

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

3
4 **Wednesday, May 1, 2019**
5 **5:00 p.m.**
6 **Cottonwood Heights City Council Room**
7 **2277 East Bengal Boulevard**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Members Present:** Chair Graig Griffin, Craig Bevan, Dan Mills, Doug Rhodes, Chris Coutts,
13 Sue Ryser, Alternate Bob Wilde

14
15 **Staff Present:** City Manager Tim Tingey, Community and Economic Development
16 Director Mike Johnson, Senior Planner Matt Taylor, Associate Planner
17 Andrew Hulka, Public Relations Specialist Dan Metcalf, Records Culture
18 and Human Resource Director Paula Melgar, City Attorney Shane Topham
19

20 **Excused:** Jesse Allen
21

22 **WORK SESSION**

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

26 **1.0 Planning Commission Business**

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

30 Chair Griffin reviewed the Business Meeting agenda.
31

32 **1.2 Additional Discussion Items**
33

34 Associate Planner, Andrew Hulka, reviewed Project Lot-19-001 involving a public hearing on a
35 request from Douglas C. Terry to amend Lots 1, 2, and 3 of the Cottonwood Cove Subdivision by
36 consolidating three lots into two amended lots. Mr. Hulka explained that amended Lot 1 will
37 consist of the backyard space and Lot 2 will be a one-acre lot. The applicant made the request to
38 provide irrigation and water rights to the entire property as Lot 3 is outside of the boundary. Staff
39 recommended approval of the request with the assurance that the property is in compliance with
40 nuisance and parking standards and other conditions listed in the report.
41

42 Senior Planner, Matt Taylor introduced Project ZTA-18-002, a public hearing on a request from
43 Cottonwood Heights City for a proposed ordinance adopting Chapter 19.77 – “Outdoor Lighting,”
44 and amending various other provisions in Title 19. Lumen issues were described at length.
45 Surrounding City regulations were reviewed and Mr. Taylor explained that they are based on
46 zoning. He reported that that Flagstaff, Arizona’s approach was based on three areas of the city.

1 The farther away from the city center, the less light that is allowed. The proposed ordinance
2 includes a hybrid of those reviewed focusing on a zoning approach where overall, certain zones
3 allow specific amounts of total illumination on the site. The Code also specifies that anything east
4 of Wasatch Boulevard is required to be at a different level. A map detailing the proposal was
5 discussed. The Commission reviewed the allowable lumens per parcel.

6
7 Commissioner Rhodes agreed that there should be a cap on one-acre properties. Mr. Taylor
8 explained that they initially had one standard and the difference between the proposal and
9 commercial is that they are not recommending a lighting plan for residential, which requires the
10 lighting be distributed evenly. He confirmed that the commercial contains that provision and will
11 require a photometric plan.

12
13 Chair Griffin suggested a simple algorithm of coverage for the floor plan of the home versus the
14 lot being used to determine the requirements.

15
16 Commissioner Wilde believed they were trying to solve a problem that doesn't exist and are adding
17 to the expense of residents who are remodeling or for new construction. What is proposed allows
18 for a reasonable discussion by the City Council. He considered it to be user-friendly.

19
20 **2.0 Adjournment.**

21
22 *Commissioner Rhodes moved to adjourn the Work Session. Commissioner Bevan seconded the*
23 *motion. The motion passed with the unanimous consent of the Commission.*

24
25 The work session adjourned at 5:49 p.m.

26
27 **BUSINESS MEETING**

28
29 **1.0 WELCOME/ACKNOWLEDGEMENTS**

30
31 Chair Graig Griffin called the Business Meeting to order at 6:00 p.m. and welcomed those in
32 attendance.

33
34 **1.1 Ex-Parte Communications or Conflicts of Interest to Disclose.**

35
36 Chair Griffin reviewed the Business Meeting procedures.

37
38 **2.0 General Public Comment.**

39
40 There were no public comments.

1 **3.0 BUSINESS ITEMS**

2
3 **3.1 Project Lot-19-001 A Public Hearing on a Request from Douglas C. Terry to Amend**
4 **Lots 1, 2, and 3 of the Cottonwood Cove Subdivision by Consolidating Three Lots**
5 **into Two Amended Lots. The Subject Properties are located at 2248, 2256, and 2260**
6 **East Cottonwood Cove Lane (Parcel Nos. 22-34-128-007, 22-34-128-008, and 22-34-**
7 **128-009).**
8

9 Associate Planner, Andrew Hulka presented the staff report and stated that the request from
10 Douglas C. Terry is to amend Lots 1, 2, and 3 of the Cottonwood Cove Subdivision by
11 consolidating three lots into two amended lots. The property is located at the end of Cottonwood
12 Cove Lane. A detailed map was displayed. Staff recommended approval with the conditions set
13 forth in the staff report. Mr. Hulka confirmed that all of the lots are owned by the applicant.
14

15 The applicant, Douglas Terry, reported that he met with 20 of the neighbors and has planted over
16 100 Spruce trees. He planned to continue the privacy barrier around the property.
17

18 Commissioner Coutts asked the applicant about his intent to change the lot lines. Mr. Terry
19 explained that the intent of the request is to allow him to water the property with his irrigation
20 water.
21

22 Chair Griffin opened the public hearing. There were no public comments. The public hearing was
23 closed.
24

25 *Commissioner Rhodes moved to approve Project Lot-19-001 subject to the following:*

26
27 ***Conditions:***

- 28
29 ***1. The applicant shall work with staff to ensure that the property is in compliance***
30 ***with Sections 9.05.030 (Nuisance) and 11.20.060 (Parking of Agricultural***
31 ***Vehicles, Commercial Vehicles, Recreational Vehicles, Trailers and Trucks) of***
32 ***the Municipal Code.***
33
34 ***2. The applicant shall work with staff to address all technical corrections on the plat***
35 ***amendment, in compliance with all applicable City ordinance regulations.***
36

