



## **PLANNING COMMISSION MEETING AGENDA**

February 6, 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 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, February 6, 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 Business Items**

##### **2.1. (Project SUB-19-001)**

A request from Trey Turley for an exception to the fence requirement and a reduction to the landscape buffer requirement along the driveway to the property located at 8095 South Pinecreek Lane.

##### **2.2. (Project ZTA-18-002)**

A proposed ordinance adopting Chapter 19.77 – “Outdoor Lighting,” and amending various other provisions in Title 19 – “Zoning” relative to outdoor lighting standards.

#### **3.0 Consent Agenda**

##### **3.1. Approval of Minutes for February 6, 2019**

#### **4.0 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](mailto:mtaylor@ch.utah.gov). After the public hearing has been closed, the Planning Commission will not accept any additional written or verbal comments on the application.

**Notice of Participation by Telephonic/Digital Means**

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

**Notice of Compliance with the American Disabilities Act (ADA)**

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

**Confirmation of Public Notice**

On Friday, February 1, 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](http://www.cottonwoodheights.utah.gov) and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 1ST DAY OF FEBRUARY 2019

Paula Melgar, City Recorder

# MEMO

To: Planning Commission

From: Andy Hulka, Associate Planner

Date: February 6, 2019

Subject: SUB 19-001, Flag Lot Requirement Exceptions, 8095 S. Pinecreek Ln.

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## **INTRODUCTION**

The city has received a request for an exception to the flag lot requirements for the property at 8095 S. Pinecreek Lane. The subdivision ordinance allows the City Council to make exceptions to the subdivision requirements after receiving a recommendation from the Planning Commission.

### **12.08.020 Exceptions—Permitted when.**

*In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the city council after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Title.*

## **BACKGROUND**

In 2015 the applicant received a building permit to construct a new home on the subject property. The original approved site plan included a 6-foot visual barrier along the south property line and a 4-foot landscape buffer, as required by the subdivision ordinance:

### **12.20.050 Flag lots permitted.**

*K. Private lanes greater than 100 feet in length accessing a flag lot shall include a paved driveway that is at least 20 feet wide and a landscaped buffer that is at least four feet wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane.*

*M. A solid visual barrier six feet in height shall be installed on the outside property line of the flag lot stem, running from the front setback of the original (front) lot to the end of the private lane accessing the flag lot. The width of the barrier may encroach into the 4' buffer up to a maximum of one (1) foot.*

The construction of the home was completed in 2016, but the driveway improvements were not completed until September 2018. The new driveway was constructed with two feet of landscaping on either side and without a fence along the south property line.

## **REQUEST**

There is a fence along the east half of the south property line, but not along the driveway access to the west. The applicant has planted trees approximately every five feet in the landscape buffer area on both sides of the driveway. The applicant is requesting an exception to the requirement to install a 6-foot

fence along the south property line for aesthetic purposes. Instead of installing a 4-foot landscape buffer on the south side and having the driveway adjacent to the property to the north, the applicant has installed two feet of landscaping on either side of the driveway.

### ***APPROVAL PROCESS***

This request must be approved or denied by the City Council after receiving a recommendation from the Planning Commission. Prior to the issuance of any permit for building and/or site work, staff will review final plan submittals for compliance with applicable city ordinances.

### ***ATTACHMENTS***

- Applicant's written narrative
- Letter of support from adjacent property owner

### ***MODEL MOTIONS***

#### *Approval*

I move that we forward a positive recommendation to the City Council for an exception to the fence requirement and a reduction to the landscape buffer requirement along the driveway to the property located at 8095 South Pinecreek Lane.

- List recommended exceptions...
- Add any conditions of approval...

#### *Denial*

I move that we forward a negative recommendation to the City Council for an exception to the fence requirement and a reduction to the landscape buffer requirement along the driveway to the property located at 8095 South Pinecreek Lane.

- List reasons for denial...

January 14, 2019

Cottonwood Heights City  
c/o Andrew Hulka and Michael Johnson and  
[AHulka@ch.utah.gov](mailto:AHulka@ch.utah.gov)  
[MJohnson@ch.utah.gov](mailto:MJohnson@ch.utah.gov)

Re: Exception to City Code § 12.20.060

Dear Cottonwood Heights:

I am the owner of the property located at 8095 S. Pinecreek Lane, Cottonwood Heights, Utah, which is parcel number 22-34-178-014 (the "Property"). The Property has been designated as a flag lot by the city. I am writing to request an exception to the requirements governing flag lots. Specifically, I request that the four-foot landscape barrier be reduced to two feet and that the requirement for a fence be waived.

Pursuant to city code, I am required to have a driveway that is 20 feet wide and a 4-foot-wide landscape buffer "on the outside boundary of the paved driveway." § 12.20.060(K). The city requires the four-foot-wide landscape buffer to "help screen adjacent properties and to provide a drainage area for the paved portion of the private lane." *Id.* Additionally, the city code requires "[a] solid visual barrier six feet (6') in height" to be "installed on the outside property line of the flag lot stem, running from the front setback of the original (front) lot to the rear property boundary of the flag lot." § 12.20.060(M).

I am asking for an exception to both of these requirements. Exceptions to these requirements are governed by City Code § 12.08.020. That section states that, "[i]n cases where . . . aesthetic . . . conditions exist . . . variations and exceptions of this title may be made." The exception cannot "substantially impair the intent and purpose" the requirements found in the city code. *Id.*

I have enclosed imagery of the Property. As you can see, the driveway to my Property shares a border with two properties to the south. I am requesting the two exceptions for aesthetic purposes. The purpose of both the landscape barrier and the solid visual barrier are to screen the properties to the south of the driveway. If I am granted an exception, and am only required to place a two-foot landscape barrier to the south, I can also have a landscape barrier to the north of the driveway. That means that the driveway will be screened from the Johnson and Dunn properties to the south, and the Breen property to the north. This constitutes an aesthetic condition of the property. The Property is not wide enough to include the twenty-foot-wide driveway, plus a four-foot-wide landscape barrier to the south, plus another landscape barrier to the north.

Additionally, this does not "substantially impair the intent and purpose" of the four-foot-landscape barrier requirement or the six-foot tall solid visual barrier. The city code expressly provides two purposes for the landscape barrier: 1) "to help screen adjacent properties," and 2) "to provide a drainage area for the paved portion of the private lane." Also, the purpose of the six-foot tall visual barrier is presumably to help screen properties to the south as well. As currently constructed, the landscape barrier fulfills both of the stated purposes.

