



PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development

Meeting Date: August 7, 2019

NOTICE is hereby given that the Cottonwood Heights Planning Commission will hold a Work Session Meeting, beginning at 5:00 p.m. in Room 124 (Council Workroom) and a Business Meeting, beginning at 6:00 p.m. in Room 5 (Council Chambers) located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah on **Wednesday, August 7, 2019.**

5:00 p.m. WORK MEETING

1.0 Planning Commission Business

1.1. Review Business Meeting Agenda

The Commission will review and discuss agenda items.

1.2. Additional Discussion Items

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

6:00 p.m. BUSINESS MEETING

1.0 Welcome and Acknowledgements

1.1. Ex Parte Communications or Conflicts of Interest to Disclose

2.0 General Public Comment

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

3.0 Business Items

- 3.1. **(Project SUB-19-005)** – A public hearing and possible action on a request by Brighton Ridge Villa Condominiums HOA to approve Brighton Ridge Villas Subdivision (including a vacation of Brighton Ridge Villas Condominiums) located generally at 7343 S. 1950 E. in the in the R-2-8 – Multi-Family Residential zone.
- 3.2. **(Project SUB-19-003)** – A public hearing and possible action on a request by Paul Ballstaedt to approve Ballstaedt Estates Phase 2 Subdivision (including a vacation of lots 2 and 3 of Ballstaedt Estates Subdivision) located generally at 3055 E. Sundrift Cir. in the R-1-8 – Single Family Residential zone.
- 3.3. **(Project CUP-19-007)** - A public hearing and possible action on a request by Jared Smart Bonneville Realty for conditional use permit to operate a animal day care on the property located at 2315 E. Fort Union Blvd in the CR – Regional Commercial zone.

4.0 Consent Agenda

- 4.1. Approval of Planning Commission Minutes - June 5, 2019

5.0 Adjournment

Meeting Procedures

Items will generally be heard in the following order:

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

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

Submission of Written Public Comment

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

Notice of Participation by Telephonic/Digital Means

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

Notice of Compliance with the American Disabilities Act (ADA)

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

Confirmation of Public Notice

On Friday, August 2, 2019 a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 2nd day of August,
2019 Paula Melgar, City Recorder



Planning Commission Staff Report

Brighton Ridge Subdivision

Meeting Date: August 7, 2019

Staff Contact: Andy Hulka, Associate Planner

Summary

Actions Requested

Preliminary Plat: Approve *Brighton Ridge Subdivision preliminary plat – converting 8 existing condominium units to 8 standard lots.*

Lot Vacation: Authorize the vacation (removal) of *Brighton Ridge Villas Condominium*, located at 7343 S. 1950 E. as required by code.

Recommendation

Approve, with conditions.

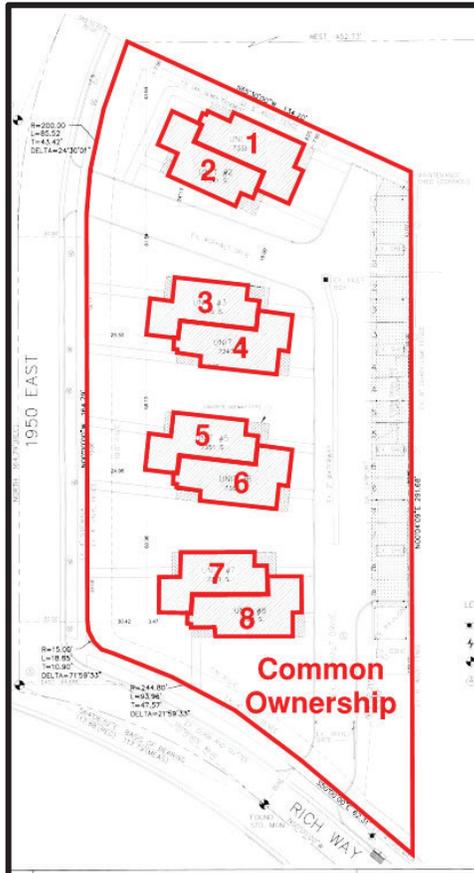
Applicant: Brighton Ridge Villas Condominiums HOA

