



COTTONWOOD HEIGHTS PLANNING COMMISSION MEETING AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Work Session Meeting** (Room 124, City Council Conference Room) beginning at **5:00 p.m.** and a **Business Meeting** (Room 5, Council Chambers) beginning at **6:30 p.m. on Wednesday, November 7, 2018**, located at 2277 East Bengal Boulevard, Cottonwood Heights, Utah.

5:00 p.m. WORK SESSION (Room 124)

1.0 DISCUSSION ITEM

- 1.1 Discussion on a request from ICO Multi-Family Holdings, LLC for a zone map amendment from R-1-8 to PD-X on the property located at 6784 S 1300 E.

6:30 p.m. BUSINESS MEETING (Room 5)

1.0 WELCOME/ACKNOWLEDGEMENTS – Commission Chair

2.0 CITIZEN COMMENTS

(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 City Planner prior to noon the day before the meeting.)

3.0 ACTION ITEMS

3.1 (Project PDD-18-001)

Action on a request from ICO Multi-Family Holdings, LLC for a zone map amendment from R-1-8 to PD-X on the property located at 6784 S 1300 E.

The applicant is requesting to utilize the city's Planned Development District ordinance and change the zoning designation from R-1-8 (Residential Single-Family) to PD-X (This is a zoning designation prepared specifically for the subject property by the applicant, within the guidelines of chapter 19.51 of the city zoning ordinance)

3.2 (Project GPA-18-002)

Action on a request from Cottonwood Heights City comments on a city-initiated request for a General Plan land use map amendment to multiple properties with frontage on Fort Union Boulevard between 2700 East and Racquet Club Drive.

4.0 CONSENT AGENDA

- 4.1 Approval of Minutes for September 5, 2018

- 4.2 Approval of Minutes for October 3, 2018

5.0 ADJOURNMENT

On Thursday, October 31, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was emailed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. 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 31th DAY OF OCTOBER 2018

Paula Melgar, City Recorder

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. 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. If you would like to submit written comments on any agenda item they should be received by the Planning Division no later than Tuesday at noon. Comments can 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.

**Chapter 19.XX
PDD-1 – WALSH PLANNED
DEVELOPMENT ZONE**

19.95.010 Purpose.

19.95.020 Goals and Objectives.

19.95.020 Permitted Uses.

19.95.030 Development Plan.

19.95.040 Architectural Standards.

19.95.060 Outdoor Lighting.

19.95.070 Signage.

19.95.080 Reversionary Clause.

Exhibit A Development Plan

**Exhibit B Site Development Regulations
Table**

19.95.010 Purpose.

The purpose of the PDD-1 – Walsh Planned Development Zone is to allow the development of multi-family uses in an environment that reflects attention for architectural, landscaping and urban design principles. The PDD-1 zone is designed to be applied only to the parcel of property located at 6784 South 1300 East in Cottonwood Heights, as shown in Exhibit A and in the official zoning records of the city. The area of the PDD-1 zone is adequately served by public streets, municipal services and public utilities of adequate capacity. The PDD-1 zone promotes the objectives set forth in Section 19.51.020 (Planned Development District; Goals and Objectives) of the Cottonwood Heights Municipal Code; meets the requirements set forth in Section 19.51.020.E; and is a Planned Development Zone ordinance as that term is defined in Section 19.51.020.C. The PDD-1 zone is a Tier 2 Planned Development District project as described in Section 19.51.060.

19.95.030 Goals and Objectives.

Development in the PDD-1 zone will support existing retail and commercial business in and near the Fort Union

Boulevard area. Development in the PDD-1 zone will include five (5) live-worked mixed-use units that are designed for remote work, home occupations, and/or small retail spaces. The development is within walking distance of more than 10 UTA bus stops on two routes and many office and retail businesses.

19.95.030 Permitted Uses.

Permitted uses in the PDD-1 zone are as follows:

- A. Multi-family residential dwellings, in the quantity and location as shown on page X of the Development Plan
- B. Live-work mixed-use units, in the quantity and location as shown on page X of the Development Plan. Uses allowed in live-work units are as follows:
 - a. Residential;
 - b. Home Office;
 - c. Home Occupation;
 - d. Administrative/Professional Office;
 - e. Studio;
- C. Home occupations, as defined by and in accordance with Section 19.76.040.F;

Uses not listed as permitted by this subsection shall be prohibited.

19.95.040 Development Plan.

Property in the PDD-1 zone shall be developed in conformance with the Development Plan attached to this chapter as Exhibit A and is hereby incorporated into the Cottonwood Heights Municipal Code. The approved development plan includes the following dimensional, parking, open space, amenity and coverage requirements, as referenced below and as represented in Exhibit A. All development in the PDD-1 zone shall comply with minimum standards set forth in chapter 19.51 (Planned Development District) of the Cottonwood

Heights Zoning Ordinance, the attached Development Plan and shall meet the following standards:

- A. Maximum building height – fifty (50) feet and four (4) stories, measured from finished grade. The finished grade is used for height measurement because the site needs to be raised to account for the flood plain. Architectural appurtenances shall not be included in the 50-foot height limitation, but in no case shall any architectural appurtenance as shown on in the Development Plan exceed a maximum height of fifty-four (54) feet. The maximum height for all accessory buildings shown in the Development Plan shall be twenty (20) feet, measured from finished grade.
- B. Maximum building height in the PDD-1 zone shall not exceed thirty-five (35) feet in height;
- C. Building height shall be measured from existing grade, in accordance with structure height measure as detailed in section 19.76 of the Cottonwood Heights Zoning Ordinance;
- D. As shown on the Development Plan, protruding sections of Building A and Building B shall be limited to three stories and thirty-five (35) feet in height;
- E. The setbacks for all buildings in the PDD-1 zone shall be as shown in the Development Plan, which shall be found to be consistent with Section 19.51.060. The eastern boundary of the property in the PDD-1 zone shall be considered the front yard.
- F. The PDD-1 zone shall contain 204 total units, including multi-family residential units and live-work mixed-use units.
- G. No units shall be added or removed to the PDD-1 zone without an amendment to this chapter and revision of the Development Plan.
- H. Storefronts and access (retail and commercial areas). A minimum of 50% of the height and width of the ground-floor frontage or principal buildings shall consist of windows, window displays, doors, or a combination thereof.
- I. A minimum of 25% of a building's upper floor (above the ground level) elevations along streets shall have view windows with non-reflective glass.
- J. The PDD-1 zone shall include 370 parking stalls, at a parking ratio of 1.81 stalls per unit. 175 stalls shall be structured podium parking, 165 stalls shall be external surface stalls, and 30 stalls shall be external surface stalls covered by a carport structure. Stalls shall be configured as shown on page X of the Development Plan. All required accessible parking stalls shall be designed in accordance with applicable building code standards;
- K. The minimum off-street parking requirement shall be specified in the Development Plan. The minimum number of parking stalls required shall be determined using the standards of Chapter 19.80 of the Cottonwood Heights Zoning Ordinance.
- L. Street level, surface parking shall be located behind or adjacent to buildings or screened by a minimum ten-foot tall landscaped berm.
- M. Parking setbacks shall be a minimum 20' when abutting land used for single-family residential.
- N. Amenities in the PDD-1 zone shall be as shown on page X of the

Development Plan and shall include the following:

- a. Swimming pool;
- b. Fitness center;
- c. Clubhouse;
- d. Fire pit;
- e. Barbeque area;
- f. Picnic areas;
- g. Bicycle parking/storage areas;
- h. Common green areas.

O. Public amenities on the site include
XXXXXXXXXXXXXXXXXX.

P. Pedestrian circulation in the PDD-1 zone shall comply with the following regulations:

- a. Sidewalks and pedestrian walkways shall be provided in accordance with a submitted pedestrian circulation plan approved as part of the PDD-1 zone;
- b. Minimum requirements for public sidewalks in the PDD-1 zone include:
 - i. Continuous sidewalks with a width of six feet shall be located along both sides of both collector and arterial public streets and both sides of internal private street(s).
 - ii. Sidewalk(s) along the private street(s) shall be located within a public pedestrian easement to be shown on the final plat granted access to the public.
- c. Minimum requirements for private pedestrian walkways in the PDD-1 zone include:

- i. Hard-surfaced sidewalks with a minimum width of five feet;
 - ii. Readily visible sidewalks free or encroachment by parked vehicles;
 - iii. Paving consisting of concrete or other masonry materials differentiated from the driveway and parking areas through the use of color, texture, or materials;
 - iv. Shade provided by deciduous shade trees spaced at one per 30 linear feet of walkway or building canopy;
 - v. Lighting with pedestrian-scaled fixtures;
- d. If parking is located between the street and any building in the PDD-1 zone, at least one walkway shall be provided to and through its associated parking area to connect a building entrance to a public sidewalk;
 - e. In order to create a safe pedestrian environment, multifamily residential buildings shall be placed and sited so that all required internal sidewalks are in view of at least one unit's living area windows;
 - f. Internal sidewalks parallel and adjacent to a street or drive aisle shall be raised or separated from the street or drive aisle by a raised curb, landscaping or other physical

barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.

- g. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased to a width of seven feet when parking is located on one side, and a minimum width of nine feet when parking is located on both sides.
- h. Minimum requirements for public plazas shall be as follows:
 - i. Any proposed publicly-accessible plazas shall be located as shown in the Development Plan;
 - ii. Each plaza shall include a decorative paving pattern;
 - iii. Each plaza of up to 500 square feet in area shall include at least two benches, two shade trees and four bicycle parking spaces. An additional two benches, two shade trees and four bicycle parking spaces shall be provided for each additional 500 square feet of plaza area, prorated for additional area of less than 500 square feet

Q. Open space shall be provided in the form of natural areas meriting preservation, landscaping, pedestrian plazas, atriums and/or other

significant spaces open to the public. Vehicular circulation shall not qualify as open space but are required to meet parking and landscaping requirements.

- R. Prior to the use or occupancy of any premises in the PDD-1 zone, the following landscaping requirements shall be met:
 - a. Provide a total landscaped area equal to at least 25% of the gross land area in the PDD-1 zone. The landscaped area may be provided at ground level or on upper-level balconies, decks or roofs, or any combination thereof. At least 60% of the landscaped area shall be vegetated.
 - b. Provide a ground-level landscaped area equal to at least 15% of the gross land area in the PDD-1 zone.
 - c. For landscaped areas designed as buffers, setbacks or visual backdrops, 40% of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees. These areas must be at least eight (8) feet wide.
 - d. For large paved pedestrian spaces such as courtyards or plazas, a 12-foot tall/two-inch caliper conifer or a 15-gallon/eight-foot tall deciduous tree shall be required for every 200 square feet of paved area. A 50% reduction in the number of trees in such areas may be permitted if at least 25% of the ground plane is vegetated with potted plants, vines, shrubs, or groundcover.

- S. Landscaping shall be installed in accordance with page X of the Development Plan. Prior to development, a tree protection plan shall be submitted that identifies existing trees to be saved, subject to review and approval by the Community and Economic Development Director. All new deciduous trees shall have a minimum caliper size of one-half inch. All evergreen trees shall be planted at a minimum height of five (5) feet.
- T. Access to all development in the PDD-1 zone shall be constructed as depicted on page X of the Development Plan.
- U. Fencing shall be constructed around the perimeter of the site. All fencing shall consist of steel-reinforced vinyl fencing at a minimum height of eight (8) feet. Required fencing height may be reduced to six (6) feet if there is an existing eight-foot fence on the adjacent property;
- V. The maximum lot coverage for in the PDD-1 zone shall be 30% and shall be developed as depicted in the Development Plan.
- W. Improvements to the Little Cottonwood Creek shall be constructed as shown on page X of the Development Plan and shall be subject to approval by all outside agencies (e.g. Salt Lake County Flood Control, etc.) prior to issuance of any building permit in the zone.
- X. The minimum lot dimensions shall be as shown in the Development Plan.

19.95.050 Development Requirements. Requirements for development in the PDD-1 zone shall be set forth in this chapter and as part of the Development Plan. Additional

development standards shall include, without limitation:

- A. This title;
- B. Title 12 (Subdivision);
- C. APWA standards;
- D. International Building Code;
- E. International Fire Code; and
- F. Such other standards as may be applicable to development in the PDD-1 zone, as determined by the city's Development Review Committee.

The Development Plan, attached as Exhibit A, includes the following information as required by chapter 19.51 of the Cottonwood Heights Zoning Ordinance:

- G. The location of the proposed development;
- H. The names of and contact information for the applicant(s) and the owner(s) of the property(ies);
- I. A written narrative and graphic exhibits explaining and showing the nature and character of the planned development, including:
 - a. The proposed project's consistency with the city's General Plan and any master plans covering part or all of the proposed site;
 - b. A statement of how the goals, objectives and specific criteria of chapter 19.51 will be satisfied;
 - c. Disclosure of any easements or leases necessary for the proposed project and how their long-term continuity will be assured;
 - d. The total acreage of the planned development, broken down into the acreage of any phases or sub-parcels;
 - e. The specific land uses to be permitted in the proposed zone and the general location

- and amount of land proposed for each permitted land use;
- f. The scale/intensity of each use, expressed in numbers and the acreage allotted to each use;
 - g. Lot lines and all dimensional standards for each land use type designated;
 - h. Open space / landscaping plan including the location and composition of all screening, buffering materials, trees and other vegetation;
 - i. An analysis of the traffic impact of the project on existing and proposed streets, current and projected traffic counts on surrounding roads and streets, etc.;
 - j. A traffic circulation plan (vehicular and pedestrian) showing project circulation patterns; internal streets, roads and alleys; connections to local and regional transit; interior pedestrian trail connections; and a description of the vehicular transportation circulation networks in the city and the region;
 - k. A description of facilities for public transportation, pedestrians, bicycles and other alternatives to private vehicles;
 - l. Parking plans, including parking structures, stall counts, and locations;
 - m. A preliminary development schedule and any proposed phasing plans, including areas to be included in each phase and the location of all open space areas and affordable dwelling units to be included in each phase;
 - n. Tabulations of acreage allotted to public open space, common private open space, and non-common private open space, including a statement of intended uses of open space and public facilities, including a rationale for scale and location;
 - o. Lighting plan showing location, lighting types, foot-candle measurements, etc.;
 - p. Illustrative architectural elevations for each type of residential and non-residential unit, including:
 - i. Character sketches of proposed buildings or building types, typical exteriors and architectural elevations, etc. as appropriate to convey an accurate visual imagery of the proposed project, and;
 - ii. How the scale, massing and design of new buildings compliments and positively contributes to the setting of any buildings within or adjacent to the project and creates a pleasing visual relationship with them;
 - q. Preliminary utilities master plan, including the locations of any existing or proposed utility easements; the general location, size and capacity of

all existing and proposed utility easements; the general location, size and capacity of all existing and proposed utility lines; and an analysis of the development's projected ten-year water usage and how water-efficient materials may be used in the project;

- r. Infrastructure plan, including a narrative of the proposed project's impacts on public facilities and public infrastructure;
- s. Sensitive lands plan detailing any sensitive lands, natural hazards, historic buildings/sites, unique geological features, etc., and how the project's impact on such areas will be mitigated;
- t. Schematic map showing:
 - i. Proposed land use designations;
 - ii. Streets and parking lots, including parking structures and details;
 - iii. Public open space and other public facilities, and landscaping; and
 - iv. Structures, natural features or other site amenities to be preserved;
 - v. Vehicular circulation plan, including public transit;
 - vi. Bicycle and pedestrian circulation plan

19.95.060 Site Development Regulations.

Development in the PDD-1 zone shall meet all applicable base Tier-2 regulations set

forth in Table 1 of chapter 19.51, attached herein as Exhibit B.

19.95.070 Architectural Standards.

Development in the PDD-1 zone shall include exterior building materials and architectural style in compliance with the Development Plan. The use of aluminum and vinyl siding shall be prohibited. Materials depicted in the Development Plan shall be allowed. The project shall be building using best building practices as outlined by building agencies and the U.S. Green Building Council. No certification from such organizations shall be required. Prior to issuance of building permits, the applicant shall submit a written narrative demonstrating general compliance with standards and practices outlined by the U.S. Green Building Council, subject to review by the Community and Economic Development Director.

19.95.070 BMR Units.

1. Development in the PDD-1 zone shall include a number of below market rate (BMR) housing units representing at least ten percent (10%) of the project's total residential unit count. For the purposes of this subsection, the following definitions shall be used:

- A. Affordable Housing: Housing costs (rent plus basic utilities) that consume no more than 30 percent of a household's income;
- B. Affordable Units (also "BMR units"): Dwelling units that are BMR units required by Chapter 19.51 and are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved by the city;
- C. Area median income (AMI): A calculation of annual income determined by the U.S. Department of Housing and Urban Development

(HUD) that categorizes income levels as: extremely low income <= 30 percent of AMI; very low income = 31-50 percent of AMI; low income = 51-80 percent of AMI; and moderate income = 81-100 percent of AMI.

- D. Bedroom: A room designed to be used for sleeping purposes and which contains closet(s) and meets all applicable city building code requirements for light, ventilation, sanitation and egress;
- E. Deed Restriction: The recording, as an encumbrance on legal title to the realty in this zone, of the ordinance creating and governing this zone, and/or (as determined by the city) a contract entered into between the city and the owner or purchaser of real property identifying the conditions for occupancy of the affordable units;
- F. Household: All related and unrelated individuals occupying a unit;
- G. Household income: Combined income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed;
- H. Market units: Dwelling units in this zone that are not defined as affordable or BMR units and are subject to rental at full market rates;
- I. Net livable square footage (NLSF): A calculation of interior living area that is measured interior wall to interior wall, including, without limitation, all interior partitions, habitable basements and interior storage areas, closets and laundry areas. Exclusions include, without limitation, uninhabitable basements, mechanical areas, exterior storage,

stairwells, garages, patios, decks and porches;

- J. Target income: The specific household income to be served by affordable or attainable units which is determined based on current need at the time units are put in service;
2. Ten percent of the total number of dwelling units contained in the PDD-1 zone shall be affordable / BMR units. Affordable / BMR units developed in compliance with the requirements herein and with all other applicable ordinances are not included in the density calculation for the project. Further:
 - A. Location – Affordable / BMR units shall be disbursed throughout all buildings in the PDD-1 zone, with one or more contained within each of the proposed buildings;
 - B. Size – In order to assure livability, the net livable square footage (NLSF) of the affordable / BMR units shall be as follows:
 - a. 1-bedroom unit – 650 sq. ft.
 - b. 2-bedroom unit – 900 sq. ft.
 - c. 3-bedroom unit – 1,150 sq. ft.
 3. Affordable / BMR units may differ from the market units with regard to interior amenities and gross floor area, provided that:
 - A. Such differences are not apparent in the general exterior appearances of the project's dwelling units;
 - B. Such differences do not include insulation, windows, heating systems and other improvements related to the energy efficiency of the project's dwelling units; and
 - C. The gross floor area of the affordable / BMR units is not less than the minimum requirements listed above
 4. All affordable / BMR units shall be constructed and made ready for occupancy on approximately the same schedule as the project's market units; provided that certificates of occupancy (whether

temporary or permanent) for the last ten percent of the market units shall be withheld by the city until certificates of occupancy have been issued for all of the affordable / BMR units. If market units are to be developed in phases, all affordable / BMR units shall be developed proportionately. In the required scheduled for phased development, details shall be included for all affordable / BMR units.

5. Prior to issuance of a building permit, provisions to ensure continued affordability of the affordable / BMR units shall be embodied in legally binding agreements and/or title restrictions, which shall be prepared by the developer but which shall not be recorded or filed until reviewed and approved by the city attorney with such modifications as it may deem necessary to carry out the purpose of this ordinance. No building permit application shall be accepted in the absence of proof of such deed restriction. If the deed restriction subsequently is voided by bankruptcy or other legal action, the city may revoke the certificate(s) of occupancy for the project in the PDD-1 zone until such time as the then owner complies with the standards herein;

6. The city shall be entitled to verify compliance with this ordinance at any time or from time to time, and the then owner of the realty in the PDD-1 zone shall cooperate in such verification process in all reasonable ways, including by providing access to its book and records concerning the affordable / BMR units.