As a point of clarification, there is already a six-foot tall fence between the Property and the Dunn's property to the south. An exception to the fencing requirement would only apply to the boundary

between the Property and the Johnson property. The Johnsons have expressed that they do not want a fence, but prefer the aesthetics of a landscape barrier. I have attached a letter from them for your review.

The second page of the enclosure includes a picture of what has been installed. You can see the trees to the north and the trees to the south of my driveway. The picture was taken during the winter, so the trees have lost their foliage. However, the trees have leaves for most of the year. The trees screen the properties to both the north and the south of the driveway, whereas the ordinance only requires screening to the south.

From the picture, you can see that the driveway is surrounded by more than four feet of dirt on both sides. That provides ample drainage for the paved portion of the driveway. The initial two feet of dirt on both sides of the driveway are contoured in a way that does not impair access to the property by vehicles needing a 20-foot wide drive. Granting the exception would not substantially impair the two purposes of the ordinances or access.

In addition to aesthetic concerns, an exception may be granted where the “safety of the general public will be usefully served or protected.” See City Code 12.08.020. The attached document containing images has a picture showing my north neighbor’s motor court directly adjoining and opening onto my driveway. My neighbor has young children who play in the motor court, and on occasion they and their guests dart onto my driveway. The presence of children is difficult to see from a car driving down my driveway until the car is directly beside the motor court. The exception requested would allow us to keep a landscape barrier between the motor court and our driveway. The landscape barrier will serve as a deterrent, preventing accidents between children and vehicles entering my driveway from their motor court. The exception will help protect my neighbors, their guests, and the public.

I respectfully request an exception to the requirement that I include a four-foot-wide landscape barrier and a six-foot-tall solid visual barrier to the south of my driveway. This is so that I can keep the more aesthetically pleasing trees and landscaping that screen both the north and the south sides of my driveway. Additionally, it also helps protect the people using the property to the north of my driveway.

Please contact me if you have any questions. I can be reached by email at [treyturley@gmail.com](mailto:treyturley@gmail.com) or by phone at 801-403-4555. Thank you for your consideration.

Sincerely,



Trey Turley

enclosures

January 10, 2019

Cottonwood Heights City

RE: Screening of Turley Property

To Whom It May Concern:

We live south of the Turleys. The north boundary of our property is directly next to the Turleys driveway. We are concerned about the idea that the Turleys are required to install a 6-foot fence along our boundary. A fence would create an ugly, blank barrier. We prefer the landscaping screen that they installed this past year. The trees and grasses are far more pleasing to look at than a plain fence would be.

We request that the city not require the installation of a fence. We see no benefit, as the current landscaping is preferable.

Please contact me if you have any questions.

Sincerely,

John Johnson  
8101 Pine Creek Lane  
Cottonwood Heights, UT 84093

A handwritten signature in black ink, appearing to read 'John Johnson', written in a cursive style. The signature is positioned to the right of the typed name and address.



**Planning Commission Staff Report**  
Meeting Date: January 9, 2018

**FILE NUMBER/**

**PROJECT NAME:** ZTA-18-002 – Adopt Uniform Outdoor Lighting Standards

**REQUEST:** Zoning Ordinance Text Amendment

**APPLICANT:** Cottonwood Heights City

**RECOMMENDATION:** Recommend Approval

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**BACKGROUND**

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In late November 2018, the City Council requested that staff advance to the Planning Commission for their consideration and recommendation outdoor lighting standard that address the following problems:

- Reduce light trespass
- Reduce over illumination and glare
- Increase health and safety of residents and visitors
- Improve energy conservation
- Reduce skyglow and nighttime ambience

Staff has developed standards that are intended to be means to help achieve the above goals. We present this draft of proposed standards to the Planning Commission for the purpose of receiving feedback on the current proposal.

**PROPOSAL**

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The ordinance is drafted in a manner to be balance comprehensiveness and achieve desired outcomes but also be understood by the citizens, developers, and others and be practicably administered by city staff. In summary, the ordinance proposes the following lighting requirements:

- Full cut-off light fixtures are required for any light illuminating the equivalent of a standard 60w bulb.
- A maximum height of 18 feet for all light fixtures.
- All light fixtures are to be pointed downward.
- Maximum lighting output is regulated by establishing a maximum average illumination of the ground.
- Limits on the amount of light that may spill over a property line, measured at eye-level.
- Limiting lights to warm (red/orange/yellow) hues in the color spectrum.
- Requires walkway lighting.
- Requires automatic shut-off one-hour after sun down or the close of business (except for security lighting).

- Establishes exceptions for a limited list of land uses.
- Amend city street light standards for consistency and adopts by ordinance.
- If this ordinance is adopted, all existing lighting provisions in the City code will be consolidated into this chapter.

**APPLICABILITY**

These regulations are proposed to apply to:

- any new development, excluding single-family residential.
- a structure or land use, including multi-structure properties, that has its gross floor area increased by 25% or greater, excluding single-family residential.

**STAFF RECOMENDATION**

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Planning staff recommends that the Planning Commission provide feedback to staff on the proposal so that a final draft may be presented to the Planning Commission for their recommendation to the City Council.

**MODEL MOTIONS**

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Sample motion– “I move we provide the following feedback to staff; \_\_\_\_\_, and continue this item to our next agenda for additional consideration and a recommendation to the City Council.

**Attachments**

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1. Draft Ordinance of Outdoor Lighting Regulations
2. Table of Existing lighting Standards Adopted in the Current Zoning Ordinance.

**DRAFT – For Discussion Purposes Only**

**Chapter 19.77**

**OUTDOOR LIGHTING**

**Sections:**

**19.77.010 Purpose**

**19.77.020 Applicability**

**19.77.030 Lighting Standards**

**19.77.040 Exceptions**

**19.77.050 Prohibitions**

**19.77.060 Street Lighting**

**19.77.070 Lighting Plan Requirements**

**19.77.080 Definitions**

**19.77.010 Purpose**

**A. Regulations:** Adequate nighttime lighting is important to allow human activity to safely continue after the sun goes down, but inappropriate lighting practices can result in reduced human safety and health, wasted energy, and poor nighttime ambiance. This ordinance provides regulations that seek to reduce light trespass, over illumination, glare, and skyglow. The means required by these regulations will:

- Improve the enjoyment of personal property,
- Increase the health and safety and residents and others,
- Improve nighttime ambiance and aesthetics, and
- Conserve natural resources.