Project #: SUB-19-005

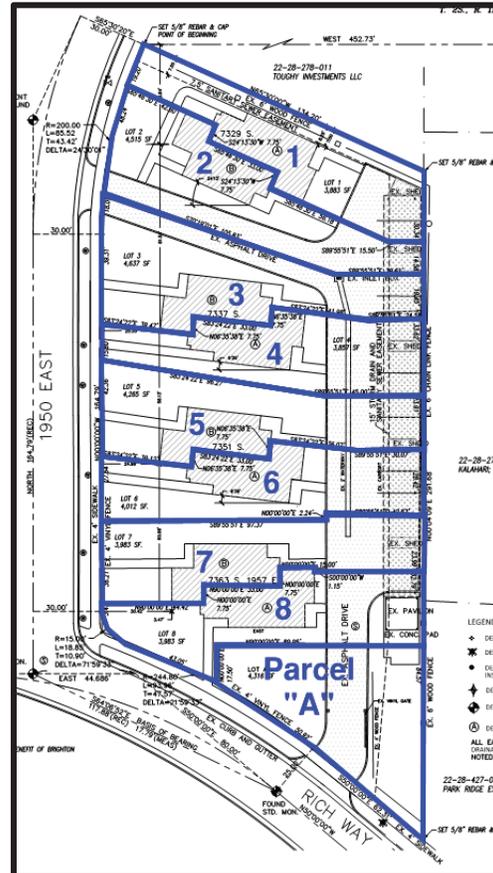


Existing & Proposed Plats

Existing
(Brighton Ridge Villas Condominium)



Proposed
(Brighton Ridge Subdivision)



Context

The applicant is requesting preliminary plat approval to vacate the “Brighton Ridge Villas Condominium” plat and approve “Brighton Ridge Subdivision, amending and replacing Brighton Ridge Condominiums.” No new units or site changes are proposed as part of this application. The purpose of this application is to change the method of property ownership from condominiums to standard lots in the R-2-8 Residential Multi-Family Zone.

Subject Property

7343 S. 1950 E.

Property Owner

Brighton Ridge Villas
Condominium Association

Acres

0.86

Parcel

22-28-281-009



Land Use & Zoning

Site

Multi-Family Residential

Total Acres

0.86

Surrounding Properties

Multi-Family Residential &
Single-Family Residential



Analysis

Subdivision Regulations

Title 12 of the Cottonwood Heights Municipal Code dictates the Planning Commission's role in subdivision plat approval when full or partial amendments and vacations of existing subdivisions are involved. Chapter 12.26.010 defines the approval process:

12.26.010 Plat vacation process.

The planning commission may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

Analysis: Because the proposal constitutes an amendment to an existing condominium plat (Brighton Ridge Villas Condominium), a public hearing before the planning commission is required.

Zoning Regulations

The property is located in the R-2-8 Residential Multi-Family Zone, which allows two-family dwellings to be divided into attached single-family dwellings by dividing the lots, with each lot equal to one-half of the minimum lot area required in the zone (4,000 sq. ft.).

19.76.020 Lots and lot area.

C. Division of a two-family dwelling. Upon certification by the director, a legal, or legal non-conforming, existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

Summary of Zoning Compliance

Lot #	Min. Size: 4,000 ft ²
1	3,883 ft ²
2	4,515 ft ²
3	4,637 ft ²
4	3,857 ft ²
5	4,265 ft ²
6	4,012 ft ²
7	3,983 ft ²
8	3,983 ft ²

Zoning Standards Deficiency

Zoning and Engineering staff, as well as the Salt Lake County Recorder's office, have completed a preliminary review of the proposed plat and have several technical items requiring correction. The County Recorder is requiring a change to the proposed subdivision name because "Brighton Ridge" is the name of an existing subdivision in Cottonwood Heights. Several lots are below the minimum lot size required by the zoning ordinance. The plat will need to be revised so that each lot meets the minimum lot size standard (4,000 ft²). Staff is also requiring the open space parcel to be labeled as "Parcel A" with a note stating that Parcel A is an open space parcel.

Recommendation

Staff recommends that all technical corrections are addressed by the applicant prior to final plat approval, as outlined in the recommended conditions of approval.

Recommendation

Staff recommends approval, with conditions as outlined below:

Recommended Conditions of Approval

1. Before the final plat is approved, an alternate subdivision name shall be approved by the Salt Lake County Recorder's office;
2. The final plat shall meet the minimum lot size standards as required by section 19.76.020.C of the Cottonwood Heights Zoning Ordinance;
3. The applicant shall work with staff to address all technical corrections on the preliminary plat, in compliance with all applicable city ordinance regulations.

Conclusions - Findings for Approval

- The proposed subdivision meets the applicable provisions of the Cottonwood Heights subdivision ordinance and the Cottonwood Heights zoning ordinance upon successful compliance with the conditions of approval above;
- Proper notice was given in accordance with local and state requirements;
- A public hearing was held in accordance with local and state requirements.

