Planner

Summary

Action Requested:

Preliminary plat approval of Woodbridge Subdivision, a 10-lot subdivision at 7380 S. Milne Ln.

Recommendation:

APPROVE, with conditions

Applicant:

Andrew Flamm

Project #:

SUB-18-006



Aerial View

Context

Subject Properties:

7425 S. Creek Rd.
7380 S. Milne Ln.
1314 E. Milne Ln.

Property Owner:

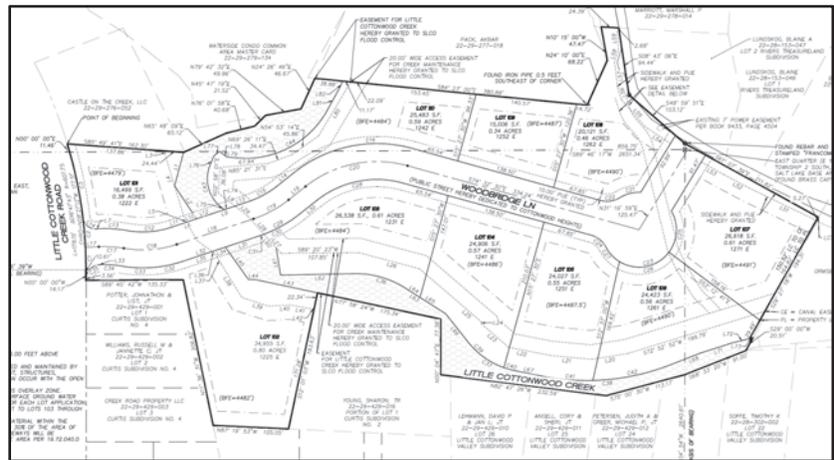
FF-Milne Corporation;
Family Investments, LC

Acres:

7.396 acres

Parcel #:

22-29-429-013-0000
22-29-429-015-0000
22-29-428-003-0000
22-28-301-006-0000



Proposed Subdivision

Street View



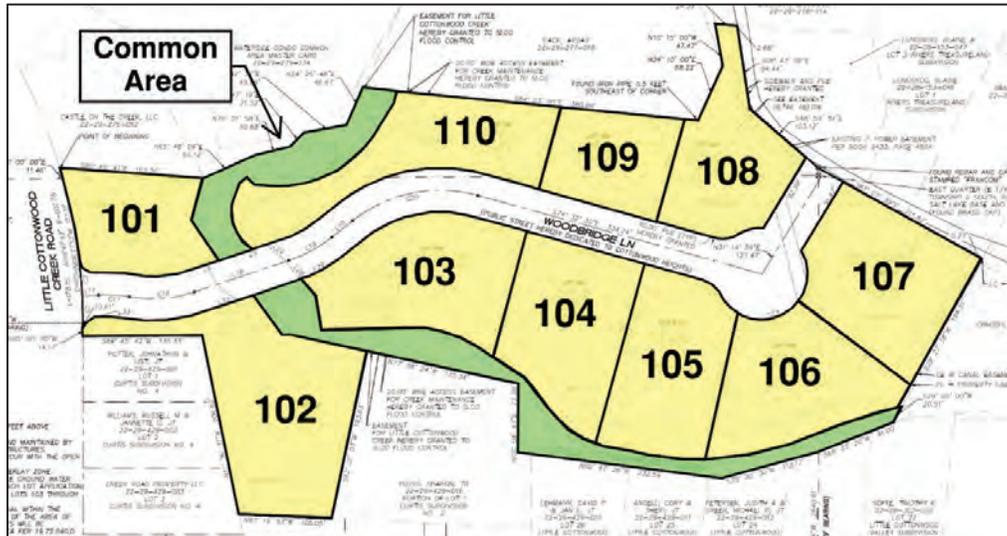
Looking North on Creek Rd. (approximate subdivision frontage marked in red)



Looking South on Creek Rd. (approximate subdivision frontage marked in red)

Applicant's Proposal

The applicant is requesting approval of a 10-lot single-family subdivision on the properties located at 7425 S. Creek Rd., 7380 S. Milne Ln., and 1314 E. Milne Ln. The total acreage of the proposed subdivision is 7.396 acres (322,161 square feet), and the properties are located in the RO (Residential Office), RR-1-21 (Rural Residential), and R-1-15 (Residential Single Family) zoning districts. Each lot will be required to meet the minimum lot standards of its respective zone. The Planning Commission will be reviewing the proposed subdivision for compliance with the Cottonwood Heights Subdivision Ordinance (Title 12). The applicant is currently seeking preliminary plat approval from the Commission.

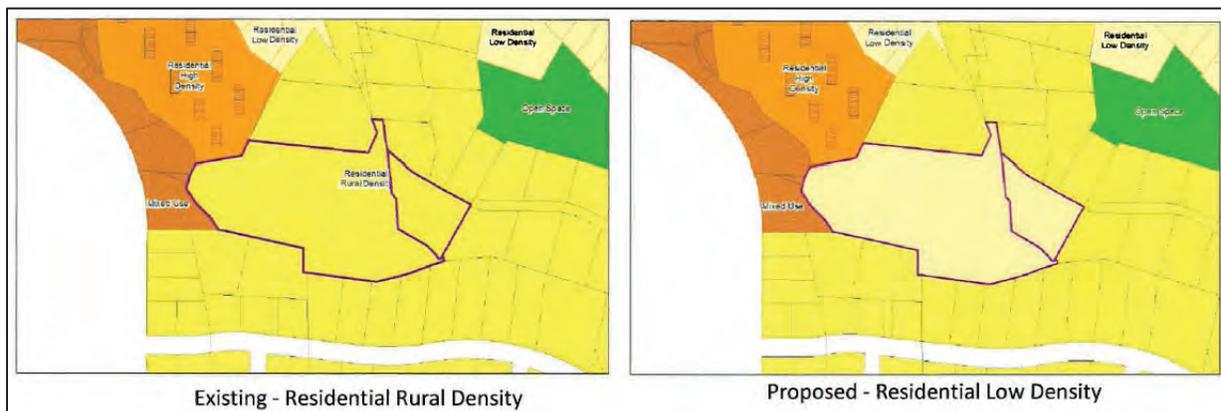


Basic proposed layout

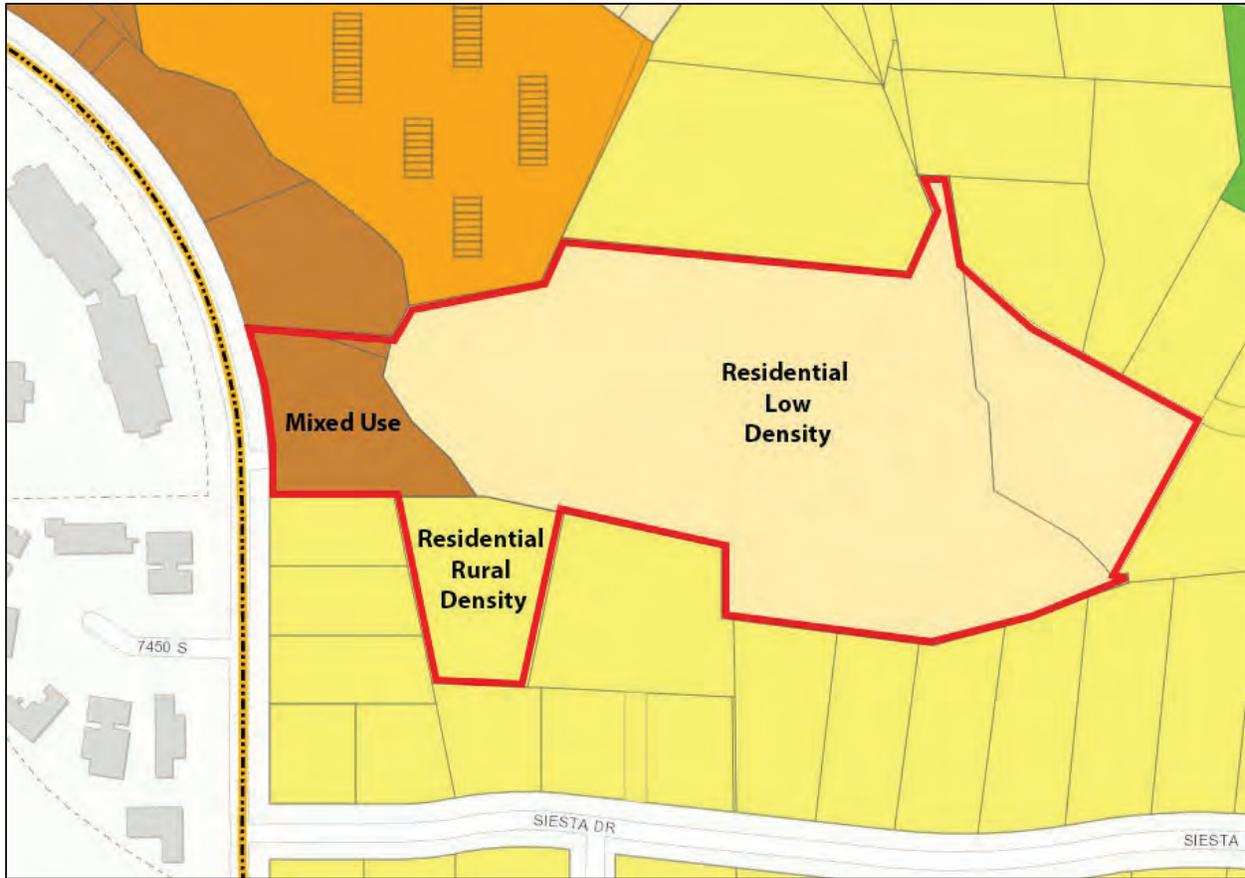
Background

General Plan & Zoning

The Cottonwood Heights General Plan dictates the will of the City as it relates to various types of land uses. The land use designations for the subject properties are "Mixed Use," "Residential Low Density," and "Residential Rural Density." A large portion of the property was amended from Rural Density to Low Density in June of 2017:



2017 Land Use Amendment (Rural Density to Low Density)



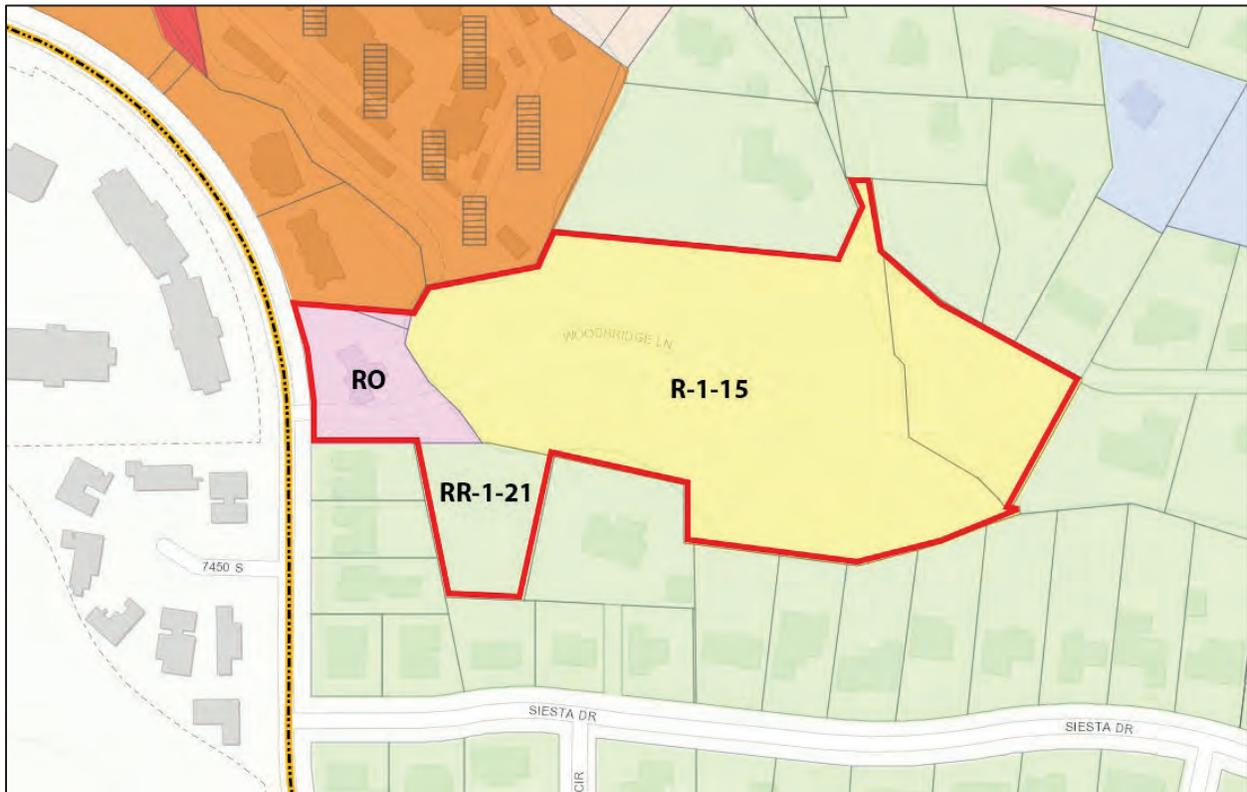
Current Land Use Designations

The City Council also approved a rezone for most of the subject property in 2017 at the same time as the land use map amendment. The property was rezoned from RR-1-21 (Rural Residential) to R-1-15 (Residential Single Family):



2017 Zone Map Amendment (RR-1-21 to R-1-15)

The zoning designations of the subject properties are RO (Residential Office), RR-1-21 (Rural Residential), and R-1-15 (Residential Single Family). Each of these zones allows single family dwellings as a permitted use. Lot 101 is located in the RO zone, which allows other uses, but all uses other than single family dwellings require conditional use approval by the Planning Commission. Although there are several land uses within the boundaries of the proposed subdivision, no change is proposed to the existing zoning designations. Each lot will be required to comply with all provisions in the zoning ordinance for each respective zone.



Current Zoning Designations

Subdivision Ordinance

Title 12 of the Cottonwood Heights Municipal Code dictates the Planning Commission's role in subdivision plat approval. In particular, approval from the Commission is necessary for preliminary plats of subdivisions with 10 or more lots. Chapter 12.12.030 defines the approval process for a preliminary plat:

12.12.030 Approval or disapproval.

Following a review of the preliminary plat by the planning commission, the community development department and other interested city departments, the planning commission shall act on the plat as submitted or modified. The planning commission shall not act upon any preliminary plat unless written approval has been received from the community development department and such other concerned agencies, including, but not limited to agencies and departments of city government, as the planning commission shall from time to time require. If the plat is approved, the planning commission shall express its written approval with whatever conditions reattached, by returning one copy of the preliminary plat, signed by the community

development director or his designated representative, to the subdivider. One other signed copy shall be given to the community development department, one copy shall be retained by the planning commission and one other copy of the approved plat returned to the developer's engineer. If the preliminary plat is disapproved, the planning commission shall indicate its disapproval in writing and give reasons for such disapproval by means of signed copies. The receipt of a signed copy of the approved preliminary plat shall be authorization for the subdivider to proceed with the preparation of specifications for the minimum improvements required in chapter 12.24 of this title and with the preparation of the final plat.

The applicant's proposal has been reviewed by the City's Development Review Committee (DRC) including zoning, fire, public works, and engineering. This staff report shall constitute the DRC's written approval of the preliminary plat, subject to correction items submitted to the applicant in writing, and subject to the conditions of approval in this staff report and as amended by the planning commission. The DRC's written approval shall only be construed to constitute authority to proceed with the planning commission public hearing.