**19.77.020 Applicability**

| Option A  | Option B   |
|---|--|
| <p><b>A. Conformance Required.</b> These regulations shall not apply to any single-family dwelling structure, lot, or parcel. For all other properties, including common areas, private drives, and private roads in single-family residential developments, these regulations shall be adhered to for any new outdoor lighting fixtures. In any situation where there is a conflict with Federal or State regulations, and/or applicable sections of adopted building code, the more restrictive provisions shall apply.</p> | <p><b>A. Conformance Required.</b> Any new outdoor lighting shall be installed in conformance with the provisions of this chapter. In any situation where there is a conflict with Federal or State regulations, and/or applicable sections of adopted building code, the more restrictive provisions shall apply.</p>   |
| <p><b>B. Modifications to Existing Structures and Approved Land Uses.</b> If a structure or land use, including multi-use or multi-tenant properties, expands its gross floor area by 25% or greater, then all outdoor lighting shall be replaced or modified to meet the requirements of this chapter for the entire building and site.</p>  | <p><b>B. Modifications to Existing Structures and Approved Land Uses.</b> For any structure or land use, if the total cumulative increase in gross floor area is greater than 50% for single-family residential or greater than 25% for all other uses, then all outdoor lighting fixtures shall be replaced or modified to meet the requirements of this chapter for the entire building and site, including previously installed and any new outdoor lighting.</p> |

|  |   |
|--|---|
| <p><b>C. Routine maintenance.</b> Repairing any component of a light fixture, except the lamp, is permitted for all existing outdoor lighting fixtures. Whenever possible, when a lamp needs repair, it shall be replaced in accordance with the provisions of this chapter.</p> | <p><b>C. Routine maintenance.</b> Repairing any component of a light fixture, except the lamp, is permitted for all existing outdoor lighting fixtures. When a lamp needs repair, it shall be replaced in accordance with the provisions of this chapter.</p> |
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**19.77.030 Lighting Standards**

A. **Permitted Light Fixture Types.** All outdoor light fixtures that house lamps radiating more than 760 lumens\* shall be full cutoff and oriented as intended per manufacturing instructions. \*(760 lumens create the equivalent radiance of a 60-watt incandescent light bulb).

B. **Height.** Light fixtures shall not exceed 18 feet in height and shall not exceed 12 feet in activity areas.

C. **Illumination.**

1. The average illumination at finished grade level shall be between 0.5 and 1.5 foot-candles. No point on the property shall be illuminated greater than 10.0 foot-candles.
2. At the property boundary, the illumination at grade level not exceed 0.5 foot-candle.
3. Lighting shall increase its illumination by an even gradient toward activity and driveway entrances to the site. Lighting shall be designed to avoid hotspots that reduce visual acuity.
4. To avoid light trespass, illumination shall not exceed 0.25 foot-candle at five-feet beyond the property boundary measured five-feet above grade level.
5. Total site illumination shall not exceed:
  - a. 5,000 lumens per net acre in the F-20 zone.
  - b. 25,000 lumens per net acre for any residential property, regardless of zoning, or property within the RO zone.
  - c. 50,000 lumens per net acre for any property in the NC zones.
  - d. 100,000 lumens per net acre for all other properties in any other zone.

D. **Spectrum.** All lamps shall not exceed 3,000 kelvins in the lighting spectrum.

E. **Walkways.** Pedestrian walkways shall be lighted with bollards or light fixtures at a maximum height of 12 feet.

F. **Automatic Switching Controls.** Outdoor lighting shall have controls that automatically extinguish all outdoor lighting when daylight is available and within one hour after business hours or by 11:00 pm, whichever is sooner, except for essential security lighting which shall be to a maximum of 25% of the total luminaries used, unless the planning commission approves a higher percentage. Security lighting is encouraged to utilize motion activated sensors and be extinguished within two-minutes after motion has ceased.

1. **Exceptions.** Automatic lighting controls are not required for the following:
  - a. Lighting for tunnels, parking garages, garage entrances, and similar conditions.
  - b. Lighting for steps, stairs, walkways, and building entrances required by the building code.
  - c. When the Community and Economic Development Director determines that a specific public safety hazard exists that can only be mitigated using outdoor light.

**19.77.040 Exceptions**

Exceptions to the lighting standards outlined in section 19.77.030 are permitted for land uses and light fixtures as identified in this section.

A. **Outdoor Athletic and Recreational Facilities:** Upon time of application, applicant shall submit a plan by a qualified lighting engineer that certifies by written statement that every reasonable effort has been undertaken to mitigate the effects of light on surrounding properties; and

**B. Gasoline Station and Convenience Store Canopies:** Gasoline station and convenience store canopies shall provide adequate lighting for customers, but lighting shall not be so intense as to be an attention device for the business, as provided in this section.

1. Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy.
2. Light fixtures shall not be mounted on the top or fascia of such canopies.
3. The fascia of such canopies shall not be illuminated, except for approved signage.
4. Areas around gasoline pump islands and under canopies shall have a minimum illumination at grade level between one (1) and five and one-half (5 1/2) foot-candles. The ratio of average illumination to the minimum illumination at grade in the areas around the gasoline pumps shall not exceed four to one (4:1).

**C. Car-wash Lighting.** See Section 19.76.040.H.

**D. Accent Architectural or Landscaping Lighting.** Buildings light fixtures may illuminate a structure's vertical surfaces and shall be directed downward. Uplighting of vertical surfaces of a building is prohibited. Illumination of vertical surfaces shall not exceed an illumination of five (5) foot-candles. Government and civic buildings, church buildings, public art, and flag poles for national, state and local government flags shall be exempt from this requirement.

**E. Flood Lights.** Full cutoff flood lights shall be angled provided that no light escapes above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and only if the light does not cause glare or light to shine on adjacent property or public rights-of-way. All wall pack light fixtures shall be full cutoff light fixtures.

**F. Swimming Pool Lighting.** Underwater light fixtures are not regulated by this chapter.

**G. Seasonal Lighting.** Temporary exterior lighting intended as holiday/seasonal decorations may be displayed between November 15 and the following January 15, provided that individual lamps do not cause unreasonable light trespass or glare as determined by the Community and Economic Development Director.

**H. Public safety.** Illumination and kelvin thresholds may be exceeded in situations where the Community and Economic Development Director finds that an increased level is crucial to public safety or the activities of law enforcement. In no case shall kelvin levels exceed 5,000.

### **19.77.050 Prohibited Lighting**

The following lighting shall be prohibited:

- A. Blinking, flashing, moving, revolving, flickering, changing intensity of illumination, and changing color lights;
- B. Uplighting of building and illumination of roofs and internal illumination of awnings;
- C. Mercury vapor lights;
- D. Search lights, laser source lights, or any similar high-intensity light except in emergencies by police, fire, and other emergency service personnel or at their direction.

### **19.77.060 Street Lighting**

Street lighting shall be governed by Section 12.24.190.

