

1 Chair Orr asked if the application will be allowed the additional height pursuant to Section
2 19.51.060 and if the Below Market Rate (BMR) units should be dedicated and not available for
3 use as a regular rental. Public amenities proposed on-site were reviewed.
4

5 Community Development Director, Michael Johnson, described the provisions for a home
6 occupation and the proposal language was reviewed. He confirmed that the Affordable Housing
7 Study reflected a median rental price of \$998 per month.
8

9 Landscaping requirements were next addressed. It was the consensus of the Commission that a
10 minimum two-inch caliper tree requirement was acceptable. Tree screening issues was discussed.
11

12 Chair Orr asked about the additional height, whether the BMR apartments should be dedicated,
13 and if the numbers are sufficient. He addressed height, public amenities, and street capacity.
14

15 Commissioner Ryser expressed concern with the proposed height and emphasized that guiding
16 principles should be adhered to and considered. She stated that there was nothing in the ordinance
17 that justifies the proposed four stories. She expressed frustration with such tall buildings being
18 proposed next to residential.
19

20 Commissioner Allen hoped the issues could be resolved with conditions and was of the opinion
21 that it could potentially be a better alternative than a multi-family development with fewer
22 constraints. He recommended that if the applicants can prove that they are not imposing additional
23 vertical height in relation to the single-family homes as Stonehaven, he would be agreeable. The
24 height must be altered by lowering the wings or the entire project. He emphasized that it is not the
25 Commission's duty to design the project, but to establish the parameters. Height requirements
26 were considered.
27

28 Mr. Johnson reviewed the BMR language, which set forth provisions to ensure that continued
29 affordability shall be embodied in legally binding agreements and/or title restrictions prepared by
30 the developer. They shall not, however, be recorded or filed until reviewed and approved by the
31 City Attorney. Possible motion language was discussed.
32

33 **3.0 Adjournment.**

34

35 *Commissioner Rhodes moved to adjourn the Work Session. Commissioner Wilde seconded the*
36 *motion. The motion passed with the unanimous consent of the Commission.*
37

38 The Work Meeting adjourned at 6:15 p.m.
39

1 **BUSINESS MEETING**

2
3 **1.0 WELCOME/ACKNOWLEDGEMENTS**

4
5 Chair Orr called the Business Meeting to order at approximately 6:15 p.m. and welcomed those in
6 attendance.

7
8 **2.0 CITIZEN COMMENTS**

9
10 Connie Case identified herself as a member of The Orchards Homeowners Association Board.
11 She appreciated the attention being given to the homeowners who surround the proposed ICO
12 development, but stated that the residents of The Orchards have needs as well. She requested the
13 proposal also specify that deciduous and conifer trees be a minimum of 2 ½-inch caliper to ensure
14 adequate screening. Fencing height was also identified as a concern.

15
16 Mary Bilbao, a resident owner at The Orchards, asked how many members of the Commission
17 have visited the proposed ICO property. She was opposed to high-density development and hoped
18 the safety and welfare of the surrounding neighbors were considered. She commented that when
19 they listen to each other with compassion, they create a positive outcome.

20
21 Lynne Krauss reported that the City initiated the Fort Union land use request to address high-
22 density mixed-use development. She believed they were attempting to preserve the character of
23 the City and asked the Commissioners to remember that all but two spoke in favor of the proposed
24 land use change at a previous meeting. She asked that the wishes of those property owners be
25 respected.

26
27 Larry Weir indicated that he lives adjacent to the Walsh property. He urged the Commission to
28 leave it zoned single-family. He expressed concern with parking along 6780 South, traffic on 1300
29 East, the loss of trees, and light pollution from the proposed parking lot.

30
31 Nancy Hardy asked who represents the citizens with regard to following the General Plan and
32 enforcing the existing ordinances. She believed the issues should be enforced up front and not
33 drawn out in a lengthy process. If the developer cannot abide by the ordinance or General Plan,
34 they do not have to build in the City. She stated that enforcement will eliminate heartache and
35 worry among the residents.

36
37 Theresa Reich expressed appreciation to the Commission Members for their efforts. She believed
38 the proposed Ivory development is unsafe. Among other concerns, she felt it was lacking in public
39 benefits and enhancements and does not positively or quantitatively ensure an increase in pedestrian
40 use. She commented that it also does not flow within the plan in the proposed location. She urged
41 the Commission to keep the neighborhood quality and ensure the safety of children.

42
43 Eric Kraan asked that when Commissioners vote on the Fort Union Boulevard Land Use
44 Amendment, that they consider whether the change will actually accomplish their goals.