If the planning commission approves the preliminary plat, staff will continue to work with the applicant to ensure that all conditions of approval are addressed, and will proceed with a full technical review of the final plat and final construction plans.

Noticing

Property owners within 1000' feet of the subject property were mailed public hearing notices postmarked 9/25/20. Staff also posted a 24" x 36" physical notice on the subject property along the Creek Rd. frontage.

Development Information

Density & Lot Size

The proposal to put 10 lots on 7.4 acres of property leads to an overall density of 0.74 units per acre. The average lot size proposed is 0.55 acres, with specific details for each lot outlined below. Each lot meets the minimum lot size requirements of its respective zone and the proposed density is consistent with the Rural Residential land use designation.

Lot	Zone	Minimum Lot Size	Proposed Lot Size
101	RO	7,000 sq. ft.	16,499 sq. ft. (0.38 acres)
102	RR-1-21	21,780 sq. ft.	34,955 sq. ft. (0.80 acres)
103	R-1-15	15,000 sq. ft.	26,538 sq. ft. (0.61 acres)
104	R-1-15	15,000 sq. ft.	24,906 sq. ft. (0.57 acres)
105	R-1-15	15,000 sq. ft.	24,027 sq. ft. (0.55 acres)
106	R-1-15	15,000 sq. ft.	24,423 sq. ft. (0.56 acres)
107	R-1-15	15,000 sq. ft.	26,618 sq. ft. (0.61 acres)
108	R-1-15	15,000 sq. ft.	20,121 sq. ft. (0.46 acres)
109	R-1-15	15,000 sq. ft.	15,006 sq. ft. (0.34 acres)
110	R-1-15	15,000 sq. ft.	25,483 sq. ft. (0.59 acres)

Road Infrastructure

Woodbridge Lane, a new public road, is proposed to connect from Creek Road to Milne Lane. Per City Code, the road cannot be a private road unless each lot is at least 0.50 acres in size:

14.12.130 Private roadways.

E. Any building lot that is located outside a planned unit development, which fronts on a private roadway with at least 25 feet of paved surface, shall have a minimum lot area of one-half acre.

Woodbridge Lane will be developed to City standards for public streets, with a 50' right-of-way that includes 25' of pavement, curb, gutter, park strip, and sidewalk. Frontage improvements are also proposed along Creek Road and Milne Lane. The subdivision will be required to conform to all street lighting and park strip standards in the zoning and subdivision ordinances.

There are several additional code requirements affecting the design of the roadway. The subdivision code requires streets to connect to existing streets where possible. The proposed public road cannot be a cul-de-sac because the property is in the Sensitive Lands area, which does not allow cul-de-sacs to exceed 600' in length (the distance from Creek Road to the cul-de-sac is 800'+).

12.24.050 Arrangement of streets.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission.
New streets must connect with existing public streets.

19.72.040 Development standards and controls.

L. Streets and Ways. Streets, roadways, and private access ways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:

- 1. At least one ingress and one egress route shall be provided for each subdivision or PUD project, unless there is a crash gate or the extension of a future stub street that will provide additional access.*
- 2. Points of access shall be provided to all developed and undeveloped areas for emergency and fire-fighting equipment.*
- 3. Cul-de-sacs shall not exceed 600 feet in length and shall have a fire-department-approved turnaround with a back of curb line radius of at least 55 feet*

Fire Safety

In addition to the zoning and subdivision code requirements for Woodbridge Lane to connect to Milne Lane, the Fire Department has also recommended the connection as a way to provide safe emergency access to the Milne Lane neighborhood. The existing access (Milne Lane) is not up to current standards for emergency vehicles and the secondary access would be beneficial in case of an emergency. The preliminary plat submittal has been reviewed and was approved by the Unified Fire Authority on 4/15/20.

Traffic Impact

The submitted traffic report states that it is anticipated that the proposed development “will generate approximately 150 trips on an average weekday, including 16 trips during the morning peak hour and 16 trips during the evening peak hour.” It was anticipated that peak hour trips would use the primary

access on Creek Road. The study found that the existing lane striping and signage were adequate. The study noted that there are very few streetlights on Creek Road and recommended that streetlights be installed per City lighting requirements.

Lighting

The applicant will be required to install streetlights in accordance with all applicable city ordinances. A streetlight is recommended on Creek Road to improve visibility at night. This will be verified as staff reviews the final plat and construction plans. All building permits will be checked for compliance with the City’s outdoor lighting ordinance.

Sensitive Lands (SLEDS) & Little Cottonwood Creek

Liquefaction

This property is located in a moderate Liquefaction area. The applicant’s geotechnical report stated that “a site-specific liquefaction study was performed. Based on the results of the study, liquefaction is not considered to be a hazard at the site.”

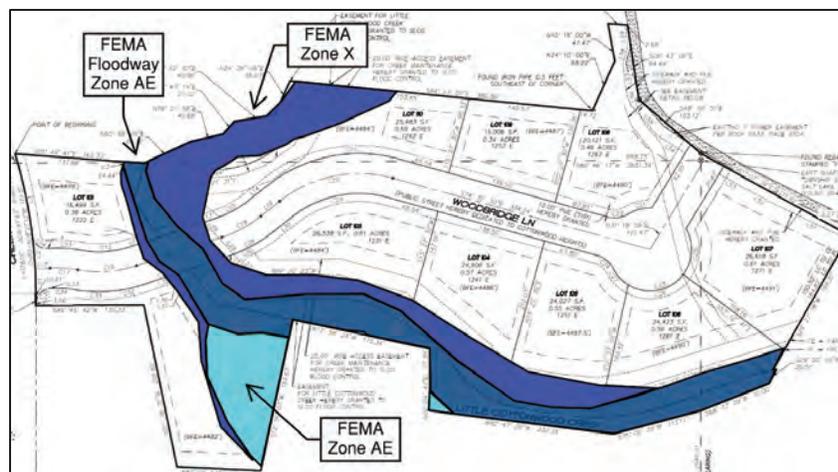
Groundwater

The property is also in the designated shallow groundwater area. The applicant has submitted a groundwater observation letter and a geotechnical report, which state that “subsurface water encountered in test pits ranged from approximately 3 feet to 7 feet.” The subdivision has designed an underground storage system for the required stormwater detention. The applicant will need to demonstrate the feasibility of underground detention in the shallow groundwater area prior to approval of the final plat and construction plans.

Little Cottonwood Creek

Due to the proximity and elevation of Little Cottonwood Creek each lot will be required to construct homes at least 1 foot above the base flood elevation (BFE) shown on the final plat. The most recent submittal includes BFE data for each lot.

Because the subdivision includes FEMA flood zone areas, a floodplain development permit will be required for final subdivision approval. Access and maintenance easements for Salt Lake County Flood Control have been proposed on the preliminary plat.



FEMA Floodplain Zone Designations

Slope Stability

A portion of Lot 102 may include a slope that exceeds 30%. Slope areas in excess of 30% may not be developed, per section 19.72.040.A (Slopes) of the Sensitive Lands ordinance. As part of the staff review of the final plat and construction documents, the applicant will need to identify any areas of the subdivision where the existing slope exceeds 30% and conduct a slope stability study where applicable, as determined by the City Engineer. All future grading must comply with applicable regulations in the Sensitive Lands ordinance.

Storm Drain & Utilities

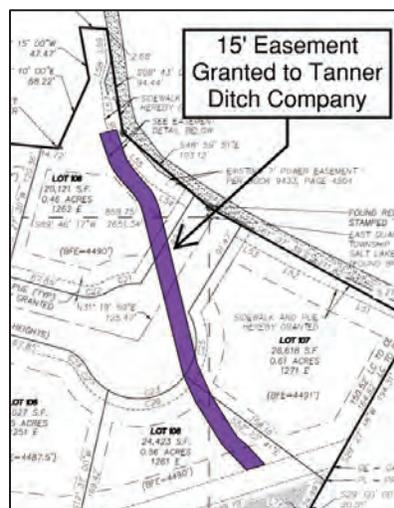
The proposed utilities and drainage plan is currently under review by the City Engineer. All technical corrections to these plans must be approved prior to the commencement of site construction. Water and sewer availability letters have been provided, but the letters are now several years old and will need to be updated to ensure compliance with current utility requirements.

Little Cottonwood Tanner Ditch

The existing Tanner Ditch is being realigned into a concrete culvert due to the construction of the cul-de-sac. Written approval from the Tanner Ditch Company is required prior to the Health Department's approval of the plans and signature on the final plat. A representative for the Tanner Ditch Company is working with the developers on an approval of their plans to redirect the ditch and sent the following comments:

"The Tanner Ditch would like to respond to the planning commission as related to the Woodbridge project on Milne Lane. We have been informed of a virtual preliminary hearing to be held October 7th, 2020. This is a response for that meeting.

The ditch company has received plans on the project, and the ditch company has met twice at the site to discuss the piping, and ditch construction concerns. The Tanner Ditch takes its water from the creek and through this property. We are working with the owner and his representatives. This is a complicated ditch construction project, but we expect to find a way for the ditch to keep running, and the construction along the ditch's banks to occur. If there is a breakdown in the negotiations between the ditch company and the owner, we will inform the planning commission through Andrew Hulka."



Proposed Tanner Ditch Easement

Open Space & Tree Preservation

The subdivision and zoning ordinances requires subdivisions in sensitive lands to be designed in a way that preserves existing trees/vegetation:

12.20.025 Design standards for subdivisions located in the sensitive lands overlay zone.

A. In subdivisions proposed for development in the sensitive lands overlay zone (see Chapter 19.72 in Title 19, Zoning), the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the sensitive lands overlay zone.

19.72.040 Development standards and controls.

E. Grading, drainage, and erosion control.

7. Construction on a development site shall be of a nature that will minimize the disturbance of vegetative cover.

I. Vegetation and Re-vegetation.

3. Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads and filled areas.

Staff is recommending that the applicant provide a landscaping plan that surveys existing trees and vegetation, identifies trees that will be removed, and outlines a protection plan for trees during construction.

The minimum open space requirement for developments over five acres in the R-1-15 zone is ten percent for standard subdivisions. The Little Cottonwood Creek area has been designated as common area to satisfy the open space requirements of the zoning ordinance.

Bond for Public Improvements

Prior to construction, the applicant will be required to submit a bond for all public improvements, as required by City ordinance. Improvements that require bonding include, but are not limited to: public streets, curb, gutter, sidewalk, storm drain, street lights, landscaping, etc.

Public Comments

Staff has received phone calls and written comments related to this project. The written requests will be forwarded to the Commission for consideration prior to the meeting. Some of the comments and concerns that have been expressed include:

- One neighbor expressed a preference for the subdivision to be a gated community, to leave the Tanner Ditch open as much as possible (perhaps to move the cul-de-sac so less of the ditch would need to be under the road), to preserve as many trees as possible, and to include a gate along Milne Ln.
- Another neighbor mentioned an existing driveway that crosses the panhandle on Lot 108 that has been in use for over 30 years and requests an easement be provided on the final plat. The neighbor mentioned a gate and feeder ditch that connects to the Tanner Ditch used by several neighbors for irrigation and requested an access easement to the gate. This neighbor also

requested that the survey monuments be maintained and protected throughout the construction process.

- Another neighbor expressed concerns about construction access and an emergency breakaway gate on Milne Lane.
- Another neighbor submitted a comment in support of the project with no objections to the proposal.

Staff Recommendation

Staff recommends approval of the preliminary plat, subject to the conditions of approval below.

Recommended Conditions of Approval

1. Obtain a written approval from the Tanner Ditch Company. Coordinate with the Tanner Ditch company to prepare and provide an easement for the adjacent properties that use the existing irrigation gate on the Tanner Ditch.
2. The final plat must include the RO setbacks on Lot 101 and the RR-1-21 setbacks on Lot 102.
3. The final plat must clearly label all areas with existing slopes steeper than 30%.
4. Obtain a floodplain development permit from Salt Lake County Flood Control.
5. Provide a landscaping plan that surveys existing trees and vegetation, identifies trees that will be removed, and outlines a protection plan for trees during construction.
6. The final construction plans must include a streetlight on Creek Road.
7. Provide an access easement for the existing driveway to 7246 S. Milne Ln. that crosses through Lot 108.
8. The applicant must demonstrate the feasibility of the underground detention system in the shallow groundwater area prior to approval of the final plat and construction plans.
9. The applicant must identify any areas of the subdivision where the existing slope exceeds 30% and conduct a slope stability study for lots with 30% slopes, as determined by the City Engineer.
10. The applicant must obtain all necessary permits pertaining to site work, grading, demolition, and construction, include a Construction Mitigation Plan in accordance with provisions found in chapter 19.76 of the zoning ordinance. The Construction Mitigation Plan must specifically include plans to prevent damage to Milne Lane and plans to protect and maintain survey markers during the construction process.
11. The final plat and construction plans will require another full review from all applicable City and County departments. The applicant must address all technical comments from staff during the final plat review.

Conclusions - Findings for Approval

- The proposed subdivision is in conformance with the applicable zoning requirements and the requirements of Title 12 (Subdivisions);
- The proposed subdivision has been reviewed and will continue to be reviewed by all pertinent City departments, and has received a favorable recommendation by the DRC for preliminary plat approval;
- The proposed subdivision meets, and will continue to meet the applicable provisions of Title 14 (Highways, Sidewalks and Public Places);
- Proper notice was given in accordance with local policy and state requirements;

Model Motions

Approval

I move that we approve project SUB-18-006 based on the findings and conditions listed in the staff report dated October 7, 2020.

- List any additional conditions...
- List any additional findings...

