



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

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

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

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

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

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

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

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

42 Mr. Topham explained that in making the decision, the standard is what is referred to as a  
43 “reasonably debatable” standard. It determines whether there is a conceivable reason the request  
44 could be approved or disapproved. He noted that there is substantial leeway with regard to  
45 whatever decision is made.  
46

1 **3.0 Adjournment.**

2  
3 *Commissioner Bevan moved to adjourn the Work Session. Commissioner Rhodes seconded the*  
4 *motion. The motion passed with the unanimous consent of the Commission. Alternate*  
5 *Planning Commission Member Bob Wilde did not participate in the vote.*

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

8  
9 **BUSINESS MEETING**

10  
11 **1.0 WELCOME/ACKNOWLEDGEMENTS**

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

15  
16 **2.0 CITIZEN COMMENTS**

17  
18 Nancy Hardy suggested that the Tier 1 heights in the Planned Development District (PDD) should  
19 be reviewed. Since many of the Council Members who originally pushed for the PDD are no  
20 longer with the City, she asked that the New Members of the City Council revisit the issue and  
21 that the height be reduced. She questioned staff in February with regard to who from the City was  
22 directing the developer of the gravel pit. After eight months' time and no open house, she was still  
23 unsure as to who was providing direction.

24  
25 Lynne Kraus reported that she reread the Code regarding the ICO Development and strongly  
26 believed Item 12 was not an either/or statement. She asked for further consideration to review the  
27 proposal.

28  
29 Jin Fredericksen commented that the New City Manager appears to be very well qualified and  
30 asked that the PDD Zone be reevaluated and the language clarified. It was her opinion that the  
31 senior housing requirements can cause confusion and suggested the wording be revisited to ensure  
32 that it cannot be misinterpreted.

33  
34 Jared Crocker was impressed with the Ivory Development representatives, however, in spite of  
35 their participation, the proposal they represented is detrimental to Cottonwood Heights. He  
36 suggested that it not be recommended by the Planning Commission if the property is to be rezoned  
37 high-density to accommodate the apartment buildings and parking lots. He commented on the  
38 beauty of the area and recommended it not be zoned for high-density housing.

39  
40 **3.0 PUBLIC HEARING**

41  
42 **3.1 (Project CUP-18-008) Public Comment on a Request from Brittany Probert for a**  
43 **Conditional Use Permit for a Health Professional Clinic located at 1441 East Fort**  
44 **Union Boulevard in the NC-Neighborhood Commercial Zone.**

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

12  
13 Commissioner Wilde asked for clarification regarding the drop-off procedure. The applicant,  
14 Brittany Probert, explained that parents are required to park, get out of their car, and drop off their  
15 child with a certified person inside. There is a 30-minute timeframe designated for the drop off  
16 procedure. She agreed to the ingress/egress condition and confirmed that it will include the  
17 paperwork describing the drop off and pick up procedures.

18  
19 Chair Orr opened the public hearing. There were no public comments. The public hearing was  
20 closed.

21  
22 **3.2 (Project #SUB-18-004) Public Comment on a Request from John G. McGee for**  
23 **Preliminary Approval of Treasure Ridge No. 3 Subdivision (including a vacation of**  
24 **lot 206 and 209 of Treasure Ridge No. 2 Subdivision) located Generally at 1561 East**  
25 **7200 South in the R-1-8 Single Family Residential Zone.**

26  
27 Mr. Taylor presented the staff report and stated that the request is from John G. McGee for  
28 preliminary approval of the Treasure Ridge No. 3 Subdivision, which includes the vacation of two  
29 lots from a former subdivision plat. The property layout was reviewed. He believed that the  
30 proposed amendment improves the conditions in that they will have additional room to build on  
31 by decreasing the degree of non-conformity that exists. One condition of approval they are  
32 recommending is that all geologic technical studies required for building on the proposed property  
33 ensure compliance with the sensitive land ordinances prior to final plat approval. One area of  
34 concern involves the Platinum Heights PUD Plat. Mr. Taylor stated that it was originally approved  
35 as a PUD in 2007 and was not constructed until 2012.