Model Motions

Approval

I move that we approve project SUB-19-005, with the recommended conditions, based upon the findings for approval outlined in the staff report:

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

Denial

I move that we deny project SUB-19-005, based on the following findings:

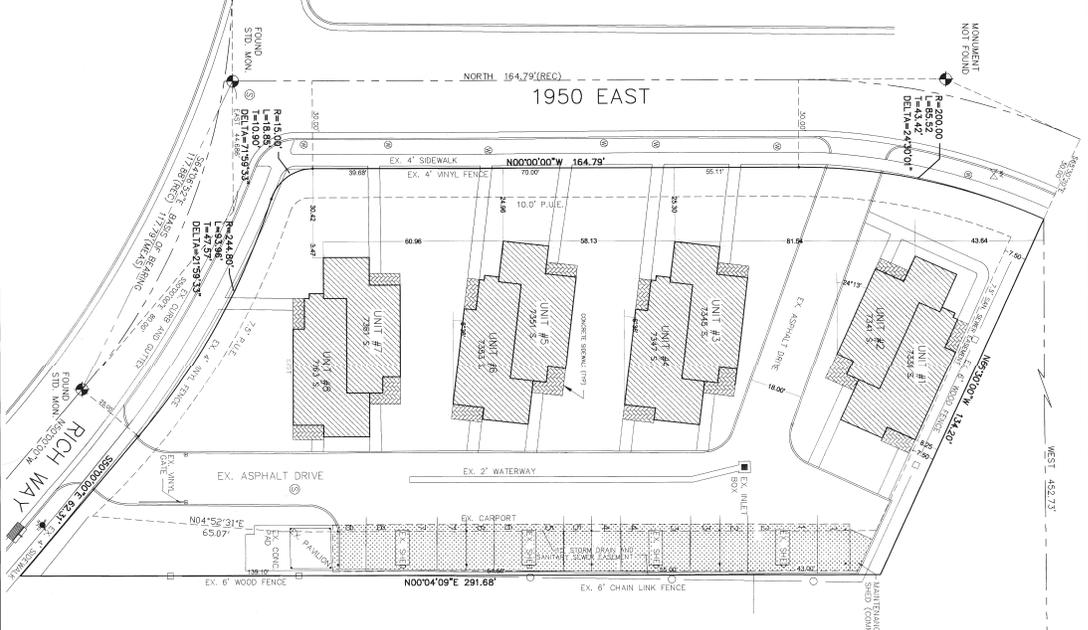
- List findings for denial...

Attachments

- Existing Condominium Plat
- Proposed Subdivision Plat
- Copy of Public Notice

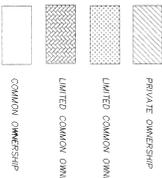
STREET AND ADDRESS FRONTAGE COORDINATES APPROVED
 Date: 10/2/88
 Address Coordinator

PREPARED BY:
PETERSON ENGINEERING
 CONSULTING ENGINEERS AND SURVEYORS
 200 WEST 100 SOUTH
 SALT LAKE CITY, UTAH 84115



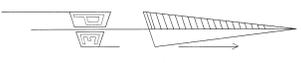
BRIGHTON RIDGE CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT

- LEGEND**
- ☒ DENOTES EXISTING FIRE HYDRANTS
 - ☒ DENOTES SECTION OWNERS
 - ☒ DENOTES COUNTY MONUMENTS
 - ☒ DENOTES UNIT NUMBER



SECT 28, T2S, R1E, S1B,68M

SCALE: 1" = 20'



SURVEYOR'S CERTIFICATE
 I, **DAVID D. PETERSON**, a duly Licensed Civil Engineer and a Licensed Land Surveyor, do hereby certify that I am a Registered Professional Engineer and a Licensed Land Surveyor in the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract into condominium units and streets, and that same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS MORE OR LESS 141.11 FEET AND WEST 452.271 FEET FROM THE EAST QUARTER CORNER OF SECTION 28, TOWNSHIP 28 NORTH, RANGE 1 EAST, MERIDIAN 101° 09' 00" WEST, THENCE S85°30'00" W 124.20 FEET; THENCE S00°04'09" W 28.68 FEET; THENCE N50°00'00" W 62.512 FEET TO THE BEGINNING OF A 244.781 FOOT ARC OF A 15.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 326.6 FEET TO THE BEGINNING OF A 15.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING OF A 244.781 FOOT ARC OF A 15.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 18.848 FEET; THENCE NORTH 154.79 FEET TO THE BEGINNING OF A 244.781 FOOT ARC OF A 15.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 85.521 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.860 ACRES.

UTILITY DEDICATION

BRIGHTON RIDGE VILLAS, INC., OWNER OF THE PARCEL OF LAND SHOWN UPON THIS RECORDING PLAT, HEREBY CONSENTS TO THE PREPARATION OF THIS MAP AND DOES HEREBY OFFER AND CONVEY TO ALL PUBLIC UTILITY AGENCIES RIGHT-OF-WAY TO THE AREAS SHOWN ON SAID MAP AS COMMON AREAS FOR THE CONSTRUCTION AND MAINTENANCE OF SUPERSEAM ELECTRICAL LINES, TELEPHONE LINES, AND WATER LINES, AND APPURTENANCES HERETO, TOGETHER WITH THE RIGHTS OF ACCESS.