Denial

I move that we deny project SUB-18-006, based on the following findings:

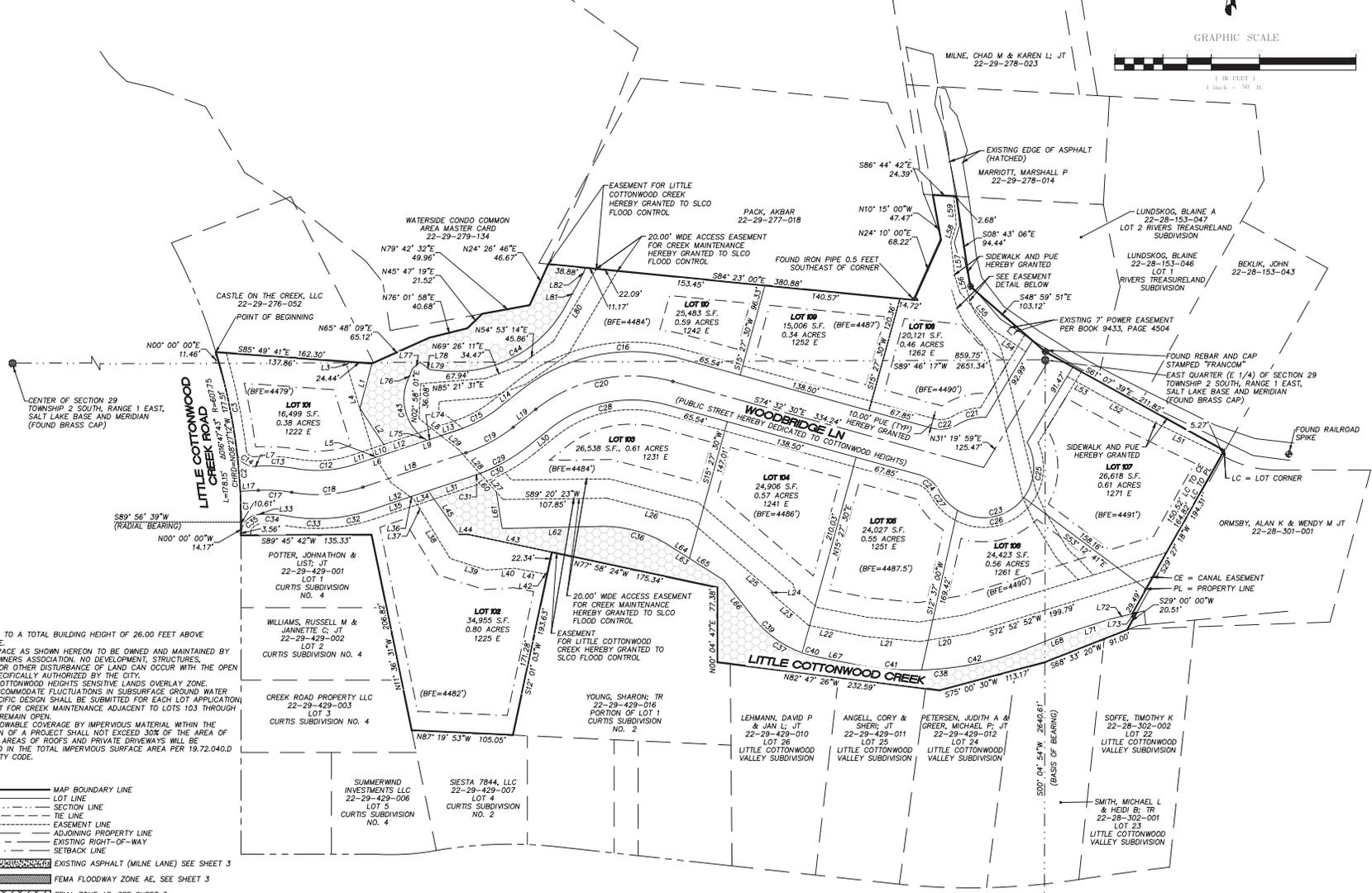
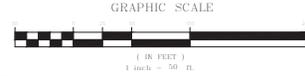
- List findings for denial...

Attachments

1. Preliminary Plat & Civil Plans

WOODBIDGE SUBDIVISION

LYING WITHIN THE WEST HALF (W 1/2) OF SECTION 28 AND
THE EAST HALF (E 1/2) OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
2020



- NOTES:**
- LOT 107 WILL BE LIMITED TO A TOTAL BUILDING HEIGHT OF 26.00 FEET ABOVE NATURAL/EXISTING GRADE.
 - ALL PERPETUAL OPEN SPACE AS SHOWN HERON TO BE OWNED AND MAINTAINED BY THE WOODBRIDGE HOMEOWNERS ASSOCIATION. NO DEVELOPMENT, STRUCTURES, LANDSCAPING, FENCING, OR OTHER DISTURBANCE OF LAND CAN OCCUR WITHIN THE OPEN SPACE AREA UNLESS SPECIFICALLY AUTHORIZED BY THE CITY.
 - PROPERTY LOCATED IN COTTONWOOD HEIGHTS SENSITIVE LANDS OVERLAY ZONE.
 - HOUSE DESIGN SHALL ACCOMMODATE FLUCTUATIONS IN SUBSURFACE GROUND WATER CONDITIONS. A SITE-SPECIFIC DESIGN SHALL BE SUBMITTED FOR EACH LOT APPLICATION.
 - 20.00' ACCESS EASEMENT FOR CREEK MAINTENANCE ADJACENT TO LOTS 103 THROUGH 107 AND LOT 110 IS TO REMAIN OPEN.
 - THE TOTAL MAXIMUM ALLOWABLE COVERAGE BY IMPERVIOUS MATERIAL WITHIN THE SENSITIVE LANDS PORTION OF A PROJECT SHALL NOT EXCEED 30% OF THE AREA OF THOSE SENSITIVE LANDS. AREAS OF ROOFS AND PRIVATE DRIVEWAYS WILL BE ESTIMATED AND INCLUDED IN THE TOTAL IMPERVIOUS SURFACE AREA PER 19.72.040.D COTTONWOOD HEIGHTS CITY CODE.

LEGEND

--- MAP BOUNDARY LINE
--- LOT LINE
--- SECTION LINE
--- TIE LINE
--- EASEMENT LINE
--- ADJOINING PROPERTY LINE
--- EXISTING RIGHT-OF-WAY
--- SETBACK LINE
--- EXISTING ASPHALT (MILNE LANE) SEE SHEET 3
--- FEMA FLOODWAY ZONE AE, SEE SHEET 3
--- FEMA ZONE AE, SEE SHEET 3
--- FEMA ZONE X, SEE SHEET 3
--- COMMON AREA AND EASEMENT FOR LITTLE COTTONWOOD CREEK
● FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
⊕ FOUND MONUMENT AS SHOWN AND DESCRIBED

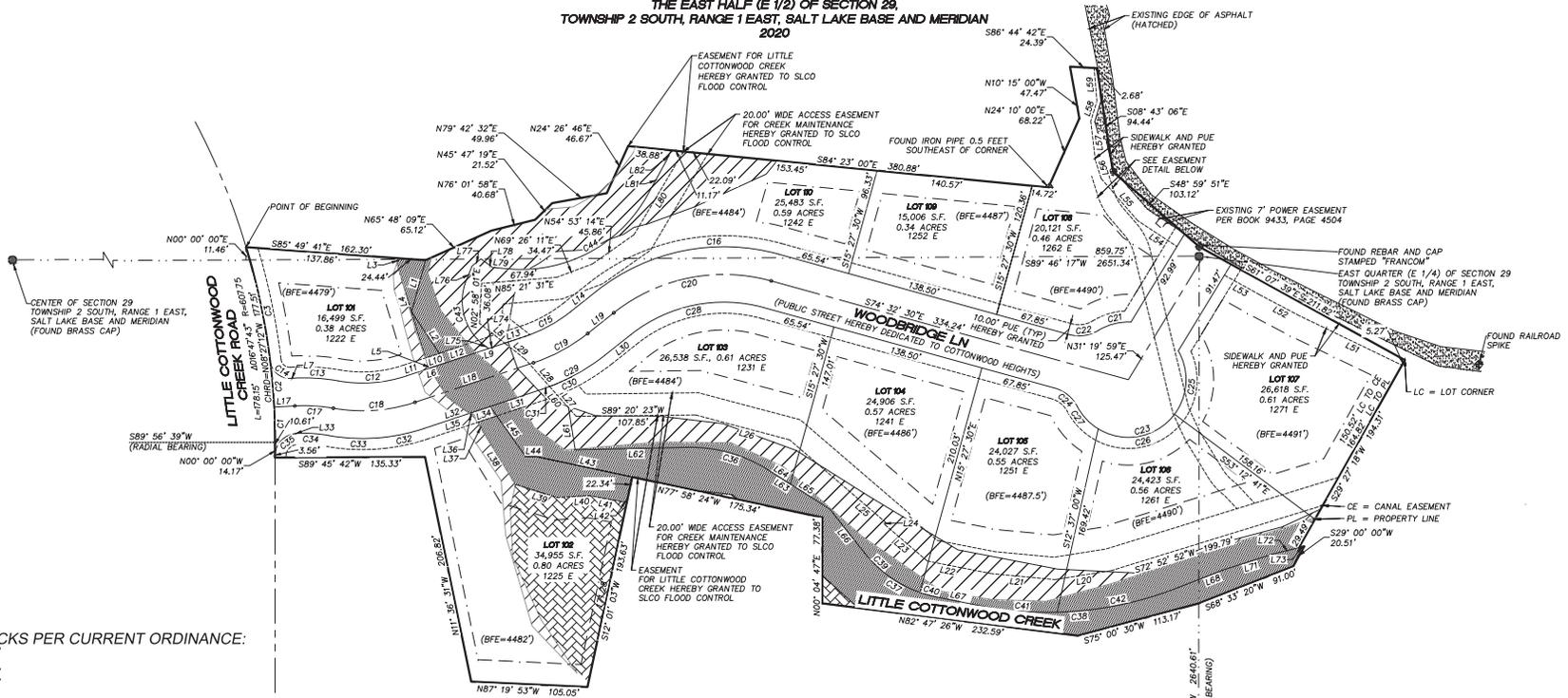
TYPICAL SETBACKS PER CURRENT ORDINANCE:

• FRONT	= 25.00'
• SIDE	= 10.00'
• REAR	= 20.00'
• CORNER SIDE	= 20.00'

SCALE: 1" = 50'	DRAWN BY: S. YATES	CHECKED BY: T. S. R. I. E. S.L.B.M.	TAX ID NO.
WOODBRIDGE SUBDIVISION			
FF-MILNE CORPORATION, FAMILY INV. L.C.			
(W 1/2) SEC. 28 AND THE (E 1/2) SEC. 29			
T. S. R. I. E. S.L.B.M.			
REDCON, INC. LAND SURVEYORS 28 SOUTH MAIN STREET, SUITE 200 CENTURIE, UTAH 84004 (800) 288-2277 (435) 288-2024 REDCON.COM			
JOB NUMBER: 418000-43 DWO: 418000-43 PL. DATE: 6/7/2020			
SHEET 2 OF 3			
RECORDED NO.: STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT REQUEST OF: DATE: TIME: BOOK: PAGE: FEES: SALT LAKE COUNTY RECORDER			

WOODBIDGE SUBDIVISION

LYING WITHIN THE WEST HALF (W 1/2) OF SECTION 28 AND
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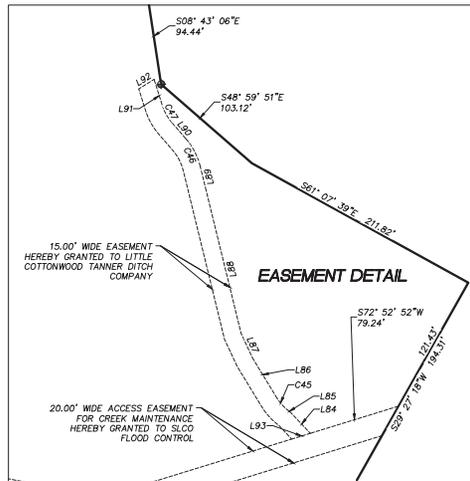
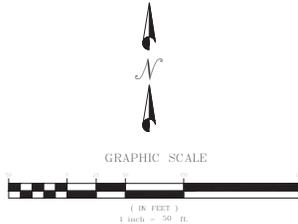
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- ▨ EXISTING ASPHALT (MILNE LANE)
- ▨ FEMA FLOODWAY ZONE AE
- ▨ FEMA ZONE AE
- ▨ FEMA ZONE X
- ⊙ COMMON AREA AND EASEMENT FOR LITTLE COTTONWOOD CREEK, SEE SHEET 2
- ⊙ FOUND SECTION MONUMENTATION AS SHOWN AND DESCRIBED
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UTAH
SALT LAKE COUNTY
COTTONWOOD HEIGHTS

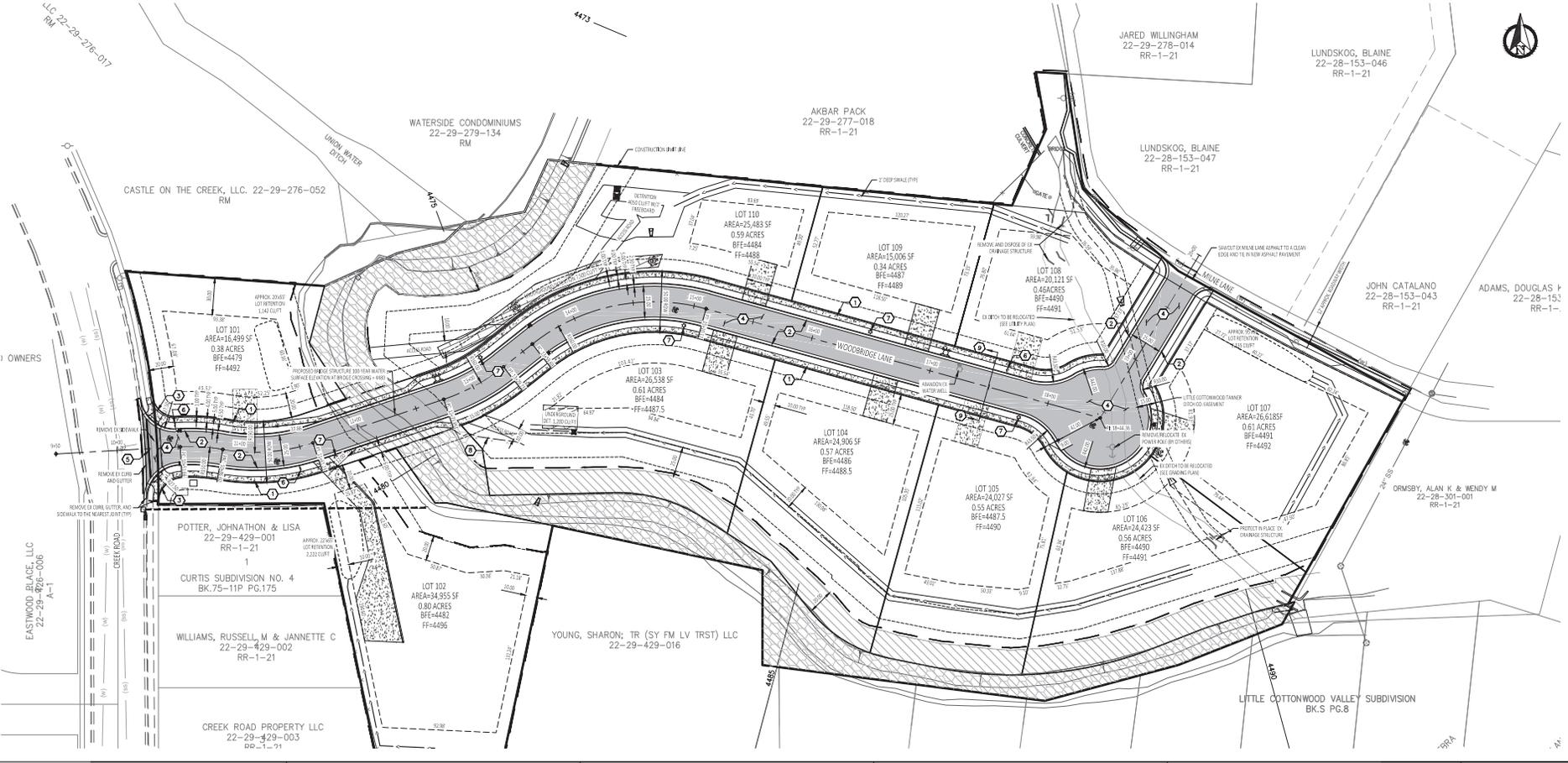
REDCON, INC.
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(801) 288-2800 FAX (801) 288-2024
REDCON.COM

JOB NUMBER: 48000-43
DWO: 48000-43 PL.
DATE: 8/7/2020
SHEET 3 OF 3

RECORDED NO.:
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT
REQUEST OF:
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEES: _____ SALT LAKE COUNTY RECORDER

- SITE PLAN KEY NOTES**
- 1 INSTALL 4" WIDE DOWNHILL PAVEMENT (SEE SHEET C-02)
 - 2 INSTALL 4" CURB AND GUTTER PAVEMENT (SEE SHEET C-02)
 - 3 INSTALL ADA RAMP FOR COTTONWOOD HEIGHTS DETAIL 'B' (SEE SHEET C-02)
 - 4 INSTALL ASPHALT PAVEMENT PER DETAIL SHEET C-02
 - 5 INSTALL 10" WIDE CROWNWALL CROWNWALL STRAPPING FOR 18" WIDE SLOTTED BRICK PAVEMENT
 - 6 INSTALL STOP SIGN AND SPEED LIMIT SIGN PER COTTONWOOD HEIGHTS DETAIL 'A' (SEE SHEET C-02)
 - 7 INSTALL RESIDENTIAL STREET LIGHT PER COTTONWOOD HEIGHTS DETAIL 'C-1' (SEE SHEET C-02)
 - 8 CONCRETE RETAINING WALL - SEE GRADING PLAN FOR WALL HEIGHTS
 - 9 WOOD BRIDGE LANE CROSS SECTION SHOWN ON COTTONWOOD HEIGHTS DETAIL 'B' (SEE SHEET C-02)

- SITE NOTES**
- ALL APPLICABLE ELEMENTS OF THE AMERICAN WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES SHALL BE FOLLOWED.
 - ALL CONSTRUCTION SHALL COMPLY TO THE STANDARD TECHNICAL SPECIFICATIONS AND DRAWINGS FOR THE CITY OF COTTONWOOD HEIGHTS, UTAH.
 - ALL ROADWAY IMPROVEMENTS ARE TO MEET SET A PAVEMENT STANDARDS AND SPECIFICATIONS.