36  
37 Another issue involved the additional strip of land utilized to make the development work that is  
38 now known as Hadley's View Drive. In his opinion, their private agreement is not clear and he  
39 believed that some details were not specified. Concern expressed by Platinum Heights was that  
40 there may not be a legal access or right-of-way through the road obtained over one decade ago.  
41 Storm drainage was also of concern. He reported that the plat meets all of the requirements,  
42 however, there was some disagreement over the right of access to the utility infrastructure. He  
43 suggested moving forward with the preliminary approval if one of the conditions of approval is  
44 that prior to recordation of the final plat, the final plat approval be withheld until legal evidence is  
45 provided that the agreed upon right-of-way easement was formally recorded. He also identified

1 an existing home located on the property that would need to be demolished prior to final plat  
2 approval as it straddles the property line.

3  
4 The applicant, John McGee, indicated that he had his attorney review the documents and noted  
5 that 1B shows that have a perpetual right-of-way of the easement that was of record. He supported  
6 staff's presentation and had spoken to the City Engineer regarding Lot 206 being reflected as Lot  
7 210. Water rights issues were reviewed.

8  
9 Chair Orr opened the public hearing.

10  
11 Rick Urbom identified himself as the President of the Platinum Heights Homeowners Association.  
12 He had spoken with Mr. Johnson and staff regarding the proposal. His background is in real estate  
13 acquisition and he confirmed that he is not opposed to the sale of the property to the Hendricksen's  
14 who own Treasure Ridge. The issue is with there being no written easements to use the private  
15 street. He noted that they are willing to negotiate and work on the required easement. Utility  
16 issues were reviewed. Mr. Urbom believed that the area Mr. McGee referred to is a lot that is a  
17 part of Treasure Ridge and changed the dynamics of the original 2007 agreement. It was his  
18 opinion that they are trying to piggyback and use the street without compensation.

19  
20 Alan Stalling stated that their family bailed on the original developer and were in the crosshairs of  
21 the original agreement between the Mehrley's and Platinum Heights. He believed that the HOA  
22 stated their case clearly and is tied to the Mehrley's property. Because the infrastructure has  
23 increased and if it weren't an addition, he believed there would be some legitimacy to their claim  
24 of returning back to the agreement. The layout of the property was discussed. Mr. Stalling's point  
25 was that this would increase storm drainage and retention as most of the property is hillside.

26  
27 Deanne Long reported that she lives in Shadow Cove and expressed concern with the fire access.  
28 She commented that if there were two homes constructed with fencing, there would be very little  
29 fire access. Soil erosion was also identified as a concern. She asked if a fire turnaround is required.  
30 Mr. Taylor reviewed a property map and identified the approved fire access. He confirmed that  
31 the proposed plan has been approved by the Unified Fire Authority.

32  
33 Ron Benson reported that he is the property owner to the south of what was Lot 206 and expressed  
34 opposition to losing the access road. When he purchased his home, he completed intense  
35 geological studies to ensure safety. He explained that the access road for the lot to the north was  
36 not buildable due to the access road. He believed the removal of the access road would allow for  
37 more ground to be built on, but not enough to ensure safety. He was opposed to its removal.

38  
39 Aaron Mehrley identified himself as the property owner. He felt the development would be good  
40 for the area as it is currently a lot with an old home and weeds. He believed the arguments that  
41 the extra drainage would affect the development are not pertinent because it is all sloped with the  
42 exception of a few feet on the north side. He expressed support for the proposed development.

43  
44 There were no further public comments. Chair Orr continued the public hearing.  
45

1 **3.3 (Project GPA-18-002) Public Comment on a Request from Cottonwood Heights City**  
2 **on a City-Initiated Request for a General Plan Land Use Map Amendment to**  
3 **Multiple Properties with Frontage on Fort Union Boulevard between 2700 East and**  
4 **Racquet Club Drive.**  
5

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

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

31 In response to a question raised by Chair Orr, Mr. Johnson explained that an existing mixed-use  
32 property is grandfathered in. The land use map is a future land use analysis and an advisory  
33 document that is used when a request comes to staff.  
34

35 Commissioner Coutts asked why certain properties are recommended for low density and others  
36 for office. Mr. Johnson explained that properties are identified that do not rely on or access the  
37 neighborhood streets and are independent of the developed neighborhoods.  
38

39 Chair Orr opened the public hearing.  
40

41 John Kennington, a Phippen Drive resident, stated that he lives adjacent to one of the properties that  
42 could be affected by this action. He expressed support for the proposal in the City's General Plan  
43 to reduce the potential for commercial development with the hope that many of the residential-  
44 office properties can be converted to low density residential. He believed that other residents  
45 between 2700 East and Racquet Club Drive consider this to be a predominately residential

1 neighborhood that provides a buffer between intense commercial development. He commented  
2 on traffic and noise from Fort Union Boulevard.