### **19.77.070 Lighting Plan Requirements**

**A. Lighting Plans.** Lighting plans shall be required and shall include the following:

1. A site plan indicating the location of all light fixtures, both proposed and any already existing on the site.
2. A description of each light fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations; lighting fixture lamp types, wattages and initial lumen outputs.
3. Except for single-family residential properties, a photometric plan prepared by a qualified lighting professional.

- B. **Lamp or Light Fixture Alteration.** Should any lamp or light fixture be altered after the permit has been issued, a change request must be submitted to the Community and Economic Development Director or designee for approval, together with adequate information to assure compliance with this code, which must be received prior to alteration.
- C. **Certification of Installation.** For all projects where the total initial output of the proposed lighting equals or exceeds 75,000 lumens per net acre, certification that the lighting, as installed, conforms to the approved plans shall be provided by a qualified lighting professional before any certificate of occupancy or business license is issued. Until this certification is submitted, approval for use of a certificate of occupancy shall not be issued for the project.

**19.77.080 Definitions**

The following definitions shall apply to this chapter:

**Accent architectural or landscaping lighting.** Lighting of building surfaces, landscape features, statues and similar items for decoration or ornamentation.

**Activity Area.** Walkways and open spaces where people walk or congregate.

**Correlated color temperature (CCT).** A metric characterizing the color content of the light output of a lamp expressed in units of kelvins (K). CCT information is available on data sheets and product packaging for all lighting sold in the United States.

**Flood Light.** A fixture or lamp designed to "flood" an area with light.

**Foot-candle.** A unit of measurement for the total amount of light cast on a surface (illumination). One foot-candle is equivalent to the illumination produced by a source of one candle at a distance of one-foot.

**Full Cutoff Light Fixture.** A light fixture that restricts a lamp from radiating any illumination above a horizontal plane running through the lowest point on the fixture where light is emitted.

**Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

**Hotspot.** Hotspot is an isolated pool of bright downlight that creates unneeded contrast resulting in dark areas immediately outside the hotspot area and may also increase glare.

**Incandescent lamp or light bulb.** An electric light with a wire filament heated to such a high temperature that it glows with visible light (incandescence).

**Hot spot.** An area of light that exceeds allowed illumination thresholds or produces conditions related to glare.

**Illumination or illuminated:** A measurement of light expressed in foot-candles (fc) on a given surface resulting from light emitted from a lamp.

**Kelvin.** Kelvin is a unit of measurement used to measure the correlated color temperature (hue) of a specific light source. Some typical color temperatures are:

|              |                            |
|--------------|----------------------------|
| 1500 K       | Candlelight                |
| 2680 K       | 40 W incandescent lamp     |
| 3000 K       | 200 W incandescent lamp    |
| 3200 K       | Sunrise/sunset             |
| 3400 K       | Tungsten lamp              |
| 3400 K       | 1 hour from dusk/dawn      |
| 5000-4500 K  | Xenon lamp/light arc       |
| 5500 K       | Sunny daylight around noon |
| 5500-5600 K  | Electronic photo flash     |
| 6500-7500 K  | Overcast sky               |
| 9000-12000 K | Blue sky                   |

**Lamp:** Any light source in a self-contained package composed of an envelope (containing gas, filaments, etc.), filament or electrodes, base, contacts, gas and any support structures. The source can be of the incandescent, fluorescent, quartz halogen, LED or arc type. Quite often this term is used interchangeably with light source and is sometimes commonly referred to as the light bulb.

**Light Fixture.** The assembly that holds a lamp, or lamps. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Light trespass.** A nuisance condition created when a lamp provides illumination beyond that allowed by this chapter on any property other than the property on which the light is installed.

**Lumen.** A unit of measurement used to describe the actual amount of visible light which is produced by a lamp as specified by its manufacturer.

**Qualified lighting professional.** Qualified lighting professionals have a professional certification from a legitimate professional organization that requires recertification, current industry involvement and demonstrated knowledge in specific aspects of lighting.

**Skyglow.** The overhead glow from light emitted sideways and upwards.

**Spectrum.** See Correlated Color Temperature.

**Visual acuity:** Sharpness of vision, measured by the ability to discern letters or numbers at a given distance according to a fixed standard.

## Current Zoning Lighting Standards

| Zone                        | RO – Residential Office  | NC – Neighborhood Commercial   | MU – Mixed Use  | CR – Regional Commercial   | O-R-D – Office, Research, and Development   | PDD – Planned Development District   |
|-----------------------------|--|--|---|--|---|--|
| <b>Objective</b>            | <b>19.35.110 Lighting.</b><br>A. Uniformity of lighting is desirable to achieve an overall <b>design</b> objective of continuity, and to avoid objectionable glare <b>to adjacent residential areas.</b> | <b>19.37.110 Lighting.</b><br>A. Uniformity of lighting is desirable to achieve an overall objective of continuity, and to avoid objectionable glare.                  | <b>19.36.120 Lighting.</b><br>A. Uniformity of lighting is desirable to achieve an overall objective of continuity and to avoid objectionable glare.  | <b>19.40.140 Lighting.</b><br>A. Uniformity of lighting is desirable to achieve an overall objective of continuity, and to avoid objectionable glare.                  | <b>19.46.110 Lighting.</b><br>A. Uniformity of lighting is desirable to achieve an overall objective of continuity, and to avoid objectionable glare.   | 19.51.060.13. Lighting Standards.<br>(c) Uniformity of lighting is desirable to achieve an overall objective of continuity, and to avoid objectionable glare.  |
| <b>Height of Luminaries</b> | B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its approvals.  | B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its approvals.                                  | B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of <b>conditional use approval.</b>   | B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its <b>approval.</b>                            | B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its approvals.   | (a) The maximum height of luminaries shall be <b>based on the lighting plan approved by the PDZ ordinance.</b>   |
| <b>Brightness</b>           | The light shall be low intensity, <b>full cut-off</b> , shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use.             | The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use. | The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential <b>or agricultural zone</b> or an adjacent residential or <b>agricultural use.</b>  | The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use. | The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use.  | The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use.   |
| <b>Walkways</b>             | C. Pedestrian walkways shall be lighted <b>with bollards or lights at a maximum height of ten feet.</b>  | C. Pedestrian walkways shall be lighted.   | C. Pedestrian walkways shall be lighted.  | C. Pedestrian walkways shall be lighted.   | D. Pedestrian walkways <b>to mass transit facilities</b> shall be lighted.  | (d) Pedestrian walkways shall be lighted.  |
| <b>Fixture Type</b>         |  | D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution                          | D. All lighting next to residential zones, or where the planning commission requires, shall be <b>directional; shall contain hoods or other measures to hide the light source; shall be no more than 15 feet in height to reduce light pollution and light spillage to the adjacent residential zone.</b> | D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.                         | E. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.  |  |
| <b>Photometric Study</b>    |  |  | <b>The city may require a photometric study to be provided by the applicant demonstrating that such unacceptable light spillage to adjacent residential zones will not result, as determined by city staff.</b>   |  |   |  |
| <b>Curfew</b>               |  |  |   |  | C. All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of 25% of the total luminaries used, unless the planning commission approves a higher percentage. | (b) All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. An exception for security lighting <b>will apply to a maximum of 25% of the total luminaries used, unless the PDZ ordinance specifies a higher percentage.</b> |