Michael Baker International
 INTERNATIONAL
 MICHAEL BAKER
 7080 SOUTH UNION PARK AVE.
 SUITE 500, MIDVALE UT, 84047
 (801) 255-4400

FF - FINE LINE CORPORATION
 500 LAKE CITY BLVD #1171

WOODBRIDGE
 7425 SOUTH CREEK ROAD
 COTTONWOOD HEIGHTS, UTAH
 SITE PLAN

NO.	DATE	REVISIONS	DESCRIPTION

Project Number: 163287
 Date: AUGUST 10, 2020
 Scale: 1" = 40'
 Sheet # C-101



PLANNING COMMISSION STAFF REPORT

Zoning Text Amendment: PDD Affordable Housing

Meeting Date: October 7, 2020

Staff Contact: Mike Johnson, CED Director

mjohnson@ch.utah.gov

Summary

Project Number:

ZTA-20-006

Action Requested:

Amendment of the affordable housing provision in the Planned Development District Ordinance (Chapter 19.51.060.B.12)

Applicant:

Rockworth Development (AJ Rock LLC)

Recommendation:

Approve subject to recommendations

Proposal

The applicant for this text amendment is also the applicant for PDD approval of a rezone and development plan at the gravel pit site located at 6695 S. Wasatch Boulevard. In the current Planned Development District (PDD) ordinance, projects with 50 or more residential units are required to provide at least 10% of those units at a rate affordable to households earning not more than 50% of the city's area median income (AMI).

The applicant is proposing an amendment to revise the affordability from 50% of area median income to 80% of area median income. No other changes are proposed at this time.

Background

The applicant has reaffirmed its commitment to providing affordable housing units but has expressed concerns over the strict code requirement and difficulty in providing housing at 50% AMI without substantial public subsidies.

Previously, a policy discussion was held with the City Council to gauge its willingness to consider adding flexibility to the PDD's affordable housing requirement through alternatives to the current requirement. Such alternatives include funding incentives to provide very-low income housing, the provision of housing units at a rate higher than 50% AMI but providing additional units, or simply amending the standard from 50% to 80%. The Council reiterated the city's commitment to providing affordable housing in Cottonwood Heights but expressed a general willingness to explore flexibility in the housing policy. The Council also requested that the Planning Commission weigh in and provide a recommendation on the matter, which is the purpose of this application.

While this application for text amendment was prompted by the current PDD application by Rockworth Development, any approved amendment will change the requirement for all other future PDD projects in the city.

Analysis

Federal and State Perspective

At the federal, state, and local levels, affordable housing, also known as moderate-income housing, is consistently defined as housing affordable to individuals or families earning 80% or less of AMI. Generally, housing affordable to individuals or families earning 50% or less of AMI is considered ‘very low income’ housing.

Federally, the Department of Housing and Urban Development (HUD) defines ‘affordability’ as 30% of gross monthly household income dedicated to housing costs. The State of Utah classifies various levels of housing affordability as follows:

- 0-30% AMI – extremely low income
- 31-50% AMI – very low income
- 51-80% AMI – low income
- 81-100% AMI – middle income

Per Utah State Code, “moderate-income housing means housing occupied or reserved for occupancy by households with a gross income equal to or less than 80% of median gross income for households of the same size in the county in which the city is located.” Further, the Utah Department of Workforce Services (DWS) states that “affordable rental housing for moderate-income renters in Utah is becoming increasingly scarce.”

Further, Senate Bill 39 from the Utah 2020 Legislative Session enacted requirements for all municipalities to develop detailed plans for promoting and constructing affordable housing to help address the State of Utah’s growing housing affordability challenge. This bill again defines ‘affordable’ as households earning not more than 80% AMI.

Staff Analysis – The proposed ordinance revision from a 50% AMI requirement to an 80% AMI requirement, and subsequent construction of those units would still be considered provision of affordable housing as defined at the federal and state level.

Local Perspective

To fulfill requirements of SB39, Cottonwood Heights completed and adopted an affordable housing master plan in 2019. The plan includes detailed analyses of the current housing stock in the city and identifies the need for additional affordable housing in each level of affordability. The master plan also identifies three strategies that the city committed to use to increase the availability of affordable housing units in Cottonwood Heights. The full plan is linked at the end of this report, but the following is helpful information:

- **Cottonwood Heights area median income (AMI) - \$86,207**
- **Cost-burdened households in Cottonwood Heights (i.e. households with housing costs exceeding 30% of gross income) – 23%**
- **Current city households below 80% AMI – 3,390 (27% of total households)**

The city was required to identify three strategies from a list of 23 given in SB 37. The following three strategies were chosen, along with how the city intends to implement them:

Strategy 1 - “Allow for a higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers or employment centers.”

Implementation – Cottonwood Heights recently amended its long-range land use map to envision mixed-use development within nodes along Fort Union Boulevard. This is expected to result in higher density redevelopment projects and a potential increase of moderate housing.

Strategy 2 – “Implement zoning incentives for low to moderate income units on a long-term basis.”

Implementation – The city views the Planned Development District ordinance as a means to achieve this strategy. Development in the PDD is allowed to be constructed with much greater density, building heights, intensity, and flexibility than development in any other zone. This added flexibility and development potential serves as an incentive for the developer to create unique and high-quality developments that include affordable housing units.

Strategy 3 – “Utilize a moderate-income housing set-aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency.”

Implementation – The city is in the process of creating two new community reinvestment areas, both of which require 10% of revenues generated to be contributed to the creation of moderate income housing.

Staff Analysis – **The proposed ordinance revision from 50% to 80% AMI units still serves an important housing need in Cottonwood Heights and positively contributes to the city’s affordable housing goals. Housing at 80% AMI is still defined as affordable housing, and the strategies of the housing plan are not affected by the amendment. The change does, however, provide less very-low income affordable housing and instead replaces it with moderate income affordable housing. Additional strategies and efforts would need to be made by the city, likely through collaboration with adjacent communities and CRA funds, to provide very-low income housing opportunities in the area.**

Preliminary City-Initiated Planned Development District Ordinance Amendment

The city is in the process of a comprehensive amendment and updated to the PDD ordinance, with the goal to present it for formal consideration at the conclusion of the gravel pit development project (the gravel pit project application was submitted and vested under the current ordinance). A portion of that amendment included a proposed revision to the existing affordable housing requirement. Rather than a strict requirement to provide a minimum of 10% of total housing units at 50% AMI, the draft ordinance is as follows:

- A minimum of 20% units shall be provided as BMR units if affordable at or below 80% AMI
- A minimum of 10% of units shall be provided as BMR units if affordable at or below 50% AMI
- A mix of the two, or other comparable solutions may be approved by City Council

Staff Analysis – **The proposed redraft language intended to add flexibility to the affordable housing provision, allowing units to be provided at 80% AMI but requiring that more of such units be provided, and incentivizing the provision of low- or very-low income units by requiring a smaller percentage of them. Staff acknowledges the benefit of added flexibility in the provision of affordable housing and finds this proposed language to provide that. The requirement for 20% of units at 80% AMI was intended to be a starting point for discussion and may be flexible. While Rockworth’s proposed**

amendment still assists the city in achieving its affordable housing goals, it does not reflect the preliminary draft ordinance proposal.

Findings

Staff finds that the proposed amendment to the PDD ordinance affordable housing policy continues to comply with all federal, state, and local affordable housing goals, and will continue to help the city achieve a substantial number of affordable housing units to serve a quantified need in Cottonwood Heights. Outside private funding options (such as HUD financing), while not available in all cases, are more commonly available for 80% AMI units than those at lower affordability rates. The availability of outside funding, and the slight increase in rents allowed to be charged for 80% AMI units helps reduce or eliminate the need for substantial public subsidies to construct affordable units. No clear rationale could be determined by city staff in reviewing the process of drafting the original Planned Development District, other than a desire to achieve affordable housing in PDD projects in exchange for the added development densities and flexibility allowed in such projects. Finally, staff finds requiring a higher percentage of units at 80% AMI adds flexibility in how affordable housing and provides offers added incentives for projects seeking to incorporate low- or very-low income housing (i.e. housing affordable at less than 80% AMI).

Recommendation

Staff recommends APPROVAL of the proposed text amendment, subject to the following recommendation(s):

1. The base rate of affordable housing units at 80% AMI should be increased to a base rate of at least 15-20% of total units in a development, with the option to decrease the required percentage of affordable units if such units are considered very-low or low-income units and affordable at recognized income categories lower than 80% AMI, with a minimum number of affordable units remaining at 10%.

Model Motions

- Approval
 - “I move to recommend approval of project ZTA-20-006 to the City Council pursuant to the findings and recommendations in the October 7, 2020 staff report”
 - Add additional findings or recommendations
- Denial
 - “I move to recommend denial of project ZTA-20-006 to the City Council based on the following findings.”
 - List reasons for denial...

Attachments

1. Applicant Narrative
2. 2019 Affordable Housing Plan -
<https://www.cottonwoodheights.utah.gov/home/showdocument?id=1826>

How does the proposed amendment further the purposes of the current zoning ordinance as outlined in Title 19.02.020 (“Purpose and provisions”)?

Title 19.02.020 Purpose and Provisions:

This title is designed and enacted for the purpose of promoting the health, safety, convenience order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, and securing economy in governmental expenditures, fostering the city’s industries, and the protection of both urban and non-urban development.

The current PDD zoning ordinance requirement for housing affordability at 50 percent area median income (AMI) limits financing and development options to very specialized government programs, including Low Income Housing Tax Credits or Section 8 vouchers. In turn, this limits the ability to develop affordable housing in accordance with the City’s affordable housing goals. The proposed amendment furthers the purposes of the current zoning as outlined in title 19.02.020 (see above) by creating a mutual beneficial agreement between both developer and city to provide affordable housing, at 80 percent AMI in 10 percent of the total housing units. The amendment from 50 percent AMI to 80 percent AMI preserves the housing affordability component which is critical for providing housing opportunities for households of varied income levels within the City while allowing for more traditional forms of financing, ensuring that developments with affordable housing components can move forward.

The purpose of the amendment is to bring the City’s definition of “affordable” housing in line with the guidelines of the State, County, and the surrounding municipalities. Utah State Code 17-27a-408 defines affordable as Moderate Income or 80 percent of AMI. The States Moderate Income Housing Plan, State code 10-9a-403 defines moderate income housing as, “housing occupied or reserved for occupancy by household with a gross household income equal to or less than 80 percent of the median gross income for households of the same size in the county in which the city is located”. The Utah League of Cities and Towns defines low income as income that doesn’t exceed 80 percent of Area Median Income. Additionally, the Salt Lake County code defines affordability according to the HUD guidelines: households at or below 80 percent AMI. Salt Lake County also looks to the Federal Income Guidelines, as outlined in section 8 income limits where low income is defined as 80 percent of AMI. The proposed amendment brings the City’s affordable housing policies in line with State and County code. Aligning the City, County, and State’s definition of affordable housing allows for clarity and ease of implementation of housing affordability at the City, County, and State levels.

According to the Cottonwood Heights Affordable Report from 2019, “households below 80 percent Area Median Income (AMI or HAMFI) experience a significant deficit of available housing in Cottonwood Heights. These households make no more than \$69,000 annually.” Cottonwood Heights recommends zoning incentives such as funds from a Community Reinvestment Agency be provided to projects who include affordable units. No such agency currently exists within the City. When the City creates an agency to provide incentives for affordable housing amending the ordinance to provide for affordable housing at 80% AMI will bring Cottonwood Heights in line with its surrounding municipalities as well as the County and the State. Surrounding municipalities include Holladay, Midvale, Millcreek, Murray, and Sandy Cities, amongst others, all of which utilize the HUD definition of housing affordability as outlined in Utah State Code 17-27a-408 mentioned above.

This text amendment allows the development of more affordable units therefore benefiting the city and the region. Aligning the City, County, and State’s definition of affordable housing allows for clarity and ease of implementation of Affordable Housing policies at the City, County, and State levels. This amendment benefits the future inhabitants of the city by providing affordable housing options.



PLANNING COMMISSION STAFF UPDATE MEMO

Planned Development District – 6695 S. Wasatch Blvd.

October 7, 2020

Staff Contact: [Mike Johnson, Community & Economic Development Director](mailto:mjohnson@ch.utah.gov)
801-944-7060 / mjohnson@ch.utah.gov

Summary

This update memo is an update and addendum to the prior project staff reports. Previous staff reports and memos contain important background and project summary that have already been reviewed by and presented to the Planning Commission and will not be republished in this document. Please review the prior reports for additional detailed information on the project.

This report will provide details on the most current and complete project submittal. The following is provided in this report:

- Proposed Ordinance and Development Plan Overview
- Outstanding Issues
- **Staff Recommendation – APPROVAL with conditions**

Proposed Ordinance and Development Plan Overview

Proposed Ordinance (PDD-2 Ordinance)

An approved rezone utilizing the Planned Development District contains a written ordinance applicable only to the subject property. This ordinance is drafted by the applicant and reviewed by city staff and must generally comply with applicable requirements and procedures of Title 19.51 of the zoning ordinance (Planned Development District). A proposed ordinance has been submitted by the applicant and reviewed by staff. A copy of the ordinance, including staff revisions, is included in the updated project webpage.

Staff Analysis – Based on the recommendations added by staff and with the exception of the affordable housing provision (additional detail provided in the ‘Outstanding Issues’ section, staff finds the proposed written ordinance to properly reflect the details of the proposal and finds the details and approval procedures of the ordinance satisfactory). Further refining and fine-tuning of the written ordinance will continue as the application is forwarded to City Council.