7. Affordable / BMR units shall be rented at a price which, on average, is affordable to a household with an annual income of 50% of the city's AMI. The maximum rent shall be adjusted annually by the percentage increase in the Consumer Price Index for the western region. Unless otherwise approved, the minimum lease term shall be six months.

8. Future conversion of rental units to for-sale units shall require an amendment to this

ordinance, subject to all applicable city hearings and approvals.

19.95.080 Outdoor Lighting.

Outdoor lighting shall be located and installed as shown on page X of the Development Plan. LED light sources shall be used for all outdoor lighting. All site lighting shall be designed to be full cut-off and shielded from adjacent residential land uses. Building lighting shall be designed to with no light distributed above the horizontal plane of the light source. All outdoor lighting except lighting needed for security and identified in the Development Plan shall be turned off no later than 10:00 p.m. each day. Outdoor lighting shall also comply with the following additional standards:

- A. Maximum Light Distribution. The light uniformity ratio of site lighting shall be 4:1 or greater in parking areas, excluding main building entrances;
- B. Pole Height/Design. Light pole structure height shall be measured from the finished parking lot surface to the highest point of the lighting structure, and shall not exceed a maximum height of eighteen (18) feet;
- C. Where possible, the base of site lighting structures should be located within landscaping areas, in accordance with the Development Plan;
- D. Wall-mounted lighting fixtures shall be installed no higher than eighteen (18) feet in height. Fixture styles and finishes shall compliment the architectural design and materials represented in the Development Plan;
- E. Lighting located along pedestrian pathways or in activity centers shall

- F. be not exceed twelve (12) feet in height and shall be full-cut off.

19.95.090 Signage.

In accordance with page X of the Development Plan, development in the PDD-1 zone may include two monument signs. Each sign may be constructed to a maximum size of thirty-two (32) square feet. The size of each sign shall be measured in accordance with chapter 19.82 (Signs) of the Cottonwood Heights Zoning Ordinance. Interior directional signage shall be allowed as necessary. A maximum of five (5) wall signs may be constructed on the first story of any designated live-work mixed-use unit on the project. The size of each wall signs shall be measured in accordance with chapter 19.82 (Signs) of the Cottonwood Heights Zoning Ordinance.

19.95.100 Reversionary Clause.

If a building permit is not issued for the principal improvements to be constructed in the PDD-1 zone within three (3) years after the effective date of this ordinance, this ordinance shall be deemed retroactively repealed and the subject property shall revert back to its zoning designation in effect immediately prior to the passage of this ordinance (or the equivalent of such zoning designation that is in existence on the date of such reversion), subject to all applicable city processes for repealing ordinances and modifying zoning designations. A one-year extension may be granted by the Community and Economic Development Director provided that the extension is applied for at least 60 days prior to the third anniversary of the effective date of the PDD-1 zone and ordinance.

10/16/2018

Planning Commission Members,

I am traveling for work and will miss this week's planning commission meeting and work session. Here are my thoughts on the 2 action items:

GPA-18-002 - Land Use Map Amendment

It is clear many people are in favor of this amendment. That being said, I have 3 concerns:

1) Rentals

Single family residential property directly adjacent Fort Union can be difficult to retain value. This can encourage these properties to be sold as rentals. Often these rentals, which act as the gateway into these neighborhoods, are poorly maintained. I personally drive by several of these properties everyday in and out of my own neighborhood.

2) Commercial Value

We received a few comments from people who are finding value in using their property along Fort Union as some type of commercial use. Parking, access, and scale need to be appropriately addressed, but the Mixed-Use Zone or Residential Office would allow these property owners to decide what use works best for them.

3) Access

It was mentioned that the few residential office land use designations (purple) remaining were selected based on being more central, away from the entries into the neighborhoods. This makes sense if the primary intent is to maintain the "single-family residential" character as the gateway into the neighborhoods, but the problem with placing them away from the corners is that the only means of access is from Fort Union. We have received many public comments regarding traffic concerns on Fort Union. If the Residential Office land use was placed on the corner properties, this would allow access to be from the neighborhood streets and eliminate some of the access from Fort Union.

I can see why the properties along Fort Union were designated Mixed Use. I worry that we will eventually end up with a series of poorly maintained rentals along this prominent corridor if the land use designation only allows for single family residential use.

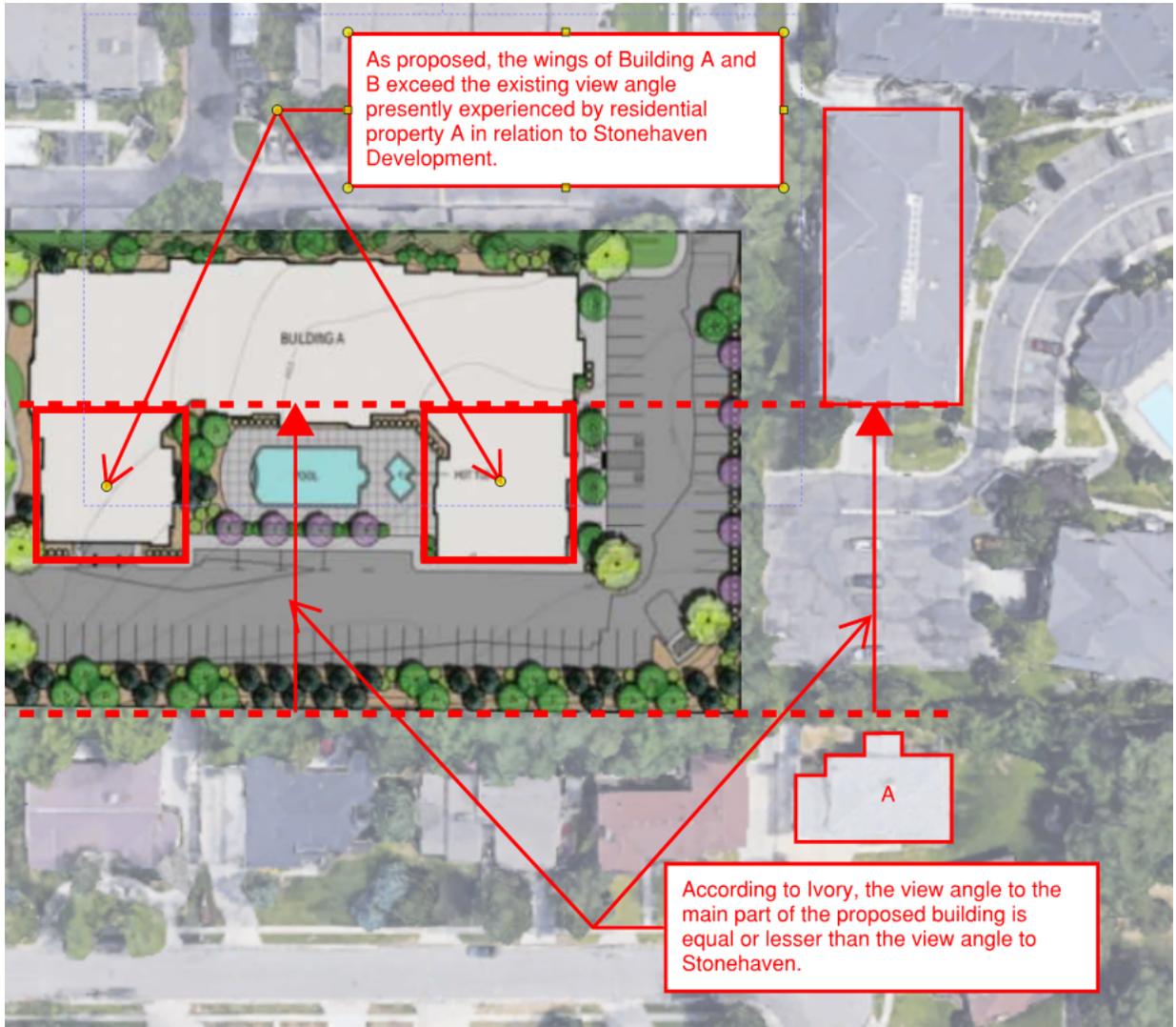
PDD-18-001 - ICO Multi-Family Development

I appreciate Ivory providing the additional diagrams at the last planning commission meeting. It appears that the view angle of the wings of building A and B exceed the view angle to the Stonehaven development from the perspective of the single-family residential properties to the west. I have a hard time voting in favor of this development if it exceeds the current view angle impact from the existing single-family residential properties. Therefore, my original recommendation to lower the wings of Building A and B stands. See attached diagram for clarification.

Sincerely,



Jesse Allen



Commissioner Allen's Diagram regarding PDD-18-001

Matthew Taylor

From: Michael Johnson
Sent: Wednesday, October 17, 2018 9:39 AM
To: Matthew Taylor
Subject: FW: planning meeting Oct 17

Mike Johnson
Cottonwood Heights

From: Craig Bevan <realtor.bevan@gmail.com>
Sent: Tuesday, October 16, 2018 4:29 PM
To: Michael Johnson <MJohnson@ch.utah.gov>
Subject: planning meeting Oct 17

Mike I am sorry I will not be available for the meeting tomorrow

I do have a few thoughts I thought I should pass along to you

The PDD is an excellent way to work with not against a developer. The city can ask for changes and give concessions in a give and take format.

I think there may be a few technical problems with things like the “/” does it mean senior housing or handicap or affordable
or does it mean
senior housing and handicap and affordable

I think the setbacks from property lines are negotiable and we have addressed that

I think the live work units are pushing the limit some but they do fall into the letter of the law

In the end I think the developer has there opinion on one end of the scale the city and zoning board are on the other what really is allowed here is ultimately up to the city council.

I believe we should forward this on to the council with a positive recommendation we have had it on our hands for plenty of time. We should not continue to string this out

Craig Bevan

Sent from [Mail](#) for Windows 10

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

19.95.010 PD-X__ Zone, Walsh Rezone

Purpose. The purpose of the PD-X zone is to allow the development of multi-family uses in an environment that reflects attention for architectural, landscaping and urban design principles. The PD-X zone is an overlay zone designed to be applied only to the parcel of property located at 6784 South 1300 East in Cottonwood Heights, as shown in Appendix "1". (provide acreage and street boundaries) The area of the PD-X zone is adequately served by public streets, municipal services and public utilities of adequate capacity. The PD-X zone promotes the objectives set forth in Section 19.51.020 of the Cottonwood Heights Code of Ordinances; meets the requirements set forth in Subsection 19.51.020(E); and is a PDZ ordinance as that term is defined in Subsection 19.51.020(C). This PD-X zone is in a Tier 2 project project development district as described in Section 19.51.060.

19.95.20 Goals & Objectives

The development will support existing retail and commercial business along Fort Union Blvd. The development will also have 5 "live-work" units that are designed for remote work or home occupations or small retail spaces. The development is within walking distance of more than 10 UTA bus stops on two routes (213 and 72) and many office and retail businesses.

19.95.030 Permitted Uses.

The permitted uses within the PD-X zone, in addition to other uses authorized in the underlying zoning district, shall include: Multiple unit dwellings, either apartments or condominiums, live work units, and home occupations.

19.95.040 Development Plan.

Property in the PD-X zone shall be developed in conformance with the development plan included as Appendix "1" attached hereto, which is incorporated by this reference and will be included in the Cottonwood Heights Code of Ordinances. The approved development plan includes the following dimensional, parking, open space, amenity and coverage requirements:

A. Maximum height is four (4) stories, with a maximum height of fifty (50) feet, measured from finished grade. The finished grade is used for height measurements because the site needs to be raised to account for the flood plain. Each dwelling depicted on the development plan includes an office/commercial use on the main floor. Maximum height for accessory buildings not intended for occupancy shall be twenty (20) feet, again measured from finished grade.

B. Setbacks, as depicted in the development plan, are consistent with Section 19.51.060, Table 1. The eastern edge of the site between the east boundary and building A shall be considered the front yard. The minimum side yard setbacks are as follows: (i) for the north side of the site, 10 feet; (ii) for the south side of the site east of Little Cottonwood Creek, 20 feet; and (iii) for the south side of the site west of Little Creek 10 feet. All other setbacks have no minimum distance.

C. Maximum density, two hundred and four units. The approved density for the PD-X zone is up to thirty-five (35) units per acre. and The development plan conforms with the approved density.

D. Parking, the minimum parking density is one point eight (1.8) parking stalls per unit.
a. Parking dimensions shall be nine (9) feet wide by eighteen (18) feet long;
b. Accessible parking space width requirement vary and shall be consistent with building code standards.

E. Private amenities shall include a swimming pool, fitness center, clubhouse, fire pit, barbeque area, picnic areas, bicycle parking/storage areas, and common green areas as generally depicted in the development plan.

Public Amenities

F. Landscaping shall be installed to provide buffering and open space as located and generally depicted in the development plan unless otherwise revised and approved by the director.
a. Deciduous trees. All deciduous trees shall have a minimum caliper size of one-half inches.
b. Evergreen trees. All evergreen trees shall have a minimum height of five feet.

G. Access and emergency access shall be configured as depicted in the development plan.

H. Fencing is proposed around the perimeter of the site, which fencing will be wrought iron or solid vinyl material.

I. The maximum site coverage for the site is 30% of the overall site size.

J. The development plan attached as Appendix "1" provides buffer and open space between the dwelling uses and Little Cottonwood Creek.

K. The minimum lot width at the front (east) side of the site is 221.5 feet and the minimum lot length measured from the front of the site to Little Cottonwood Creek is 740 feet. The portion of the site west of Little Cottonwood Creek is part of the site.

- General site plan
- Traffic circulation site plan
- Pedestrian circulation site plan
- Landscaping Plan
- Parking site plan
- Open space plan
- Amenity site plan
- Regional transportation plan
- Building A, B, and C elevations and floor plans
- Live-work unit floor plan
- Civil site plan
- Concept photometric plan
- Architectural elevation renderings
- Building massing exhibit

19.51.060 Site development regulations.

A. Base Regulations. The following table, designated "Table 1: Site Development Regulations – Planned Development Districts" ("Table 1"), sets forth the base site development regulations for the PDD, which are in addition to any further development regulations set forth in the PDZ ordinance for a property. Letter designations in the "Additional Regulations" column of Table 1 refer to the additional regulations that follow Table 1 in this section. The intent of these regulations is to promote vertical and horizontal mixed use development in a pedestrian-oriented environment.

19.51.050 Development requirements

A. Development requirements for each PD zone shall be set forth in the PDZ ordinance creating such PD zone and shall include, without limitation, the standards listed in the following documents:

- B. This title;
- C. Title 12 (Subdivisions) of this code;
- D. APWA standards; and
- E. Such other standards as the city council may deem appropriate following recommendation by the planning commission.

B. A PDZ ordinance also shall include:

- C. A schematic map showing:
 - (a) Proposed land use designations;
 - (b) Streets and parking lots, including parking structures and details;
 - (c) Public open space and other public facilities, and landscaping; and
 - (d) Structures, natural features or other site amenities to be preserved.
- 2. Maps indicating the following transportation circulation systems within the project and connecting to larger circulation networks in the city and region:
 - (a) Vehicular, including public transit;
 - (b) Bicycles; and
 - (c) Pedestrians.
- 3. A preliminary development schedule and phasing diagram showing each phase of the development;

C. The PDZ ordinance may expressly delegate some, or all, of the future decisions on the development plans to the director, subject to the requirements of this chapter and the PDZ ordinance.

Standard	Tier 2	Proposed Development Plan
Area requirement	3 acres	5.93 acres
Lot coverage (maximum)	65%	28%
Building Height minimum	N/A	N/A
Building Height maximum	50' (must contain non-residential use on first two stories) (height is measured to the top of habitable area; parapets and other non-habitable roof-top appurtenances are generally exempt)	50' (proposed two-story live/work units in each building) (Additional architectural appurtenances exceed 50')
Minimum setbacks: <ul style="list-style-type: none"> • Front • Side (Street) • Side (Residential) • Side (Nonresidential) • Rear (Residential) • Rear (Nonresidential) 	<ul style="list-style-type: none"> 0 0 Same as residential 0 Same as residential 0 	<ul style="list-style-type: none"> Front (East) - 80' North side - 12-20' South side - 70' adjacent to SFD; 10' adjacent to MFD Rear (West) – 60'
Storefronts & Access	Required at street level	Provided
Building Transparency	Yes, to meet minimum standards	Complies with minimum standards
Open space	15% gross lot area	43%
Landscaping	To be compliant with specific PDD ordinance standards	Complies with base standards
Off-street parking & loading	No specific requirements	N/A
Parking Setback	As defined by ordinance; Minimum setback abutting single-family residential – 20'	20' from single-family residential property line; 25-30' additional from buildings on single-family residential properties
Pedestrian Circulation	Required per ordinance	To comply with minimum PDD standards
Signage	Master Sign Program Required	Master Sign Program Provided
Below Market Rate (BMR) / Senior / Disable Housing	At least 10% of units must be affordable, senior, or ADA-compliant. Affordable is defined as households earning not more than 50% of the city's median income (per 2017 housing study, median income = \$79,823. The study states that \$998 monthly rent is affordable)	21 units proposed to be for senior housing designed to be ANSI B compatible. Proposed 10% discount on base rent compared to other units within the property.
Exterior Lighting Standards	Per ordinance	Required to comply with minimum standards
Residential Density	35 units per acre maximum	33.6 units per acre (excluding live-work units) 34.4 units per acre (including live-work units)

19.95.060 Site Development Regulations

B. Additional regulations.

1. Area requirement

2. Lot coverage.

3. Maximum building height

(a) The maximum building height in any Tier 2 PD zone is 50 feet if the first two stories (beginning at the street level) are commercial and/or office uses. The maximum building height is reduced to 35 feet for any building that either does not have commercial/office uses on the first two stories or is located within 50 feet of a single-family zoning district.

(b) Building height shall not exceed the corresponding building height for each tier in the table measured from the grade plane as defined in the city's building code (the "building code"). Parapet walls, rooftop penthouses, landscaping and vegetative amenities and other similar architectural features may extend above the maximum building height provided they contribute to the overall architectural character of the building as determined by the city's architectural review commission ("ARC") and contain only mechanical or other apparatus necessary for the operation of the building.

4. Setbacks

(a) Setbacks from the public right of way shall be determined by the site plan approved as part of the PDZ ordinance for a site. Typically, setbacks shall be measured from one foot behind the public sidewalk or, if no sidewalk exists, one foot behind the top of curb. Other setbacks shall be measured from the property line of the adjoining tract. There shall be no setbacks for buildings from internal lot lines within the PDD unless required by the building code or Table 1.

(b) Fifty percent (50%) of ground floor building facades shall be located at the setback line when the building fronts on an arterial or collector street. If authorized in the PDZ ordinance, permanent shade structures such as canopies and arcades may encroach up to ten feet within the setback area when abutting an arterial or collector street, so long as a vertical clearance of at least ten feet above finished grade is maintained.

5. Storefronts and access (retail and commercial areas). A minimum of 50% of the height and width of the ground floor frontage of principal buildings shall consist of windows, window displays, doors, or a combination thereof.

6. Open space.

7. Landscaping.

8. Parking.

9. Pedestrian Circulation.

10. Signage. The project may have two monument sign no larger than thirty-two (32) square feet for each sign face at the main entrance gate to the project, one monument or pedestal sign of same sign face area size along the west property line with UDOT I-215 on-ramp, two wall signs of the size allowed by Section 19.82.040, and such exterior signage located interior to the project as may be necessary to help with wayfinding and designating buildings and amenity areas and features.

11. Below market rate/senior/disabled housing requirement.

All PD zone ordinances shall require the development to include below market rate or senior/disabled housing units (collectively, "BMR units") equal to at least ten percent (subject to a threshold) of the total number of dwelling units contained within the zone.

Senior Housing.