1 **DRAFT**

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

5  
6 **Wednesday, January 9, 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:** Acting Chair Sue Ryser, Craig Bevan, Doug Rhodes, Graig Griffin, Jesse  
15 Allen, Alternate Bob Wilde

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

21  
22 **Excused:** Chair Allen Orr, Christine Coutts

23  
24 **WORK SESSION**

25  
26 In the absence of Chair Allen Orr, Acting Chair Sue Ryser called the meeting to order at 5:05 p.m.

27  
28 **1.0 Planning Commission Business.**

29  
30 **1.1 Election of the Chair and Vice-Chair of the Cottonwood Heights Planning**  
31 **Commission.**

32  
33 Commissioner Ryser stated that the central duty of a Planning Commission Member is to  
34 determine how to balance the public good of private rights and interest. She explained that  
35 residents of the City of Holladay felt their concerns were not being heard regarding a project in  
36 their community and decided to take legal action. She believed that serves as a reminder that they  
37 are present to serve the citizens and need to make sure they are listening and making their concerns  
38 known. Responsibilities of the Commission Members were reviewed. Commissioner Ryser  
39 relayed Chair Orr's request that seniority be a priority, but she felt that should not be the only  
40 guide.

41  
42 Commissioner Griffin emphasized the need to be more involved with outside groups like the Urban  
43 Land Institute and the Utah League of Cities and Towns. He also believed the role of the  
44 Commission is to educate the public.

1 Commissioner Ryser discussed the importance of the new Chair being a strong communicator,  
2 both in meetings and in other correspondence. Sending a representative to City Council Meetings  
3 was recommended.

4  
5 *Commissioner Wilde moved to nominate Commissioner Griffin to serve as Planning*  
6 *Commission Chair. Commissioner Bevan seconded the motion. The motion passed with the*  
7 *unanimous consent of the Commission.*

8  
9 *Commissioner Rhodes moved to nominate Commissioner Coutts as Planning Commission Vice*  
10 *Chair. Commissioner Griffin seconded the motion. The motion passed with the unanimous*  
11 *consent of the Commission.*

### 12 13 **1.2 Review Business Meeting Agenda.**

14  
15 The agenda items were reviewed and discussed. Community and Economic Development  
16 Director, Michael Johnson, stated that they have streamlined how they organize the agenda and  
17 meeting procedure. The process for closing public comments was described.

18  
19 City Manager, Tim Tingey, reported that he has been attending Planning Commission Meetings  
20 for 22 years in multiple jurisdictions and this is the first community that allows citizen comments  
21 outside the public comment agenda item. He emphasized the importance of the citizens being  
22 heard.

### 23 24 **1.3 Additional Discussion Items.**

25  
26 Mr. Johnson reviewed the request from YIP Cottonwood, LLC for a 149-room hotel located at  
27 7354 South Canyon Centre Parkway and stated that this is the last portion of the project that has  
28 not yet received its formal use entitlement. The layout design was described. He confirmed that  
29 the project is designed and proposed as a Courtyard by Marriott and the public open space will be  
30 a City-owned parcel. He explained that it is a conditional use request for the hotel use and the  
31 addition of a third story. In terms of requiring conditions of the hotel and applicant, they must be  
32 based on the impact that only the hotel is creating. The exterior details were reviewed.

33  
34 Commissioner Coutts expressed concern with potential traffic.

35  
36 Associate Planner, Andy Hulka, reviewed the request from Breen Homes for a General Plan Land  
37 Use Map Amendment from Residential-Low Density to Residential-Medium Density and a Land  
38 Use Map Amendment from R-1-8 to R-2-8. He reported that it includes a variance for a 15-foot  
39 setback due to the steep slopes and fault line that was part of the geotechnical report. The report  
40 has since been updated and it was determined that the fault line is closer to the street than  
41 previously believed. Setbacks were described.

42  
43 Mr. Tingey expressed his appreciation to staff.  
44

1 **1.4 Adjournment.**

2  
3 *Commissioner Ryser moved to adjourn the Work Session. Commissioner Allen seconded the*  
4 *motion. The motion passed with the unanimous consent of the Commission.*

5  
6 The Work Meeting adjourned at 5:55 p.m.

7  
8 **BUSINESS MEETING**

9  
10 **1.0 WELCOME/ACKNOWLEDGEMENTS**

11  
12 Chair Graig Griffin called the Business Meeting to order at approximately 6:00 p.m. and welcomed  
13 those in attendance.

14  
15 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**

16  
17 There were no public comments.

18  
19 **2.0 BUSINESS ITEMS**

20  
21 **2.1 (CUP-18-012) Public Hearing and Action on a Request by YIP Cottonwood, LLC for**  
22 **a 149-Room Hotel Located at 7365 South Canyon Centre Parkway.**

23  
24 Mr. Johnson presented the staff report and stated that it is a Conditional Use Request from YIP  
25 Cottonwood, LLC for the construction and operation of a 149-room hotel and approval to construct  
26 a third story. The first round of entitlements approved a Master Development Plan for the site and  
27 conceptual future phase site plan and granted approval for a multi-level parking structure on which  
28 the proposed building will be located. The hotel is one of the last to apply for its use entitlement.  
29 The overall impacts were studied with traffic being one. The previously approved office building  
30 plan was displayed with a rough outline of the proposed hotel and hotel massing. The architecture,  
31 design, and materials had been reviewed and approved by the Architectural Review Commission  
32 (ARC). The building grade was reviewed. It was reported that the previous Community  
33 Development Director along with other City staff, used the Old Canyon Racquet Club grade to  
34 establish the natural grade. Staff recommended approval with the condition that any applicable  
35 conditions from the original Master Development Plan be complied with and that the applicant  
36 meet all relevant portions of the Municipal Code. Mr. Johnson emphasized that the Planning  
37 Commission as the land use authority, has final approval authority for the conditional use.