OWNER'S CERTIFICATE, CONSENT TO DEDICATE

BRIGHTON RIDGE VILLAS, INC., A UTAH CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE SOLE OWNER OF THE LAND DESCRIBED HEREON, AND THAT IT CAUSED SAID LAND TO BE SURVEYED AND THIS RECORD OF SURVEY MAP HEREOF CONSISTING OF TWO (2) PAGES TO BE PREPARED; AND

2. CONSENT TO THE RECORDING HEREOF AND TO THE CONCURRENT RECORDING OF THE RECORDING MAP OF SAID CONDOMINIUM PROJECT.

DATED THIS 8 DAY OF OCT, 1988

BY: [Signature]

ACKNOWLEDGMENT

STATE OF UTAH
 County of Salt Lake : SS

On this day of October, A.D. 1988, personally appeared before me, Notary Public, who being duly sworn, did say that he is the PRESIDENT of BRIGHTON RIDGE VILLAS, INC., and that the foregoing instrument was signed in behalf of said corporation and that he freely and knowingly for the uses and purposes mentioned hereon signed it freely and knowingly for the uses and purposes mentioned hereon.

MY COMMISSION EXPIRES: 08/13/2010
 Notary Public
 RESIDING IN SALT LAKE COUNTY

BRIGHTON RIDGE VILLAS CONDOMINIUM
 RECORD OF SURVEY MAP OF
 THE BRIGHTON RIDGE VILLAS CONDOMINIUM PROJECT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 28,
 T28N, R101E, S1B,68M

SALT LAKE COUNTY DEVELOPMENT SERVICES
 APPROVED FOR THE COUNTY OF SALT LAKE COUNTY
 BY THE CLERK OF THE COUNTY OF SALT LAKE COUNTY
 DATE: 10/2/88
William A. Mowbray
 CLERK OF THE COUNTY OF SALT LAKE COUNTY

STATE OF UTAH COUNTY OF SALT LAKE COUNTY
 DATE: 10/2/88
 FILE # 146488
 CHIEF CLERK
DAVID D. PETERSON
 SALT LAKE COUNTY ENGINEER

10/2
 98-10P-285

«AddressBlock»



NOTICE OF A PUBLIC HEARING

Notice is hereby given that the Cottonwood Heights Planning Commission has received a petition from Brighton Ridge Villa Condominiums HOA to approve “Brighton Ridge Villas Subdivision” (including a vacation of Brighton Ridge Villas Condominiums) located generally at 7343 S. 1950 E. in the in the R-2-8 – Multi-Family Residential zone. The Planning Commission will hold a public hearing to receive comments and take action on the petition.

The hearing will be held at the Cottonwood Heights city office, 2277 East Bengal Boulevard, on August 7, 2019 at 6:00 p.m. or as soon thereafter as possible. Inquiries should be directed to Andy Hulka at 801-944-7065 or ahulka@ch.utah.gov.

*Note: This action only changes the method of property ownership and will not result in any increase or decrease of residential units.



ATTEST: Paula Melgar
City Recorder

Mailed and Posted July 26, 2019

Context

Today there are two single-family homes on two lot. There is sufficient lot width and area to create a new single-family home lot between the two existing homes. No homes are proposed to be removed for this proposal. The net effect is one additional single-family home will eventually be permitted to be built on a lot that has nearly twice the area (15,000 ft²) as the minimum required by code (8,000 ft²).

Subject Property #1

3029 E. Sundrift Cir.

Property Owner

Ballstaedt, Paul T & Rebecca

Acres

0.73

Parcel

22-26-180-036



Subject Property #2

3055 E. Sundrift Cir.

Property Owner

Richards, Geraldine F, TR

Acres

0.74

Parcel

22-26-180-035



Land Use

Site

Single Family Residential

Total Acres

1.47

Surrounding Properties

Single Family Residential



Zoning

Site

R-1-8: Single Family Residential

Surrounding Properties

R-1-8: Single Family Residential



Analysis

Subdivision Regulations

Vacation of Existing Subdivision Lots

Typically, subdivisions of less than ten lots are reviewed and approved by city staff (see 12.08.030 CH Code). However, this application includes a request for the vacation (removal) of two existing lots from the *Ballstaedt Estates Subdivision* (lots 2 & 3). The purpose of the vacation is to replat the area into three lots (discussed later).

Within 45 days of an application for plat vacation, and after providing notice as required by code, the Planning Commission is required to hold a public hearing on the proposed partial subdivision vacation. This requirement is the reason for the Commission's involvement in this application (see 12.26 CH code).