Consistent with Subsection 19.51.060(B)(12), this PD-X zone complies with the senior housing requirement twenty-one (21) senior housing units, representing ten percent (10%) of the project's total unit count, each of which will include the following features: (i) entry and room complies with the senior housing requirement by including twenty-one (21) senior housing units, representing ten percent (10%) of the project's total unit count, each of which will include the following features: (i) entry and room doorway ADA compliant widths; (ii) ADA compliant bathroom bars and toilets; (iii) ADA clear space for turning radius clearance in kitchens, bathrooms and hallways; (iv) ground floor or elevator access; and (v) home automation features for security and interior climate control (each an "ANSI Type B Compliant Unit"). As the ANSI Type B Compliant Units are costlier to develop, rent for each of these units will be discounted ten percent (10%) to be in line with similar market rate units within the same project. Developer **Owner** shall be responsible for leasing ANSI Type B Compliant Units to at least one senior per unit of at least 55 years of age, in accordance with federal law. If Developer is not able to locate a qualifying senior after two months of active leasing, then Developer, or its successor, may lease an ANSI Type B Compliant Unit to an individual not meeting the above minimum age requirement, provided that Developer must maintain a wait list of those individuals of 55 years and older desiring an ANSI Type B Compliant Unit. Rent for each of these units will be affordable for those earning 50% or less than Area Median Income (AMI).

19.95.060

13. Lighting Standards.

(a) The maximum height of luminaries shall be based on the lighting plan approved by the PDZ ordinance. 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.

Outdoor Lighting. LED light sources shall be used for outdoor lighting. Light levels should be designed to meet required safety standards and with minimum light trespass off-site by using a cut-off luminaire that is fully or partially shielded with little or no light distributed above the horizontal plane of the luminaire or other best practices as may be available. All outdoor lighting adjacent to other residential properties shall have fully shielded cut off features. All outdoor lighting except for lighting needed for security shall be turned off at 10:00 p.m. Outdoor lighting shall also comply with the following:

- A. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, a maximum to average light levels of four to one (4:1) uniformity ratio shall occur over the parking area(s), excluding main building entrances.
- B. Pole Height/Design/Height. Luminaire mounting height is measured from the parking lot or driveway surface, and may range from ten (10) feet to twenty (20) feet as may be needed to achieve the uniformity ratio.
- C. Design Standard.
 - 1. If metal fixtures or poles are used they shall be dark bronze, or other finished material;
 - 2. Reasonable efforts should be taken to locate the base of light poles within landscape areas;
 - 3. Wall-mounted lighting fixtures shall not be located above eighteen (18) feet in height. Fixture styles and finishes shall compliment the building exterior; and
 - 4. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity may not exceed twelve (12) feet in height.allowed by Section 19.82.040, and such exterior signage located interior to the project as may be necessary to help with wayfinding and designating buildings and amenity areas and features.

19.95.070 **Architectural standards.** The development shall include exterior building materials and styles as generally depicted in the below examples:



Prohibited materials for building surfaces shall include the following: aluminum and vinyl siding. Materials not prohibited but consistent with the above depictions shall be allowed.

The project shall be built using best building practices as outlined by building agencies and the U.S. Green Building Council, without making a formal submission for any certification from any such agency or council.

19.95.080 **Reversionary Clause.** If a building permit is not issued for the principal improvements to be constructed on the property described in this PD-X zone within three (3) years after the effective date of this ordinance, this ordinance shall be deemed retroactively repealed and the property located in the PD zone created by this ordinance shall revert back to its zoning designation in effect immediately prior to the passage of this ordinance (or the equivalent of such zoning designation that is in existence on the date of such reversion). An applicant may request an extension for additional one year provided that (A) the extension is applied for prior to the third anniversary of the effective date of the PD-X ordinance; and (B) the director determines that good cause exists for the granting of such requested extension.

ATTACHMENT "1"
[Development Plan]

ANALYSIS OF COMMISSIONER WILDE’S REVIEW OF PDD APPLICATION VS. PDD CODE

Please see below ICO Development (“ICO”) commentary to Commissioner Wilde’s review (distributed October 3, 2018) of Chapter 19.51 PLANNED DEVELOPMENT DISTRICT in response to ICO’s PDD application. **Each of these items were responded to in detail in ICO’s original application submitted to City Staff on June 6th, 2018 and were included in the staff report forwarded to the Planning Commission prior to the June 20, 2018 meeting.** The commentary below provides further context and commentary from the perspective of the applicant.

ICO highlights that **the area in discussion has been identified by the city for high density residential development, according to the General Plan.** The proposed development **meets the principles of the PD zone,** which are set forth at the beginning of Chapter 19.51 and as outlined below and in previous ICO Development submissions. Chapter 19.51.20 Goals A States: “Creation of the PDD and the possibility of a future PD zone designation **are provided to encourage mixed use development or redevelopment of properties in the vicinity of** the Wasatch Boulevard gravel pit (see Tier 1-Red on Map 19.51); intersection nodes along Fort Union Boulevard at **1300 East and Union Park Avenue,** along Highland Drive and 2300 East, and the Old Mill site on Wasatch Boulevard (see Tier 2-Blue on Map 19.51); and certain areas along **Fort Union Boulevard** and Union Park Avenue (see Tier 3-Yellow on Map 19.51).”

Citation	Purpose	Application
19.51.020A	<p>Purpose is to encourage mixed use development in specified areas</p> <p>Actual text:</p> <p>Creation of the PDD and the possibility of a future PD zone designation are provided to <u>encourage mixed use development</u> or redevelopment of properties in the vicinity of the Wasatch Boulevard gravel pit (see Tier 1-Red on Map 19.51); intersection nodes along Fort Union Boulevard at 1300 East and Union Park Avenue, along Highland Drive and 2300 East, and the Old Mill site on Wasatch Boulevard (see Tier 2-Blue on Map 19.51); and certain areas along Fort Union Boulevard and Union Park Avenue (see Tier 3-Yellow on Map 19.51).</p>	<p>Wilde question: Is this a mixed use as intended when the ordinance was enacted?</p> <p>ICO Commentary:</p> <p>Yes. This Planning Commission unanimously recommended adding this parcel to the PDD Tier 2 area on November 1, 2017. Commissioners Griffin, Demma, Orr, Coutts, Ryser, Allen, and Bevin all approved.</p> <p>Moreover, there is a mixture of uses proposed in the project with commercial space (up to 10,000 square feet depending on tenant use of available space). A mixture of uses is to be <u>encouraged (not required)</u> and <u>the intensity of such uses should be evaluated based on the context of the site.</u> This site is not conducive to traditional storefront retail uses due to it being surrounded by multi-family housing developments and a freeway exchange with one access point. The redevelopment of the site supports an appropriate mix of uses along the 1300 East and Union Park Avenue by providing housing that is consistent with the City’s General Plan and expands the tax base for the city in an important retail area. The developer has shown that including Live-Work units (commercial space) on this parcel meets a burgeoning demand in this and other similarly growing markets for <u>rentable</u> commercial space with an attached living space. ICO’s high quality tenants would further support the surrounding economy which includes a</p>

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		high density of commercial shopping, dining, and retail options within close proximity.
19.51.020B1(a)	<p>Promote employment</p> <p>Actual text:</p> <p>Promote employment and activity centers such as shopping, entertainment, cultural arts, recreational and community centers, health care facilities, and public transit;</p>	<p>Wilde comment: No employment other than several store front shops and rental agents with maintenance people.</p> <p>ICO Commentary:</p> <p>The text uses the word “promote” <u>which in no way implies that the development itself needs to provide additional employment to the area.</u> The proposed development, by increasing residential density in an area identified by the city in its General Plan as space for high density residential growth, is very supportive of existing businesses along the vibrant 1300 East and Union Park Avenue retail corridors and the employment opportunities provided by those businesses. This was manifest to ICO in a phone call it received from a local salon owner expressing support of the development as it would greatly enhance his business’ customer base. <u>Employment will be promoted at nearby businesses and retail centers as a direct result of the development of the site due to the larger base of customers nearby.</u> Also, the Live-Work units have potential to <u>create</u> additional employment and business opportunities that do not exist currently on the subject parcel.</p> <p>Additionally, the development will promote employment both in its construction and into perpetuity. During construction, multiple local and regional firms will participate in the design, engineering, and sub-contractor work required to complete the project. The proposed community will provide employment to property managers, maintenance personnel, as well as any jobs created or maintained by the Live-Work units into perpetuity.</p>
19.51.020B1(a)	<p>Promote "activity centers" such as shopping, entertainment, cultural arts recreational and community centers, health care facilities and public transit.</p> <p>Actual text:</p> <p>Promote employment and activity centers such as shopping, entertainment, cultural arts, recreational and community centers,</p>	<p>Wilde comments: No activity centers other than recreation for tenants. No cultural arts. No health care facilities. No "promotion" of public transit.</p> <p>ICO Commentary:</p> <p>The word “activity centers” must be read in the context of a parcel that has already been legislatively added to the PD area. The physical features of the parcel only allow certain types of activities.</p>

	<p>health care facilities, and public transit;</p>	<p>Adding both Live-Work units and residential units nearby the large shopping and business centers located along 1300 East and Union Park Avenue will promote employment, shopping, recreation, etc. <u>The more than 50 business establishments (small retail, big box retail, and restaurants) within 2 miles of the proposed development</u> will be well supported and promoted by the future residents of the proposed development.</p> <p>Further, ICO has a program partnering Purqz that <u>provides resident discounts to 1,000+ businesses and attractions</u>, many of which are locally owned businesses.</p> <p>The average household income of ICO residents is ~\$80,000 per annum. National average personal expenditures excluding taxes, insurance, savings and retirement account contributions, insurance, housing, and new automobile purchases total roughly 35% of gross income annually (Bureau of Labor Statistics, 2018). Adding 204 households with ICO’s average income levels, contributing 35% of gross income to the local economy <u>would add \$5.7 million in additional annual personal expenditures to the community</u>. This would include support for existing healthcare facilities, cultural arts, and entertainment offerings in the area.</p> <p>Last, public transit, which becomes available <u>just 0.2 of a mile from the development</u>, is an important transportation method preferred by residents seeking to reduce their carbon footprint. <u>The two closest bus routes connect residents with vital locations and services, in addition to local and regional transit hubs. Historically, the owners of the parcels such as the Walsh’s would walk the 0.2 of a mile to collect their mail. Now, with the change of use, these residents have the opportunity to take a bus to work, shops or other activities. Bus Route 72 travels from Midvale Ft. Union Station to the Park and Ride at 6200 S Watch. Bus Route 213 travels from Midvale Ft. Union Station to the U of U Medical Center.</u> Also, from the Midvale Ft. Union Station where <u>passengers can connect to the UTA Trax Blue Line</u> which runs from Draper to Salt Lake City.</p>
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<p>19.51.020B1(b)</p>	<p>Provide for a range of employment uses at appropriate intensities and locations, support the integration of living and working uses and support public transit services.</p> <p>Actual text above.</p>	<p>Wilde comments: No employment other than several store front shops and rental agents with maintenance people. No "support" of public transit. (Being within blocks of UTA is not support of public transit).</p> <p>ICO Commentary:</p> <p>The text calls on applicants to provide a range of employment <u>at appropriate intensities and locations</u>. The key to creating a successful PD development is <u>considering the term appropriate given the context of the site</u> (in this case surrounded by multi-family developments on three sides and a freeway exchange on the remaining side). For example, including high intensity retail on this sight would not be appropriate given the location and geographic limitations of the site. If Commissioner Wilde’s suggested reading of the ordinance were a requirement, then this Planning Commission would have never have given a positive recommendation to add this parcel to the PDD Tier 2 area less than one year ago. As included in the ICO response to two items related to 19.51.020B1(a) above, ICO believes the development will greatly enhance the existing customer base that supports existing businesses in the area. These businesses provide an important tax base for the city and would only benefit from a greater number of high-income customers living nearby.</p> <p>ICO believes that its Live-Work units are an appropriate intensity as Live-Work units designed with remote work occupations in mind and are not likely to significantly impact traffic or public services in the area, particularly during business hours when the area surrounding the subject parcel has less traffic. Living and working uses are integrated – in the case of the ~10,000 feet of commercial space, literally so. These spaces and the intended uses integrate well into a residential quarter by not increasing noise or nighttime light pollution, and by providing a rentable commercial space with an integrated living area. Further, these spaces provide an integrated living and working space different from home-based work spaces available in Cottonwood Heights: the space is in an OSHA approved building with fire safety systems, commercial grade parking, a storefront with the ability to add building signage, and a minimum dedicated 1,000 sq. ft. commercial space with the</p>
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		<p>flexibility to add an additional 1,000 sq. ft. of commercial space depending on tenant needs.</p> <p>The proposed development will promote and support public transit by posting routes and hours in the community center. Maps will also be provided for bus routes of the area.</p>
<p>19.51.020B1(c)</p>	<p>Promoting "more efficient" use of land and public services, potentially allowing more concentrated projects in appropriate circumstances.</p> <p>Actual text:</p> <p>Promoting more efficient use of land and public services, potentially allowing more concentrated projects in appropriate circumstances;</p>	<p>Wilde comment: Having hundreds of rental units is not necessarily "efficient use of land and certainly not efficient use of public services.</p> <p>ICO Commentary:</p> <p>Since the time of Cottonwood Heights' incorporation and the adoption of the General Plan, there have been nodes identified for future high-density residential development. The General Plan confirms that the subject parcel falls within one such area designated for this type of development. Further, by legislatively adding this parcel to Tier 2 of the PD zone and increasing the allowable density in Tier 2 to allow 35 dwelling units per acre, all under application from the same developer, <u>the Planning Commission and City Council have signaled that this site has sufficient merit to earn this level of density.</u> Specifically, as recently as April 4th of this year this same Planning Commission agreed to a text amendment to increase the density of the Tier 2 area (which the Planning Commission confirmed should apply to this parcel as of last November) to 35 dwelling units per acre. The Planning Commission and City Council would not have taken these actions except that they believe that having rental units in certain areas of the city is an efficient use of land.</p> <p>Further, the General Plan states, "The community supports new residential development that has a minimal impact on natural resources, open space, and scenic vistas." The proposed development has no impact on public open space, and as the development is east / west facing, it does not diminish in any way the mountain scenic vistas available to the east. The only impact the proposed development would have on natural resources would be to significantly improve and beautify the waterway of Little Cottonwood Creek. Additionally, developing residential space</p>

		adjacent to existing business and retail centers supports and is an efficient use of the land that meets the city's General Plan.
19.51.020B1(d)	<p>Promote development sensitive to land form and environment including preservation of surrounding property with unique features</p> <p>Actual text:</p> <p>Promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area and promote preservation of property with unique features, such as property having historical significance;</p>	<p>Wilde comment: That which is unique about this property is that it is 5+ acres in a city which is otherwise virtually completely built out. They propose to put hundreds of apartments into that area which is not particularly sensitive.</p> <p>ICO Commentary:</p> <p><u>The final sentence of the Wilde comment does not reflect recent city actions taken with respect to this site in the last year. Moreover, the PD requirements stipulate that layout, design and construction should be sensitive to natural land, not that natural land needs to be preserved.</u> ICO's proposed land <u>use is highly sensitive to the natural land form and would preserve and drastically enhance the appearance of Little Cottonwood Creek, the key unique feature of the property.</u> The plan also provides water authorities a paved access point to the creek that they do not have currently. Last, ICO has an agreed to preserve existing old growth trees along the south border of the property to the extent possible and at great cost to ICO. These trees have been highlighted as an amenity to neighboring single family and multifamily residents and will benefit and preserve quality of life for those neighbors. Under a different development proposal using the residential multi-family zone, those trees could be removed. This proposal preserves them.</p>
19.51.020B1(e)	<p>Ensure adequacy of "public" facilities to accommodate population growth.</p> <p>Actual text above.</p>	<p>Wilde comment: There are no public facilities planned in here.</p> <p>ICO Commentary:</p> <p>The relevant public facilities are utilities, all of which are supported by individual carriers in support letters attached to ICO's application submitted June 6, 2018.</p> <p>The other key public facilities considered are the roadways, which ICO has addressed with a traffic study by Hales Engineering.</p> <p>The project is a 4-minute walk to 1300 East and an 8-minute walk from Ft. Union Blvd. For residents who choose to walk instead of</p>

		drive, there are many retail, restaurant and other shopping options within a 15-minute walk.
19.51.020B1(f)	<p>Encourage quality and variety to create a “Vibrant” pedestrian environment.</p> <p>Actual text:</p> <p>Encourage quality and variety in building and landscape design to create a vibrant pedestrian environment;</p>	<p>Wilde comments: The pedestrian environment is walking all the way to 1300 East to catch a bus. There is no reason to be believe people will walk between the store front businesses. (I had a law office like the one they describe for 30 years and I can count on one hand the number of pedestrians who walked in.)</p> <p>ICO Commentary:</p> <p>Considering the context of this development, being surrounded by existing multi-family residential developments on a parcel that is currently private, <u>ICO and the surrounding neighbors believe that creating a vibrant pedestrian environment does not entail creating a thoroughfare connecting any of the properties.</u></p> <p>To that end, ICO will maintain the property as private, but will amenitize it in a fashion that encourages residents to utilize outdoor facilities and create a vibrant pedestrian environment for residents (pool, pavilions, fire pit, barbecue, dog spa, bridge, and walking paths that connect the entire site – see A1.3 Site Pedestrian Circulation).</p>
19.51.020B1(g)	<p>Encourage parcels which fit the purposes of the chapter.</p> <p>Actual text:</p> <p>Encourage the planned development of parcels sufficiently large to permit comprehensive site planning and building design by using master planning as a tool to achieve the goals of the general plan, project harmony, design consistency and the purposes of this chapter;</p>	<p>Wilde comments: They have one parcel. As seen by the rest of the analysis it is not consistent with the purpose of the chapter. The use of a single parcel for this use is antithetical to the purpose of the chapter.</p> <p>ICO Commentary:</p> <p>PD parcels are identified in target areas, but not required to be developed in coordination with any other parcel per se. Here, this PD application meets all stated requirements. Further, it is locating a compatible residential use, with mixed use elements, adjacent to existing multi-family projects.</p> <p>As for the use of PD ordinances in master planned situations, there is only one other parcel in the PD (though Tier 1) currently under review by a developer, and the subject parcel in this application is geographically isolated. ICO believes that, with the plans that it has</p>

		demonstrated are compatible with the objectives of the General Plan and in several cases exceed minimum code requirements, the proposed development meets any idea or concept to be communicated by this aspect of the PD ordinance.
19.51.020B1(h)	<p>Encourage public transit local and regional connections.</p> <p>Actual text:</p> <p>Encourage opportunities for public transit services that promote multimodal connections at local and regional levels;</p>	<p>Wilde comment: The ability to walk to 1300 East to the bus does not encourage regional transit.</p> <p>ICO Commentary:</p> <p>ICO's proposal promotes multi-modal transit in a variety of ways:</p> <ul style="list-style-type: none"> • Pedestrian walk ways throughout the proposed community with connections to sidewalks outside the development. • A secured bicycle storage area. • Posting applicable public transit maps and schedules in the community office, and marketing this to prospective and current residents. <ul style="list-style-type: none"> – The bus routes that pass nearby the development provide mass transit opportunities to critical places within and outside Cottonwood Heights including: ski areas (6200 S Wasatch Blvd), medical facilities (U of U Medical Center), and UTA Trax (direct connection on the blue line to Salt Lake City and Draper, and Salt Lake International Airport with one additional connection). <p>The Salt Lake City area has traditionally been a commuting area, primarily by automobile. By developing the subject parcel with the proposed density, it is likely that more people will have the option to commute by alternative methods. As noted above, the project is a 4-minute walk to 1300 East, and an 8-minute walk from Ft. Union Blvd. For residents who choose to walk instead of drive, there are many retail, restaurant and other shopping options within a 15-minute walk.</p>
19.51.020B1(i)	Encourage “complementary” high density multi-family residential, retail, office, lodging, entertainment, cultural uses, pedestrian/transit-oriented environment.	Wilde comment: There is no retail, lodging, entertainment, or cultural use. Office is minimal, if at all.