38  
39 City Engineer, Brad Gilson, reported that the applicant submitted a Traffic Impact Study in  
40 October 2011 and then submitted an additional study from 2014. He explained that the 2011 study  
41 included counts much higher than are currently being proposed. He confirmed that the 2014 study  
42 is consistent with the current proposed use. The traffic impact process was reviewed. Residents  
43 concerns included volume, access onto Wasatch Boulevard, queuing, and traffic stacking to the  
44 entrance to the condominiums. He presented ways to mitigate traffic and confirmed that they will  
45 be coordinating with the developer. Proposed conditions will include striping on Canyon Centre  
46 Parkway and signage prohibiting blocking the intersection.

1  
2 The applicant stated that this is a family owned business and they have been working with the  
3 developer for over two years. They were open to suggestions regarding traffic especially since  
4 hotels have different traffic patterns. She suggested speaking to their management company and  
5 had had discussions with Hales Engineering who is also aware of the City's concerns. She  
6 emphasized that the hotel is a separate issue from the traffic in the neighborhood and they have no  
7 control over the actual site development. They have studied traffic patterns related to check in and  
8 check out times and confirmed that neither will occur during peak traffic hours. She encouraged  
9 discussion and described their plans for an independent shuttle to the ski resort and other amenities.

10  
11 Chair Griffin opened the public hearing.

12  
13 Jim Rock reported that he serves on the Board of Directors for the Canyon Racquet Club  
14 Condominium Association and is one of the original residents of the property. He expressed  
15 opposition to the proposed conditional use request and believed that if the Planning Commission  
16 approves the project, mitigation needs to be provided. He commented that the addition of a third  
17 story will only add to the current traffic situation. He believed that skiers that patronize the hotel  
18 will only contribute to the peak traffic as ski resort times coincide with rush hour. He requested  
19 there be no left turn during rush hour, that the road be striped with two lanes, and that parking be  
20 provided on the south side where appropriate. He also emphasized the need for a trash and  
21 recycling provision.

22  
23 Chris McCandless identified himself as the original developer and asked to speak at the end so he  
24 could address some of the public's concerns.

25  
26 Leslie Kovack commented that she has been enduring the Canyon Centre construction for some  
27 time and was strongly opposed not only the third story, but the hotel altogether. She commented  
28 that the traffic is so congested that they cannot get out of their neighborhood. In addition, they  
29 constantly have skiers cutting through their neighborhood. Light pollution was also of concern as  
30 well as increased noise. She expressed frustration with the proposed height and the lack of respect  
31 for the surrounding homeowners.

32  
33 John Goodell addressed traffic and noise concerns along Wasatch Boulevard and stated that his  
34 backyard flows down on the west side. They are directly impacted by traffic, which has gotten to  
35 the point that at least half of the day, their backyard is unusable. He recommended reducing speeds  
36 along Wasatch Boulevard.

37  
38 Bill Currin reported that he lives at the Canyon Racquet Club Condominiums and serves as  
39 President of the Board of Directors. He agreed with Mr. Rock's comments and asked the Council  
40 to review the letter submitted to Mr. Johnson the previous day. He expressed concern with traffic  
41 and especially the intersection at Wasatch Boulevard. He requested that the striping and parking  
42 along the center lane be mitigated.

43  
44 Todd Gottlieb agreed with Mr. Rock and suggested that a "Do Not Block" sign be posted in front  
45 of the Canyon Centre Court development. He expressed concern with egress and ingress.

1 Hogan Gottlieb expressed concern with the additional traffic the proposed hotel will add.

2  
3 Ivria Gottlieb requested a crosswalk or speed bumps to ensure safety when crossing the street.

4  
5 Jeff Chatalain was concerned with the speed and noise of the traffic along Wasatch Boulevard  
6 from the 7-Eleven. He believed that the 2014 traffic study was outdated and recommended a new  
7 one be conducted because the traffic is currently out of control. He questioned who is responsible  
8 for patrolling the area and stated that he hasn't seen a Highway Patrolman in the area for years.  
9 He recommended a dedicated lane be added and the 7-Eleven entrance along Wasatch Boulevard  
10 eliminated.

11  
12 Mr. Johnson confirmed that Wasatch Boulevard is classified as a State Highway and is owned and  
13 operated by UDOT. They are in the middle of their Environmental Impact Statement (EIS) for  
14 Little Cottonwood Canyon which extends along Wasatch Boulevard to Big Cottonwood Canyon.  
15 They are in the middle of a two to three-year EIS period and are proposing to present alternative  
16 scenarios and options for public feedback in March.

17  
18 Chair Griffin explained that the David Weekley Homes project did not turn out as well as hoped.  
19 Staff had worked exceptionally hard and what they see is a much closer and more careful depiction  
20 of what is actually to be constructed.

21  
22 Bryan Isaac commented that the current traffic conditions are ridiculous and the residents have a  
23 difficult time getting in or out. He asked how many fatal accidents have occurred near the 7-  
24 Eleven. Weekend traffic is out of control and he urged the Commission to mitigate the number of  
25 hotel units.

26  
27 Mark Machlis explained that when the City purchased the Prospector Office Development, UDOT  
28 demanded that acceleration and deceleration lanes be added due to the 50 mph speed limit. He  
29 expressed frustration with the proposed development being done without those lanes and  
30 questioned why UDOT signed off on it. On-street parking was also identified as a concern.

31  
32 Cameron Hemphill, a resident of the David Weekley Development, emphasized the danger of  
33 exiting the neighborhood and commented that parking is a challenge. He commented that trash  
34 and recycling become a clean-up effort when cans are set on the street. He suggested there instead  
35 be an assigned designated area.

36  
37 Woody Noxin expressed concern with traffic and recommended only right turns be allowed during  
38 rush hour to prevent cars from entering his neighborhood.

39  
40 Robert Winslow, a Prospector Drive resident, commented that the exit onto Wasatch Boulevard is  
41 very dangerous. The proposed project will only add to the existing safety concerns. He  
42 encouraged mitigation measures to eliminate further issues.