Criteria for Approving the Vacation of Subdivision Lots

"If the planning commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation... and that there is good cause for the vacation... then the planning commission may approve the [proposal]." See 12.26.030.B CH City Code.

Preliminary Plat Approval

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

Subdivision Design Standards

The proposed preliminary plat meets all requirements of Title 12 – Subdivisions, with one exception to the required zoning regulations (discussed in *Zoning Regulations*).

Impact on Public Facilities

Public utilities will be required to provide service letters and/or sign the final plat prior to final plat approval in order to demonstrate that the subdivision does not have a negative impact on public facilities.

Zoning Regulations

The proposed subdivision is located in the R-1-8 – Single Family Residential zone. Subdivision lots are required to meet the minimum requirements of Title 19, Zoning in which the subdivision is located (see 12.20.040.A CH Code).

Summary of Zoning Compliance

Lot #	Min. Size: 8,000 ft ²	Min. Width: 70 ft	Min. Side Setback: 8 ft (20 ft total)	Min. Accessory Structure Setback: 3 ft + 1 ft for every foot above 14 feet	Max Lot Coverage: 50 %
201	18,919 ft ²	100 ft	12.4 ft	0 ft	19%
202	14,898 ft ²	78.5 ft	NA	NA	NA
203	29,206 ft ²	158 ft	8 ft	3.1 ft and 3.1 ft	20.5%

Zoning Standards Deficiency

Staff has reviewed the zoning standards in Title 19 and found one deficiency. Lot 201 shows an existing shed on the property line with Lot 202. Two existing accessory buildings are located on Lot 203. Accessory buildings are required to have a minimum three-foot setback and additional foot of setback for “every foot of height over 14 feet (see 19.76.030.B.3.b CH Code).” The heights of the structures need to be verified prior to determining the final setback requirement.

Recommendation

Staff recommends that the lot lines at the rear of lot 202 are adjusted to be in compliance with the accessory setback standards prior to final plat approval.

Recommendation

Staff recommends approval, with conditions as outlined below:

Recommended Conditions of Approval

- That the final plat show adjusted lot lines for Lot 202 that demonstrate compliance with Section 19.76.030.B.3.b for all accessory structures.

Conclusions - Findings for Approval

- With the exception of accessory structure setback requirements, the proposed subdivision is in compliance with all provisions of Title 12 – Subdivisions and Title 19 – Zoning.
- Proper notice was given in accordance with local and state requirements.
- A public hearing was held in accordance with local and state requirements.

Model Motions

Approval

I move that we approve project SUB-19-003, with the recommended conditions, based upon the findings for approval outlined in the staff report:

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

Denial

I move that we deny project SUB-19-003, based on the following findings:

- List findings for denial...

Attachments

- Ballstaedt Estates Subdivision Plat
- Ballstaedt Estates Subdivision Phase 2 Preliminary Subdivision Plat
- Copy of Public Notice



PLANNING COMMISSION STAFF REPORT

Conditional Use Permit: Animal Day Care Center

Meeting Date: August 7, 2019

Staff Contact: Matt Taylor, Senior Planner

Summary

Action Requested

Conditional Use Permit:

Approval of an animal day care use in the CR zone at 2315 E. Fort Union Blvd.

Recommendation

Approve, with conditions.