	<p>Actual text:</p> <p>Encourage a mixture of uses, including complementary high-density multi-family residential and loft units, retail service, office, lodging, entertainment and cultural uses, and create a vibrant pedestrian/transit-oriented environment to promote pedestrian activity;</p>	<p>ICO Commentary:</p> <p>Please see the prior commentary and responses which effectively respond individually to these items. The proposed density is consistent with the surrounding communities (and lower in density than the adjacent Stone Have condos) and complimentary to the General Plan which identifies this parcel as a target location for high density residential development within Cottonwood Heights. For this context, the proposed Live-Work office space is the correct intensity for commercial use and is complementary to the proposed residential units. Last, as mentioned above, the proposed development is a 4-minute walk to 1300 East, and an 8-minute walk from Ft. Union Blvd. For residents who choose to walk instead of drive, there are many retail, restaurant and other shopping options within a 15-minute walk.</p> <p>The proposed development will include lofts, including 33 studio apartment units, which are undersupplied in the submarket. According to ICO’s market study, based on data provided by CoStar, there is a dearth of studio units available in the area (just over 100, or 1.4% of available units). This unit type is growing in favor, and ICO’s proposal includes 16% studios, with all units featuring a loft design with large open spaces and high ceilings, particularly in the penthouse units.</p>
<p>19.51.020B1(j)</p>	<p>Ensure public open space.</p> <p>Actual text:</p> <p>Ensure that provision is made for public and private open space;</p>	<p>Wilde comment: There is no public open space.</p> <p>ICO Commentary:</p> <p>The comment does not take into account that the code also talks in terms of private open space. The property is currently private with no provision made for public space. Under ICO’s ownership, the property would remain private, with ample open space (<u>43.1%, nearly 3x greater than the required amount</u>) available to tenants.</p>

<p>19.51.020B1(k)</p>	<p>Encourage creative land use.</p> <p>Actual text:</p> <p>Encourage creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses, activities and dwelling types, including a variety of housing types;</p>	<p>Wilde comment: It is just hundreds of apartments.</p> <p>ICO Commentary:</p> <p>The proposed development is composed of 204 apartments that provide a variety (which requires a great amount of creativity and expertise to create the right mix of units considering the existing surrounding community) of size and layout options for tenants, including 16% studio units (undersupplied in the market) and Live-Work units.</p> <p>ICO's proposal exhibits land use that is creative within the context of Cottonwood Heights by preserving Little Cottonwood Creek's natural flow, yet greatly enhancing its beautification. The featuring and inclusion (not diversion) of the creek becomes an amenity to the resident experience.</p> <p><u>Further, it is an important state policy that all cities along the Wasatch front participate in making sites available for multi-family development.</u> The current lack of housing requires this kind of cooperative relationship among cities, developers and residents.</p> <p><u>Actions taken by Cottonwood Heights over the last year in particular demonstrate their willingness and desire to participate in a meaningful way in addressing the housing shortage.</u></p>
<p>19.51.020B1(l)</p>	<p>Improve the tax base.</p> <p>Actual text:</p> <p>Achieve economic development goals concentrated in specific areas of the city by allowing higher intensity and higher quality developments that warrant greater financial investments which, in turn, provide an enhanced economic base for the city;</p>	<p>Wilde comment: It would improve the tax base but that is not the sole purpose for the PDD ordinance.</p> <p>ICO Commentary:</p> <p>Correct, and the analysis provided in item 19.51.020B1(a) above suggests that the development ~\$6 million in additional revenues by local businesses.</p> <p><u>Also, this item includes warranting higher intensity and higher quality developments within the PD zone.</u> As a builder / owner / operator, ICO communities are built with vastly greater attention to detail and care: ICO uses its own construction company to manage the construction process to a higher-than-market standard, ICO over-amenitizes its properties to provide an A Class customer experience, ICO uses high quality building materials and designs its</p>

		<p>communities to stand the test of time, ICO maintains ownership of its properties for the long-term and manages and maintains properties to a higher standard than investor apartments owners and managers.</p> <p><u>In today's world where the retail business model is undergoing challenges from other business and delivery models, proximity and increased density are key components to driving retail sales and the city's tax base.</u></p>
19.51.020BI(m)	<p>Preserve the health, safety, and welfare of the public.</p> <p>Actual text above.</p>	<p>Wilde comment: It is unrelated to health, safety and welfare of the public.</p> <p>ICO Commentary:</p> <p><u>ICO has received approval from Unified Fire Authority and the Draper City Building Department. The proposed development complies with the relevant codes and preserves health, safety and welfare standards.</u> The proposed development will also promote a healthier public due to its proximity (walking distance) to retail shops, restaurants, and other business establishments and marketing this proximity to its residents.</p>
19.51.020BI(n)	<p>Implement the purposes of the chapter.</p> <p>Actual text:</p> <p>Implement the purposes and intent of this chapter, this title and the city's general plan, as determined by the city.</p>	<p>Wilde comment: It does not, other than improving the tax base.</p> <p>ICO Commentary:</p> <p>As illustrated in this document, multiple presentations to the Planning Commission, a site visit with the Planning Commission, an extensive number of documents submitted as a part of the application (architectural site plans and various architectural analyses, engineering site plans and landscape plans, traffic study, arborist site visit and review, application and narrative including a point by point discussion of the PD zoning requirements with commentary on each item, this document, among other sources), ICO believes it fully complies with and in many cases exceeds the minimum zoning requirements by a significant margin in this application.</p>
19.51.020B2	<p>Plan should show innovation and integration with surroundings.</p>	<p>Wilde comment: I leave this to the architects and developers on the Commission.</p>

	<p>Actual Text: Such goals/purposes are to be ensured through the preparation and submission of comprehensive development plans showing innovative site layout, design character and integration with the surroundings of the proposed site.</p>	<p>ICO Commentary: Please see and review above commentary, and other submitted documents.</p>
19.51.020C	<p>Needs to address the unique physical and locational attributes of the property</p> <p>Actual Text: Rezoning of a specific site to an individually designed PD zone should more appropriately address the unique physical and locational attributes of the subject property. Uses and development standards shall be established by a unique PD zone ordinance (a "<i>PDZ ordinance</i>") adopted for a specific property by legislative action of the city council following planning commission recommendation. Each PDZ ordinance is to be designed according to a detailed plan submitted by the applicant and approved by the city council (following planning commission recommendation), whether with or without amendments or modifications, as part of the PDZ ordinance.</p>	<p>Wilde comment: It is just hundreds of apartments at the end of a long over used road.</p> <p>ICO Commentary: As illustrated thoroughly in the items above, and in other documents provided to the Planning Commission and City Staff, ICO has thoughtfully reviewed the unique physical and locational attributes of the subject property. As City Staff has highlighted in prior meetings: no code or zoning requirements perfectly meet all possible scenarios for the development of a parcel. In this document and others ICO has produced related to this project, it has demonstrated that the proposed development meets and often exceeds zoning requirements of the PD zone that has been overlaid and legislatively approved by the Planning Commission and City Council for this site. We urge an objective review of the zoning requirements, as we are confident that such a review will result in the recognition of ICO's work 13 months to: A) understand the requirements and B) create a proposal that meets and exceeds requirements and provides a top quality product that will enhance the tax base of Cottonwood Heights and become a legacy asset for our company and your city.</p>
19.51.020D	<p>Growth should be phased</p> <p>Actual Text: Growth through use of PD zones generally should occur in a phased and organized manner to avoid costly, premature extension of basic infrastructure and to maintain the integrity of the current and projected general plan. Application for rezoning to a PD zone will be considered where the city concludes that a proposal meets the objectives and criteria set</p>	<p>Wilde comments. This is not phased.</p> <p>ICO Commentary: The text uses the verbiage "generally should occur in a phased and organized manner." "Generally should occur" <u>does not denote a requirement for projects to be phased</u>. Further, the intent of this item seeks to prevent "premature extension of basic infrastructure and to maintain the integrity of the current and projected general plan." All utilities are stubbed to the property line as the parcel's development was anticipated by Salt Lake County when the</p>

	<p>forth in this section, and where the merit of the mix of uses, architectural design, public amenities (serving both the project and city) and pedestrian-oriented spaces combine to meet the collective vision of the planning commission and city council, creating a clearly superior development project than would otherwise be possible through the strict application of zoning district regulations available outside this chapter.</p>	<p>surrounding areas were developed prior to the incorporation of Cottonwood Heights. Given the proposed development is a simple, though high quality, community of apartment buildings with a mix of commercial uses fitting the context and locational limitations of the site, it is possible and preferred for the consistency of quality across the development to complete the project in one phase with no impact to utilities infrastructure.</p> <p>With this development being completed in an area designated by the General Plan for high density residential growth, and no current changes proposed to the General Plan, ICO has strong conviction that this complies with the current General Plan and will comply with the General Plan in the future. Single family housing will remain the prevailing housing type available in Cottonwood Heights and this proposed development is in an area designated for higher density housing and will only benefit the city and its tax base with high quality tenants.</p>
19.51.020E	<p>May only rezone if the proposal meets specified objectives</p> <p>Actual Text:</p> <p>The city council may approve, as a legislative action following recommendation by the planning commission, a request to rezone a site in a PDD to a PD zone if the city determines that the development achieves the following objectives:</p>	<p>Wilde comment: Because it doesn't meet the objectives described it may not be rezoned.</p> <p>ICO Commentary:</p> <p><u>As Planning Commission and City Council each voted to approve the addition of this parcel to the PDD, the Developer proceeded in reliance on these prior approvals.</u> These actions and approval by this Planning Commission and the City Council confirm that the site does qualify for a rezone. ICO has proposed a project that meets the objectives of this chapter and in many cases exceeds zoning requirements set forth therein.</p>
19.51.020E1	<p>"Mixed use" including pedestrian orientation</p> <p>Actual Text:</p> <p>An integrated mixed-use development containing two or more uses that include a pedestrian orientation as defined in Section 19.51.060(D)(1) in its design and functionality;</p>	<p>Wilde comment: No pedestrian orientation is not the same as UTA stops nearby.</p> <p>ICO Commentary:</p> <p><u>Live-Work units provide up to 10,000 square feet of commercial space, which in the context of the site, is a generous amount of non-residential space.</u> With this, there are two uses, and as illustrated above, <u>there are discrete transit benefits provided to pedestrians by local mass transit and ICO's amenities, including secure bicycle storage.</u></p>

		<u>The development is pedestrian oriented given its walking-distance proximity to retail businesses, restaurants, offices, and other business establishments.</u>
19.51.020E2	<p>Compatible with general plan along a major corridor</p> <p>Actual Text:</p> <p>Consistency with the city's general plan ensuring a compatible and functional relationship to the area and along the major corridors;</p>	<p>Wilde comment: No major corridor here.</p> <p>ICO Commentary:</p> <p>As ICO has demonstrated the proposed development is compatible with the General Plan. <u>With Ft. Union Blvd within .4 of a mile of the subject parcel, ICO believes it is a relevant major corridor,</u> especially considering that within 2 miles of the subject parcel there are >50 business establishments that <u>would benefit greatly from an enhanced revenue base.</u></p>
19.51.020E3	<p>Encourage public pedestrian activity and multi-modal transportation connection points</p> <p>Actual Text:</p> <p>Site features, uses, public amenities and aesthetic characteristics that encourage public pedestrian activity, multi-modal transportation connection points, vitality, convenience and safety in and around the development;</p>	<p>Wilde comment: Walking to the bus doesn't meet this requirement. Multi-modal is more than nearby bus stops.</p> <p>ICO Commentary:</p> <p>All items in this requirement are discussed in the ICO Commentary above.</p> <p>See below text responding to this item included in the applicant's original application submitted June 6th, 2018:</p> <p>See item A1.7 which includes a map of UTA transit stops near the property. Also, please see appendix L1.1 which outlines the landscaping, pedestrian sidewalks and vegetation which are both designed to be aesthetically pleasing, but also to encourage multi-modal transportation (walk, bike, bus, car) to extent possible given site location. Little Cottonwood Creek also provides an aesthetically pleasing area with picnic pavilions and a walking path on each side connecting each of the community's buildings.</p> <p>As ICO has demonstrated the proposed development is compatible with the General Plan. <u>With Ft. Union Blvd within .4 of a mile of the subject parcel, ICO believes it is a relevant major corridor,</u> especially considering that within 2 miles of the subject parcel there</p>

		are >50 business establishments that <u>would benefit greatly from an enhanced revenue base.</u>
Not included in Commissioner Wilde's commentary		
19.51.020E4	<p>Actual Text:</p> <p>The plan coherently provides both a physical and functional integration of the site components to each other, to other properties in the PDD and to the balance of the city, including design features that will assure an appropriate transition of uses, building heights, architectural massing and spatial relationships respecting nearby areas; and</p>	<p>ICO Commentary:</p> <p>See below text responding to this item included in the applicant's original application submitted June 6th, 2018:</p> <p>The site plan application includes architectural drawings that outline the location of different uses on the site, building heights no greater than 50' per code, an architectural massing exhibit, and proper setbacks in accordance with city code. Little Cottonwood Creek will be lined with rip rap stones (a crushed rock product) and will be bridged by a decorated precast structure that will make it the effective center point of the development. The 20' setbacks from the creek's edge ensure that it has ample space to be uncrowded by the buildings on the site.</p>
19.51.020E5	<p>Actual Text:</p> <p>The site is fully served by public streets, municipal services and public utilities of adequate capacity; provided, however, that where infrastructure capacity is judged by the city to be inadequate:</p>	<p>ICO Commentary:</p> <p>See below text responding to this item included in the applicant's original application submitted June 6th, 2018:</p> <p>Letters of coordination ("will serve") have been provided by the all relevant utilities and service providers. The site is served by public streets, and according to a study and reanalysis completed by Hales Engineering, all streets are sufficient, provided there is a recommendation to enhance parking striping on one side of the road for the east / west portion of 6720 South and one side of the street for the north / south portion of 6720 South.</p>

APPENDIX A: STAFF COMMENTARY INCLUDED IN JUNE 20, 2018 REPORT

*Due to the length of the staff report, ICO has appended relevant sections of the staff report with the most applicable sections indicated in bold / underlined.

****Emphasis added**

BACKGROUND

The PDD ordinance was created as a tool to better implement certain aspects of the city's General Plan. Many components of the General Plan support the Planned Development District application process. As a legislative process, the PDD gives city leadership greater input in the development process than traditional development applications. Whereas most land use and zoning changes are considered without any specific development plans, the PDD is a type of zone change application that requires applicants to include a development plan as part of the proposed zone. In exchange for this level of detail required, an applicant is able to create zoning **standards that are custom-tailored to a specific property.**

Following are references to General Plan documents (the General Plan, the Fort Union Boulevard Master Plan) that support the implementation of the PDD ordinance.

General Plan References

Community Vision Statement (section 1.4)

- “Residents of Cottonwood Heights have chosen to live here because they enjoy the current quality of life, aesthetics, recreational opportunities, mix of land uses, and patterns of development that the City provides. The primary vision of the Cottonwood Heights General Plan is to ensure that these qualities are maintained and preserved.”
- “Residents insist on high-quality development and urban design.”

Staff Analysis: The proposed zone change, under the PDD ordinance, provides the Planning Commission and City Council the ability to ensure that applicable provisions of the community vision statement are met by the proposed development. The PDD process gives the city greater control in terms of aesthetics and urban design.

Guiding Principles (section 1.5)

- Land Use
 - “Maintain the traditional single-family neighborhood as the predominant housing style.”
 - “The Community wishes to protect low-density residential neighborhoods from incompatible uses.”

Staff Analysis: There is a small existing single-family neighborhood (24 homes) directly south of the subject property. However, **the remaining vicinity is comprised either of high-density residential and professional office development.** The subject property currently contains one single-family home. **The proposal should be sensitive to the adjacent single-family neighborhood, but the proposed density is commensurate with the density of the existing nearby multi-family development, and with the land-use designation of the subject property (High-Density Residential).**

- Housing
 - “The city is interested in expanded opportunities for affordable owner-occupied and senior housing where such development is appropriate and consistent with zoning and neighborhood density.”

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Staff Analysis: The PDD ordinance contains requirements for affordable or senior housing. The proposed PD-X ordinance states that 21 of the total proposed units will be constructed as senior housing units and will cost 10% less than the standard market rate of other units in the proposed development.

Goals (section 1.6)

- Land Use
 - Goal: “Preserve quality of life and existing image of city.”

- Housing
 - Goal: “Preserve current quality of life by maintaining an appropriate range of housing options and choices.”
 - Goal: “Increase the vitality of neighborhoods by supporting owner-occupancy in selected zones, and, where feasible, options for more senior housing.”
 - Goal: “Ensure a smooth blend and integration of new residential development.”

Staff Analysis: The PDD gives the planning commission and city council the ability to ensure **that the applicable goals** are reflected in the proposed development. The PDD ordinance sets parameters for affordable or senior housing. **Other city zoning designations do not require affordable or senior housing.**

Fort Union Boulevard Master Plan (General Plan Addendum) References

The Fort Union Master Plan established nodes and need for special zoning to achieve the vision on the corridor and give city leadership a more active role in that redevelopment process. Nodes were developed to ensure that the predominant housing stock (i.e. single-family neighborhoods) are protected. The Plan was done in accordance with General Plan recommendation to develop small area plans, to identify activity centers and nodes, to ensure that the aesthetic quality of the corridor is enhanced and maintained (urban design), and to ensure that new development is compatible with existing residential neighborhoods

- Goals:
 - Provide a safe and pleasant environment for pedestrians
 - Provide residents with transportation choices and convenient alternative modes of travel
- Supporting plans:
 - Design Guidelines
 - BYU Fort Union Citizen Plan
 - University of Utah Urban Design Proposal
 - Zion’s Bank/InterPlan/Landmark Fort Union Study
 - Study helped identify nodes for redevelopment that comply with the General Plan’s important principles, ensuring that redevelopment areas are carefully targeted, and that framework is put in place for redevelopment to be carefully considered for aesthetics, neighborhood impact, pedestrian accommodation, etc.

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Staff Analysis: **The Fort Union Boulevard Master Plan and the PDD ordinance were both approved by the Planning Commission and City Council and were found to comply with the General Plan. The analyses above show that the PDD ordinance as a whole achieves the vision set forth by the General Plan.** There may be additional burden on the project applicant to demonstrate that the proposed PD-X zone and corresponding Development Plan comply the Plan (design quality/aesthetics, neighborhood impact, etc.)

PD-X Ordinance Analysis

Staff Analysis: **The proposed PD-X ordinance meets the general requirements for compliance with the PDD ordinance. Upon careful review and public comment, the planning commission should determine whether to suggest additions or modifications to the proposed ordinance.**

Development Plan Analysis

Staff Recommendation

Staff's review of the application is based on whether the proposal complies with the baseline standards of relevant city plans, codes and ordinances. The planning commission, after reviewing the plans and receiving public comments, should ask the applicant to address any concerns that it sees fit. Then, the commission will make a recommendation to the City Council for final approval or denial.

Based on general compliance with all minimum codified standards, and a finding that the proposal is in harmony with the city's General Plan document, staff recommends that the planning commission recommend APPROVAL to the City Council. This recommendation should only come when concerns (mentioned herein and raised in the public hearings) have been properly addressed by the applicant.