1 Joel Ashby believed that the proposed high-density Ivory development does not make sense for
2 the area. Traffic was identified as a concern.

3
4 Jared Crocker stated that the proposed ICO project is not consistent with the PDD, which he
5 considered to be ambiguous enough that contradictory cases could be made. He commented that
6 it is not dictated by the interpretation of the PDD and is left to the judgment of the Planning
7 Commission. He commented that rezoning the Walsh property reduces the rate of home ownership
8 and land use diversity and transforms a beautiful open area zoned single-family residential into a
9 complex of four-story apartment buildings. He opposed the proposal and urged the Commission
10 to recommend denial.

11
12 Penelope Mathews expressed concern with the proposed ICO development and believed the
13 addition of 200 to 300 cars in the neighborhood will create a safety and overcrowding issue. She
14 expressed her opposition to the project.

15
16 Connie Case encouraged the Commission Members to consider the long-term effects of possibly
17 deconstructing an area of the Walsh farm for the ICO development, which presently creates an
18 open environment, clean air, a noise buffer, and a place for animals. She asked that they consider
19 the impacts of the City's natural creek bed and water rights of individuals downstream. She saw
20 no compelling reason to override the General Plan and change the zoning to high-density.

21
22 John Thompson commented that Code Enforcement is intended for residents rather than
23 developers. He asked that the proposed ICO development not be stacked in his backyard.

24
25 **3.0 ACTION ITEMS**

26
27 **3.1 (Project #PDD-18-001) Action on a Request from ICO Multi-Family Holdings, LLC**
28 **for a Zone Map Amendment from R-1-8 to PD-X on the Property Located at 6784**
29 **South 1300 East.**

30
31 Commissioner Griffin stated that it has been a long process and stressed the importance of
32 transparency. He explained that codes and ordinances are in place to protect citizens when
33 developers submit a proposal. The request had been reviewed for the last several months and the
34 applicants were ready to move forward.

35
36 ***MOTION: Commissioner Griffin moved to forward a recommendation of approval to the City***
37 ***Council for Project #PDD-18-001, a request from ICO Multi-Family Holdings, LLC for a zone***
38 ***map amendment from R-1-8 to PD-X on property located at 6784 South 1300 East subject to the***
39 ***following:***

40
41 ***Conditions:***

- 42
43 ***1. Staff recommendations as noted in the packet.***
44
45 ***2. Pay special attention to the traffic study, particularly the side streets.***
46

- 1 3. *All screening deciduous trees on the southern boundary including the*
2 *townhomes, would have a minimum of 2-inch caliper base.*
- 3
- 4 4. *The eight-foot steel reinforced vinyl fence will continue across the entire*
5 *southern boundary.*
- 6
- 7 5. *Building height maximum would be determined by creating a line of feet from*
8 *eight foot above grade at the Southern Property line to the highest point on*
9 *Stonehaven Complex. Ivory project buildings A and B should at the roof deck,*
10 *excluding any mechanical architectural detail, would not exceed this line of site.*
- 11

12 *The motion was seconded by Commissioner Allen.*

13
14 Commissioner Wilde commented that the proposal does not comply with the language in Section
15 19.51. He previously presented information with itemized bullet points. It was his opinion that
16 the language and intent of the ordinance had not been met. There was no evidence in the proposal
17 suggesting that pedestrian use will be significant on the property. The proposed goal of facilitating
18 public transportation was also not satisfied. He noted that the Walsh property may be difficult to
19 develop based on its location, but he believed that it provides the opportunity to waive the
20 ordinance requirements and allow him to vote in favor of the project.

21
22 Commissioner Allen commented that from the beginning, he had concerns about the proposal,
23 however, he felt there was a tool in place with the PDD to negotiate the terms. His main concern
24 was if it imposes a greater impact looking east from the single-family residences since the current
25 residents look toward Stone Haven. He felt that the proposed conditions reduce the impacts of the
26 overall height. He felt that the conditions satisfy the creation of an equal or lesser value or impact
27 in terms of what is being experienced. He expressed his support due to the conditions imposed.

28
29 Commissioner Coutts commented on the difficulty of the proposal and stated that the PDD zones
30 are intended to allow for this type of proposal. She commented that this is an area of growth and
31 she had tried to identify the benefit to the City.

32
33 Commissioner Ryser remarked that she had spent more time researching the proposal than any
34 other and struggled from the beginning with how the proposal fits within the PDD zoning. She
35 supported several aspects of the proposal but was opposed to the proposed location. She also
36 found no justification for the proposed height.