PDZ (Planned Development Zone) Plan (i.e. “Development Plan”)

The second critical component of an approved PDD project is the Development Plan, which includes various master site plans, massing renderings, site circulation plans, etc. and becomes part of the final approved ordinance. The following items are required as part of the PDZ Plan (19.51.040):

- The location of the proposed development
- Names of and contact information for the applicant(s) and the owner(s) of the property(ies)
- A written narrative and graphic exhibits explaining and showing the nature and character of the planned development, including:
 - The proposed project’s consistency with the city’s general plan and any master plans for covering part or all of the proposed site
 - A statement of how the goals, objectives and specific criteria of this chapter will be satisfied
 - Disclosure of any easements or leases necessary for the proposed project and how their long term continuity will be assured
 - The total acreage of the planned development, broken down into the acreage of any phases or sub-parcels

- The specific land uses to be permitted in the proposed PD zone and the general location and amount of land proposed for each permitted land use, such as single family residential, multi-family residential, institutional, office, commercial, industrial, common open space/recreation, street use, etc.
 - The scale/intensity of each use, expressed in numbers (i.e., number of residential units, residential density, square footage of retail-commercial, square footage of office uses, etc.) and the acreage allotted to each use. For example, a table of proposed land uses including:
 - Proposed maximum and average residential densities for each residential use
 - The maximum total acreage of each residential use, including below market/affordable dwelling units, if applicable
 - The maximum allowed number of each type of residential unit requested, including affordable dwelling units, if applicable, and
 - The maximum proposed building/lot coverage for each non-residential use
 - Conceptual lot lines and all dimensional and lot standards for each land use type designated
 - An open space/landscaping plan including the location and composition of all screening, buffering materials, trees and other vegetation
 - An analysis of the traffic impact of the project on existing and proposed streets, current and projected traffic counts on surrounding roads and streets, etc.
 - A traffic circulation plan (vehicular, bicycle and pedestrian) showing project circulation patters; internal streets, roads and alleys; connections to city and regional transit; interior pedestrian trail connections; and a description of the vehicular transportation circulation system within the project and connect to a larger circulation network in the city and the region
 - A description of facilities for public transportation, pedestrians, bicycles and other alternatives to private vehicles
 - Preliminary plans for parking, including parking structures, stall counts and location
 - A preliminary development schedule and any proposed phasing plans, including areas to be included in each phase and the location of all open space areas and affordable dwelling units to be included in each phase
 - Tabulations of approximate acreage allotted to public open space, common private open space, and non-common private open space, including a statement of intended uses of open space and public facilities, including a rationale for scale and location
 - A lighting plan showing location, lighting types, foot candle measurements, etc.
 - Illustrative architectural elevations for each type of residential and non-residential unit, including:
 - Character sketches of proposed buildings or building types, typical exteriors and architectural elevations, etc. as appropriate to convey an accurate visual imagery of the proposed project, and
 - How the scale, massing and design of new buildings compliment and positively contribute to the setting of any buildings within or adjacent to the project and create a pleasing visual relationship with them
 - A preliminary utilities master plan, including the locations of any existing or proposed utility easements; the general location, size and capacity of all existing and proposed utility lines; and an analysis of the development's projected ten-year water usage and how water efficient materials may be used in the project
 - An infrastructure plan, including a narrative of the proposed project's impacts on public facilities and public infrastructure
 - A plan detailing any sensitive lands, natural hazards, historic building/sites, unique geological features, etc., and how the project's impact on such areas will be mitigated
- Draft PDZ ordinance

Staff Analysis – All of the above items have been submitted by the applicant, either as part of the written narrative, development plan, written ordinance, or other submittal item. Discussion with the Planning Commission on each of these items has previously taken place. Recent modifications to the project include a modification to the residential component of the project through elimination of a previous senior living structure, additional geologic studies underway at the

request of the city, and refinement of the proposed written ordinance for the site. All relevant and current documents may be found on the project webpage.

Outstanding Issues

Engineering Requirements

Per the City Engineer, the applicant has not yet satisfactorily responded to all preliminary engineering requirements, per city engineering review letter dated July 30, 2020 (available on project website), particularly as follows:

- Analysis of impact of the proposed development on off-site public storm drain infrastructure, including project flow, capacity projections, and identification of any necessary upgrades of off-site facilities
- Demonstration that portions of proposed primary access point and intersection improvements in Holladay City have been properly approved

Geologic and Geotechnical Engineering Hazards

The subject property contains numerous geologic and geotechnical hazards that require extensive analysis and potential mitigation prior beginning site work or construction. The property contains fault lines, steep slopes, potential liquefaction concerns, and other sensitive-lands challenges. To date, the applicant has conducted numerous studies of those hazards, including fault trenching, slope stability analysis and earth borings, geotechnical studies, etc. The city has reviewed each study and met with the applicant to discuss them. The purpose of conducting the studies at this phase of the project is to establish the general viability of construction at the proposed location of each building. Prior to construction of each phase, additional studies, trenching, borings, etc. will likely be required to ensure that each building can be constructed in a manner that meets all city sensitive lands requirements and engineering safety factors.

In general, staff's priority thus far has been to ensure that all potential hazards have been identified and scientifically tested by qualified professionals, and that recommendations are in place for how and when further detailed analysis of each hazard is needed, as it may not be practical or possible to assess every geologic hazard until full engineered site and building plans are completed. The same level of review will occur during each phase of the development of the site. If any significant hazards are identified that substantially impacts the Development Plan, the applicant would then be required to submit a proposal to amend the full PDD application, requiring new public hearings, Planning Commission, and City Council review.

The applicant has recently been asked to complete additional slope stability analysis in the area around the proposed apartment building and the city is awaiting results. Each study is reviewed in a high level of detail by the City Engineer and the city's geologic hazard consultant. Once the additional study is complete, a final summary of geologic hazards and city recommendations will be completed. All previously completed studies and city reviews are available on the project webpage.

Affordable / Below Market Rate Units

The ordinance requires this project to provide 10% of its units at a rate that is affordable to households earning not more than 50% of the city's area median income (AMI). Based on the current proposal, the applicant would be required to provide 42 units of the 419 total at an affordable rate. The applicant has expressed challenges in financing and providing those units at the required 50% rate without additional public subsidy options. At the regional, state, and federal level, affordable housing is commonly defined as 80% AMI rather than the 50% required in the PDD ordinance.

The applicant has held a discussion with the City Council to consider amending the affordable housing policy to provide additional flexibility in providing affordable housing on a project. A text amendment application has been submitted for Planning Commission consideration to review a proposed change in the PDD affordable housing requirement.

The applicant's current proposal of providing 10% of units at 80% AMI does not comply with current ordinance. Further review of the BMR proposal will not be conducted until the text amendment process is complete.

Recommendation

Given the complexity of the Planned Development District ordinance, staff anticipates that the final ordinance and submittal will continue to receive minor revisions prior to final consideration by the City Council. However, staff finds that the proposal substantially complies with the Planned Development District ordinance, positively contributes to the implementation of critical city goals and policies (i.e. those found in the General Plan and Wasatch Boulevard Master Plan), and helps create a vibrant mixed-use development with significant public amenities to transform an inactive gravel pit operation into a notable and valuable city development.

Based on the above findings, findings from previous staff reports and supporting documents, and approval from the City's Architectural Review Commission, **staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council, subject to the following conditions of approval prior to final vote by the City Council:**

- The matters identified in the 'Outstanding Issues' section of this staff report shall be adequately addressed and reviewed by city staff:
 - Proper analysis of storm drain infrastructure impact and assessment of needed system upgrades shall be completed and reviewed by the City Engineer
 - Resolution of outstanding engineering items and satisfactory completion of additional geologic hazards reports and implementation of the recommendations of those reports must be reviewed and approved by the city's Development Review Committee (DRC). Additional recommendations or findings may be incorporated into the written ordinance to ensure compliance
 - The proposed text amendment to the affordable housing provision shall be concluded, and proposed affordable housing for this project shall comply with any ordinance amendment that is granted
 - If completion of the outstanding issues and additional geologic hazards/geotechnical studies results in substantial changes to the proposed Development Plan, further review and consideration by the Planning Commission may be required.
- Subject to approval by the Utah Department of Transportation, the identified 'emergency access' onto SR-190 (Wasatch Boulevard) shall be utilized as a secondary regular access for the property until the development on the adjacent property results in an improved a permanent shared access point

Note – All supporting project documents may be found on the project webpage at <https://www.cottonwoodheights.utah.gov/your-government/boards-and-commissions/planning-commission/wasatch-rock-redevelopment-proposal-6695-s-wasatch-blvd-pdd-19-001>

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

3
4 **Wednesday, July 15, 2020**

5 **5:00 p.m.**

6 **Conducted Electronically**
7

8 ***ATTENDANCE***
9

10 **Members Present:** Acting Chair Chris Coutts, Craig Bevan, Sue Ryser, Jesse Allen, Bob
11 Wilde, Dan Mills

12
13 **Staff Present:** CED Director Michael Johnson, Senior City Planner Matthew Taylor, City
14 Planner Andy Hulka, Public Works Director Matthew Shipp, Deputy City
15 Recorder Heather Sundquist, City Attorney Shane Topham
16

17 **Others:** Adam Davis, Craig Dean, Delmas Johnson, Dimond Zollinger, Holley
18 Mullen, Jesse Stewart Ryan Hales, Serra Lakomski, Sharon Turner, Tom
19 Henroid, Jon Dean
20

21 **WORK MEETING**
22

23 Acting Chair Chris Coutts called the Work Meeting to order at approximately 5:00 p.m. She read
24 a statement regarding conducting the meeting from an anchor location.
25

26 **1.0 Planning Commission Business.**
27

28 **1.1 Review Business Meeting Agenda**
29

30 CED Director, Michael Johnson reported that it is necessary to formally elect a new Chair and
31 Vice Chair as Commissioner Griffin is no longer on the Planning Commission. Staff
32 recommended that Commissioner Coutts step into the Chair role. The matter was to be addressed
33 during the Business Meeting.
34

35 Chris Coutts was nominated to serve as Chair and Jesse Allen as Vice Chair for the Work Meeting.
36

37 The agenda items were reviewed and discussed.
38

39 City Planner, Andy Hulka presented the first agenda item regarding a wireless telecommunications
40 facility. He stated that a request was received for an upgrade to an existing pump station that is on
41 residential property. It is currently underground. Salt Lake City is proposing to upgrade the facility
42 to the current standards, which includes what is currently underground. They plan to build an
43 above-ground entrance with a communications antenna above to communicate with the Water
44 Department facilities and systems.
45

1 At the last meeting, the Commission asked the applicant to provide more detail on their proposal
2 to make the antenna a stealth facility. They would make a presentation at the Business Meeting.
3 The applicant's suggestion was to provide a camouflage paint scheme on the antenna, which they
4 feel is the least invasive option. They felt that doing an architectural element or a tree or a flagpole
5 would be more visually obstructive.

6
7 Jesse Allen declared a conflict of interest. City Attorney, Shane Topham stated that by law it is
8 only necessary for a Commission Member to disclose a conflict of interest publicly at the
9 beginning of the meeting. That would not prevent him from participating in the discussion or vote.

10
11 The next agenda item involved the A.J. Rock gravel pit submission. The intent tonight was for the
12 applicant's Traffic Engineer to address the Commission and focus mainly on the impacts. Few
13 comments were received on the item with over 50 received for the Trails Master Plan. Procedural
14 issues were discussed. Chair Coutts commented that because so many comments were received,
15 there may be a lot of questions and issues to be discussed.

16
17 Mr. Johnson stated that there is another outstanding policy issue that needs to be discussed beyond
18 tonight. They need time to review submittals received the previous night as well, which require
19 internal review. There will also need to be a substantial discussion on affordable housing, which
20 he did not suggest take place tonight. Issues not addressed tonight could be tabled to the next
21 meeting.

22
23 Mr. Johnson described proposed changes to the height elevations for the condominium tower. The
24 drawing was modified to be consistent with the number of units that are proposed. Revised grading
25 and utility plans were also provided. Staff reached out to the City of Holladay and discussed shared
26 issues. The Utah Department of Transportation ("UDOT") will reach out regarding traffic access
27 and intersection access on SR-190.

28
29 Chair Coutts commented that based on the comments received at the last meeting, UDOT was
30 unified in terms of access, ingress, egress, and potential traffic issues. Mr. Johnson stated that staff
31 has not yet had that conversation with them. There had been a call from officials from the City of
32 Holladay to continue to look at what access rights the property has through the Walker property to
33 the south if any. That was a legal question they wanted the applicant to respond to. There was
34 also a condemnation on the Walker property where UDOT took control of access points and
35 property that eliminated some of the potential access to the south.

36
37 In response to a question raised regarding ingress and egress to Gun Club Road, Public Works
38 Director, Matthew Shipp stated that beyond construction it was not anticipated that the
39 development will have any access to the Gun Club other than the pedestrian or native trail that is
40 planned to go in. Aerial photographs of the area were displayed and the proposed changes
41 described. The Park and Ride area was discussed as well as other parking areas. He stated that
42 the area typically sees a significant impact only 25 days per year in this location. There was
43 concern expressed regarding impacts during peak demand days when there is a lot of ski traffic.
44 From a planning perspective, staff tries not to plan for the 25 days to avoid overbuilding
45 infrastructure. The traffic analysis was noted.

1 Mr. Shipp described the engineering details for the gravel pit site. Staff was asked to review the
2 request and come up with a determination of the feasibility of the condominium project at a glance
3 based on submittals provided. Updates of changes in building locations and sizes on their grading
4 plan had been received. There was no recommendation for approval or denial at this time since
5 the request was only recently received. Mr. Shipp presented current concerns including a proposal
6 to change the grading and alignment of Wasatch Boulevard and concerns with Gun Club Road. It
7 was noted that nothing was glaring from an engineering perspective on what can or cannot be done.
8 Currently, the buildings are being used to retain hillsides. Other issues will be addressed as the
9 engineering design progresses. The engineer from McNeil Engineering prepared the civil site plan
10 and the City has concern with stormwater and how it is contained. The concern was that it could
11 leach out onto the hillside and come out elsewhere. The applicant will need to show how they will
12 deal with the stormwater. Although feasible, it would be necessary for staff to conduct an
13 additional review.

14
15 Because the site is in a sensitive lands area and used as a gravel pit, Chair Coutts asked about the
16 grade of the area being developed. Mr. Shipp stated that there is a great deal of latent fill materials
17 on the site that need to be removed down to the native ground/bedrock. There will be different
18 requirements for the road and the building. Slope issues on the site were discussed. Mr. Shipp
19 stated that one concern was the proximity to the City boundary. Because this is a sensitive lands
20 area, the City will need to take certain steps.

21
22 Mr. Johnson presented the Commission with an overview of a City-initiated proposal to consider
23 the Bonneville Shoreline Trail, Trailhead, and Access Plan. For many years, the City has had a
24 conceptual alignment for the Bonneville Shoreline Trail. The U.S. Forest Service previously
25 performed an Environmental Impact Study and Salt Lake County and other regional committees
26 mapped out a conceptual alignment for the entire Bonneville Shoreline Trail. They have, however,
27 never analyzed how to get people onto the trail once it is built. A portion of the Bonneville
28 Shoreline Trail grant money received will be used to draft a Master Plan dedicated to trailhead
29 access. The goals for the property are to identify and provide sufficient regional, secondary, and
30 local access points and define what they should look like. The proposed plan provides those
31 details. The long-term vision for the trail is that it will run 200 miles and connect communities
32 and counties. It will serve as a regional community level amenity.

33
34 The proposed three access points were identified as the gravel pit, the Ferguson Canyon overflow
35 lot, and another on the south side of the City. It was recommended that an existing small parking
36 lot on property owned by the U.S. Forest Service be expanded to serve as a very limited capacity
37 trailhead access point. Other local access points were also identified. Constraints included
38 property ownership. It was noted that in the proposed plan, local access means no parking, very
39 little signage, and few amenities. It was clarified that eminent domain cannot be used for trail
40 amenities and that was not part of the City's plan or vision.