APPENDIX B: ICO COMMENTARY INCLUDED IN JUNE 6, 2018 APPLICATION

GOALS	
Ordinance Provision	Applicant Response
“Promote employment and activity centers such as shopping, entertainment, cultural arts, recreational and community centers, health care facilities, and public transit”	The development will support existing retail and commercial business along Fort Union Blvd. The development will also have 5 “live-work” units that are designed for remote work occupations or small retail spaces. The development is within walking distance of more than 10 UTA bus stops on two routes (213 and 72) and many retail businesses.
“Provide for a range of employment uses at appropriate intensities and locations, support the integration of living and working uses, and support public transit services”	Employment uses range from small office space for attorney, accounting, and other service occupations to remote work supporting technology and programming, and beyond to small scale retail. These units will provide small business operators the opportunity to have a working space adjacent to their living space so that they will not have to commute or travel to other rented office space. This integrated “live- work” space is desirable to certain small business owners and would be unique in this sub-market, and over time could become an important use given the strong growth and increased pollution resulting from more cars on roads. These units provide some work and retail space without being disruptive to the existing and future community. The community will support local transit and other small businesses as there are >10 UTA bus stops within walking distance of the location and many retail stores.
“Promote more efficient use of land and public services, potentially allowing more concentrated projects in appropriate circumstances”	As growth continues across the Wasatch Front the need for high quality residential living opportunities continues to grow in demand. The proposed development is a very efficient use of the land and through design and prospective tenant mix, based on the proposed unit matrix, will minimize impacts on public services.
“Promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area and promote preservation of property with unique features, such as property having historical significance”	The development will preserve the natural landform by maintaining the natural course of Little Cottonwood Creek. Given the development of buildings on both sides of the Creek, site design will include elements to protect the water flow including a bridge with specifications in accordance with city code and rip rap stone on the banks to discourage pets and tenants from entering the Creek to preserve water quality for residents downstream.
“Ensure the adequacy of public facilities to accommodate population growth”	The surrounding areas are rich with facilities from existing public parks, shopping, services, and everyday needs to serve new residents without creating the demand or need for additional public improvements.
“Encourage quality and variety in building and landscape design to create a vibrant pedestrian environment”	The buildings will be constructed of high-quality materials and designed to stand the test of time. The site design includes planting a significant amount of vegetation including trees, bushes and grass and will have pedestrian

<p>“Encourage the planned development of parcels sufficiently large to permit comprehensive site planning and building design by using master planning as a tool to achieve the goals of the General Plan, project harmony, design consistency and the purposes of this chapter”</p>	<p>walkways throughout.</p> <p>The proposed development is of a size that allows for the opportunity to master plan and design the entire project to be constructed in one phase that meets the goals and objectives of the general plan, project harmony, and design consistency and is reflected throughout the plans. ICO believes the proposed development is a first step towards the medium and higher density housing that is already standard in other parts of Salt Lake County. The quality of this development will set a high standard for future developers seeking to complete projects within Cottonwood Heights. ICO communities match the goals and guiding principles of the Cottonwood Heights’ General Plan, seeking a high-quality experience for tenants, but not at the expense of the existing community around the subject property. This includes incorporating feedback from residents around the property, including seeking ways to reduce dumpster noise by relocating proposed dumpster locations, changing fencing types to provide residents with greater privacy in lieu of a more ornate fence material, increasing the height and intensity of vegetation along key property lines to both help dampen noise and preserve privacy, and, to the extent possible, leaving certain old growth trees in place.</p>
<p>“Encourage opportunities for public transit services that promote multimodal connections at local and regional levels”</p>	<p>The site is located near >10 UTA bus stops on two lines (213 and 72) and our marketing of the apartments to prospective tenants will include details on bus proximity and general ease of transit from the site.</p>
<p>“Encourage a mixture of uses, including complementary high-density multi-family residential and loft units, retail service, office, lodging, entertainment and cultural uses, and create a vibrant pedestrian/transit-oriented environment to promote pedestrian activity”</p>	<p>The site, while primarily multi-family residential, has office/retail in the live work units, several studio and one bed units, and will have a full suite of amenities that will create an attractive environment for tenants and with vegetation and walkways provide maximum emphasis on transit and pedestrian orientation despite a relatively disadvantaged location. The site’s proximity to transit, retail, and other services adds to the existing fabric of the mixed-use neighborhood that already exists.</p>
<p>“Ensure that provision is made for public and private open space”</p>	<p>With only 28.3% building coverage on the site, preservation of the public waterway and the well-designed park/picnic space along the creek combined with the pool areas, and landscaped terraces with fire pits all provide for an attractive, open, and highly amenitized environment.</p>
<p>“Encourage creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses, activities and dwelling types, including a variety of housing types”</p>	<p>The site plan includes a variety of apartment sizes, and emphasizes one bedroom and studio apartments which are undersupplied in the submarket. The apartment also includes “live- work” units, which we believe are a unique offering in a top tier development in the submarket. The property is creatively laid out with the front façade on the east most border of the property near the clubhouse and fitness center. Last, the site was designed</p>

	creatively to include Little Cottonwood Creek as an amenity to the development winding between the buildings creating open space, while preserving sensitivity to this important natural resource.
“Achieve economic development goals concentrated in specific areas of the city by allowing higher intensity and high-quality developments that warrant greater financial investments which, in turn, provide an enhanced economic base for the city”	In this development, ICO will build luxury apartments with a full suite of attractive new amenities that seek to create a resort-like community living environment for its residents while enhancing the existing community with a top-quality new development. The high-quality building materials and design match and improve on other developments in the ICO portfolio. It is expected the tenant quality of this development to be among the highest in the ICO portfolio, which will in turn enrich the surrounding economy and act as a strong base of residents for the city. The development’s luxury apartments and residents will help to drive the economically vibrant Fort Union mixed-use area as the proximity of the proposed development to the commercial and retail spaces is within walking distance. This economic benefit will come with no increased pressure on the existing infrastructure. Also, the commercial space within the development further add to the area by providing an environment where individuals can work without causing any additional impact on public infrastructure.
“Preserve the health, safety and welfare of the public”	The high-quality construction and a secure development will benefit the new residents to Cottonwood Heights. The secured entrances, fenced in area, and amenities are designed to offer a high quality of life, but also a secure space. Our onsite security systems and units designed for seniors (10% of total) feature safety equipment that will ensure a comfortable experience. Separately, the 20 ft setback from the creek, and rip rap stone lining will discourage entry into the creek and provide a pleasing setting to residents while encouraging them to use other swimming facilities, which will in turn ensure welfare of the public further downstream. Other standard safety features will be included per city code.
“Implement the purposes and intent of this chapter, this title and the city’s General Plan, as determined by the city”	The proposed design and uses implement the intent of what has been outlined by the city ordinance. Specifically, ICO would highlight the following in text taken directly from Chapter 19.51 Planned Development District, Section 20 “Goals and Objectives”: B.1. (D) Promote layout, design and construction of development that is <u>sensitive to the natural land form and environmental conditions of the immediately and surrounding area and promote preservation of property with unique features</u> , such as property having historical significance; B.1. (E) <u>Ensure the adequacy of public facilities to accommodate population growth</u> ; B.1. (I) Encourage a mixture of uses including complementary <u>high-density multi-family residential and loft units</u> , retail service, office, lodging, entertainment and cultural uses, and create a

	<p>vibrant pedestrian / transit-oriented environment to promote pedestrian activity; B.1 (L) Achieve economic development goals concentrated in specific areas of the city <u>by allowing higher intensity and higher quality developments that warrant greater financial investments which, in turn, provide an enhanced economic base for the city;</u> B. 2 Such goals/purposes are to be ensure through the preparation and submission of comprehensive development plans <u>showing innovative site layout and integration with the surroundings of the proposed site.</u></p> <p style="text-align: center;"><i>*Emphasis Added</i></p>
<p>OBJECTIVES</p>	
<p>Ordinance Provision</p>	<p>Applicant Response</p>
<p>“An integrated mixed-use development containing two or more uses that include a pedestrian orientation as defined in Section 19.51.060(D)(1) in its design and functionality”</p>	<p>The development will include multi-family residential (apartments), commercial (mixed-use live-work units), and with a pedestrian-minded design and multiple UTA bus stops in close proximity, the site will encourage use of public transportation to the extent possible.</p>
<p>“Consistency with the city’s General Plan ensuring a compatible and functional relationship to the area and along the major corridors”</p>	<p>The site is supported by great amenities from public space, public transportation, shopping, services, access to I-215 and other major arterials that access the community. Specifically, ICO would highlight two elements from Guiding Principles of the General Plan:</p> <p>“If developed, vacant land in the interior of low- density areas should be developed <u>in a manner consistent with the surrounding development...</u> Additionally, more intense uses, or <u>traffic from more intense uses, should not intrude on low- density neighborhoods. The community supports new residential development that has a minimal impact on natural resources, open space, and scenic vistas.</u>” Page 1-6 <i>Emphasis Added</i></p> <p>ICO has sought to develop this site consistently with surrounding developments. The site is surrounded by multi-family developments on three sides (including one for-rent apartment complex, two owned / rented apartment complexes). ICO’s view is that the traffic, as illustrated in the preliminary traffic impact study (see item T1.1) show no impact to traffic in surrounding low-density neighborhoods, and no material impact on traffic in the surrounding multi-family neighborhoods.</p>

	<p>ICO's design has been particularly sensitive to the single-family homes with a 20' large densely vegetated buffer zone and solid fence to preserve privacy. Last, the proposed development has no perceived impact on natural resources, public open space, and no interference to scenic vistas that are essential to the surrounding properties.</p>
<p>"Site features, uses, public amenities and aesthetic characteristics that encourage public pedestrian activity, multi-modal transportation connection points, vitality, convenience and safety in and around the development"</p>	<p>See item A1.7 which includes a map of UTA transit stops near the property. Also, please see appendix L1.1 which outlines the landscaping, pedestrian sidewalks and vegetation which are both designed to be aesthetically pleasing, but also to encourage multi-modal transportation (walk, bike, bus, and car) to extent possible given site location. Little Cottonwood Creek also provides an aesthetically pleasing area with picnic pavilions and a walking path on each side connecting all the community's buildings.</p>
<p>"The plan coherently provides both a physical and functional integration of the site components to each other, to other properties in the PDD and to the balance of the city, including design features that will assure an appropriate transition of uses, building heights, architectural massing and spatial relationships respecting nearby areas"</p>	<p>The site plan application includes architectural drawings that outline the location of different uses on the site, building heights no greater than 50' per code, an architectural massing exhibit, and proper setbacks in accordance with city code. Little Cottonwood Creek will be lined with rip rap stones and will be bridged by a decorated precast structure that will make it the effective center point of the development. The 20' setbacks from the creek's edge ensure that it has ample space to be uncrowded by the buildings on the site.</p>
<p>"The site is fully served by public streets, municipal services and public utilities of adequate capacity; provided, however, that where infrastructure capacity is judged to be inadequate:</p> <ul style="list-style-type: none"> • The city may accept the applicant's agreement in such form as the city may require under this code insuring that suitable improvements will be installed in a timely manner; and • No building permit shall be issued until the city's approval and acceptance of such an agreement" 	<p>Letters of coordination ("will serve") to be provided by the relevant utilities and other service providers.</p>

Site Development Regulations	PDD Tier 2	ICO Application
Area requirement (in contiguous acres)	3 Acres	5.9 Acres
Lot Coverage	65%	Maximum of 30%, less than 50% of the permitted lot coverage
Building Height Minimum	N/A	N/A
Building Height Maximum	50'	50'
Min Setback	(B)(4)	See PDX Ordinance for full detail; ICO highlights Building A & B setbacks from single family homes is on average ~75 ft. or 150% the required setback and ~135 ft. or 270% above the required setback to the main building mass; also, the setback from Building C is 35 ft. or 350% the required setback to the Orchard condos
• Front	0	
• Side (Street)	0	
• Side (Residential)	Same as residential	
• Side (Nonresidential)	0	
• Rear (Residential)	Same as residential	
• Rear (Nonresidential)	0	
Storefronts & access	Yes	Yes
Building Transparency	Yes	Yes
Open space	15% gross lot area	43%, nearly 3X the minimum required amount
Landscape	(B)(8)	Yes
Off-Street Parking and Loading	N/A	N/A
Parking Setback	(B)(9)	Yes
Pedestrian Circulation		Yes
Signage	Master sign program required	Item S1.1
Below Market Rate (BMR) / Senior / Disabled Housing	10% of total residential for projects with 25 or more	21 units, or ~11% of total residential
Exterior Lighting Standards	Yes (B)(13)	Yes, ICO highlights excellent lighting design with >1 foot candle on all property lines bordering the project
Residential Density – Dwelling Units / Acre	35 dwelling units / acre	34.5 dwelling units / acre



MEMORANDUM

To: Planning Commission
From: Mike Johnson, Community & Economic Development Director
Date: October 3, 2018
Subject: Project GPA-18-002; City-initiated General Plan Land Use Map Amendment

REQUEST

At the request of the City Council, the city is proposing a General Plan land use map amendment to properties near or adjacent to Fort Union Boulevard, generally located between 6998 S Virginia Hills Drive and 7231 S Phippen Drive. The purpose of the proposed amendment is to consider a future land use for this area of the city that more closely matches the character of the area. The current land use designation for the majority of affected parcels is Mixed Use. The proposed land use varies but consists mostly of Residential Low Density. Other land uses proposed include Residential Office and Residential Medium Density. The current proposed map was developed by city staff as a basis to begin the public input process and to receive comments from property owners and residents, including those affected by the proposed amendment.

BACKGROUND

General Plan

When the city adopted its General Plan in 2005, it adopted a future land use map. The land use map provides a preferred future land use designation for every piece of land in the city and is used by staff and city leadership when reviewing proposed zoning changes and land use applications, and in the creation of city policy. The General Plan (and its land use map) is an advisory document, but it is used to determine whether a given proposal meets the long-range vision, goals, and values established by the city and its residents. A city's General Plan should be revisited and reassessed comprehensively every 5-8 years. However, portions of the General Plan may be revisited at any time.

Zoning vs. Land Use

The land use designation of a property is not the same as the zoning of a property. Zoning establishes current laws and regulations in terms of allowed uses, building height and setback standards, lot coverage, etc. Zoning is the current law as it applies to the use of property. Current zoning is not affected by the land use designation of a property. Each city zone has a corresponding code document that details all development and use requirements allowed in that zone. These regulations are legally binding, and violations of them can be enforced by the city.

The land use designation of a property is not tied to a current regulatory ordinance. Land use is a forward-looking classification that identifies how the city envisions its mix of land use types in the future. It can be used to identify potential redevelopment areas, and it can also be used to identify areas it wishes to preserve as residential, open space, commercial, etc. It is not uncommon for current zoning and land use designation on a given property to be different. It is uncommon, however, for a city to approve an application for a zone change that is in opposition

to the land use map, or for the city to deny an application for a zone change that is in harmony with the land use map.

Proposal

In late 2017, the city received a request from a property owner to rezone 3422 East Fort Union Boulevard from R-1-8 (single-family residential) to Mixed Use. The Mixed Use zone provides for a wide range of uses, including intensive commercial uses and high-density multi-family housing. The proposed zone change would bring the property into compliance with the city's General Plan. There was concern from nearby property owners, the Planning Commission, and the City Council that the allowed uses in a Mixed Use zone were not within the character of the surrounding area (e.g. traffic generation, noise, lighting, building massing, etc.). The City Council approved the proposed rezone because the request complied with the General Plan. Given the concerns raised, staff was directed to revisit the entire Fort Union Boulevard corridor east of 2700 East to determine if there is a more appropriate future land use designation that limited the potential for widespread commercial development through this portion of the city. The proposed land use map reflects that Council directive.

Rationale for Proposal

The proposed land use map amendment modifies most of the future land use designation from Mixed Use to Residential Low Density (i.e. single-family residential). Certain properties' land use is proposed as Residential Office. In general, these are properties whose only access is on Fort Union Boulevard, with little physical intrusion into the surrounding adjacent single-family neighborhoods. The city's Residential Office zone is written to serve properties like these, and allow for low-intensity commercial uses, such as administrative offices, health clinics, studios, etc. Commercial uses compatible with Residential Office land use include those that are typically only occupied during weekday hours. Further regulations in the Residential Office zone include increased setbacks for development adjacent to residential areas, building heights that do not exceed the maximum height allowed in a single-family zone, and special requirements for buffering, fencing, and lighting. The Residential Office use allows for the redevelopment of properties that may not otherwise be redeveloped as single-family due to frontage on a busy street or other circumstances. Other land use designations proposed include Residential Medium Density, which allows for two-family residential development (i.e. twin homes, duplexes, etc.). This land use is proposed for properties that are already developed at that density.

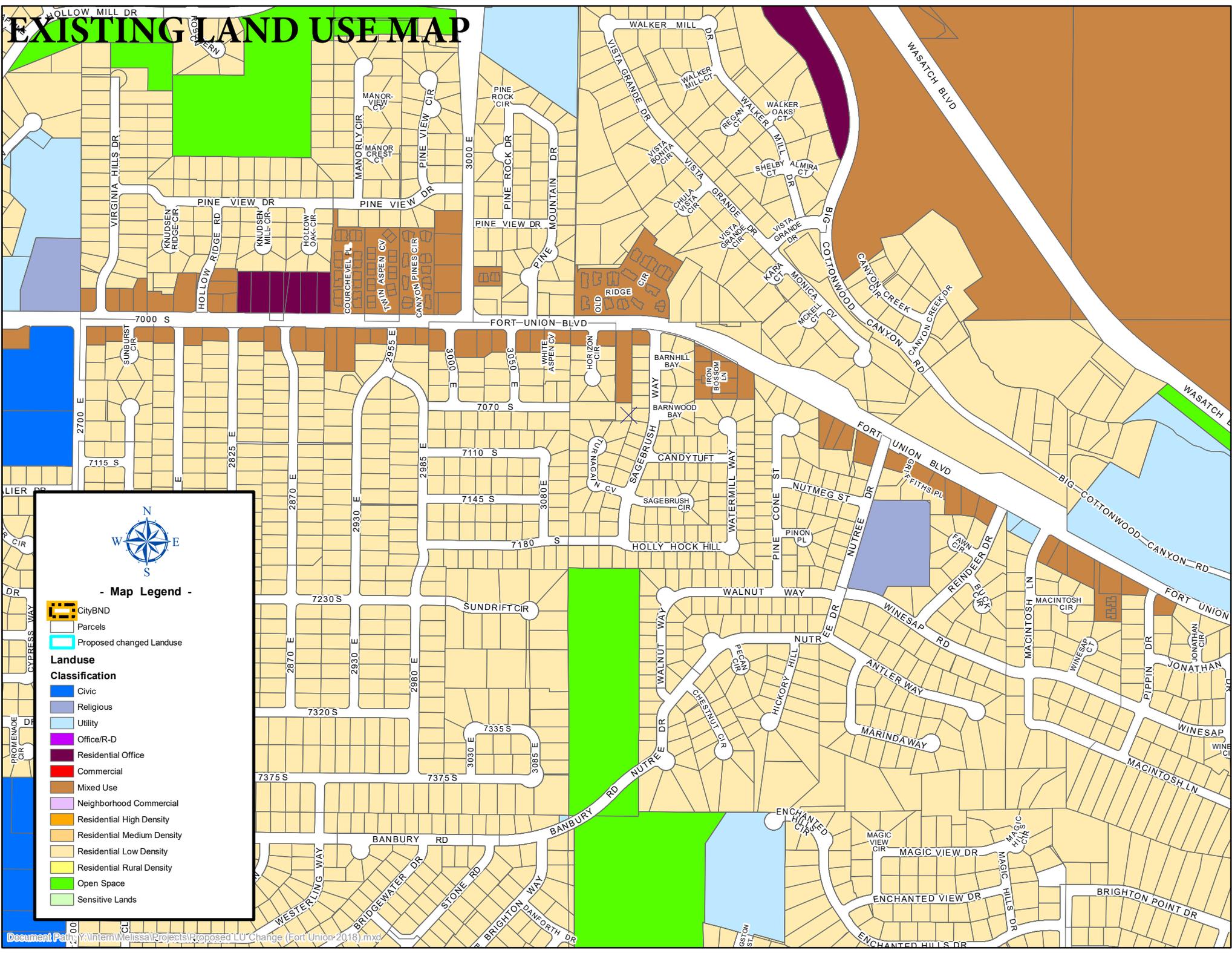
RECOMMENDATION

City staff recommends that the Planning Commission hold adequate public hearing to receive public comments on this proposal. After doing so, the Planning Commission may make recommendations to city staff to modify the plan based on Commission review and public comments received. The Commission should then take formal action on the request in the form of a recommendation to the City Council.