Applicant: Jared Smart
Bonneville Realty

Project #: CUP-19-007



Context

Subject Property #1

2315 E. Fort Union Blvd

Property Owner

Geo Investments LLC

Acres

0.44

Parcel

22-22-452-004



Land Use

Site

Commercial Retail Space

Total Acres

0.44

Surrounding Properties

North: Restaurant

South: Drugstore

East: Café

West: Credit Union



Site Photo



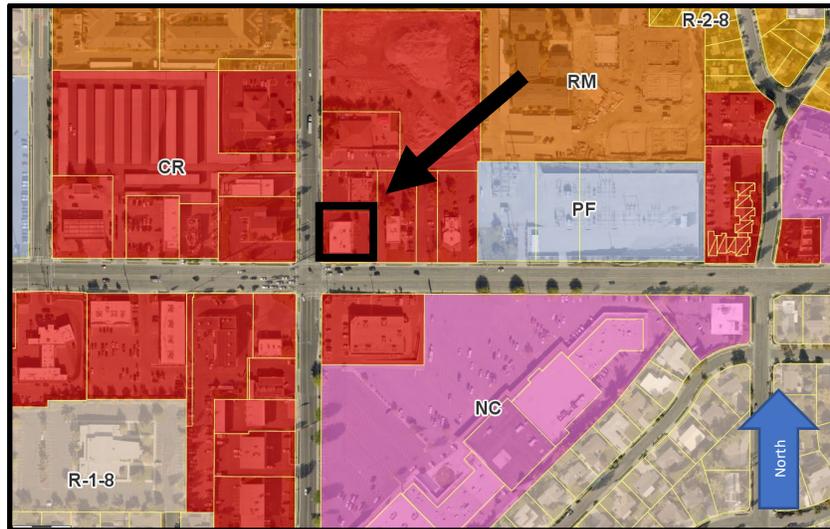
Zoning

Site

CR: Regional Commercial

Surrounding Properties

CR: Regional Commercial



Analysis

Conditional Use Permits

The CR zone allows for day care centers as a Conditional Use. Kennels are defined in city code but are not specifically listed as a permitted or conditional use within any zone in the city. An administrative interpretation in 2012 determined that “day care centers,” a conditional use within the CR zone, included animal day care.

Criteria for Granting the Conditional Use permit

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

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

Determination

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

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

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

Finding of Fact: The property located at 2315 E. Fort Union Blvd is located in the CR – Regional Commercial zone and day care uses are a conditional use within that zone.

2. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;*

Finding of Fact: The proposed use is to be fully contained in an existing building on the property. Noises or transference of the animals to the building will be limited to the parking lot of the property. Landscaping, parking and drive-thru driveway buffer the parking lot from adjacent buildings. Outdoor seating for the neighboring café is on the east side of their building (opposite of the subject property). Residential property is nearly 450 away and separated by other properties. For these reasons, any detriment due to noise coming from the parking lot seem to be already mitigated by the nature and location of the subject use’s location.

3. *That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;*

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

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

Findings of Fact: Neighboring uses are of commercial character with patrons coming and going for brief periods throughout the day. These uses are also largely conducted within buildings with patrons solely utilizing adjacent parking areas to arrive and depart from the premises. These situations are in harmony with the proposed animal day care use.

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

Findings of Fact: As a day care, any outdoor noise generated during arrival or departure of clients, should be limited to regular day-time business hours. A three-foot high fence could be installed along the east and north property lines to help contain unrestrained animals.

Potential Mitigating Condition of Approval:

- That the business use is limited to receiving patrons during regular daytime hours of 5:30 am to 10 pm.
- Install one 12 x 18 inch sign near the entrance requesting animals to be restrained.
- Install a three-foot high fence along the north and east property line. Chain link fences which are not vinyl coated or galvanized shall not be allowed (see 19.76.040.E.7)

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

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

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

Findings of Fact: Commercial uses are within the goal of the City's general plan.

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

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

Potential Mitigating Condition of Approval:

- That the proposed use will receive a business license from the city.
- That any conditions of approval will be completed, installed and/or inspected prior to the issuance of a business license.

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

Findings of Fact: The internal circulation system is already been approved and in place as the proposed uses is utilizing an existing building a developed site. The site is in compliance with ADA accessibility requirements.

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

Findings of Fact: Utility services are adequate for the proposed use.

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

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

12. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;*

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

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

Findings of Fact: The landscaping is typical for that which currently exists within the CR zone.

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

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

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

Findings of Fact: As a day care, the arrival or departure of clients, should be limited to regular day-time business hours. Adjacent uses operate between 5:30 am and 10 pm.

Potential Mitigating Condition of Approval:

- That the day care use is limited to receiving patrons during regular daytime hours of 5 am to 10 pm.

16. *The foregoing approval standards shall be subject to any contrary requirements of Utah Code Ann. § 10-9a507, as amended.*

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

Recommendation

Staff recommends approval, with conditions as outlined below:

Recommended Conditions of Approval

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

- Install one 12 x 18 inch sign near the entrance requesting animals to be restrained.
- Install a three-foot high fence along the north and east property line. Chain link fences which are not vinyl coated or galvanized shall not be allowed (see 19.76.040.E.7)

- That the day care use is limited to receiving patrons during regular daytime hours of 5 am to 10 pm.
- That the proposed use will receive a business license from the city.
- That any conditions of approval will be completed, installed and/or inspected prior to the issuance of a business license.

Conclusions - Findings for Approval

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

Model Motions

Approval

I move that we approve project CUP-19-007, with the recommended conditions, based upon the findings for approval outlined in the staff report:

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

Denial

I move that we deny project CUP-19-007, based on the following findings:

- List findings for denial...