37 ***Findings:***

- 38
39 ***1. The proposed subdivision amendment meets the applicable provisions of the***
40 ***Cottonwood Heights subdivision ordinance and the Cottonwood Heights zoning***
41 ***ordinance.***
42
43 ***2. Proper notice was given in accordance with local and state requirements.***
44
45 ***3. A public hearing was held in accordance with local and State requirements.***
46

1 *Commissioner Wilde seconded the motion. Vote on motion: Commissioner Mills-Aye,*
2 *Commissioner Coutts-Aye, Commissioner Ryser-Aye, Commissioner Bevan-Aye, Commissioner*
3 *Wilde-Aye, Commissioner Rhodes-Aye, Chair Griffin-Aye. The motion passed unanimously.*
4

5 **3.2 Project ZTA-18-002 A Public Hearing on a Request from Cottonwood Heights City**
6 **for a Proposed Ordinance Adopting Chapter 19.77 – “Outdoor Lighting,” and**
7 **Amending Various Other Provisions in Title 19 – “Zoning” and Section 12.24.190 –**
8 **“Street Lighting” Relative to Outdoor Lighting Standards.**
9

10 Senior Planner, Matt Taylor presented the staff report and asked the Commissioners if staff should
11 continue to refine the residential component with proposed caveats or pull back and not regulate
12 it at all.
13

14 Commissioner Mills stated that a full lighting proposal would be burdensome. He preferred that
15 standards be applied to a boundary rather than impose residential/commercial regulations.
16

17 Commissioner Coutts remarked that because so much of the land mass is residential, she would
18 like to see the refinements continue. She commented that they are not intended to be highly
19 regulatory.
20

21 Commissioner Ryser commented that perhaps they are searching for a solution to a problem that
22 does not exist.
23

24 Commissioner Bevan stated that the proposal would place an additional burden on residential
25 property owners. He did, however, believe there needs to be some direction for commercial.
26

27 Commissioner Wilde noted that there would be a benefit to regulating commercial and concurred
28 with Commissioner Bevan.
29

30 Commissioner Rhodes commented that the new buildings will impact residential. He was in favor
31 of commercial regulations and was of the opinion that the residential component creates too much
32 regulation.
33

34 Chair Griffin believed that what constitutes security for one does not apply to all. Simplicity is
35 important and he hoped to provide more education and reduce the lighting slightly.
36

37 Community and Economic Development Director, Michael Johnson stated that generally
38 legislative items are regulated through a Planning Commission recommendation and City Council.
39 Mr. Taylor explained that as written, the requirements will only take effect if a 25% increase in
40 building size is proposed. Mr. Johnson added that the regulations will apply if there is a 25%
41 increase in the building footprint or a substantial remodel that requires a building permit and
42 constitutes 50% or greater of the floor area. He noted that they can make adjustments to substance
43 but the residential standards will remain unchanged as a full ordinance was in the process of being
44 drafted. Feedback was appreciated. Mr. Johnson reported that many hours have been spent
45 researching and drafting the residential standards. Staff felt that the numbers, applicability, and

1 ease of applying and regulating the standards was where the focus should be in the event they
2 adopt residential regulations.

3
4 ***Commissioner Wilde moved to recommend approval to the City Council for Project ZTA-18-002***
5 ***with the inclusion of the commercial regulations. Residential was not recommended that***
6 ***includes the issue of overregulation. The motion was seconded by Commissioner Mills.***

7
8 Chair Griffin preferred that the residential standards remain and suggested the Commission wait
9 and see what action is taken by the City Council.

10
11 ***Vote on motion: Commissioner Mills-Nay, Commissioner Coutts-Nay, Commissioner Ryser-***
12 ***Nay, Commissioner Bevan-Aye, Commissioner Wilde-Aye, Commissioner Rhodes-Aye, Chair***
13 ***Griffin-Nay. The motion failed 3-to-4.***

14
15 ***Commissioner Griffin moved to recommend approval to the City Council of Project ZTA-18-***
16 ***002 with the recommendation that they review the residential portion and ensure that it is not***
17 ***onerous, is easy to understand and implement, and not characterized as overregulation.***

18
19 The motion died for lack of a second.

20
21 ***Commissioner Coutts moved to recommend approval to the City Council of Project ZTA-18-002***
22 ***with the residential portion being a recommendation rather than a requirement in the Single-***
23 ***Family Residential Zone.***

24
25 The motion died for lack of a second.

26
27 ***Commissioner Coutts moved to recommend approval to the City Council of Project ZTA-18-002,***
28 ***as written, and that commercial lighting regulations and any Single-Family Residential zone***
29 ***referred to in the ordinance be considered a recommendation rather than a requirement. The***
30 ***motion was seconded by Commissioner Rhodes. Vote on motion: Commissioner Mills-Aye,***
31 ***Commissioner Coutts-Aye, Commissioner Ryser-Aye, Commissioner Bevan-Aye, Commissioner***
32 ***Wilde-Aye, Commissioner Rhodes-Aye, Chair Griffin-Aye. The motion passed unanimously.***

33
34 **5.0 ADJOURNMENT**

35
36 ***Commissioner Rhodes moved to adjourn. The motion was seconded by Commissioner Coutts.***
37 ***The motion passed with the unanimous consent of the Commission.***

38
39 The Planning Commission Meeting adjourned at 6:33 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, May 1, 2019.*

3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary

9
10 Minutes Approved: July 17, 2019