41
42 **1.2 Additional Discussion Items.**
43

1 **2.0 Adjournment.**

2

3 *Commissioner Rhodes moved to adjourn the Work Session. Commissioner Ryser seconded the*
4 *motion. The motion passed with the unanimous consent of the Commission.*

5

6 The Work Session adjourned at approximately 6:00 p.m.

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

3
4 **Wednesday, July 15, 2020**
5 **6:00 p.m.**
6 **Conducted Electronically**
7

8 ***ATTENDANCE***
9

10 **Members Present:** Acting Chair Chris Coutts, Craig Bevan, Sue Ryser, Jesse Allen, Bob
11 Wilde, Douglas Rhodes, Dan Mills
12

13 **Staff Present:** CED Director Michael Johnson, City Attorney Shane Topham, Senior City
14 Planner Matthew Taylor, City Planner Andy Hulka, Public Works Director
15 Matthew Shipp, Deputy City Recorder Heather Sundquist
16

17 **Others:** Adam Davis, Craig Dean, Delmas Johnson, Dimond Zollinger, Holley
18 Mullen, Jesse Stewart Ryan Hales, Serra Lakomski, Sharon Turner, Tom
19 Henroid, Jon Dean
20

21 **BUSINESS MEETING**
22

23 Acting Chair Chris Coutts called the Business Meeting to order at approximately 6:00 p.m.
24

25 **1.0 Welcome and Acknowledgments.**
26

27 Chair Coutts welcomed those in attendance and read the opening statement regarding the current
28 COVID-19 situation.
29

30 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**
31

32 Jesse Allen declared a conflict of interest regarding CUP 20-009 and stated that his architectural
33 firm has an active contract with the applicant. As a result, he will recuse himself from the vote.
34

35 **2.0 General Public Comment**
36

37 There were no public comments.
38

39 **3.0 Business Items**
40

41 **3.1 Election of Planning Commission Chair and Vice-Chair.**
42

43 Chair Coutts reported that Graig Griffin has stepped down as Chair, which leaves the Chair and
44 Vice-Chair positions open.
45

1 *Commissioner Wilde nominated Chris Coutts to serve as Chair. Commissioner Mills seconded*
2 *the motion. Vote on motion: Jesse Allen-Aye, Sue Ryser-Aye, Craig Bevan-Aye, Dan Mills-*
3 *Aye, Bob Wilde-Aye, Chair Coutts-Aye. The motion passed unanimously. Commissioner*
4 *Douglas Rhodes was not present for the vote.*

5
6 *Commissioner Wilde moved to nominate Jesse Allen to serve as Vice-Chair. Commissioner*
7 *Mills seconded the motion. Vote on motion: Jesse Allen-Aye, Sue Ryser-Aye, Craig Bevan-*
8 *Aye, Dan Mills-Aye, Bob Wilde-Aye, Chair Coutts-Aye. The motion passed unanimously.*
9 *Commissioner Douglas Rhodes was not present for the vote.*

10
11 **3.2 (Project CUP-20-009) A Public Hearing and Possible Action on a Request**
12 **from Dimond Zollinger (Salt Lake City Department of Public Utilities) for a**
13 **Conditional Use Permit for a Wireless Telecommunications facility (Roof-**
14 **Mounted Antenna) and a Reduction to the Minimum Yard Requirements for**
15 **a Public Use at 8800 South Kings Hill Drive #A in the F-1-21 – Foothill**
16 **Residential Zone. Continued from the July 1, 2020 Public Hearing.**

17
18 City Planner, Andrew Hulka presented the staff report and stated that the request is for a
19 Conditional Use Permit for a wireless telecommunication facility and a reduction to the minimum
20 yard requirements for a public use. The public use is a pump station for the Water Department at
21 8800 South Kings Hill Drive #A. He stated that no new information has been added. Mr. Hulka
22 stated that one of the conditions is that the highest point of the antenna cannot exceed what is
23 allowed in the zoning ordinance, which is 20 feet above existing grade. What is proposed is an
24 above-ground structure for an above-ground entrance to an underground pump station facility with
25 a communications antenna on top. At the last meeting, the Planning Commission asked for
26 additional information on what the Water Department would do to ensure that this is a stealth
27 antenna to minimize the visual impact on the neighborhood.

28
29 Deputy Director of Public Utilities, Jesse Stewart, was present with Project Manager, Dimond
30 Zollinger who was available by telephone. Holly Mullen who does Public Engagement and
31 Delmas Johnson from JUB Engineers were also present. Mr. Stewart discussed the stealth antenna
32 proposals, the engineering and operations project scope, how they plan to stealth the antenna, and
33 the conditions of approval.

34
35 Mr. Stewart discussed the following three phases of the engineering elements and scope of work:

- 36 • Replace aging infrastructure;
 - 37 • Perform SCADA telemetry; and
 - 38 • Backup power.
- 39
40

41 Mr. Stewart stated that replacing aging infrastructure will involve replacing outdated pumps and
42 piping components and put it into an above-ground entrance. The concrete vault will remain the
43 same, which is where most of the components are. He stressed that worker safety is of utmost
44 concern as well as reliability for the community.

1 Mr. Stewart reported that this is part of the larger distribution system which has 92,000
2 connections. Their goal is to ensure reliability in terms of culinary and fire pressure, water quality,
3 and updating compliance with electrical and safety codes.
4

5 The SCADA telemetry and stealth antenna will monitor the pump station only, which is not
6 connected to the SCADA control center. It will improve operations and maintenance because
7 operators will realize that there is an issue without having to rely on a resident to report a water
8 quality or pressure issue.
9

10 Mr. Stewart reported on outreach efforts that have taken place and stated that numerous site
11 meetings were held with prospective residents and stakeholders. Several written comments were
12 also received and responded to and flyers were distributed. With regard to trees, they currently
13 have no plans to remove or trim trees in the vicinity. Some small shrubs will be impacted and will
14 be addressed as part of the site rehabilitation. Concerning antenna height, it will be no more than
15 20 feet above grade.
16

17 Mr. Stewart stated that they will be working exclusively within their two project easements. He
18 pointed out that the original meeting with the Planning Commission was postponed allowing them
19 to better address stakeholder concerns. They would continue to work with the residents including
20 Mr. Harris regarding generator placement.
21

22 Mr. Stewart next identified the project easements and stated that the construction project will
23 remain with the easements to make replace the infrastructure and make improvements to bring it
24 up to current standards. It was proposed that the pole and antenna be painted a camouflage brown
25 to provide the least visual obstruction. Other options were also considered that were believed to
26 be out of place and out of proportion with the structure. Photos of other pump stations were
27 displayed. Mr. Stewart discussed the nine conditions of approval set forth in the staff report.
28

29 Commissioner Wilde considered what is proposed to be a significant enhancement to what exists
30 currently. Mr. Stewart was asked if it is possible to improve the pumps below ground. Dimond
31 Zollinger stated that the pumps are underground and everything inside the vaults or underground
32 will remain underground. The only portion that is above ground will be the entry for ease of
33 access.
34

35 Chair Coutts opened the meeting to public comment. There were no public comments.
36

37 Procedural issues were discussed. Chair Coutts stated that at the conclusion of the last public
38 hearing, it was recommended that condition number four be modified to specify 12 months rather
39 than six.
40

41 ***Commissioner Ryser moved to approve Project CUP-20-009 subject to the following:***
42

43 ***Conditions:***
44

- 45 ***1. A building permit must be obtained from the city prior to construction of the***
46 ***facility.***

- 1
2 **2. As part of the building permit application, the applicant must submit a certificate**
3 **from a licensed professional engineer certifying that the design of the facility**
4 **meets all applicable standards for the facility, including, but not limited to:**
5 **electrical safety, material, and design integrity, seismic safety, etc.**
6
- 7 **3. The antenna must be designed as a stealth facility, which is camouflaged so as to**
8 **blend in with its surroundings to such an extent that it is indistinguishable by the**
9 **casual observer from the structure on which it is placed or the surrounding in**
10 **which it is located. The antenna may be disguised as a flagpole, designed as part**
11 **of an architectural element such as a steeple or chimney, or otherwise**
12 **camouflaged with materials and colors that blend in with the surrounding area**
13 **as approved by the Planning Commission.**
14
- 15 **4. On no more than one occasion within 12 months after the facility has been**
16 **constructed, the Planning Commission or the department may require the color**
17 **be changed if it is determined that the original color does not blend with the**
18 **surroundings.**
19
- 20 **5. The roof-mounted antenna shall not vary from the height requirements for**
21 **accessory structures in the F-1-21 zone. The distance from the top of the antenna**
22 **to the average natural grade of the above-ground entrance structure must not**
23 **exceed 20 feet.**
24
- 25 **6. Continuous outside lighting of the facility is prohibited.**
26
- 27 **7. Any existing landscaping disturbed or removed during the construction process**
28 **must be repaired or replaced by the applicant.**
29
- 30 **8. All utility lines on the lot leading to the accessory building and antenna structure**
31 **shall be underground.**
32
- 33 **9. The applicant shall provide proof of legal right to build in the existing pump**
34 **station easement or appropriate owner’s consent to build as proposed, subject to**
35 **approval of the City Attorney.**
36

37 **Findings:**

- 38
- 39 • **The proposed use described in the report is a conditional use in the F-1-21 – Foothill**
40 **Residential zone.**
- 41
- 42 • **A public hearing was held in accordance with local and state requirements.**
43
- 44 • **The use will comply with the intent, spirit, and regulations of this title and will be**
45 **compatible with and implement the planning goals and objectives of the city.**
46

- 1 • *The use will be harmonious with the neighboring uses in the zoning district in which it*
2 *is to be located.*
- 3
- 4 • *Nuisances which would not be in harmony with the neighboring uses will be abated by*
5 *the conditions imposed.*
- 6
- 7 • *Protection of property values, the environment, and the tax base for the city will be*
8 *assured.*
- 9
- 10 • *The use will comply with the city's general plan.*
- 11
- 12 • *The proposed facility is compatible with the height and mass of existing buildings.*
- 13
- 14 • *The proposed facility will be located in a position to provide visual screening to the*
15 *greatest extent practicable.*
- 16
- 17 • *Existing vegetation on the site will be preserved to the greatest extent practicable.*
- 18
- 19 • *The facility does not create an unreasonable adverse impact on the City's mountain*
20 *viewsheds or other scenic resources.*
- 21
- 22 • *Staff will verify compliance with all imposed conditions upon review of the required*
23 *building permit application.*
- 24
- 25 • *Appropriate buffering will be provided to protect adjacent land uses from light, noise,*
26 *and visual impacts.*
- 27
- 28 • *The architecture and building materials are consistent with the development and*
29 *surrounding uses, and otherwise compatible with the City's general plan, subdivision*
30 *ordinance, land use ordinance, and any applicable design standards.*
- 31
- 32 • *The reduction of minimum yard requirements for the accessory structure will not, under*
33 *the circumstances of this particular case, be detrimental to the health, safety or general*
34 *welfare of persons residing in the vicinity, or injurious to property or improvements in*
35 *the vicinity.*
- 36

37 *Commissioner Bevan seconded the motion. Vote on motion: Commissioner Wilde-Abstained,*
38 *Commissioner Allen-Abstained, Commissioner Mills-Aye, Commissioner Ryser-Aye,*
39 *Commissioner Bevan-Aye, Chair Coutts-Aye. The motion passed unanimously with two*
40 *abstentions.*

41

1 **3.3 (Project PDD-19-001) A Public Hearing to Receive Comments on a Request**
2 **from AJ Rock, LLC for an Ordinance and Zone Map Amendment for**
3 **Approximately 21.5 Acres of Property located at 6695 South Wasatch**
4 **Boulevard Utilizing the City’s Planned Development District (PDD)**
5 **Ordinance and Changing the Zoning Designation from F-1-21 (Foothill**
6 **Residential) to PDD-2. (This is a zoning designation prepared specifically for**
7 **the subject property by the applicant, within the guidelines of Chapter 19.51**
8 **of the City Zoning Ordinance.) (Continued from the July 1, 2020, Public**
9 **Hearing).**

10
11 Senior City Planner, Matthew Taylor, reported that the above matter was presented at the last
12 meeting. Some of the items addressed included policies contained in the General Plan, the
13 Wasatch Boulevard Master Plan, and other planning documents, which established the foundation
14 for a rezone that is similar to what is proposed by the applicant. The Commission previously
15 discussed the mechanism of the Planned Development District as an ordinance amendment with
16 adoption of a Development Plan that will guide each phase of the development.

17
18 Mr. Taylor reported that staff recommended a continuance on a number of outstanding issues and
19 presented the changes made since the last meeting. He explained that the project website contains
20 a staff policy analysis that formally examines policies that have been adopted over the years. It
21 was believed that this application meets the policies of the City. Staff also would make
22 recommendations on the proposed ordinance. It was estimated that 90% of the recommendations
23 have been posted online and are available for review.

24
25 Mr. Taylor stated that a few issues remained to be worked out with the applicant regarding
26 language addressing sensitive lands exceptions. He explained that this is not the typical sensitive
27 lands area as it is a gravel pit reclamation site. Language should be included regarding exceptions
28 for slopes, cuts, and fills. Affordable housing provisions were to be discussed in further detail
29 when the applicant provides a suggested ordinance proposal. Staff recommended the matter be
30 tabled to allow for that discussion to take place.

31
32 Mr. Taylor reported that revised and consistent drawings have been received and were posted to
33 the City’s website. He noted that a refined Parking Analysis was included in the staff report.
34 During the Work Session it was mentioned that a technical issue has been corrected. He explained
35 that the Shared Parking Analysis shows how peak demand between the various sites will not be
36 exceeded per the parking standards put forward by the applicant.

37
38 Mr. Taylor reported that the City has reached out to the City of Holladay and listened to their
39 concerns. Much of the public comment received the previous week involved traffic impacts, which
40 staff recommended be addressed tonight. Traffic Engineer, Ryan Hales from Hales Engineering
41 was present to provide the rationale behind their findings. One major issue involved how much
42 traffic impact there will be into the proposed access. The proposal shows all that all of the traffic
43 will access Wasatch Boulevard as it intersects the existing Wasatch Boulevard close to SR-190. It
44 was noted that there is an emergency access planned through the Walker property to the south as
45 well.

1 Mr. Taylor stated that as the southern gravel pit redevelops, some traffic will bleed through this
2 site. That topic was discussed with the City of Holladay and could be explored with the Traffic
3 Engineer. They were also looking at the potential for traffic access to the south. Staff was in the
4 process of scheduling a meeting with the Utah Department of Transportation (“UDOT”) to discuss
5 the access points to the south. A Corridor Agreement had been drafted and it was determined that
6 continued dialogue can take place.

7
8 Mr. Taylor reviewed some of the revised drawings, including the Revised Site Plan that includes
9 landscaping. This was compared to the other site plan that shows fault lines and other constraints.
10 Mr. Taylor noted that the footprint of the condominium building has changed and the hotel location
11 was moved as well. An additional retail pad was also were included and Pad B was split into two
12 buildings. The Architectural Review Commission (“ARC”) reviewed the proposal and there was
13 discussion about emphasizing the internal green space as an essential gathering area to create a
14 plaza feel and to capitalize on what is not buildable. The proposal now aligns with policies to
15 create an interconnected street system connecting to the main thoroughfare.

16
17 Mr. Taylor stated that another major design change is along Wasatch Boulevard where angled
18 parking and roundabouts are planned. Other proposed changes made to the site plan were
19 identified. The updated building height elevations were presented. There was a discrepancy in
20 unit counts from July 1 that had been corrected. That caused the applicant to propose an additional
21 parking layer and increase the building height. Changes to the Shared Parking Analysis as well as
22 the main elevation height were identified and grading issues were discussed. It was noted that the
23 applicants are proposing to extend the steep slope to a 35 to 40 percent grade.