3  
4 Lynne Kraus was pleased that the City initiated the request after commenting on the issue multiple  
5 times over the past year. She believed that this area of Fort Union Boulevard has a totally different  
6 feel and look than the rest of Fort Union and the proposed mixed-use is appropriate. She remarked  
7 that changing the land use designation to low density or medium density residential would be a  
8 step toward maintaining the character of the City. She encouraged the Planning Commission to  
9 recommend approval to the City Council.

10  
11 Carl Evans had concerns with the initial proposals and land usage and after seeing the proposal  
12 but would not be opposed to it. As a former law enforcement officer with expertise in traffic  
13 enforcement, traffic control, and accident reconstruction, he had concerns with the existing land  
14 use with ingress and egress of vehicles and commercial uses making left turns.

15  
16 Jin Fredericksen was supportive of the general land use change and adhering to the Master Plan of  
17 low density. She asked why they chose not to keep it consistent and remove any doubt by making  
18 them all residential if they are not currently mixed-use or commercial. She was in favor of having  
19 all of the homes remain R-1. In reviewing the RO zone, she believed that 6724 South did not  
20 appear as a Residential Office and she asked why residents would have to deal with a potential  
21 convenience store or huge medical office building. She recommended that the current R-1  
22 properties be maintained.

23  
24 Jay Peterson stated that he has been a resident of Cottonwood Heights since 1954 and asked why  
25 the City's proposal has changed his property from Single-Family Residential to Residential Office.

26  
27 Mr. Peterson reported that he lives adjacent to the previous Jay Peterson and shared his concerns.  
28 The rationale with the properties was if a home has egress into a driveway of the homes behind it,  
29 they remained residential. He pointed out that Jay Peterson's property was changed to Residential  
30 Office, which created a situation that does not make sense to the neighboring property owners. He  
31 believed it made more sense to cluster properties and keep Low-Density Residential together.

32  
33 Leon Peterson reported that he has been a resident since the 1960s and on ski days, they often  
34 drove south through the neighborhood to exit as they cannot access 7200 South. He expressed  
35 concern with the Racquet Club Property and 7200 South becoming a main artery. He  
36 acknowledged that traffic is a major concern.

37  
38 Jodi Turgeon reported that she lives on 2280 East. Her home was built in the 1890s and was one  
39 of the Butler's original homes. She was unhappy that the City is proposing that her home be torn  
40 down and converted into an office.

41  
42 Kevin Gmitro identified himself as the owner of the Gear Room and stated that he was impartial  
43 to the proposed land use. As far as parking is concerned, he was informed that the adjacent  
44 buildings would allow for additional parking should they become mixed-use. They tried to create  
45 enough parking for their clientele and stated that because of the zoning laws, it is impossible to

1 provide enough parking. It was their hope that the property would become mixed use on either  
2 side to allow them to expand the parking to accommodate patrons.

3  
4 Barbara Seward gave her address as 3144 Fort Union Boulevard and purchased her property in  
5 1954. She was pleased to learn that it was mixed-use as they have two houses and a shop on a  
6 dead end right-of-way. Their only access is 7000 South and she hoped this will suit Cottonwood  
7 Heights and they can maintain their property as mixed-use. She stated that Residential Office  
8 would also suit their needs.

9  
10 Nancy Hardy was in favor of the proposed land use and the rezone to R-1.

11  
12 Ann Wilde reported that she lives on the corner of Nut Tree and Fort Union Boulevard. She  
13 questioned whether the change from mixed-use to medium density residential would affect her  
14 property taxes. She also asked if the beautification of Fort Union was still in the works.

15  
16 Chris Pantelides reported that his home is next to the Gear Room where he has lived since 1991.  
17 He was in favor of the proposed change and apologized to the owners of the Gear Room that they  
18 were told they could count on his property for additional parking.

19  
20 Tad Turgeon gave his address as 2882 East Fort Union Boulevard and stated that he also owns a  
21 business at 2122 Fort Union Boulevard. He explained that it has been very difficult to work with  
22 the City to obtain business access to the area and he has looked at several properties as a result.  
23 As a resident living on Fort Union Boulevard, he did not consider it to be a benefit or something  
24 worth preserving. He commented on the noise and stated that it is only quiet between the hours of  
25 2:00 a.m. and 4:00 a.m. when the traffic dies down. He expressed opposition to the proposal and  
26 hoped to see Fort Union Boulevard remain more consistent. He did not consider the proposed plan  
27 to be in the best interest of the City or the residents.