Attachments:

1. Existing land use map
2. Proposed land use map
3. Land use amendment chart

EXISTING LAND USE MAP



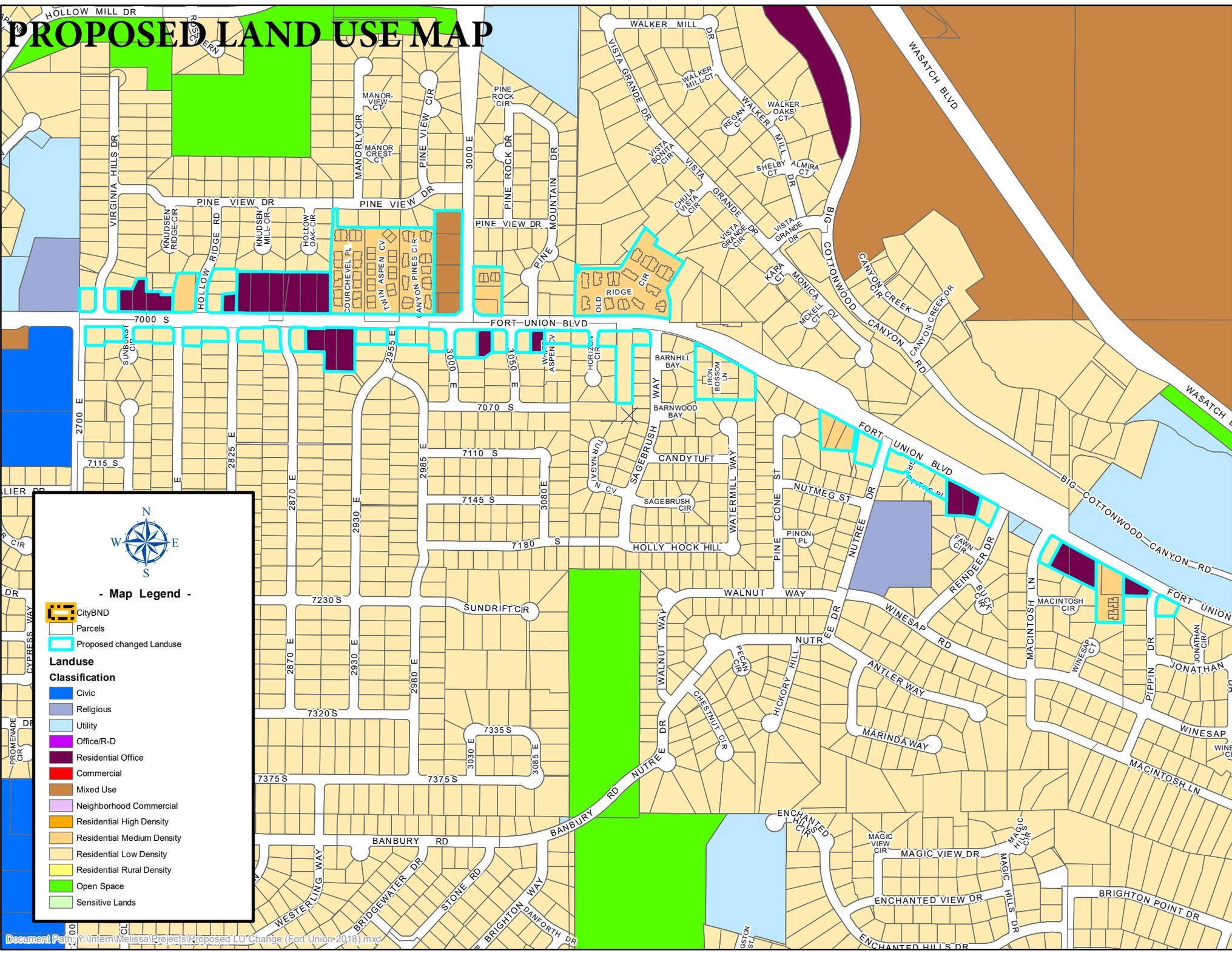
- Map Legend -

- CityBND
- Parcels
- Proposed changed Landuse

Landuse Classification

- Civic
- Religious
- Utility
- Office/R-D
- Residential Office
- Commercial
- Mixed Use
- Neighborhood Commercial
- Residential High Density
- Residential Medium Density
- Residential Low Density
- Residential Rural Density
- Open Space
- Sensitive Lands

PROPOSED LAND USE MAP



- Map Legend -

CityBND
 Parcels
 Proposed changed Landuse

Landuse Classification

- Civic
- Religious
- Utility
- Office/R-D
- Residential Office
- Commercial
- Mixed Use
- Neighborhood Commercial
- Residential High Density
- Residential Medium Density
- Residential Low Density
- Residential Rural Density
- Open Space
- Sensitive Lands

Land Use Amendment Chart

Parcel Address	Current Land Use	Proposed Land Use
6698 S Virginia Hills Dr	Mixed Use	Residential Low Density
7013 S 2700 E	Mixed Use	Residential Low Density
2715 E Fort Union Blvd	Mixed Use	Residential Low Density
2744 E Fort Union Blvd	Mixed Use	Residential Low Density
2725 E Fort Union Blvd	Mixed use	Residential Office
2751 E Fort Union Blvd	Mixed Use	Residential Office
2758 E Fort Union Blvd	Mixed Use	Residential Low Density
2777 E Fort Union Blvd	Mixed Use	Residential Office
7012 S 2780 E	Mixed Use	Residential Low Density
2785 E Fort Union Blvd	Mixed Use	Residential Medium Density
7015 S 2780 E	Mixed Use	Residential Low Density
7012 S 2825 E	Mixed Use	Residential Low Density
6983 S Hollow Ridge Rd	Mixed Use	Residential Low Density
6967 S Hollow Ridge Rd	Mixed Use	Residential Low Density
6855 S Hollow Ridge Rd	Mixed Use	Residential Low Density
2821 E Fort Union Blvd	Mixed use	Residential Office
2833 E Fort Union Blvd	Residential Office	Residential Office
7013 S 2825 E	Mixed Use	Residential Low Density
2847 E Fort Union Blvd	Residential Office	Residential Office
7020 S 2870 E	Mixed Use	Residential Low Density
2861 E Fort Union Blvd	Residential Office	Residential Office
2873 E Fort Union Blvd	Residential Office	Residential Office
7021 S 2870 E	Mixed Use	Residential Low Density
2887 E Fort Union Blvd	Residential Office	Residential Office
2882 E Fort Union Blvd	Mixed Use	Residential Office
2895 E Fort Union Blvd	Residential Office	Residential Office
2906 E Fort Union Blvd	Mixed Use	Residential Office
2910 E Fort Union Blvd	Mixed Use	Residential Office
Alpine Chateaux Condo.	Mixed Use	Residential Medium Density
2928 E Fort Union Blvd	Mixed Use	Residential Low Density
2940 E Fort Union Blvd	Mixed Use	Residential Low Density
Aspen Park Condominium	Mixed Use	Residential Medium Density
2970 E Fort Union Blvd	Mixed Use	Residential Low Density
Canyon Pines Condominium	Mixed Use	Residential Medium Density
2980 E Fort Union Blvd	Mixed Use	Residential Low Density
2990 E Fort Union Blvd	Mixed Use	Residential Low Density
2995 E Fort Union Blvd	Mixed Use	Mixed Use
6970 S 3000 E	Mixed Use	Mixed Use
6944 S 3000 E	Mixed Use	Mixed Use
6914 S 3000 E	Mixed Use	Mixed Use
3010 E Fort Union Blvd	Mixed Use	Residential Low Density
3020 E Fort Union Blvd	Mixed Use	Residential Office
3031 E Fort Union Blvd	Residential Low Density	Residential Medium Density
3033 E Fort Union Blvd	Residential Low Density	Residential Medium Density

6957 S 3000 E	Mixed Use	Residential Medium Density
3040 E Fort Union Blvd	Mixed Use	Residential Low Density
3060 E Fort Union Blvd	Mixed Use	Residential Low Density
3070 E Fort Union Blvd	Mixed Use	Residential Office
7015 S White Aspen Cv	Mixed Use	Residential Low Density
7012 S Horizon Cir	Mixed Use	Residential Low Density
Canyon Ridge Condominium	Mixed Use	Residential Medium Density
7011 S Horizon Cir	Mixed Use	Residential Low Density
3144 E Fort Union Blvd	Mixed Use	Residential Low Density
7010 S Sagebrush Wy	Mixed Use	Residential Low Density
Iron Blossom Subdivision	Mixed Use	Residential Low Density
3214 S Fort Union Blvd	Mixed Use	Residential Low Density
3288 E Fort Union Blvd	Mixed Use	Residential Medium Density
3298 E Fort Union Blvd	Mixed Use	Residential Medium Density
3310 E Fort Union Blvd	Mixed Use	Residential Medium Density
3332 E Fort Union Blvd	Mixed Use	Residential Low Density
7114 S Griffiths Pl	Mixed Use	Residential Low Density
7123 S Griffiths Pl	Mixed Use	Residential Low Density
7133 S Griffiths Pl	Mixed Use	Residential Low Density
3414 E Fort Union Blvd	Mixed Use	Residential Office
3422 E Fort Union Blvd	Mixed Use	Residential Office
7150 S Reindeer Dr	Mixed Use	Residential Low Density
7183 S Macintosh Ln	Mixed Use	Residential Low Density
3526 E Fort Union Blvd	Mixed Use	Residential Office
3530 E Fort Union Blvd	Mixed Use	Residential Medium Density
3536 E Fort Union Blvd	Mixed Use	Residential Medium Density
3568 E Fort Union Blvd	Mixed Use	Residential Office
7231 S Pippin Dr	Mixed Use	Residential Low Density

1 **DRAFT**

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

5
6 **Wednesday, September 5, 2018**

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 Allen Orr, Craig Bevan, Sue Ryser, Jesse Allen, Christine Coutts,
15 Graig Griffin, Doug Rhodes

16
17 **Staff Present:** Community and Economic Development Director Mike Johnson, City
18 Planner Andrew Hulka, Senior Planner Matt Taylor, Public Relations
19 Specialist Dan Metcalf, City Recorder Paula Melgar, City Attorney Shane
20 Topham

21
22 **WORK SESSION**

23
24 Chair Allen Orr called the meeting to order at 5:00 p.m.

25
26 **1.0 Review Business Meeting Agenda.**

27
28 The agenda items were reviewed and discussed.

29
30 **2.0 Additional Discussion Items.**

31
32 **2.1 Review of PDD-18-001 and Zoning Ordinance Chapter 19.51.**

33
34 Community and Economic Development Director, Michael Johnson, reviewed PDD-18-001 and
35 Zoning Ordinance Chapter 19.51. He reported that staff was available to discuss the matter in
36 more detail and offer their opinion, if needed. He recommended the applicant be involved in the
37 discussion in order to compare alternative views. One area of concern included building height.
38 He questioned whether the proposed two level live/work units justify the increased height from 35
39 to 50 feet. He noted that this is a recommendation that will go on to the City Council. Staff did
40 not feel that the language was restrictive enough to require it be commercial on the entirety of the
41 first two stories. He explained that the appropriate method used to analyze whether it meets the
42 goals and objectives of the ordinance are to compare it to other areas where Tier II could be applied.
43 The General Plan Land Use Map was discussed. Mr. Johnson recommended the language clarify
44 that it is compatible with the General Plan.
45

1 The applicant’s representative, Wade Budge, believed it was important to recognize that when
2 evaluating a PDD, they are customizing the zoning ordinance to a specific site. In order to
3 determine the area identified by the Council as being appropriate for a Tier II PDD property, he
4 suggested asking how they can incorporate a commercial use in a logical manner. He described
5 the need for live/work units. He explained that they have proposed office and commercial uses,
6 as specified in the ordinance. When determining the appropriate use of a parcel, they first review
7 the General Plan, what has been layered on top, and the PDD requirements.
8

9 Commissioner Allen felt he could approve something similar in height or less than what has been
10 proposed. He commented that there was more height in this development than in the development
11 to the east. The single-family residential was the most significant issue to him and he would
12 approve something equal, but not larger than, the surrounding buildings.
13

14 Mr. Johnson pointed out that staff was not suggesting approval or denial of the five live/work
15 units, regardless of whether they are justified. Their interpretation of the provision was that it does
16 not have to be two complete levels of non-residential to justify the height. The question was
17 whether what is being proposed justifies the additional height. He stated that the below market
18 rate/senior/disabled housing requirement is also a provision. He questioned whether the applicant
19 and the City are in agreement in that regard. A discount of 10% was proposed as they are choosing
20 to comply with the senior unit requirement. He reported that they are still unclear with regard to
21 the lease rate and whether it complies with the affordability standard set forth.
22

23 **3.0 Adjournment.**

24
25 *Commissioner Ryser moved to adjourn the Work Session. Commissioner Allen seconded the*
26 *motion. The motion passed with the unanimous consent of the Commission.*
27

28 The Work Meeting adjourned at 5:55 p.m.
29

30 **BUSINESS MEETING**

31 32 **1.0 WELCOME/ACKNOWLEDGEMENTS**

33
34 Chair Orr called the Business Meeting to order at approximately 6:00 p.m. and welcomed those in
35 attendance.
36

37 **2.0 CITIZEN COMMENTS**

38
39 Sarah Hansen expressed concern with the proposed PDD development and the lack of parking.
40 She believed there was already congestion and the proposed development will only exacerbate the
41 situation. Fire access issues were also of concern.
42

43 Dr. Michelle Schilling identified herself as the owner of the Hillside Veterinary Hospital and
44 expressed concern with an additional veterinary hospital in the area.
45

1 **3.0 PUBLIC HEARINGS**

2
3 **3.1 (Project CUP-18-008) Public Comment on a Request from Brittany Probert for a**
4 **Conditional Use Permit for a Health Professional Clinic Located at 1441 East Fort**
5 **Union Boulevard.**
6

7 The above matter was continued until the October 3, 2018 Meeting.

8
9 *Commissioner Coutts moved to continue Project CUP-18-008. The motion was seconded by*
10 *Commissioner Bevan. The motion passed with the unanimous consent of the Commission.*
11

12 **3.2 (Project SUB-16-005) Public Comment on a Request from Joseph Barnes and Joy**
13 **Blankenship for an Exception to the Flag Lot Requirement for a Fence on the**
14 **Property Located 7989 South Royal Lane.**
15

16 City Planner, Andy Hulka, presented the staff report and stated that the request is for an exception
17 from the subdivision requirement for a flag lot to have a six-foot fence or visual barrier. In this
18 case, what is proposed is an aesthetic concern as the neighborhood does not have fences. The
19 residents expressed a desire to retain that aesthetic by not approving fencing along the driveway
20 to the flag lot.
21

22 The applicant, Joe Barnes, stated that the fencing requirement involved moving the existing
23 driveway to the owner of the other lot. The requirements were imposed to in order for the new
24 plat to be approved. He explained that constructing a fence would require moving the driveway
25 approximately six feet, which would be expensive and involve work on the part of the neighboring
26 property owner. Another concern was that they would agree to increase the width of the road to
27 20 feet; however, in order to accomplish that an electrical box would need to be relocated. Rocky
28 Mountain Power informed them that the box could be moved at a cost of \$25,000 and would
29 require disruptions to the neighboring lots.
30

31 Chair Orr opened the public hearing.

32
33 Daniel Godfrey identified himself as the property owner to the south. He did not have a preference
34 with regard to the fence request. He explained that when the property was subdivided it was a 1.5-
35 acre lot and the approved ingress/egress was on the west side. The site plan, as proposed,
36 contemplates the ingress/egress on the south side, which would require an easement along his
37 property and the property of another homeowner. He expressed opposition to the proposed
38 easement.
39

40 Ron Roberts, the homeowner to the east, was sympathetic to those using the narrow road and was
41 opposed to changing the location of the driveway.
42

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

1 **3.3 (Project CUP-18-007) Public Comment on a Request from Heather Moreau for a**
2 **Conditional Use Permit to Convert an Existing Building into a Veterinary Clinic at**
3 **1930 East Fort Union Boulevard.**
4

5 Mr. Hulka presented the staff report and stated that the request is for a veterinary clinic in the
6 Regional Commercial Zone and requires a Conditional Use Permit. The request would include an
7 interior remodel and a change of use. He reported that items to be considered include sufficient
8 parking, nuisance issues, and impacts to the neighboring properties. In order to avoid noise
9 complaints, conditions were imposed to restrict overnight stays unless medically required.

10
11 The applicant, Dr. Heather Moreau, stated that the request is for a small animal facility that would
12 include general exams, nutritional services, vaccines, and soft tissue surgery. In the beginning,
13 the employees would be limited to herself and minimal staff. She confirmed that she will not have
14 emergency hours and will refer out after hours patients. The proposed hours will be from 8:00 a.m.
15 to 6:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday. There will no
16 overnight stays for patients unless medically necessary. It was their intent to work with TWJC, a
17 veterinary-specific contractor, who is familiar with these types of remodels. No external changes
18 were to be made. Dr. Moreau stated that they anticipate opening for business the Summer of 2019.

19
20 Chair Orr opened the public hearing.

21
22 Dr. Michelle Schilling's specific concern was with the oversaturation of veterinarians in
23 Cottonwood Heights. She believed they are hitting a bubble and worried how this will impact her
24 business. She is currently not to capacity and she was concerned with the new clinic being in such
25 close proximity.

26
27 Dr. Laurel Harris identified herself as the owner of Wasatch Exotic Pet Care. She stated that the
28 proposed office is three doors down from her place of business. Her main concern was with the
29 proposed location. She was not as concerned about the potential impact on her business since they
30 see only exotic animals, but they have heard businesses that claim to only treat dogs and cats
31 transition to treating local exotic pets. Dr. Harris was concerned about client confusion and safety.
32 She stated that her GPS does not differentiate between her office and the one three doors down.

33
34 Jean Nielsen was present representing a neighbor and believed there are too many vet clinics in
35 the area. Parking was also identified as an issue.

36
37 There were no further public comments. The public hearing was closed.

38
39 **4.0 ACTION ITEMS**

40
41 **4.1 (Project GPA-18-001) Public Comment on a City-Initiated Proposal to Adopt a**
42 **Wasatch Boulevard Area Master Plan as an Addendum to the Cottonwood Heights**
43 **General Plan.**
44

45 Chair Orr opened the public hearing. There were no public comments. The public hearing was
46 closed.

1 *Commissioner Griffin moved to forward a positive recommendation on Project #GPA-18-001,*
2 *a City-initiated proposal to adopt a Wasatch Boulevard Area Master Plan as an addendum to*
3 *the Cottonwood Heights General Plan. The motion was seconded by Commissioner Rhodes.*
4 *Vote on motion: Commissioner Allen-Aye, Commissioner Coutts-Aye, Commissioner Ryser-*
5 *Aye, Commissioner Bevan-Aye, Commissioner Griffin-Aye, Commissioner Rhodes-Aye, Chair*
6 *Allen Orr-Aye. The motion passed unanimously.*
7

8 **4.2 (Project PDD-18-001) Action on a Request from ICO Multi-Family Holdings, LLC**
9 **for a Zone Map Amendment from R-1-8 to PD-X on Property Located at 6784 South**
10 **1300 East. The Applicant is Requesting to Utilize the City’s Planned Development**
11 **District Ordinance and Change the Zoning Designation from R-1-8 (Residential**
12 **Single-Family) to PD-X (This is a Zoning Designation Prepared Specifically for the**
13 **Subject Property by the Applicant, within the Guidelines of Chapter 19.51 of the City**
14 **Zoning Ordinance).**
15

16 Mr. Johnson presented the staff report and stated that the applicant has worked with the Unified
17 Fire Authority regarding what was previously an emergency access through The Orchards
18 condominiums to the south. It turned into a circular driveway which limited the property to one
19 access along the northeast side of the property. The applicant has worked through the process and
20 obtained proper approval for the single point of egress and ingress. A revised traffic study was
21 conducted and the results were forthcoming.
22

23 During the previous Work Session, the provision for below market rate or senior affordable
24 housing was discussed. Mr. Johnson stated that staff feels that those units need to meet the
25 requirement to be affordable to a family making a certain percentage of the City’s median income.
26 Commissioner Coutts recommended 50% of the area median income rather than placing a variable
27 number.
28

29 Wade Budge was present on behalf of the applicant and expressed gratitude for the attention and
30 input given to this project. He pointed out that the Code allows two options. The first is the path
31 of an affordable housing project and the second is senior housing. He explained that he writes
32 Code and dozens of development agreements every year and had yet to see the word “collectively”
33 and the word “or” together. He believed “collectively” was an error. Identifying the requirements
34 for each of the tiers was discussed. Mr. Budge reported that they have been working on the
35 application for nearly one year and were proposing a senior rather than an affordable product. He
36 read the provision that specifies that if a land use regulation does not plainly restrict a land use
37 application, the land use authority shall interpret and apply the land use regulation to favor the land
38 use application. Mr. Budge’s interpretation was that if there is ambiguity with an interpretation,
39 deference should be given to the property owner. It was their intent to advocate to the Council
40 that they have designed a project that works well with the senior product type and is what has been
41 designed for this project.
42

43 Commissioner Ryser asked what prevents the units not rented as senior housing from ending up in
44 the regular leasing pool. Mr. Budge reported that they will enter into a Senior Housing Agreement
45 with the City so that there is a mechanism in place to address enforcement. They proposed a
46 feature within the ordinance that would specify that if a tenant does not present themselves within

1 one month's time, the unit could be made available at market rate or to someone other than a
2 senior. A waiting list would be provided to ensure that the units are filled.