24
25 Adam Davis with the Rockworth Companies discussed progress made since the last meeting. They
26 have worked with staff to get consistent drawings and move forward with the engineering. He
27 reported that the condominium height has been reduced by two stories. The footprint was spread
28 out to allow for fewer levels of parking. The current proposal includes three levels of parking with
29 10 stories for a total of 13 stores.

30
31 Mr. Hales presented the Traffic Report and Impact Study findings and addressed questions raised
32 at the last meeting. He explained that there is not a primary access as shown on the site plan to
33 SR-190 that comes out at Wasatch Boulevard. The intersection was revised to a T-intersection.
34 The traffic circulation pattern was described. The desire was to provide sufficient capacity in the
35 roadway cross-section and additional parking on the interior road.

36
37 Mr. Hales noted that numerous comments were raised about access to Gun Club Road. He clarified
38 that they do not plan to have access to Gun Club Road at any point in the project. He identified
39 steep slopes on the east side of the project. The area where people park adjacent to the parking lot
40 and on the road creates an enforcement issue. He suggested sporadic and continued enforcement
41 of the area and stated that it narrows the roadway.

42
43 Mr. Hales next addressed SR-190 and stated that UDOT has classified it as an Access Category 3
44 roadway. SR-190 carries a lot of traffic and is a five-lane road. In order for traffic to continue to
45 flow as efficiently as possible, the accesses along the corridor need to be controlled. To do this,
46 UDOT has identified every road that is under their jurisdictional control. An Access Category 3

1 designation means that there is signalized spacing and no unsignalized access along the roadway.
2 The posted speed limit on SR-190 is 50 MPH. Wasatch Boulevard is a two-lane road and the
3 posted speed limit is 40 MPH. There will be no direct access to SR-190. Mr. Hales reported that
4 there has been recent discussion about a multi-modal site to be located in the gravel pit that will
5 include buses traveling up the canyons.
6

7 Mr. Hales stated that they are looking at the peak traffic hours between 7:00 and 9:00 a.m. and
8 4:00 to 6:00 p.m. It was determined that the traffic volumes are 35% higher during the evening
9 peak hours. At the T-intersection coming out at Wasatch Boulevard and the short segment to SR-
10 190, they were able to achieve levels of service for existing and 2024 conditions. They were
11 deemed adequate and meet UDOT's level of service demands and requirements. The primary
12 focus is the project-related traffic on the north end. The simulation model was addressed in greater
13 detail. It was conducted 10 times as it is a statistical model to get an average of the maximum
14 queue length to identify problems. Level of service issues were analyzed.
15

16 Mr. Hales next analyzed traffic on the roadways and the Average Daily Traffic ("ADT"). He
17 explained that Traffic Engineers typically analyze roadway traffic volumes to determine how many
18 lanes are needed. Mr. Hales discussed the pertinent ADT values in this case. He pointed out that
19 a standard two-lane road can handle about 10,000 ADT. He estimated that the gravel pit is not
20 expected to be developed for the next 15 to 20 years. He identified three intersections going into
21 the gravel pit. From the Trip Generation Memo, it was estimated that during the peak hour there
22 will be 347 trips with 30% expected to the south. In terms of cut-through, they estimated 1,000 to
23 2,000 daily trips to the site.
24

25 A question was raised about queue depth or length on the road going to SR-190. Mr. Hales
26 explained that in the northbound direction they are looking at a queue length of about 250 feet,
27 which is the project access or Wasatch Boulevard going to the T-intersection. They estimated the
28 maximum queue length to be about 250 feet or shorter. He offered to present the simulation model
29 at a future meeting.
30

31 A question was raised about whether the assumptions based on the South Gravel Pit are in keeping
32 with UDOT's future direction and the reasonableness of the assumptions in terms of the
33 signalizations in the south gravel pit. Mr. Taylor stated that they are planning to have three
34 intersections. That has been further vetted through the master planning process on the site. They
35 are helping UDOT identify a location for the mobility hub. CED Director, Michael Johnson
36 informed Mr. Hales that as part of the Environmental Impact Study and Access Corridor
37 Agreements being drafted, UDOT may be willing to consider other options. Mr. Johnson stated
38 that UDOT's design standards for intersections include one being fully signalized and two that
39 would be something less than that standard. Staff felt that more flexibility would be allowed by
40 UDOT depending on the final details. He considered the current layout to be in line with UDOT
41 standards.
42

43 In response to a question raised, it was reported that there is not a signal at the intersection exiting
44 the project. A question was raised by Commissioner Allen regarding how much traffic would need
45 to increase in order for a signal to be required. Mr. Hales stated that they would analyze the left-
46 hand movement but it would need to be significant enough to warrant putting in a traffic signal.

1 He stated that the intersections are very close together so he did anticipate the need for one. A
2 roundabout in this location was considered but ultimately not recommended.

3
4 Commissioner Mills asked how it will impact the Heughs Canyon neighborhood based on how the
5 traffic is routed. Mr. Hales reported that there will be a lot of impact on the neighborhood to the
6 north. He explained that traffic typically takes the path of least resistance so much of the traffic
7 will move west and north toward I-215. He did not expect there to be a significant impact on
8 SR-190 to the south.

9
10 Chair Coutts asked what input Mr. Hales has received to date from UDOT on the Access Plan.
11 Mr. Hales noted that they had several meetings with UDOT and discussed access to the property
12 to the south. He explained that the project can work independently of having access to the south
13 because they will have their own access at some point. UDOT reviewed the analysis and their
14 preference was to have the one-half mile spaced corridor, one signalized intersection, and two
15 other right-in and right-out accesses. He commented that UDOT has been supportive to this point
16 but additional input was desired from the Planning Commission to relay back to them.

17
18 Chair Coutts opened the public hearing.

19
20 John Bloom reported that he has lived in Utah for 15 years and is a professional geologist licensed
21 in Utah and California. He has worked as an engineering geologist conducting geologic hazard
22 evaluations along the San Andreas fault. A.J. Rock property is located within the special studies
23 area designated by the Utah Geological survey and sensitive lands area designated by the City of
24 Cottonwood Heights. A recent geologic hazard evaluation at the A.J. Rock site has located
25 principal earthquake faults and several subsidiary faults. He indicated that during an earthquake,
26 these faults would result in intense ground shaking and rupture. He believed additional geologic
27 and geotechnical investigations are needed to fully assess the impacts posed by all of these hazards
28 and is too premature to rezone the property.

29
30 Dave Clark identified himself as President of the Old Mill Homeowners Association Board. His
31 property is nestled among 88 homes between Wasatch Boulevard and Big Cottonwood Canyon
32 Road. He explained they have spoken up several times regarding the impact the proposed
33 development would happen on the surrounding community. The height at the northeast portion of
34 the property was of concern and he strongly urged the Commission to limit its height and the
35 potential increase in traffic.

36
37 Dan Gibbons reported that he has listened to the entire hearing and after discussion with his
38 constituents, he believed Cottonwood Heights, the City of Holladay, and UDOT need to give more
39 consideration to future access points along SR-190. Consideration of the estimated capacity for
40 all access points was suggested as well as possible development of the Walker property to the
41 south.

42
43 Mr. Gibbons explained that A.J. Rock has long-standing easements giving access onto SR-190.
44 The property is not landlocked and access has always been along SR-190 and never on Wasatch
45 Boulevard. He believed that the rationale that the developer has no rights of access and using that
46 to insist on a new intersection on Wasatch Boulevard makes no sense legally. He explained that

1 the Hale traffic study was completed in December of 2017 before Solitude began charging skiers
2 for parking and before parking at the mouth of Little Cottonwood Canyon was closed. A new
3 traffic study was suggested. Mr. Gibbons stated there should be consideration of making one or
4 more roads one way and suggested making the entire development one way with entrance only on
5 Wasatch Boulevard with all egress onto SR-190.

6
7 Taylor Jeppson was opposed to high-density buildings in Canyon Cove and has lived there since
8 1985.

9
10 Tom Stephens considered a continuance to be the correct course of action. He recently learned
11 about this application through the Next Door app. He is currently a member of the Millcreek
12 Planning Commission and helped draft Millcreek’s commercial, mixed-use, and multi-family
13 ordinances. He believed he has a lot to offer in the way of comments and advice to the Planning
14 Commission and ultimately to the City Council but needs time to review the staff reports and
15 additional information.

16
17 Will McCarvill stated that the Gateway Overlay District limits building heights to 45 feet. The
18 proposal is seeking heights in excess of 150 feet. The developer shows a relocation of Wasatch
19 Boulevard that goes through the center of the subject property. Until the south end of the gravel
20 pit is developed, he questioned if the proposed north end only has one access to Wasatch
21 Boulevard. He expressed concern with traffic.

22
23 Rick S. stated that there cannot simply be only one exit on the north side.

24
25 Leslie Kovach would like the rezone request to be denied since this development does not meet
26 the development requirements of the City. As proposed, she believed it would add traffic and
27 pollution to the Wasatch Boulevard area.

28
29 Scott and Patricia Woller reported that their family strongly opposes approval of any proposal for
30 an ordinance amendment, zone map amendment, or the development of property located at 6695
31 South Wasatch Boulevard, as proposed. This location holds the zoning designation F-1-21 for
32 very specific reasons, including the safety of residents. Mr. Woller advised against any efforts to
33 introduce access Canyon Cove and stated that ancillary traffic on the intersection of Wasatch
34 Boulevard and SR-190 would be catastrophic to the flow in that area.

35
36 There were no further public comments. Chair Coutts stated that the public hearing would remain
37 open.

38
39 Chair Coutts expressed concerns regarding traffic from the ingress and egress with UDOT’s
40 cooperation and believes it needs further consideration. Moving forward with submittals to the
41 City, she recommended the inclusion of the PDD Ordinance density charts, uses, and separation
42 of parking percentages. She would prefer to see a continuation of the multi-use trail that is part of
43 the UDOT process and an easement or potentially public use on the trail and the access being
44 considered for the Bonneville Shoreline Trail.

1 Mr. Davis stated that on their latest concept site plan, lot summary, land use, densities, and parking
2 associated with each of those lots are included. He confirmed that a street-level plan will be
3 available at the next meeting.

4
5 Commissioner Mills asked for detail regarding erosion and remediation.

6
7 Mr. Davis pointed out with the latest submission, their Landscape Architect included additional
8 information with regard to slope reclamation, seeding, and the steeper slope process. The
9 renderings requested by Commissioner Ryser will provide a view of the gateway coming from the
10 north headed south. While there are parking lots there, they have adequate landscaping and
11 buffering. A landscaping plan was displayed.

12
13 Commissioner Bevan believed that most of the public comments questioned what residents will
14 see from their neighborhoods and access from the south. He was unsure that a south access was
15 necessary which was why they have a Traffic Engineer and studies.

16
17 Mr. Davis confirmed they have had multiple meetings with UDOT concerning the southern access.
18 While there is a current easement across the Walker property to access the site, all of their
19 conversations with UDOT have pushed for the T access they have designed. Currently, UDOT
20 has taken the position that that access is for emergency ingress and egress for emergency vehicles.

21
22 In response to a question raised regarding the process with the City of Holladay, Mr. Davis reported
23 that the City of Holladay has attended some of their community meetings and had conversations
24 early on. Cottonwood Heights has an upcoming meeting and planned to respond to comments that
25 come out of that meeting.

26
27 Mr. Johnson confirmed that staff met with representatives from the City of Holladay and will share
28 those comments.

29
30 Commissioner Ryser was excused from the remainder of the meeting.

31
32 *Commissioner Mills moved to continue project PDD-19-001 to the August 5, 2020 Planning*
33 *Commission Meeting. Commissioner Wilde seconded the motion. Vote on motion:*
34 *Commissioner Wilde-Aye, Commissioner Allen-Aye, Commissioner Mills-Aye, Commissioner*
35 *Bevan-Aye, Chair Coutts-Aye. The motion passed unanimously. Commissioner Ryser was not*
36 *present for the vote.*

37
38 **3.4 (Project GPA-20-002) A Public Hearing and Possible Recommendation to the**
39 **City Council on a City-Initiated Proposal to Adopt a Bonneville Shoreline**
40 **Trail Access Master Plan as an Addendum to the Cottonwood Heights General**
41 **Plan.**

42
43 Mr. Johnson recommended that given the bulk of citizen comments, that any formal vote not be
44 taken at the present time. The next meeting would allow the opportunity for citizen comment to
45 be made via Zoom.

1 Mr. Johnson presented the staff report and reported that the above matter is for a possible
2 recommendation to the City Council on a City-initiated proposal to adopt a Bonneville Shoreline
3 Trails Access Master Plan as an addendum to the Cottonwood Heights General Plan. It is also
4 available for review on the City's website. Staff planned to include a brief article in the City
5 newsletter informing residents of the proposed plan.
6

7 Mr. Johnson reported that the plan does not look at the trail alignment itself. The Bonneville
8 Shoreline Trail has been envisioned since the City's incorporation. Access to the trail is one of
9 the most critical components allowing ease of use and safety. The goal of the plan is to identify
10 the type of access and number needed, potential location for those points, and how those should
11 be designed and function. He stated that they will then identify opportunities and constraints for
12 all of the points as well as funding sources.
13

14 Mr. Johnson indicated that a conditions analysis has been completed as well as a needs assessment
15 identifying goals and making recommendations. The trail is a regional trail extending beyond Salt
16 Lake County. Completing the trail through Cottonwood Heights would fill in a missing piece of
17 that trail network. Staff identified three regional access points, which include parking
18 accommodations and restrooms. Mr. Johnson reported that the property owned by the U.S. Forest
19 Service could serve as a small pull-out lot and has been included as a potential small trail access
20 point in their studies and analysis. A secondary access is located between a regional and local
21 access. They realize that not all of the local access points are needed, but they are potential
22 locations that present some level of opportunity and are possible options.
23

24 Mr. Johnson identified each access point broken down with opportunities and constraints provided.
25 He stated that the gravel pit is an obvious location. The Big Cottonwood Canyon pullout owned
26 by the U.S. Forest Service was envisioned as a secondary access. The Ferguson Canyon overflow
27 was also being considered. The County purchased the property in 2008 with Open Space
28 Preservation Funds with the City contributing a small amount of the purchase price. An Interlocal
29 Agreement was signed between Salt Lake County and Cottonwood Heights that committed the
30 City to installing improvements on the property. Improvements listed include trailhead parking
31 for the Bonneville Shoreline Trail, a public park, and a restroom facility with trail access.
32 Mr. Johnson explained that the City is obligated through an Interlocal Agreement with the County
33 to construct the improvements on the site. The fourth site being considered was a church meeting
34 house with a large amount of parking so there could be an opportunity for utilization of the lot.
35 Undeveloped property could potentially provide access up to the trail alignment. The north Little
36 Cottonwood pull off was also discussed as a possible site. A visual layout was presented.
37

38 The Ferguson Canyon overflow lot was discussed in detail. Mr. Johnson stated that the agreement
39 with Salt Lake County commits the City to installing the improvements or being substantially
40 underway by the end of 2021. Conceptual site design has been completed. The City has obtained
41 grant funding to complete the parking lot, but funds were not yet in place to fully build out the
42 park area. It would serve as a trailhead location to utilize Ferguson Canyon and ease the burden.
43 Examples were previewed.
44

45 Mr. Johnson noted that the recommendations come from the Needs Assessment. A public open
46 house was held in February of 2020 at City Hall and resulted in much of what is presented in the