28  
29 Hazel Peterson commended the City on the proposed plan as many have fought to keep the  
30 commercial out of their neighborhood. She believed that commercial development will destroy  
31 their community.

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

34  
35 **4.0 ACTION ITEMS**

36  
37 **4.1 (Project #PDD-18-001) Action on a request from ICO Multi-Family Holdings, LLC**  
38 **for a zone map amendment from R-1-8 to PD-X on the property located at 6784 South**  
39 **1300 East.**

40  
41 Chair Orr reported that the Commission suggested a two-hour work session take place in two  
42 weeks to allow for further discussion of the above item.

43  
44 ***Commissioner Griffin moved to move Project #PDD-18-001 to the end of the agenda. The***  
45 ***motion was seconded by Commissioner Ryser. The motion passed with the unanimous consent***

1 *of the Commission. Alternate Planning Commission Member Bob Wilde did not participate in*  
2 *the vote.*

3  
4 The Commission returned to this item after addressing the consent calendar.

5  
6 Christian Maynes from ICO Development, made a PowerPoint presentation and stated that they  
7 have prepared several pieces of analysis in response to a question raised regarding the viewing  
8 angle for single-family residences who are adjacent to the proposed development compared to  
9 those of the Stonehaven Condominiums. He stated that the proposed setbacks are 75 feet to the  
10 closest portion of the building wing. On average there is a 25.7-foot viewing angle, which is less  
11 than what was suggested by the Planning Commission. With regard to trees, he explained that it  
12 is difficult to determine which will remain but confirmed that they made a commitment to the  
13 neighbors to preserve what they can. It was the opinion of the Arborist that that many of the trees  
14 can be saved.

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

32  
33 The Stonehaven four-story building was next described. Mr. Maynes reported that it measures 60  
34 feet in height and has an additional architectural appurtenance on top that measures roughly four  
35 feet. When the viewing angle was compared to ICO's, it is set back 155 feet with an additional 30  
36 feet to compensate for the location of the eave of the building. The architectural details were  
37 described.

38  
39 Commissioner Griffin explained that because the request is so complex, the Commission elected  
40 to devote a two-hour work session to this issue.

41  
42 ***Commissioner Griffin moved to continue Project #PDD-18-001 a request from ICO Multi-***  
43 ***Family Holdings, LLC for a zone map amendment from R-1-8 to PD-X on the property located***  
44 ***at 6784 South 1300 East to the October 17, 2018 Planning Commission Work Session. The***  
45 ***motion was seconded by Commissioner Coutts. The motion passed with the unanimous consent***

1 *of the Commission. Alternate Planning Commission Member Bob Wilde did not participate in*  
2 *the vote.*

3  
4 **4.2 (Project CUP-18-008) Action on a Request from Brittany Probert for a Conditional**  
5 **Use Permit for a Health Professional Clinic located at 1441 East Fort Union**  
6 **Boulevard in the NC – Neighborhood Commercial Zone.**  
7

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

11  
12 Commissioner Griffin complimented the applicant on the design and described the Parking  
13 Management Plan.

14  
15 Commissioner Bevan appreciated the parking map as well and felt that the use fits well within the  
16 neighborhood.

17  
18 ***Commissioner Bevan moved to approve Project CUP-18-008, a request from Brittany Probert***  
19 ***for a Conditional Use Permit for a health professional clinic located at 1441 East Fort Union***  
20 ***Blvd in the NC – Neighborhood Commercial Zone subject to the following conditions:***  
21

- 22 ***1. The applicant shall meet all relevant portions of the Municipal Code, including Chapter***  
23 ***19.37 – Neighborhood Commercial Zone, and all other applicable laws, ordinances and***  
24 ***regulations pertaining to the proposed use, including providing a minimum of seven***  
25 ***parking stalls meeting the design standards contained in Chapter 19.80 – Parking and***  
26 ***as illustrated in Figure 1 of the report.***  
27
- 28 ***2. The medical office use shall be limited to a total of 2,150 square feet.***  
29
- 30 ***3. Per Section 19.37.030 “Conditional Uses”, no after-hours care shall be permitted.***  
31
- 32 ***4. Signage must be approved under separate permit, in accordance with Chapter 19.82***  
33 ***“Signs” of the zoning code.***  
34
- 35 ***5. If any interior changes are to be made, a building permit shall be applied for. All***  
36 ***technical corrections to the construction documents shall be made prior to issuance of a***  
37 ***building permit, as approved by staff.***  
38
- 39 ***6. That applicant be required to work with the City Engineer in designing and installing a***  
40 ***right-in/right-out median at the drive-approach that restricts this turning movement and***  
41 ***reduces turning movement points of conflict.***  
42
- 43 ***7. No left turn in and no left turn out or right turn only signs be posted and will also be***  
44 ***included on their intake paperwork***  
45