3
4 Chris Longson was present representing Ivory Development and confirmed that a senior list would
5 be kept to ensure rental priority.

6
7 Commissioner Griffin disagreed with Mr. Budge and his statement that the word "collectively" is
8 in error. He explained that if there was an error, it would be with the word "or". He believed the
9 intention was clear and questioned the intention at the time the Code was written.

10
11 Mr. Johnson explained that part of the intent was to address the affordable housing demands that
12 all cities in the State are facing. The City's interpretation of the Code was that below market and
13 senior units have been lumped together. The intent was to provide a housing option for the
14 disadvantaged segment of society.

15
16 Commissioner Ryser was unsure whether the developer should be held to both sections or if one
17 section is appropriate.

18
19 Commissioner Griffin suggested removing the 30-day time limit.

20
21 Mr. Budge believed they had two options available and chose the senior option. He stated that
22 they could be clearer by going in the order of the waitlist they are required to maintain.

23
24 Chris Maynes was present on behalf of ICO and stated that all units, with exception of the
25 live/work units, will be located above the parking level with elevator access.

26
27 Chair Orr encouraged a longer wait time for those who may qualify for the senior units. An
28 appropriate length time was discussed.

29
30 City Attorney, Shane Topham, reported that this is a legislative decision and ultimately, the City
31 Council will make the final decision. Their determination will be clarified in the ordinance. The
32 Council has ability to amend what the developer proposes in any way they see fit.

33
34 Chair Orr raised a question regarding an Emergency Evacuation Plan within the City. Mr. Johnson
35 explained that although broad, the City does have an Emergency Management component that will
36 soon be housed within the Police Department. UFA has reviewed and approved the proposed
37 Emergency Evacuation Plan in the event of a fire. A revised ordinance explaining the senior
38 housing qualifications was discussed.

39
40 In response to the traffic study results, Mr. Johnson reported that it requested an extended left turn
41 lane exiting 6720 South on 1300 East. He recommended the Planning Commission consider
42 limiting on-street parking to one side of the public street or the other.

43
44 Commissioner Ryser expressed concern regarding language in the Code pertaining to
45 establishments dealing directly with the general public having visually interesting features. She

1 believed the developer has not included those items in the proposal. She questioned a complex
2 with minimal features and asked if the ordinance was written to involve more public use.

3
4 Chair Orr believed this was a question that must be dealt with. Further review of Chapter 19.51
5 was recommended.

6
7 Commissioner Allen stated that height was discussed during the Work Session and he
8 recommended a diagram depicting the 1129 East and 6810 South property line be prepared to look
9 at the height of the existing complex to the north. A comparison between what exists and how it
10 compares to the proposed situation was recommended.

11
12 Mr. Johnson would provide a link that includes all of the information in question to allow the
13 Commission Members to further review the information and be prepared for the discussion at the
14 next meeting.

15
16 *Commissioner Rhodes moved to continue action on Project #PDD-18-001 to the October 3, 2018*
17 *Meeting. The motion was seconded by Commissioner Bevan. Vote on motion: Commissioner*
18 *Allen-Aye, Commissioner Coutts-Aye, Commissioner Ryser-Aye, Commissioner Bevan-Aye,*
19 *Commissioner Griffin-Aye, Commissioner Rhodes-Aye, Chair Allen Orr-Aye. The motion*
20 *passed unanimously.*

21
22 **4.3 (Project SUB-16-005) Action on a Request from Joseph Barnes and Joy Blankenship**
23 **for an Exception to the Flag Lot Requirement for a Fence on Property Located at**
24 **7989 South Royal Lane.**

25
26 Chair Orr reported that the above item was a request from Joseph Barnes and Joy Blankenship for
27 an exception to the flag lot requirement for a fence on property located at 7989 South Royal Lane.
28 The only action the Planning Commission would take, if approved, would be an exception to the
29 fencing requirement. The property owners would still need to address the right-of-way issues.

30
31 *Commissioner Ryser moved to forward a positive recommendation to the City Council for an*
32 *exception to the flag lot requirement for a fence on property located at 7989 South Royal Lane.*
33 *The motion was seconded by Commissioner Griffin. Vote on motion: Commissioner Allen-Aye,*
34 *Commissioner Coutts-Aye, Commissioner Ryser-Aye, Commissioner Bevan-Aye, Commissioner*
35 *Griffin-Aye, Commissioner Rhodes-Aye, Chair Allen Orr-Aye. The motion passed*
36 *unanimously.*

37
38 **4.4 (Project CUP-18-007) Action on a Request from Heather Moreau for a Conditional**
39 **Use Permit to Convert an Existing Building into a Veterinary Clinic at 1930 East Fort**
40 **Union Boulevard.**

41
42 Chair Orr reported that the above item is a request from Heather Moreau for a Conditional Use
43 Permit to convert an existing building into a veterinary clinic on property located at 1930 East Fort
44 Union Boulevard.

1 Commissioner Ryser acknowledged concerns raised regarding the number of veterinary clinics in
2 the City and asked if the Planning Commission is allowed to address that issue. Mr. Topham
3 confirmed that it is not the responsibility of the Planning Commission to address the number of
4 specific types of businesses within the City.

5
6 **Commissioner Griffin moved to approve Project #CUP-18-007, a request from Heather Moreau
7 for a Conditional Use Permit to convert an existing building into a veterinary clinic at 1930 East
8 Fort Union Boulevard subject to the following:**

9
10 **Conditions:**

- 11
12 1. ***A Construction Mitigation Plan shall be submitted prior to construction
13 addressing construction hours, construction vehicle parking, deliveries,
14 stockpiling and staging, trash management and recycling of materials, dust and
15 mud control, noise, grading and excavation, temporary lighting, and
16 construction signage;***
- 17
18 2. ***The applicant shall meet all relevant portions of Chapter 14 (Highways,
19 Sidewalks and Public Places), Chapter 19.40 (Regional Commercial), Chapter
20 19.87 (Site Plan Review Process), Chapter 19.84 (Conditional Uses), Chapter
21 19.80 (Off-Street Parking Requirements), and all other applicable laws,
22 ordinances and regulations pertaining to the proposed use; and***
- 23
24 3. ***There shall be no overnight boarding, unless medically required.***

25
26 **Findings:**

- 27
28 1. ***The proposed project meets the applicable provisions of Chapter 19.40, “Regional
29 Commercial,” of the Cottonwood Heights zoning ordinance;***
 - 30
31 2. ***The proposed project will continually meet the applicable provisions of Chapter
32 19.84, “Conditional Uses,” of the Cottonwood Heights zoning ordinance;***
 - 33
34 3. ***The proposed project meets the applicable provisions of Chapters 19.80 and
35 19.87, “Off-Street Parking Requirements” and “Site Plan Review Process,”
36 respectively.***
 - 37
38 4. ***Proper notice of the public hearing was given.***
 - 39
40 5. ***The proposed use of professional office building/veterinary clinic is a conditional
41 use in the Regional Commercial (CR) zone;***
 - 42
43 6. ***The proposed veterinary clinic building will not be detrimental to the health,
44 safety, comfort, order, or general welfare of persons residing or working in the
45 vicinity;***
- 46

- 1 7. *The veterinary clinic use will comply with the intent, spirit, and regulations of the*
2 *City's Zoning Ordinance and General Plan;*
- 3
- 4 8. *The proposal will be harmonious with the neighboring uses in the CR and R-1-8*
5 *zones;*
- 6
- 7 9. *Nuisances related to traffic, parking, lighting, and noise will be abated by the*
8 *conditions imposed;*
- 9
- 10 10. *The protection of property values, the environment, and the tax base for the City*
11 *will be assured;*
- 12
- 13 11. *The use will comply with the City's General Plan;*
- 14
- 15 12. *The applicant will be required to comply with all imposed conditions;*
- 16
- 17 13. *The proposed use preserves historical, architectural, and environmental features*
18 *of the property; and*
- 19
- 20 14. *Operating and delivery hours will be compatible with adjacent land uses.*

21
22 *The motion was seconded by Commissioner Rhodes.*

23
24 The Commission discussed the potential noise and odor concerns raised.

25
26 *Commissioner Griffin amended the motion to add the following condition:*

- 27
- 28 4. *The outside area shall be kept as clean, quiet and odor free as reasonably*
29 *possible.*
- 30

31 *The motion was seconded by Commissioner Rhodes. Vote on motion: Commissioner Allen-*
32 *Aye, Commissioner Coutts-Aye, Commissioner Ryser-Aye, Commissioner Bevan-Aye,*
33 *Commissioner Griffin-Aye, Commissioner Rhodes-Aye, Chair Allen Orr-Aye. The motion*
34 *passed unanimously.*

35 36 **5.0 CONSENT AGENDA**

37 38 **5.1 Approval of Minutes for June 20, 2018.**

39
40 *Commissioner Bevan moved to approve the minutes of June 20, 2018. The motion was seconded*
41 *by Commissioner Coutts. Vote on motion: Commissioner Allen-Aye, Commissioner Coutts-*
42 *Aye, Commissioner Ryser-Aye, Commissioner Bevan-Aye, Commissioner Griffin-Aye,*
43 *Commissioner Rhodes-Abstained, Chair Allen Orr-Aye. The motion passed unanimously with*
44 *one abstention.*

1 **5.2 Approval of Minutes for July 11, 2018.**

2
3 *Commissioner Bevan moved to approve the minutes of July 11, 2018. The motion was seconded*
4 *by Commissioner Ryser. Vote on motion: Commissioner Allen-Aye, Commissioner Coutts-*
5 *Abstained, Commissioner Ryser-Aye, Commissioner Bevan-Aye, Commissioner Griffin-*
6 *Abstained, Commissioner Rhodes-Abstained, Chair Allen Orr-Aye. The motion passed*
7 *unanimously with three abstentions.*

8
9 **6.0 ADJOURNMENT**

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

13
14 The Planning Commission Meeting adjourned at 7:37 p.m.

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, September 5, 2018.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

1 **DRAFT**

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

5
6 **Wednesday, October 3, 2018**

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 Allen Orr, Jesse Allen, Craig Bevan, Sue Ryser, Christine Coutts,
15 Graig Griffin, Doug Rhodes, Alternate Bob Wilde

16
17 **Staff Present:** Community and Economic Development Director Mike Johnson, City
18 Planner Andrew Hulka, Senior Planner Matt Taylor, Public Relations
19 Specialist Dan Metcalf, City Recorder Paula Melgar, City Attorney Shane
20 Topham

21
22 **WORK SESSION**

23
24 Chair Allen Orr called the meeting to order at 5:05 p.m.

25
26 **1.0 Review Business Meeting Agenda.**

27
28 The agenda items were reviewed and discussed.

29
30 **2.0 Additional Discussion Items.**

31
32 Senior Planner, Matt Taylor, reviewed a request from Brittany Probert for a Conditional Use
33 Permit for a health clinic and/or medical office that specializes in the treatment of children on the
34 Autism Spectrum. He reported that the clinic will assist in the development of those with learning
35 disabilities. Their employees are all Board Certified Behavior Analysts. Mr. Taylor explained
36 that a medical office is a permitted or conditional use in the zone. As they are not physicians, it
37 was suggested that the only other definition close to medical office would be for a professional
38 office, which is also a conditional use in the zone. Mr. Taylor identified the key issue with the
39 proposed site as parking. He explained that if the entire structure were utilized, nine parking stalls
40 would be required. The proposed parking plan was reviewed. Prior to issuing a final permit on
41 the square footage, he suggested they have the area photographed including the interior, which is
42 2,150 square feet in size. The need for a right in and right out only access was discussed.

43
44 Mr. Taylor next reviewed the John G. McGee request for preliminary approval of Treasure Ridge
45 No. 3 Subdivision. which includes the vacation of Lots 206 and 209 of the Treasure Ridge No. 2
46 Subdivision. As far as lot size and zoning, he believed there were no real issues. He stated that

1 the substantial hillside is of concern and was approved prior to the City's incorporation. With the
2 non-conforming lot, removal of the flag pole would expand the potential ability to reduce the
3 impact to the hillside allowing for construction near the southeast portion of the lot. He
4 recommended as a condition of approval that the City Engineer ensure that all sensitive land
5 requirements are addressed prior to final plat approval. One of the Homeowners Association
6 Presidents from the Platinum Heights development expressed concern with granting access to the
7 properties. He explained that the deed that transfers the road to Platinum Heights does not mention
8 the right-of-way easement as agreed upon. In addition, the plat does not have a note annotating
9 the right-of-way or easement, although implied. Ongoing maintenance was described.

10
11 Mr. Johnson explained that they are proposing to use a privately owned driveway. Staff asked the
12 property owners to come to an agreement prior to signing a plan or granting final approval. He
13 confirmed that their construction plans will include a Grading and Drainage Plan and review of
14 the lot size and amount of impervious surface. Storm water runoff will also be determined at that
15 time.

16
17 The PPD application was next reviewed. Mr. Johnson believed they are to the point that they need
18 to determine whether the application meets the intent of the ordinance and be prepared to make a
19 recommendation. He emphasized the importance of using the Code as a guideline.

20
21 Commissioner Wilde suggested looking at the Code and reviewing the goals and objectives of
22 Section 19.51.020. He commented that the property does not promote transportation or public
23 facilities and although they often review difficult projects, this item is particularly challenging.
24 Specific verbiage was reviewed.

25
26 Commissioner Bevan believed it was important that when looking at the Code, they keep in mind
27 that this is a very specific property. He stated that the proposed property is not in the middle of
28 the neighborhood and is fully encapsulated and situated against a freeway interchange. He
29 considered this to be an opportunity to develop something that is better than all apartments, which
30 they are entitled to in the Master Plan.

31
32 City Attorney, Shane Topham, reported that the request demands a legislative process. He
33 believed they are in a grey area and there are arguments that will be sufficient legally. He
34 confirmed that it is up to the Commission in terms of what they believe is appropriate.

35
36 Commissioner Ryser asked if anyone was aware of the price of rent. She expressed opposition to
37 making concessions to provide affordable housing when they are not, in fact, providing affordable
38 housing.

39
40 Chair Orr reviewed the need to move forward and asked for additional time for discussion in order
41 to make a recommendation. Mr. Johnson confirmed that they will schedule a two-hour work
42 meeting and include only this item on the agenda.

43
44 Mr. Topham explained that in making the decision, the standard is what is referred to as a
45 "reasonably debatable" standard. It determines whether there is a conceivable reason the request

1 could be approved or disapproved. He noted that there is substantial leeway with regard to
2 whatever decision is made.

3
4 **3.0 Adjournment.**

5
6 *Commissioner Bevan moved to adjourn the Work Session. Commissioner Rhodes seconded the*
7 *motion. The motion passed with the unanimous consent of the Commission. Alternate*
8 *Planning Commission Member Bob Wilde did not participate in the vote.*

9
10 The Work Meeting adjourned at 5:55 p.m.

11
12 **BUSINESS MEETING**

13
14 **1.0 WELCOME/ACKNOWLEDGEMENTS**

15
16 Chair Orr called the Business Meeting to order at approximately 6:00 p.m. and welcomed those in
17 attendance.

18
19 **2.0 CITIZEN COMMENTS**

20
21 Nancy Hardy suggested that the Tier 1 heights in the Planned Development District (PDD) should
22 be reviewed. Since many of the Council Members who originally pushed for the PDD are no
23 longer with the City, she asked that the New Members of the City Council revisit the issue and
24 that the height be reduced. She questioned staff in February with regard to who from the City was
25 directing the developer of the gravel pit. After eight months' time and no open house, she was still
26 unsure as to who was providing direction.

27
28 Lynne Kraus reported that she reread the Code regarding the ICO Development and strongly
29 believed Item 12 was not an either/or statement. She asked for further consideration to review the
30 proposal.

31
32 Jin Fredericksen commented that the New City Manager appears to be very well qualified and
33 asked that the PDD Zone be reevaluated and the language clarified. It was her opinion that the
34 senior housing requirements can cause confusion and suggested the wording be revisited to ensure
35 that it cannot be misinterpreted.

36
37 Jared Crocker was impressed with the Ivory Development representatives, however, in spite of
38 their participation, the proposal they represented is detrimental to Cottonwood Heights. He
39 suggested that it not be recommended by the Planning Commission if the property is to be rezoned
40 high-density to accommodate the apartment buildings and parking lots. He commented on the
41 beauty of the area and recommended it not be zoned for high-density housing.

1 **3.0 PUBLIC HEARING**

2
3 **3.1 (Project CUP-18-008) Public Comment on a Request from Brittany Probert for a**
4 **Conditional Use Permit for a Health Professional Clinic located at 1441 East Fort**
5 **Union Boulevard in the NC-Neighborhood Commercial Zone.**
6

7 Senior Planner, Matt Taylor, presented the staff report and stated that the request is for a
8 Conditional Use Permit for a professional health clinic that specializes in the treatment of children
9 on the Autism spectrum. Their goal would be to provide assistance with their learning capabilities.
10 The current zoning is Neighborhood Commercial and the property is surrounded by Residential
11 Single-Family and Regional Commercial. Ingress and egress issues were described. Mr. Taylor
12 explained that there will be a condition recommending appropriate signage indicating right in and
13 right out as approved by the City Engineer. The applicant proposed a Management Plan for their
14 clientele and are not looking to have the general public patronize this location. He explained that
15 a potential condition of approval may include that their contracts with clientele acknowledge their
16 understanding of the right in and right out only access. He confirmed that the road was recently
17 repaved and there is double yellow striping.

18
19 Commissioner Wilde asked for clarification regarding the drop-off procedure. The applicant,
20 Brittany Probert, explained that parents are required to park, get out of their car, and drop off their
21 child with a certified person inside. There is a 30-minute timeframe designated for the drop off
22 procedure. She agreed to the ingress/egress condition and confirmed that it will include the
23 paperwork describing the drop off and pick up procedures.

24
25 Chair Orr opened the public hearing. There were no public comments. The public hearing was
26 closed.
27

28 **3.2 (Project #SUB-18-004) Public Comment on a Request from John G. McGee for**
29 **Preliminary Approval of Treasure Ridge No. 3 Subdivision (including a vacation of**
30 **lot 206 and 209 of Treasure Ridge No. 2 Subdivision) located Generally at 1561 East**
31 **7200 South in the R-1-8 Single Family Residential Zone.**
32

33 Mr. Taylor presented the staff report and stated that the request is from John G. McGee for
34 preliminary approval of the Treasure Ridge No. 3 Subdivision, which includes the vacation of two
35 lots from a former subdivision plat. The property layout was reviewed. He believed that the
36 proposed amendment improves the conditions in that they will have additional room to build on
37 by decreasing the degree of non-conformity that exists. One condition of approval they are
38 recommending is that all geologic technical studies required for building on the proposed property
39 ensure compliance with the sensitive land ordinances prior to final plat approval. One area of
40 concern involves the Platinum Heights PUD Plat. Mr. Taylor stated that it was originally approved
41 as a PUD in 2007 and was not constructed until 2012.

42
43 Another issue involved the additional strip of land utilized to make the development work that is
44 now known as Hadley's View Drive. In his opinion, their private agreement is not clear and he
45 believed that some details were not specified. Concern expressed by Platinum Heights was that
46 there may not be a legal access or right-of-way through the road obtained over one decade ago.