1 plan. Goals and objectives include a minimum of two regional access points, at least one of the
2 four miles of trail, and four local access points. He emphasized that the design was done properly
3 and in a manner that is appropriate for the level of access they are providing.
4

5 Staff recommended the potential trailhead locations, typical amenities found at each, and
6 additional details discussed previously. He emphasized the use of natural landscape. Funding to
7 be considered was available in the staff report.
8

9 Mr. Johnson recommended that no formal vote be taken now given the bulk of citizen comments.
10 Tabling the matter to the next meeting will allow the opportunity for citizen comment to be made
11 via Zoom. He confirmed that staff is following the same format with the City Council and are
12 trying to find a way to improve the meeting format.
13

14 Commissioner Wilde expressed interest in reviewing public comment via email and eliminating
15 the need to read each individually.
16

17 Commissioner Bevan referenced the Parleys Canyon Trail and stated that it has several local access
18 points and a lack of designated parking.
19

20 Commissioner Mills was in favor of anything that allows the public to be heard but supported
21 increasing meeting efficiency. He believed there should be additional access available without the
22 inconvenience of increased neighborhood traffic. A multi-pronged access will decrease the load
23 for everyone.
24

25 Chair Coutts was of the opinion some of the trailhead parking areas are well camouflaged but also
26 create a safety problem.
27

28 Chair Coutts opened the public hearing.
29

30 Scott Gifford reported that his family objects to the possibility of access being granted at the end
31 of Mountain Cove Circle for the development of the Bonneville Shoreline Trail. He pointed out
32 that there are approximately 100 parking spots on the LDS church property that will be used to
33 access the trail. There is already a speeding issue along On Top of the World Drive and a deaf
34 child lives in this section of the neighborhood. He stated that the last thing they need is a trailhead
35 with hundreds of cars per day speeding by on a very straight neighborhood road. If a local access
36 is created, members of the LDS church will feel entitled to park in the parking lot since it is their
37 lot, which will create a congested mess. Mr. Gifford emphasized his opposition to local access
38 being granted, especially at the end of Mountain Cove Circle.
39

40 Larry Larsen reported that he lives on Timberline Drive and does not support the proposed
41 Bonneville Shoreline Trail section going south of Ferguson Drive, as proposed. It would only
42 create traffic congestion and other problems including excessive traffic and parking along narrow
43 streets. He supported a public paved path along Wasatch Boulevard when it is improved as that
44 plan is not a sidewalk, but a path. He suggested it be called the Bonneville Shoreline Trail. He
45 was not in favor of the City spending tax dollars on the proposed trail.
46

1 Paul Garner reported they have lived on Kings Hill Drive for 43 years. He is an avid biker, hiker,
2 and walker. People accessing their backyards have included deer hunters and partiers. He did not
3 understand the need for the trail considering the cost. Dog waste was also of concern and he
4 questioned who would be cleaning up after animals and the trash left behind. There is not enough
5 parking for more than two or three cars at each site and he estimated that 90% of users will drive
6 cars to access the trail. He believed that access should only be from the large outside of
7 neighborhood access points.

8
9 Claude McKinney did not believe there needs to be trailheads on the Bonneville Shoreline Trail
10 between the two Canyons. If trailheads are decided upon, he hoped it would be secured at the LDS
11 church located at 8100 South Top of the World Drive. He expressed concern with overhead
12 parking spilling onto access streets occupying both sides of the roadway with bumper to bumper
13 vehicles for many blocks. He stated that Timberline has been designated with permit only parking
14 near the Ferguson Canyon Trail spilling onto Prospector Drive. He was firmly opposed to having
15 any local access trailhead established and if it is decided upon, he encouraged consideration be
16 given to the nearby residents. One solution would be not to give trailhead access to the Bonneville
17 Shoreline Trail between the Canyons and only access the trail at the mouth of both Canyons, where
18 there is ample parking. The second solution would make any streets near any local trailhead permit
19 only and enforce parking violations. The third solution would make trailhead parking in the lots
20 at the mouth of the Canyons and shuttle hikers and bikers to the local trailheads. The fourth
21 solution would be in addition to solution two would waive 50% or more of all property tax for
22 residents on the affected streets.

23
24 Erica and Greg Moore identified themselves as homeowners in the Top of the World
25 neighborhood. Ms. Moore expressed their strong opposition to the placement of the proposed
26 access points four, five, and six located within their neighborhood. She believed it would result in
27 several hundred, if not thousands, of extra cars and unprecedented heavy traffic throughout the
28 neighborhood. She expressed concern with the impact it would have on the streets that do not
29 contain the infrastructure to support such traffic. The Ferguson Trailhead already causes severe
30 congestion and blind turns creating unsafe conditions. Of the three entry streets from Wasatch
31 Boulevard, two do not have a stoplight for protected turns. Noise pollution was also of concern.

32
33 Marilee Christensen, a Timberline Drive resident, expressed concern that this meeting was not
34 mentioned in the July edition of the newsletter. She questioned their ability to add input without
35 notification. She was adamantly opposed to her neighborhood becoming a regional trailhead as it
36 is already inundated. What is proposed would bring thousands more driving, biking, and walking
37 past their homes. She believed it will devalue their properties and the proposed trail is too close
38 to homes from Big Cottonwood to Little Cottonwood Canyons. She encouraged the Commission
39 to sit at her home and witness those who are already using Ferguson Trail. Even with the proposed
40 parking lot near Wasatch Boulevard, she believed people will still park near her home so they can
41 park as close to the trailhead as possible.

42
43 Zona Maraffio, a Quicksilver Drive resident, was opposed to the parking area being considered
44 near her home and any others along the bench. There are many already accessing the Ferguson
45 Trailhead and what is proposed would create an additional influx of activity. There is a financial

1 burden that would come with it. She suggested leaving the property in its natural state and wild
2 with no costly upkeep.

3
4 Afshin Kazemini reported that the proposal does not provide enough space for visitors to park.
5 Having a trail access in the neighborhood would create a burden on residents and present an
6 increased traffic risk for children in the area. He believed there would a potential for theft and
7 home invasions since most homes do not have a barrier from the trail. He suggested that with the
8 trail that parking be accessible through the Wasatch Boulevard rather than the neighborhood.

9
10 Debra Harmer expressed her opposition to the proposal.

11
12 Lawrence McGill reported that are located between the two accesses and would appreciate having
13 a trail much more there than a housing development.

14
15 Michael and Pamela Wims who live on Quicksilver Drive were opposed to the proposed project.
16 The neighborhood is an established, relatively quiet residential area and with the existing Ferguson
17 Canyon entrance nearby, they already experience significant vehicular and pedestrian traffic.
18 Hikers cut through private property and climb down steep terrain to residential property. They
19 have even walked onto their driveways. What is proposed would greatly exacerbate the problems
20 they already experience.

21
22 Andrew Riddle stated they have resided at Prospector Drive for the past 16 years and are greatly
23 opposed to the Bonneville Shoreline Trail and accesses in the vicinity of their neighborhood. He
24 believed it would increase traffic, noise, crime, pollution, and the overall reduction in quality of
25 life and property value. Traffic is very bad at times and runs the entire length of the neighborhood.
26 If the plan is adopted, he will no longer be able to live in his neighborhood. He believed that with
27 the implementation of the Ferguson Canyon Trailhead, the City will be on the verge of destroying
28 a very desirable neighborhood.

29
30 Brooke Sasser stated that she lives adjacent to the proposed local access site number seven and is
31 strongly opposed to this location as well as access site number eight. They currently live at the
32 end of a street with a no thru traffic and what is proposed would greatly impact the quiet and safety
33 of the neighborhood. She was concerned with the year-round traffic the access points will create.
34 As with the Ferguson Canyon Trailhead, most are not neighborhood residents and cleanliness,
35 safety, and noise pollution are of concern to them. She explained that her frustration lies with the
36 City disrespecting its residents and changing the feeling of a safe, quiet neighborhood.

37
38 Charles McNall, a Timberline Drive resident, appreciated being within walking access of a
39 trailhead. While he supports the completion of the Bonneville Shoreline Trail completion, he did
40 not support a larger parking area at a lower overflow. The current overflow lot only causes more
41 speeding on his street and the upper lots have been an excellent place for break-ins. He preferred
42 there be no overflow, but if it must be added, he strongly suggested that the main trail parking lot
43 be eliminated and leave the break-ins, late-night drug users, and loud pipe motorists closer to
44 Wasatch Boulevard.

1 Emery Sasser a nine-year-old, did not want the trail because of all the wildlife that live in her
2 neighborhood. She feared that a new trail will cause the animals to leave and it will be noisy. She
3 stated that she also would not be able to play in her front yard due to the traffic.
4

5 Gary Commagere expressed concern about the proposed regional access and stated that he is a
6 greatly impacted homeowner. On weekends, hundreds turn onto Timberline Drive trying to access
7 one of the 16 parking spaces. From there they either go to the upper flow or find easier parking
8 along both sides of Prospector Drive, which creates a major safety issue and a one-way street. He
9 believed the plan needs improvement due to the hundreds traveling through their neighborhoods.
10 He suggested the following:

- 11
12 1. Absolutely no parking in the current parking lot at Ferguson or any motorized
13 access to the trailhead. Local traffic only on Timberline and permit only on
14 Prospector.
15
- 16 2. Access to the Dog Park up to Prospector should not be allowed as it creates a
17 nuisance for neighbors and a never-ending stream of hikers. The dogs destroy
18 parking and owners crossing lawns to shortcut the sidewalk. Any point where the
19 regional access transits neighborhoods, those owners should have the option to
20 barrier their property at the City's cost.
21
- 22 3. With regard to the proposed trail, diagrams show a trail running below Timberline
23 and as an avid hiker, this is ecologically unacceptable. Access for bikers is needed
24 where they can climb to the trail or designated trails where they can descend
25 without the threat of running over hikers.
26

27 Randy Long was in favor of the proposed Bonneville Shoreline Trail and preserving the urban
28 interface.
29

30 Eric Goldstein stated that the desire and need to have ready access must be balanced with
31 preservation and conservation. Ferguson Trail is scattered with dogs and poop bags spread
32 throughout. The regional access points are owned by private interests. If the City could purchase
33 those points to ensure no further development and as a tradeoff having trail access points, he
34 believed it would benefit everyone and future generations.
35

36 Mark Barrett lives on the east side of Top of the World Drive and stated that if parking is enforced,
37 the benefits will far outweigh the negatives.
38

39 Mike Sasser reported that he lives directly adjacent to the proposed local access site seven and
40 eight and was strongly opposed to both locations. It would create a huge increase in street parking
41 and he currently lives with no thru traffic. As the father of young children, he would be concerned
42 with the year-round traffic and would no longer feel safe letting them play in the front yard. Most
43 are not residents and his frustration lies with the City disrespecting its residents with a plan that
44 changes a quiet, safe neighborhood. He considered it unnecessary to include these local sites.
45

1 Rebecca Good stated that many issues have been going on for too long with no action. No one has
2 listed the dangers, fears, and frustrations and nothing has been done to address safety and well-
3 being of those concerned and protection of the watershed. She stated that they cannot use their
4 backyards as they have no privacy due to large groups of people and dogs. Prospector residents
5 negotiated through multiple town meetings with the builder that office buildings on faults below
6 and on Wasatch Boulevard would have gated access only to offices to avoid weekend and evening
7 parking. Residents declared to Mayor Cullimore, Park and Ride options rather than offices. She
8 believed he used the trailhead as a front to develop a 70-space Park and Ride lot which resulted in
9 increased traffic. Ms. Good noted that the safety and welfare of residents are compromised with
10 Sandy City residents using Wasatch Boulevard as a commuting road that results in backups
11 throughout the day. She emphasized that they continue to oppose intrusion and access into their
12 neighborhood by strangers and the Cottonwood Heights Master Plan.

13
14 Chris and Kat Diener want the City to be successful in creating the proposed resource for them
15 and the community. They own a home across the street from the current Ferguson Canyon
16 Trailhead and urged the City Council to change the Bonneville Shoreline Trail Master Plan. The
17 trail already has an issue with pedestrian access. Mr. Diener pointed out that the streets are used
18 for overflow parking with dogs and pedestrians walking the roads to access the trail. He stated
19 that safety is of concern and the land near Wasatch Boulevard is a recipe for disaster. People will
20 drive part of their group to the trail and then turn around to find a place to park. He stated that the
21 area is also a rock-climbing site with large vans accessing the area. Trash from the foot traffic is
22 an issue as is noise and theft.

23
24 Douglas and Laraine Christensen were opposed to the construction of local access points as it will
25 create an increase in traffic and noise. They encouraged the City to have more local control and
26 was disappointed in the leadership. Mr. Christensen encouraged the local access points to be
27 located at the mouth of the Canyons.

28
29 Mr. Johnson stated he was on page 30 of 82 citizen comments received. Chair Coutts questioned
30 whether to stop due to time restraints or continue.

31
32 City Attorney, Shane Topham stated that there is not a requirement that all citizen comments be
33 read at the meeting. He explained that reading the remaining comments may be continued at a
34 future meeting and would be at the discretion of the Planning Commission.

35
36 Commissioner Allen stated that the upcoming meeting will allow for citizen comment to be given
37 through Zoom. He asked if there is a way they can maintain consistency with having 82 written
38 comments and potentially receiving additional comments over the next two weeks.

39
40 Mr. Johnson stated they are in a transition and will try something different but where it would be
41 a continuation of the same public hearing, citizens would be given the opportunity to comment
42 one time. If someone wants to speak in person, they would be welcome to do so. Tonight's
43 comments were from those with the understanding that they would be read and any future
44 comments received could be emailed for the Commission to review with an option to call in and
45 speak in person.

46

1 Mr. Topham suggested an alphabetical list be prepared of those who have commented in writing
2 to allow staff to reference their comment and confirm that they are given one opportunity to speak.
3 Commissioner Bevan was of the understanding there have been times where residents have tried
4 to comment a second time. Commissioner Allen indicated that it is not his intent to limit the ability
5 to comment but create efficiency given the unique situation of how comments are received. He
6 was in favor of all present written comments being read.

7
8 Mr. Johnson suggested sending out an updated procedure prior to the next meeting.

9
10 Mr. Topham stated that a motion could be made to continue the public hearing to the next meeting
11 allowing for control over repeated comments. The Chair can adjust the time given to each speaker
12 from the normal three minutes to something less as long as the speaker is given a reasonable right
13 to be heard. He explained that the comments received prior to the deadline of the meeting should
14 be completed at some time as long as the public hearing remains open allowing all to be read and
15 additional comments to be received through Zoom.

16
17 Commissioner Rhodes believed they have been generous in ensuring that all are heard.

18
19 *Commissioner Rhodes moved to continue Project GPA-20-002 public hearing to the beginning*
20 *of the next Planning Commission Meeting. Commissioner Wilde seconded the motion. Vote on*
21 *Motion: Commissioner Wilde-Aye, Commissioner Allen-Aye, Commissioner Mills-Aye,*
22 *Commissioner Bevan-Aye, Chair Coutts-Aye. The motion passed unanimously. Commissioner*
23 *Ryser was not present for the vote.*

24
25 **4.0 ADJOURNMENT**

26
27 *Commissioner Rhodes moved to adjourn. Commissioner Wilde seconded the motion. The*
28 *motion passed with the unanimous consent of the Commission. Commissioner Ryser was not*
29 *present for the vote.*

30
31 The Planning Commission Meeting adjourned at approximately 9:00 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, July 15, 2020*

3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary

9
10 Minutes Approved: _____