Attachments

- Applicant Statement
- Copy of Public Notice

1 **DRAFT**

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

5
6 **Wednesday, June 5, 2019**
7 **5:00 p.m.**
8 **Cottonwood Heights City Council Room**
9 **2277 East Bengal Boulevard**
10 **Cottonwood Heights, Utah**

11
12 ***ATTENDANCE***

13
14 **Members Present:** Chair Graig Griffin, Craig Bevan, Jesse Allen, Doug Rhodes, Christine
15 Coutts, Dan Mills, Alternate Bob Wilde

16
17 **Staff Present:** Senior City Planner Matt Taylor, Associate City Planner Andrew Hulka,
18 Deputy City Recorder Heather Sundquist, Youth City Council
19 Representative Nick Johnson

20
21 **WORK MEETING**

22
23 Chair Graig Griffin called the Work Meeting to order at 5:05 p.m.

24
25 **1.0 Planning Commission Business.**

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

28
29 The agenda items were reviewed and discussed. Associate City Planner, Andrew Hulka reported
30 that the first agenda item is a public hearing for a lot consolidation. The property currently consists
31 of two parcels located at 7985 and 7987 South Deer Creek Road. A map of the property was
32 displayed. The request was to combine the two existing lots into one. The property was originally
33 subdivided two years ago and the owner originally planned to build on the back lot. The new
34 owner, however, has different plans and would like to combine the two lots. The request has been
35 through preliminary staff review with no major issues identified. Staff recommended approval.
36 Notice was provided as required and staff received no comments. The applicant and his daughter
37 were present. The daughter and her family will be living in the home and were happy to be moving
38 to Cottonwood Heights.

39
40 **1.2 Annual Online Open Meetings Act Training Discussion.**

41
42 The Annual Open and Public Meetings Act Training was conducted. Information was provided to
43 the Commission online in order for the training to be completed at their leisure. If Commission
44 Members have questions they can be addressed at a future meeting.

1 **1.3 A Presentation on the Open Space Master Plan Process, Survey of Existing**
2 **Conditions, and Establishment of Plan Objectives.**
3

4 Senior City Planner, Matt Taylor reported that last fall staff was asked to begin the Open Space
5 Master Plan process. The Parks and Recreation Department has a Master Plan for Recreation that
6 addresses the details of parks, amenities, and recreational programs. The Open Space Master Plan
7 is different and pertains more to open space as a land use, as a general need for the community,
8 and a way to connect those open spaces together.
9

10 With respect to urban forestry, Mr. Taylor stated that many cities have an Urban Forester on staff
11 and programs in place to encourage tree preservation and enhancement. A Commission Member
12 commented that cities that are designated as a Tree City USA can be under tight controls if they
13 wish to cut down a tree. Concern was expressed with infringing on personal property rights. It
14 was suggested that the City encourage the planting of trees.
15

16 Mr. Taylor explained that the Open Space Master Plan will be a guiding document. A draft of the
17 document will be provided to the Commission for review and input. Various types of open spaces
18 were identified. Options for inventorying and ranking open spaces were discussed.
19

20 The Commission Members participated in an exercise where they reviewed and made comments
21 on the proposed draft.
22

23 **1.4 Additional Discussion Items.**
24

25 Youth City Council (“YCC”) Member, Nick Johnson was welcomed and introduced. He serves
26 as the YCC Planning Representative and his job is to report back to the Youth City Council on
27 what takes place at Planning Commission Meetings. Mr. Johnson stated that he has lived in
28 Cottonwood Heights for about one year and will be a Senior this next year at Brighton High School.
29 He expressed his interest in all things government.
30

31 **BUSINESS MEETING**
32

33 **1.0 WELCOME/ACKNOWLEDGEMENTS**
34

35 Chair Graig Griffin called the Business Meeting to order at 6:05 p.m. and welcomed those in
36 attendance.
37

38 **2.0 General Public Comment.**
39

40 Walter Goodwin gave his address as 7935 South Hunters Meadow Circle and stated that his home
41 backs the new Challenger School on Highland Drive. He met with staff about zoning issues
42 associated with the school. The air conditioning units are mounted on the roof and Code calls for
43 them to be shielded or screened. In addition, there is a blower that is very loud. For future
44 consideration, he asked that high-efficiency heat exchangers be installed that do not make
45 excessive noise. Landscaping was also to be placed along the boundary but there are no trees in

1 the section behind Mr. Goodwin’s property. Staff would be consulted on the issue and provide
2 direction. Mr. Goodwin wanted to explore what options he has as a neighbor.

3
4 There were no further public comments. The public comment period was closed.