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

6  
7 **4.3 (Project SUB-18-004) Action on a request from John G. McGee for preliminary**  
8 **approval of Treasure Ridge No. 3 Subdivision (including a vacation of lot 206 and 209**  
9 **of Treasure Ridge No. 2 Subdivision) located generally at 1561 East 7200 South in the**  
10 **R-1-8 Single Family Residential Zone.**

11  
12 Chair Orr reported that the above request is from John G. McGee for preliminary approval of the  
13 Treasure Ridge No. 3 Subdivision, which includes the vacation of Lots 206 and 209 of the Treasure  
14 Ridge No. 2 Subdivision located at 1561 East 7200 South in the R-1-8 Single-Family Residential  
15 Zone.

16  
17 Mr. Johnson asked if in this type of situation it necessarily has to be a recorded easement or can  
18 include a cross access. Mr. Topham explained that they would have to look at it as an access way  
19 that is called an easement. He pointed out that there can be a license as well. He suggested the  
20 City would want the assurance that an access way would exist in perpetuity and typically be a  
21 granted easement.

22  
23 Chair Orr asked how the Code addresses soil erosion. Mr. Johnson reported that every new home  
24 is required to submit a geotechnical study. Motion language was discussed.

25  
26 Chair Orr asked if all of the setbacks will apply that are in the Code should the road not be  
27 considered. Mr. McGee confirmed that the area in question is a driveway rather than a road and  
28 there is still a sewer easement, which has remained unchanged and cannot be built over.

29  
30 *Commissioner Griffin moved to approve Project SUB-18-004, a request from John G. McGee*  
31 *for preliminary approval of the Treasure Ridge No. 3 Subdivision including the vacation of Lots*  
32 *206 and 209 of Treasure Ridge No. 2 Subdivision subject to the following conditions:*

- 33  
34 **1. *Final plat approval shall be withheld until evidence is provided that the agreed upon***  
35 ***“perpetual right of way easement” exist for the Mehrley property to the City Attorney’s***  
36 ***satisfaction.***
- 37  
38 **2. *That parcel B and the proposed private drive is incorporated into proposed Lots 211 and***  
39 ***212.***
- 40  
41 **3. *That geologic studies and compliance with the City’s Sensitive Lands ordinances have***  
42 ***been complied with prior to final plat approval.***
- 43  
44 **4. *That all city code development regulations as required by the City Development Review***  
45 ***Committee be adhered to and represented on the final plat prior to recordation.***

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

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

8  
9 **5.0     CONSENT AGENDA**

10  
11 **5.1     Approval of Minutes for June 6, 2018.**

12  
13 *Commissioner Griffin moved to approve the minutes of June 6, 2018. The motion was seconded*  
14 *by Commissioner Bevan. The motion passed with the unanimous consent of the Commission.*  
15 *Alternate Planning Commission Member Bob Wilde did not participate in the vote.*

16  
17 **5.2     Approval of Minutes for August 1, 2018.**

18  
19 *Commissioner Griffin moved to approve the minutes of August 1, 2018, as modified. The motion*  
20 *was seconded by Commissioner Orr. The motion passed unanimously with two abstentions.*  
21 *Alternate Planning Commission Member Bob Wilde did not participate in the vote.*

22  
23 **5.3     Approval of Minutes for September 5, 2018**

24  
25 The above item was not considered.

26  
27 The Council returned to Action Item 4.1 for further consideration.

28  
29 **6.0     ADJOURNMENT**

30  
31 *Commissioner Ryser moved to adjourn. The motion was seconded by Commissioner Rhodes.*  
32 *The motion passed with the unanimous consent of the Commission. Alternate Planning*  
33 *Commission Member Bob Wilde did not participate in the vote.*

34  
35 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: \_\_\_\_\_