43  
44 Chris McCandless explained that as the developer of the project, they are willing to sit down with  
45 the City Engineer to discuss ways to address the residents' traffic concerns. The parking structure  
46 will allow people to park at the base and take the bus up the canyon, which will help alleviate and

1 mitigate traffic concerns. The proposed 300 parking stalls will triple the amount of parking that is  
2 presently available at the Mouth of Little Cottonwood Canyon and the surrounding parking lots.  
3 With eight years spent developing the project, the Shared Parking Plan ensures that they are parked  
4 appropriately while continuing to allow public use to utilize the structure and use rapid transit.  
5

6 Project amenities were next reviewed. Mr. McCandless explained that there are two plazas at or  
7 near grade that allow access to Wasatch Boulevard. Park improvements will be completed near  
8 the end of construction. The contract calls for grading and currently, there will be enough tax  
9 increment associated with the Community Development Plan of approximately \$700,000 to pay  
10 for the park improvements.  
11

12 As part of the Development Agreement, there is a unique Shared Parking Agreement that utilizes  
13 the parking to the extent possible. Mr. McCandless confirmed that there are 80 stalls available  
14 24/7. During holidays and weekends, 300 stalls will be available. He explained that the shared  
15 plans and easements are technical documents and confirmed that there is nothing on record  
16 allowing David Weekley homes to utilize the parking.  
17

18 Commissioner Rhodes asked if it is possible to walk between the proposed restaurant and hotel on  
19 grade. She commented that there appears to be a curved drive connecting the northern and  
20 southern parking areas, which have impacted the pedestrian connectivity from Canyon Road to  
21 Wasatch Boulevard since an additional road now has to be crossed.  
22

23 Mr. McCandless noted that the project has 70 feet of fall from one corner to the next and is a  
24 challenging project. They want to ensure connectivity through the proposed sidewalk design. He  
25 confirmed that they will work to create a reasonable pedestrian access.  
26

27 Mark Machlis stated that in the original Master Plan, it was envisioned that UTA would provide  
28 pickup for the aforementioned 80 stalls and hotel guests. Since then, UTA has stated that they  
29 cannot do that and felt it was unrealistic to expect 80 people and 140 hotel guests to cross Wasatch  
30 Boulevard to catch the bus. He understood it was the design of the Master Plan that made it  
31 impossible to have both acceleration and deceleration lanes and enter the development midway.  
32

33 Lynne Kraus stated that after listening to the CDRA meetings, she was of the understanding that  
34 the parking will not be free. Those choosing to park in the stalls will be charged an hourly rate.  
35

36 Mr. McCandless explained that the provisions in the Development Agreement allow them to  
37 charge for the actual costs of anything other than overhead and maintenance. The parking will be  
38 regulated and the preliminarily rate is determined to be a daily rate.  
39

40 Mr. Rock asked if there will be a charge for parking and stated that they would like to see parking  
41 on Canyon Centre Parkway be restricted to residential.  
42

43 Commissioner Ryser asked if it would be worth the time and money to complete an additional  
44 traffic study now, during the ski season, to get actual data. She also questioned how many hotel  
45 guests will generate traffic during peak morning and afternoon hours. She questioned whether the  
46 current roads can handle the numbers from the hotel.

1  
2 It was reported that the information that is important to analyze in the study is the trip generation  
3 and impact on the system. It was noted that the 2014 study is consistent with what is currently  
4 proposed. What is used are generally traffic engineering principles to provide trip generation  
5 figures. Chair Griffin pointed out that if the City's expert is telling them the data is adequate, that  
6 is what the Commission should base their information on.  
7

8 Mr. Johnson reported that the two separate concerns include asking if the hotel requires any added  
9 conditions in terms of traffic and implementing mitigation measures outside of the hotel to address  
10 those concerns. Although all concerns are legitimate, he did not know if they are tied directly to  
11 the impact of the hotel.  
12

13 Commissioner Allen requested a revised site plan showing pedestrian connections between all uses  
14 in the development. New landscaping to screen the exposed portion of the parking garage under  
15 the hotel was also suggested.  
16

17 Gary Gowers from Beecher Walker Architects, believed it was important to reiterate that they are  
18 only one piece of the puzzle. The portion of the parking garage that is exposed is not a part of  
19 their project. He emphasized that they are present to focus on the hotel and not a portion of the  
20 development that may have been missed. The hotel has the ability to invite their customers into  
21 their amenities and they are not responsible for the parking stalls provided by the overall  
22 development.  
23

24 It was Mr. Johnson's understanding that regardless of whether the hotel comes to fruition, what is  
25 shown in terms of surface parking is constructed and installed. He confirmed that the height is  
26 required to comply with all of the ordinance and height requirements.  
27

28 Mr. McCandless explained that when they obtained their Conditional Use and Building Permits  
29 for the parking structure, it included a landscaping plan. The exterior of the parking structure will  
30 be sided with rock. He confirmed that the landscaping plan is outside the scope of the hotel.  
31

32 There were no further public comments. The public hearing was closed.  
33

34 *Commissioner Ryser moved to continue the public hearing for CUP-18-012 to the meeting of*  
35 *January 23, 2019. The motion was seconded by Commissioner Wilde. Vote on motion:*  
36 *Commissioner Bevan-Nay, Commissioner Allen-Nay, Commissioner Rhodes-Aye,*  
37 *Commissioner Wilde-Aye, Commissioner Ryser-Aye and Chair Griffin-Aye. The motion passed*  
38 *4-to-2.*  
39

40 **2.2 (ZMA-18-001) Public Hearing and Recommendation to the City Council on a Request**  
41 **from Breen Homes for a General Plan Land Use Map Amendment from Residential**  
42 **– Low Density to Residential – Medium Density and a Zone Map Amendment from**  
43 **R-1-8 to R-2-8 on the Properties Located at 7559 & 7571 South Prospector Drive.**  
44

45 Associate Planner, Andy Hulka, presented the staff report and stated that the request includes  
46 amendments to both the General Plan Land Use Map and the Zone Map. The site is located east

1 of Wasatch Boulevard and south of the Canyon Centre project. The land use map was reviewed.  
2 Mr. Hulka explained that the property is currently designated Residential Low-Density and what  
3 is proposed is Residential Medium-Density along with a zone change to R-2-8 Residential Multi-  
4 Family that allows single-family and two-family homes. An updated fault setback image was  
5 reviewed. Mr. Hulka confirmed that the applicant is consolidating both of the lots into a single  
6 one-acre lot. The applicant was proposing to build one duplex.

7  
8 Peter Smith from Breen Homes stated that they are trying to maximize the use of the land.

9  
10 Chair Griffin opened the public hearing.

11  
12 Tracy Palmer thanked the Commissioners for their dedication. She stated that they live adjacent  
13 to the subject property and have noticed large numbers of people lodging there to be close to the  
14 ski resorts. She was opposed to the proposal since it will create additional traffic. She also wanted  
15 to preserve her privacy.

16  
17 Brian Isaac asked what the applicant intends to do with the duplex and stated that he has placed  
18 over 200 calls to the Police Department regarding issues with the nearby ski rental properties. He  
19 stated that they are run down and detract from the neighborhood. He was opposed the proposed  
20 duplex being used as a rental and stated that it is not zoned for that. Enforcement was encouraged.

21  
22 Mary Machlis stated that they have been trying to get the City to enforce rental laws on the  
23 duplexes to the north. They have had issues with traffic, parking on the street, and people coming  
24 in and out. She resented the fact that they cannot get anything enforced. She was opposed to the  
25 proposal and asked that it remain single-family.