5
6 **3.0 BUSINESS ITEMS**

7
8 **3.1 (Project Lot-19-002) A Public Hearing on a Request from Greg Diven to**
9 **Amend Lots 101 and 102 of the Gullickson Subdivision by Consolidating Two**
10 **Lots into One Lot. The Subject Properties are Located at 7985 and 7987 South**
11 **Deer Creek Road (Parcel Nos. 22-35-205-609 and 22-35-205-070).**
12

13 Associate City Planner, Andrew Hulka presented the staff report and stated that the request is to
14 combine two lots into one. The matter requires review by the Planning Commission because the
15 property is part of the existing Gullickson Subdivision, which as approved in 2017. The property
16 has come under new ownership and the new owners wish to combine into one single lot. A site
17 map of the property was displayed. The intent was to revert back to the original state of the
18 property. Staff conducted a preliminary review and found that the request meets all requirements
19 of the zoning ordinance for lot width and size. Technical review of the plat was underway. The
20 plat will need to be recorded if the request is approved tonight. In response to a question raised, it
21 was noted that the Gullickson Subdivision consists only of the two lots.

22
23 Chair Griffin opened the public hearing.

24
25 The applicant, Greg Divan reported that his daughter is purchasing the property. He visits the
26 property on occasion and lives full-time in St. George. When they purchased the property, his
27 recollection was that the original owner wanted it split so that he could make increase his profit.
28 Mr. Divan’s desire was for it to be one parcel and never intended to sell the second lot.

29
30 Tracy Gorham, the applicant’s daughter, was pleased to be in Cottonwood Heights and loves the
31 neighborhood. She moved from the Avenues and this will be their forever home. She stated that
32 they have no intention of subdividing the property again in the future.

33
34 Rob Gillespie gave his address as 3281 East Deer Creek Cove and reported that he has lived in
35 Cottonwood Heights for 36 years and knew Jeff Gullickson very well. When the Gullickson’s
36 purchased the property there was an existing home on it that had fallen into disrepair. They tore
37 it down and built a beautiful new home. Mr. Gillespie was opposed at the time to the property
38 being subdivided. He supported Mr. Divan’s proposal and was pleased to see the two lots
39 combined.

40
41 Rebecca Thompson gave her address as 7972 South Oakledge Road on the back side of the
42 property. She wished a meeting had been held when the property was split originally because she
43 was never in favor of it. She expressed her support for combining the two lots.

44
45 There were no further public comments. The public hearing was closed.
46

1 A Commission Member indicated that he had an interaction with a neighbor earlier in the day who
2 was very much in support of what is proposed for the reasons stated previously.

3
4 **Commissioner [REDACTED] moved to approve Amending Lots 101 and 102 of the Gullickson**
5 **Subdivision by consolidating the two lots into one lot subject to the following:**

6
7 **Findings:**

- 8
9 **1. The proposed subdivision amendment meets the applicable provisions of the Cottonwood**
10 **Heights Subdivision Ordinance and the Cottonwood Heights Zoning Ordinance.**
11
12 **2. Proper notice was given in accordance with local and state requirements.**
13
14 **3. A public hearing was held in accordance with local and state requirements.**

15
16 **Condition:**

- 17
18 **1. The applicant shall work with staff to address all technical corrections on the plat**
19 **amendment in compliance with all applicable City ordinance regulations.**

20
21 **The motion was seconded by Commissioner [REDACTED]. Vote on motion: Jesse Allen-Aye,**
22 **Christine Coutts-Aye, Dan Mills-Aye, Bob Wilde-Aye, Craig Bevan-Aye, Doug Rhodes-Aye,**
23 **Chair Graig Griffin-Aye. The motion passed unanimously.**

24
25 **4.0 CONSENT AGENDA**

26
27 **4.1 Approval of Planning Commission Meeting Minutes.**

28
29 **4.1.1 March 6, 2019**

30
31 The minutes were reviewed and modified.

32
33 **Commissioner Coutts moved to approve the minutes of March 6, 2019, as amended. The motion**
34 **was seconded by Commissioner Wilde. The motion passed with the unanimous consent of the**
35 **Commission.**

36
37 **4.1.2 April 3, 2019**

38
39 The minutes were reviewed and amended.

40
41 **Commissioner Wilde moved to approve the minutes of April 3, 2019, as amended. The motion**
42 **was seconded by Commissioner Coutts. The motion passed with the unanimous consent of the**
43 **Commission.**

1 **4.1.3 April 17, 2019.**

2
3 The minutes of April 17, 2019 were reviewed and amended.

4
5 *Commissioner Wilde moved to approve the minutes of April 17, 2019, as amended. The motion*
6 *was seconded by Commissioner [REDACTED]. The motion passed with the unanimous consent of*
7 *the Commission.*

8
9 **5.0 ADJOURNMENT**

10
11 *Commissioner Mills moved to adjourn. The motion was seconded by Commissioner Bevan. The*
12 *motion passed with the unanimous consent of the Commission.*

13
14 The Planning Commission Meeting adjourned at 6:23 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, June 5, 2019.*

3

4

5 Teri Forbes

6 Teri Forbes

7 T Forbes Group

8 Minutes Secretary

9

10 Minutes Approved: _____