1 Storm drainage was also of concern. He reported that the plat meets all of the requirements,
2 however, there was some disagreement over the right of access to the utility infrastructure. He
3 suggested moving forward with the preliminary approval if one of the conditions of approval is
4 that prior to recordation of the final plat, the final plat approval be withheld until legal evidence is
5 provided that the agreed upon right-of-way easement was formally recorded. He also identified
6 an existing home located on the property that would need to be demolished prior to final plat
7 approval as it straddles the property line.
8

9 The applicant, John McGee, indicated that he had his attorney review the documents and noted
10 that 1B shows that have a perpetual right-of-way of the easement that was of record. He supported
11 staff's presentation and had spoken to the City Engineer regarding Lot 206 being reflected as Lot
12 210. Water rights issues were reviewed.
13

14 Chair Orr opened the public hearing.
15

16 Rick Urbom identified himself as the President of the Platinum Heights Homeowners Association.
17 He had spoken with Mr. Johnson and staff regarding the proposal. His background is in real estate
18 acquisition and he confirmed that he is not opposed to the sale of the property to the Hendricken's
19 who own Treasure Ridge. The issue is with there being no written easements to use the private
20 street. He noted that they are willing to negotiate and work on the required easement. Utility
21 issues were reviewed. Mr. Urbom believed that the area Mr. McGee referred to is a lot that is a
22 part of Treasure Ridge and changed the dynamics of the original 2007 agreement. It was his
23 opinion that they are trying to piggyback and use the street without compensation.
24

25 Alan Stalling stated that their family bailed on the original developer and were in the crosshairs of
26 the original agreement between the Mehrley's and Platinum Heights. He believed that the HOA
27 stated their case clearly and is tied to the Mehrley's property. Because the infrastructure has
28 increased and if it weren't an addition, he believed there would be some legitimacy to their claim
29 of returning back to the agreement. The layout of the property was discussed. Mr. Stalling's point
30 was that this would increase storm drainage and retention as most of the property is hillside.
31

32 Deanne Long reported that she lives in Shadow Cove and expressed concern with the fire access.
33 She commented that if there were two homes constructed with fencing, there would be very little
34 fire access. Soil erosion was also identified as a concern. She asked if a fire turnaround is required.
35 Mr. Taylor reviewed a property map and identified the approved fire access. He confirmed that
36 the proposed plan has been approved by the Unified Fire Authority.
37

38 Ron Benson reported that he is the property owner to the south of what was Lot 206 and expressed
39 opposition to losing the access road. When he purchased his home, he completed intense
40 geological studies to ensure safety. He explained that the access road for the lot to the north was
41 not buildable due to the access road. He believed the removal of the access road would allow for
42 more ground to be built on, but not enough to ensure safety. He was opposed to its removal.
43

44 Aaron Mehrley identified himself as the property owner. He felt the development would be good
45 for the area as it is currently a lot with an old home and weeds. He believed the arguments that

1 the extra drainage would affect the development are not pertinent because it is all sloped with the
2 exception of a few feet on the north side. He expressed support for the proposed development.

3
4 There were no further public comments. Chair Orr continued the public hearing.

5
6 **3.3 (Project GPA-18-002) Public Comment on a Request from Cottonwood Heights City**
7 **on a City-Initiated Request for a General Plan Land Use Map Amendment to**
8 **Multiple Properties with Frontage on Fort Union Boulevard between 2700 East and**
9 **Racquet Club Drive.**

10
11 Mr. Johnson presented the staff report and stated that the matter is a City-initiated proposal to
12 amend the land use map of various properties with frontage along Fort Union Boulevard, generally
13 east of 2700 East. He clarified that zoning is the law as it applies to the properties currently. The
14 majority are zoned single-family residential. He identified two properties that do not fit the single-
15 family zone that are zoned Neighborhood Commercial and were developed as commercial. The
16 property furthest to the east is zoned mixed-use and was considered by the Planning Commission
17 and City Council within the last year. He pointed out that this does not affect the current zoning
18 and noted that the proposal is a modification of land use. When the City considers a rezone, they
19 use a future land use map as the criteria to determine whether it is in the City's long-range vision
20 to grant a rezone.

21
22 Mr. Johnson explained that the current land use map has been in use since the City's incorporation
23 in 2005 and identifies all of the properties discussed with the future land use. As directed by the
24 City Council, he confirmed that they are proposing a reduction in the future commercial potential
25 in the land use designation along the proposed area. He stated that the number of properties with
26 a future designation of mixed-use will decrease from 72 to four and preserve the single-family
27 residential character that both residents and the City Council were concerned about. The criteria
28 includes properties that have direct frontage onto Fort Union Boulevard and are not included as
29 any single-family neighborhood. He explained that the proposed change does not affect how the
30 properties can be used or developed and any change to use would still require a public process.
31 The other takeaway was that the land use map does not make it easier to develop the corridor into
32 full commercial use and office and would make it much more difficult. He stated that the current
33 process is to take public comment. The Commission will make a recommendation to the City
34 Council who will make the final decision.

35
36 In response to a question raised by Chair Orr, Mr. Johnson explained that an existing mixed-use
37 property is grandfathered in. The land use map is a future land use analysis and an advisory
38 document that is used when a request comes to staff.

39
40 Commissioner Coutts asked why certain properties are recommended for low density and others
41 for office. Mr. Johnson explained that properties are identified that do not rely on or access the
42 neighborhood streets and are independent of the developed neighborhoods.

43
44 Chair Orr opened the public hearing.

45
46 John Kennington, a Phippen Drive resident, stated that he lives adjacent to one of the properties that

1 could be affected by this action. He expressed support for the proposal in the City's General Plan
2 to reduce the potential for commercial development with the hope that many of the residential-
3 office properties can be converted to low density residential. He believed that other residents
4 between 2700 East and Racquet Club Drive consider this to be a predominately residential
5 neighborhood that provides a buffer between intense commercial development. He commented
6 on traffic and noise from Fort Union Boulevard.

7
8 Lynne Kraus was pleased that the City initiated the request after commenting on the issue multiple
9 times over the past year. She believed that this area of Fort Union Boulevard has a totally different
10 feel and look than the rest of Fort Union and the proposed mixed-use is appropriate. She remarked
11 that changing the land use designation to low density or medium density residential would be a
12 step toward maintaining the character of the City. She encouraged the Planning Commission to
13 recommend approval to the City Council.

14
15 Carl Evans had concerns with the initial proposals and land usage and after seeing the proposal
16 but would not be opposed to it. As a former law enforcement officer with expertise in traffic
17 enforcement, traffic control, and accident reconstruction, he had concerns with the existing land
18 use with ingress and egress of vehicles and commercial uses making left turns.

19
20 Jin Fredericksen was supportive of the general land use change and adhering to the Master Plan of
21 low density. She asked why they chose not to keep it consistent and remove any doubt by making
22 them all residential if they are not currently mixed-use or commercial. She was in favor of having
23 all of the homes remain R-1. In reviewing the RO zone, she believed that 6724 South did not
24 appear as a Residential Office and she asked why residents would have to deal with a potential
25 convenience store or huge medical office building. She recommended that the current R-1
26 properties be maintained.

27
28 Jay Peterson stated that he has been a resident of Cottonwood Heights since 1954 and asked why
29 the City's proposal has changed his property from Single-Family Residential to Residential Office.

30
31 Mr. Peterson reported that he lives adjacent to the previous Jay Peterson and shared his concerns.
32 The rationale with the properties was if a home has egress into a driveway of the homes behind it,
33 they remained residential. He pointed out that Jay Peterson's property was changed to Residential
34 Office, which created a situation that does not make sense to the neighboring property owners. He
35 believed it made more sense to cluster properties and keep Low-Density Residential together.

36
37 Leon Peterson reported that he has been a resident since the 1960s and on ski days, they often
38 drove south through the neighborhood to exit as they cannot access 7200 South. He expressed
39 concern with the Racquet Club Property and 7200 South becoming a main artery. He
40 acknowledged that traffic is a major concern.

41
42 Jodi Turgeon reported that she lives on 2280 East. Her home was built in the 1890s and was one
43 of the Butler's original homes. She was unhappy that the City is proposing that her home be torn
44 down and converted into an office.

1 Kevin Gmitro identified himself as the owner of the Gear Room and stated that he was impartial
2 to the proposed land use. As far as parking is concerned, he was informed that the adjacent
3 buildings would allow for additional parking should they become mixed-use. They tried to create
4 enough parking for their clientele and stated that because of the zoning laws, it is impossible to
5 provide enough parking. It was their hope that the property would become mixed use on either
6 side to allow them to expand the parking to accommodate patrons.

7
8 Barbara Seward gave her address as 3144 Fort Union Boulevard and purchased her property in
9 1954. She was pleased to learn that it was mixed-use as they have two houses and a shop on a
10 dead end right-of-way. Their only access is 7000 South and she hoped this will suit Cottonwood
11 Heights and they can maintain their property as mixed-use. She stated that Residential Office
12 would also suit their needs.

13
14 Nancy Hardy was in favor of the proposed land use and the rezone to R-1.

15
16 Ann Wilde reported that she lives on the corner of Nut Tree and Fort Union Boulevard. She
17 questioned whether the change from mixed-use to medium density residential would affect her
18 property taxes. She also asked if the beautification of Fort Union was still in the works.

19
20 Chris Pantelides reported that his home is next to the Gear Room where he has lived since 1991.
21 He was in favor of the proposed change and apologized to the owners of the Gear Room that they
22 were told they could count on his property for additional parking.

23
24 Tad Turgeon gave his address as 2882 East Fort Union Boulevard and stated that he also owns a
25 business at 2122 Fort Union Boulevard. He explained that it has been very difficult to work with
26 the City to obtain business access to the area and he has looked at several properties as a result.
27 As a resident living on Fort Union Boulevard, he did not consider it to be a benefit or something
28 worth preserving. He commented on the noise and stated that it is only quiet between the hours of
29 2:00 a.m. and 4:00 a.m. when the traffic dies down. He expressed opposition to the proposal and
30 hoped to see Fort Union Boulevard remain more consistent. He did not consider the proposed plan
31 to be in the best interest of the City or the residents.

32
33 Hazel Peterson commended the City on the proposed plan as many have fought to keep the
34 commercial out of their neighborhood. She believed that commercial development will destroy
35 their community.

36
37 There were no further comments. The public hearing was closed.

38 39 **4.0 ACTION ITEMS**

40 41 **4.1 (Project #PDD-18-001) Action on a request from ICO Multi-Family Holdings, LLC** 42 **for a zone map amendment from R-1-8 to PD-X on the property located at 6784 South** 43 **1300 East.**

44
45 Chair Orr reported that the Commission suggested a two-hour work session take place in two
46 weeks to allow for further discussion of the above item.

1
2 **Commissioner Griffin moved to move Project #PDD-18-001 to the end of the agenda. The**
3 **motion was seconded by Commissioner Ryser. The motion passed with the unanimous consent**
4 **of the Commission. Alternate Planning Commission Member Bob Wilde did not participate in**
5 **the vote.**
6

7 The Commission returned to this item after addressing the consent calendar.
8

9 Christian Maynes from ICO Development, made a PowerPoint presentation and stated that they
10 have prepared several pieces of analysis in response to a question raised regarding the viewing
11 angle for single-family residences who are adjacent to the proposed development compared to
12 those of the Stonehaven Condominiums. He stated that the proposed setbacks are 75 feet to the
13 closest portion of the building wing. On average there is a 25.7-foot viewing angle, which is less
14 than what was suggested by the Planning Commission. With regard to trees, he explained that it
15 is difficult to determine which will remain but confirmed that they made a commitment to the
16 neighbors to preserve what they can. It was the opinion of the Arborist that that many of the trees
17 can be saved.
18

19 Mr. Maynes next displayed an illustration of the southernmost building in Stonehaven. He
20 explained that the majority of the parking will be underground with a portion remaining above
21 ground. The proposed building will consist of three stories with a pitched roof. He confirmed that
22 the total building height is roughly 55 feet. The proposed building does not contain any
23 architectural appurtenances where the other four within Stonehaven have air conditioning units
24 and a railing on top of the buildings. Due to the proximity of the single-family home, it creates a
25 much worse viewing angle than is proposed in the ICO Development project proposal. He pointed
26 out that the orientation of the building is not square with the property line so as it continues down
27 the property, it gets within 15 feet of the property line at the closest point. He believed that having
28 a building turn into a single-family home is worse than disrupting the scenic view. He compared
29 it to the proposed ICO buildings, which are squared with the property line and face east and west.
30 He reported that they conducted a in depth review of Salt Lake County's archives and it was
31 determined that there is not a complete set of plans. He remarked that they feel that the rigor
32 surrounding their proposal is much greater than was reviewed for the Stonehaven proposal. He
33 asked that when the proposal is reviewed that they consider the change made to create concessions
34 for neighbors and benefit the surrounding residents.
35

36 The Stonehaven four-story building was next described. Mr. Maynes reported that it measures 60
37 feet in height and has an additional architectural appurtenance on top that measures roughly four
38 feet. When the viewing angle was compared to ICO's, it is set back 155 feet with an additional 30
39 feet to compensate for the location of the eave of the building. The architectural details were
40 described.
41

42 Commissioner Griffin explained that because the request is so complex, the Commission elected
43 to devote a two-hour work session to this issue.
44

45 **Commissioner Griffin moved to continue Project #PDD-18-001 a request from ICO Multi-**
46 **Family Holdings, LLC for a zone map amendment from R-1-8 to PD-X on the property located**

1 *at 6784 South 1300 East to the October 17, 2018 Planning Commission Work Session. The*
2 *motion was seconded by Commissioner Coutts. The motion passed with the unanimous consent*
3 *of the Commission. Alternate Planning Commission Member Bob Wilde did not participate in*
4 *the vote.*

5
6 **4.2 (Project CUP-18-008) Action on a Request from Brittany Probert for a Conditional**
7 **Use Permit for a Health Professional Clinic located at 1441 East Fort Union**
8 **Boulevard in the NC – Neighborhood Commercial Zone.**
9

10 Chair Orr reported that the above item is a request from Brittany Probert for a Conditional Use
11 Permit for a Health Professional Clinic located at 1441 East Fort Union Blvd in the NC-
12 Neighborhood Commercial Zone.

13
14 Commissioner Griffin complimented the applicant on the design and described the Parking
15 Management Plan.

16
17 Commissioner Bevan appreciated the parking map as well and felt that the use fits well within the
18 neighborhood.

19
20 *Commissioner Bevan moved to approve Project CUP-18-008, a request from Brittany Probert*
21 *for a Conditional Use Permit for a health professional clinic located at 1441 East Fort Union*
22 *Blvd in the NC – Neighborhood Commercial Zone subject to the following conditions:*
23

- 24 *1. The applicant shall meet all relevant portions of the Municipal Code, including Chapter*
25 *19.37 – Neighborhood Commercial Zone, and all other applicable laws, ordinances and*
26 *regulations pertaining to the proposed use, including providing a minimum of seven*
27 *parking stalls meeting the design standards contained in Chapter 19.80 – Parking and*
28 *as illustrated in Figure 1 of the report.*
- 29
30 *2. The medical office use shall be limited to a total of 2,150 square feet.*
- 31
32 *3. Per Section 19.37.030 “Conditional Uses”, no after-hours care shall be permitted.*
33
- 34 *4. Signage must be approved under separate permit, in accordance with Chapter 19.82*
35 *“Signs” of the zoning code.*
- 36
37 *5. If any interior changes are to be made, a building permit shall be applied for. All*
38 *technical corrections to the construction documents shall be made prior to issuance of a*
39 *building permit, as approved by staff.*
40
- 41 *6. That applicant be required to work with the City Engineer in designing and installing a*
42 *right-in/right-out median at the drive-approach that restricts this turning movement and*
43 *reduces turning movement points of conflict.*
- 44
45 *7. No left turn in and no left turn out or right turn only signs be posted and will also be*
46 *included on their intake paperwork*

1
2 *The motion was seconded by Commissioner Griffin. Vote on motion: Commissioner Rhodes-*
3 *Aye, Commissioner Griffin-Aye, Commissioner Bevan-Aye, Commissioner Ryser-Aye,*
4 *Commissioner Coutts-Aye, Commissioner Allen-Aye, Chair Orr-Aye. The motion passed with*
5 *the unanimous consent of the Commission. Alternate Planning Commission Member Bob*
6 *Wilde did not participate in the vote.*
7

8 **4.3 (Project SUB-18-004) Action on a request from John G. McGee for preliminary**
9 **approval of Treasure Ridge No. 3 Subdivision (including a vacation of lot 206 and 209**
10 **of Treasure Ridge No. 2 Subdivision) located generally at 1561 East 7200 South in the**
11 **R-1-8 Single Family Residential Zone.**
12

13 Chair Orr reported that the above request is from John G. McGee for preliminary approval of the
14 Treasure Ridge No. 3 Subdivision, which includes the vacation of Lots 206 and 209 of the Treasure
15 Ridge No. 2 Subdivision located at 1561 East 7200 South in the R-1-8 Single-Family Residential
16 Zone.
17

18 Mr. Johnson asked if in this type of situation it necessarily has to be a recorded easement or can
19 include a cross access. Mr. Topham explained that they would have to look at it as an access way
20 that is called an easement. He pointed out that there can be a license as well. He suggested the
21 City would want the assurance that an access way would exist in perpetuity and typically be a
22 granted easement.
23

24 Chair Orr asked how the Code addresses soil erosion. Mr. Johnson reported that every new home
25 is required to submit a geotechnical study. Motion language was discussed.
26

27 Chair Orr asked if all of the setbacks will apply that are in the Code should the road not be
28 considered. Mr. McGee confirmed that the area in question is a driveway rather than a road and
29 there is still a sewer easement, which has remained unchanged and cannot be built over.
30

31 *Commissioner Griffin moved to approve Project SUB-18-004, a request from John G. McGee*
32 *for preliminary approval of the Treasure Ridge No. 3 Subdivision including the vacation of Lots*
33 *206 and 209 of Treasure Ridge No. 2 Subdivision subject to the following conditions:*
34

- 35 *1. Final plat approval shall be withheld until evidence is provided that the agreed upon*
36 *“perpetual right of way easement” exist for the Mehrley property to the City Attorney’s*
37 *satisfaction.*
- 38
- 39 *2. That parcel B and the proposed private drive is incorporated into proposed Lots 211 and*
40 *212.*
- 41
- 42 *3. That geologic studies and compliance with the City’s Sensitive Lands ordinances have*
43 *been complied with prior to final plat approval.*
- 44
- 45 *4. That all city code development regulations as required by the City Development Review*
46 *Committee be adhered to and represented on the final plat prior to recordation.*

1
2 **5. That the existing home be demolished prior to final plat approval.**
3

4 *The motion was seconded by Commissioner Rhodes. Vote on motion: Commissioner Rhodes-*
5 *Aye, Commissioner Griffin-Aye, Commissioner Bevan-Aye, Commissioner Ryser-Aye,*
6 *Commissioner Coutts-Aye, Commissioner Allen-Aye, Chair Orr-Aye. The motion passed with*
7 *the unanimous consent of the Commission. Alternate Planning Commission Member Bob*
8 *Wilde did not participate in the vote.*
9

10 **5.0 CONSENT AGENDA**

11
12 **5.1 Approval of Minutes for June 6, 2018.**

13
14 *Commissioner Griffin moved to approve the minutes of June 6, 2018. The motion was seconded*
15 *by Commissioner Bevan. The motion passed with the unanimous consent of the Commission.*
16 *Alternate Planning Commission Member Bob Wilde did not participate in the vote.*
17

18 **5.2 Approval of Minutes for August 1, 2018.**

19
20 *Commissioner Griffin moved to approve the minutes of August 1, 2018, as modified. The motion*
21 *was seconded by Commissioner Orr. The motion passed unanimously with two abstentions.*
22 *Alternate Planning Commission Member Bob Wilde did not participate in the vote.*
23

24 **5.3 Approval of Minutes for September 5, 2018**

25
26 The above item was not considered.

27
28 The Council returned to Action Item 4.1 for further consideration.

29
30 **6.0 ADJOURNMENT**

31
32 *Commissioner Ryser moved to adjourn. The motion was seconded by Commissioner Rhodes.*
33 *The motion passed with the unanimous consent of the Commission. Alternate Planning*
34 *Commission Member Bob Wilde did not participate in the vote.*
35

36 The Planning Commission Meeting adjourned at 8:07 p.m.

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, October 3, 2018.*

3
4
5

6 Teri Forbes

7 Teri Forbes
8 T Forbes Group
9 Minutes Secretary

10
11 Minutes Approved: _____