37
38 Commissioner Rhodes' main concern was with the traffic, which is addressed by one of the
39 conditions and ensures that it fits and that the roads are able to sustain the project.

40
41 Commissioner Griffin commented that part of the challenge pertained to the placement of the
42 median overlay, which is bounded by a federal interstate and three major arterials. He explained
43 that the intent of the PDD is to look for an appropriate location. They evaluated the surrounding
44 single-family homes and did their best to utilize the PDD. The developer worked with the
45 neighbors and made multiple revisions to bring the request into compliance with the fairly strict

1 requirements that are in place. He believed that most of the major issues had been worked
2 resolved.

3
4 Chair Orr's opinion was that the application does not fit within the parameters of Chapter 19.5.
5 After reviewing the goals and objectives, he discovered that many items were not found in the
6 proposal. He explained that the City must grant approval if the objectives are met. He believed
7 the property should remain zoned R-1-8.

8
9 ***Vote on motion: Commissioner Griffin-Aye, Commissioner Allen-Aye, Commissioner Coutts-***
10 ***Aye, Commissioner Ryser-Nay, Commissioner Rhodes-Nay, Commissioner Wilde-Nay, Chair***
11 ***Orr-Nay. The motion failed 3-to-4.***

12
13 **3.2 (Project #GPA-18-002) Action on a Request from Cottonwood Heights City on a City-**
14 **Initiated-Request for a General Plan Land Use Map Amendment to Multiple**
15 **Properties with Frontage on Fort Union Boulevard between 2700 East and Racquet**
16 **Club Drive.**

17
18 Mr. Johnson presented the staff report and stated that the request is at the discretion of the City
19 Council to review the land use designation. The property is located along Fort Union and 2700
20 East to Racquet Club Drive and much of the long-range land use in the area has been designated
21 as mixed use. There was some concern that the area is not compatible with development to the
22 west. It was requested that staff review the request and recommend a land use change to a less
23 intense use along the corridor. The intent was to actively seek a General Plan update. He
24 confirmed that they left some properties as Residential Office, which allows for the conversion of
25 a rundown home that may currently be used as a rental. Moving forward, this will preserve the
26 same residential feel. A map of the area was displayed.

27
28 Commissioner Ryser expressed support for the request.

29
30 Commissioner Allen believed the issue needs further study and commented that the mixed use
31 designation offers more options for development that may be better than a property that has been
32 rundown or that is losing value as a single-family residential. Access from Fort Union Boulevard
33 was discussed at length.

34
35 Commissioner Coutts struggled to make sense of the proposal. She emphasized that currently
36 there is nothing preventing someone from developing Residential Office on the subject property.

37
38 ***MOTION: Commissioner Griffin moved to recommend approval to the City Council for Project***
39 ***#GPA-18-002, a request from Cottonwood Heights City on a City-Initiated request for a General***
40 ***Plan Land Use Map Amendment to multiple properties with frontage on Fort Union Boulevard***
41 ***between 2700 East and Racquet Club Drive. The motion was seconded by Commissioner Wilde.***
42 ***Vote on motion: Commissioner Griffin-Aye, Commissioner Allen-Aye, Commissioner Coutts-***
43 ***Abstain, Commissioner Ryser-Aye, Commissioner Rhodes-Aye, Commissioner Wilde-Aye,***
44 ***Chair Orr-Aye. The motion passed unanimously with one abstention.***
45

1 **4.0 CONSENT AGENDA**

2
3 **4.1 Approval of Minutes for September 5, 2018.**

4
5 *Commissioner Coutts moved to approve the minutes of September 5, 2018, as amended. The*
6 *motion was seconded by Commissioner Griffin. The motion passed unanimously with one*
7 *abstention.*

8
9 **4.2 Approval of Minutes of October 3, 2018.**

10
11 *Commissioner Rhodes moved to approve the minutes of October 3, 2018. The motion was*
12 *seconded by Commissioner Wilde. The motion passed unanimously with two abstentions.*

13
14 **5.0 ADJOURNMENT**

15
16 *Commissioner Ryser moved to adjourn. The motion was seconded by Commissioner Allen. The*
17 *motion passed unanimously.*

18
19 The Planning Commission Meeting adjourned at 7:52 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, November 7, 2018.*

3
4
5

6 Teri Forbes

7 Teri Forbes
8 T Forbes Group
9 Minutes Secretary

10
11 Minutes Approved: _____