26  
27 Matt Lipscomb stated that he lives on Prospector and had spoken to the owner, Adam Breen, who  
28 stated that his plan is to rent half of the duplex during the winter months. He understood that  
29 Mr. Breen intends to sell the one side and rent it out to make a profit during the winter season. He  
30 stated that each side will be 2,700 square feet in size. Mr. Lipscomb expressed his opposition to  
31 the proposed project.

32  
33 Mark Machlis commented that they have always had problems with renters of the adjacent  
34 duplexes who he believed rent by the room. As a real estate broker, he was opposed to the proposed  
35 rezone and the unit being turned into a rental. He believed the rezone is where the use can best be  
36 controlled and recommended the request be denied.

37  
38 Ashley Kovack expressed concern with the units becoming rentals and urged the Commission to  
39 oppose the rezone. She questioned how development was possible on the property since there is  
40 a fault line running through it.

41  
42 The applicant, Adam Breen, stated that they are in the early stages and want to get approval before  
43 proceeding with the design of the project. He confirmed that the density is not increasing and their  
44 goal is not to have a rundown rental unit. He understood the problems that can come with rentals.  
45 They had considered making the proposed units weekend ski rentals but they were too early in the  
46 planning process to confirm that.

1  
2 There were no further comments. The public hearing was closed.

3  
4 Commissioner Bevan expressed his opposition to spot rezoning and adamantly opposed  
5 consideration of the proposed request.

6  
7 Commissioner Ryser asked about short-term rental rules. Mr. Johnson pointed out that on public  
8 streets, regardless of the zone, rentals of less than 30 days are not legally permitted.

9  
10 Chair Griffin was in favor of the request and believed that consolidation of the lot would put the  
11 project at half the density of the surrounding homes. He commented that it is less than ideal for a  
12 single-family home and is well buffered with a limited envelope.

13  
14 Commissioner Ryser expressed concern about the possibility of it being utilized as a future rental.

15  
16 Commissioner Allen explained that if the surrounding duplexes decrease in value and are not well  
17 maintained, the result will be to build something new. If something new has to be built on the  
18 existing duplex lots, it would have to be single-family. Given the land use, the new application  
19 would be out of place.

20  
21 *Commissioner Bevan moved to recommend denial to the City Council of ZMA-18-001 for both*  
22 *the land use and zoning request from Breen Homes for a General Plan Land Use Map*  
23 *Amendment from Residential-Low Density to Residential-Medium Density and a Zone Map*  
24 *Amendment from R-1-8 to R-2-8 on the properties located at 7559 & 7571 South Prospector*  
25 *Drive. The motion was seconded by Commissioner Wilde. Vote on motion: Commissioner*  
26 *Bevan-Aye, Commissioner Allen-Aye, Commissioner Rhodes-Aye, Commissioner Wilde-Aye,*  
27 *Commissioner Ryser-Aye, Chair Griffin-Nay. The motion passed 5-to-1.*

28  
29 **2.3 (ZTA-18-003) Public Hearing and Recommendation to the City Council on a Request**  
30 **from Kimley-Horn for a Zoning Text Amendment to Amend Section 19.82.040 – Wall**  
31 **Signs.**

32  
33 Mr. Johnson presented the staff report and stated that the request is a minor proposal to amend the  
34 wall sign text of the City's zoning ordinance. He explained that the existing ordinance specifies  
35 that wall signs are permitted to occupy 15% a wall façade with frontage on a street. Wall signs  
36 must also be limited to a maximum height of six feet, which is the portion proposed to be amended.  
37 The applicant proposed wall signs be incorporated into any building with a setback of 150 feet and  
38 a façade greater than 350 linear feet that with a maximum height of 12 feet while still maintaining  
39 an area of 15% of the wall. They also proposed adding language to allow up to five wall signs that  
40 meet that requirement. He specified that what is proposed is an amendment to the zoning text that  
41 would apply City-wide to any properties meeting the requirements. The alternative option staff  
42 recommended was the elimination of the six-foot height requirement and limiting any wall sign to  
43 no more than 15% of the sign area. Staff believed this was a more equitable sign standard that still  
44 meets the intent of the ordinance. The current ordinance definition was reviewed.

45  
46 Chair Griffin opened the public hearing.

1  
2 The applicant, Bryce Christensen, stated that Target is proposing a 2019 remodeling program that  
3 includes both interior and exterior remodels. The 15% requirement allows flexibility but also  
4 limits the amount of signage that can be placed on the building.  
5

6 *Commissioner Wilde moved to approve ZTA-18-003 a request from Kimley-Horn for a zoning*  
7 *text amendment to amend Section 19.82.040 Wall Signs along with staff's alternative #2 so long*  
8 *as the terminology is restructured to read as a single paragraph. The motion was seconded by*  
9 *Commissioner Bevan. Vote on motion: Commissioner Bevan-Aye, Commissioner Allen-Aye,*  
10 *Commissioner Rhodes-Aye, Commissioner Wilde-Aye, Commissioner Ryser-Aye, Chair Griffin-*  
11 *Aye. The motion passed unanimously.*  
12

### 13 **3.0 Consent Agenda**

#### 14 **3.1 Approval of Minutes for October 17, 2018.**

15  
16  
17 *Commissioner Rhodes moved to approve the minutes of October 17, 2018. The motion was*  
18 *seconded by Commissioner Wilde. The motion passed with the unanimous consent of the*  
19 *Commission.*  
20

#### 21 **3.2 Approval of Minutes of November 7, 2018.**

22  
23 *Commissioner Rhodes moved to approve the minutes of November 7, 2018. The motion was*  
24 *seconded by Commissioner Wilde. Vote on motion: Commissioner Bevan-Abstain,*  
25 *Commissioner Allen-Aye, Commissioner Rhodes-Aye, Commissioner Wilde-Aye, Commissioner*  
26 *Ryser-Aye, Chair Griffin-Aye. The motion passed unanimously with one abstention.*  
27

### 28 **4.0 ADJOURNMENT**

29  
30 *Commissioner Bevan moved to adjourn. The motion was seconded by Commissioner Ryser.*  
31 *The motion passed with the unanimous consent of the Commission.*  
32

33 The Planning Commission Meeting adjourned at 8:32 p.m.  
34

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*  
2 *Heights City Planning Commission Meeting held Wednesday, January 9, 2019*

3  
4

5 Teri Forbes

6 Teri Forbes  
7 T Forbes Group  
8 Minutes Secretary

9  
10 Minutes Approved: \_\_\_\_\_