

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

3
4 **Wednesday, January 4, 2023**

5 **5:00 p.m.**

6 **2277 East Bengal Boulevard**
7 **Council Workroom**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Jesse Allen
12 Commissioner Lucy Anderson
13 Commissioner Jessica Chappell
14 Commissioner Mike Shelton
15 Commissioner Dan Mills
16 Commissioner Sean Steinman
17 Commissioner Jonathan Ebbeler
18

19 **Staff Present:** Michael Johnson, Community and Economic Development Director
20 Samantha DeSeelhorst, Senior City Planner
21 Heather Sundquist, Deputy City Recorder
22 Alex Earl, Systems Administrator
23 Shane Topham, City Attorney
24

25 **WORK SESSION**

26
27 Chair Jesse Allen called the Work Meeting to order at 5:00 p.m.
28

29 **1.0 Review Business Meeting Agenda.**

30
31 **2.0 Additional Discussion Items.**

32
33 Community and Economic Development Director, Michael Johnson presented the Staff Report
34 and stated that the request is for an existing use or structure violation deemed to be legal non-
35 conforming at 7128 South 2985 East in the R-1-8 Single-Family Zone. The request involves taking
36 a structure use that is illegal or not approved under Code and having it deemed to be legal non-
37 conforming. The Staff recommendation pertains to both existing structures although the applicant
38 only submitted an application for one of the structures. A Notice of Violation was issued by Code
39 Enforcement in November 2022. As a result, the applicant found a provision in the Ordinance and
40 made the application based on the Notice of Violation as a potential remedy. Staff recommended
41 temporary approval.
42

43 Mr. Johnson described the Ordinance provision located in the Non-Conforming Structure section
44 of the City Code. The three main criteria were as follows:
45

- 1 1. The use exists on the property and has been in continuous violation for at least five
2 years.
- 3
- 4 2. No complaint has been made to the Department or the City regarding the violation
5 for at least five years.
- 6
- 7 3. Continuation of the use of the structure will not have a detrimental effect on the
8 health, safety, or welfare of persons or property in the vicinity.
- 9

10 The Planning Commission may set conditions deemed necessary for the protection of adjacent
11 properties or the public welfare including provisions limiting the period of time the use may
12 continue. Commission decisions may be appealed to the Appeals Hearing Officer.

13

14 Mr. Johnson reported that the height of the existing structure complies with accessory building
15 standards, however, it is located in the side yard 26 inches from the side property line. The
16 Ordinance requires buildings be located in the rear yard of the home and separated by at least six
17 feet from the primary structure and be at least three feet from property lines. The applicant's
18 narrative states that the structure is already considered a legal non-conforming structure per the
19 State Code definition. He reported that no evidence has been provided to the City to demonstrate
20 that claim or that the structures are property fire rated.

21

22 Code Enforcement is done primarily on a reported or complaint basis. Once the City is made
23 aware, an inspection will be conducted to determine if there is a violation. In this case, the
24 violation was noticed by a Code Enforcement Officer who was dealing with another issue related
25 to the property. He emphasized that the City has standards in place and exceptions should be very
26 difficult to obtain, and not simply because a violation has not been reported within the five-year
27 timeframe.

28

29 Staff recommended temporary approval of the structures as non-conforming for a time period not
30 to exceed six months with the findings and conditions listed in the Staff report. Mr. Johnson
31 remarked that at the end of the temporary approval period, both structures should become
32 compliant with the current accessory structure regulations. If the structures are allowed to remain
33 as-is, they represent a potential risk to the health, safety, or welfare of persons or property in the
34 vicinity, which is the reason Staff did not recommend they be allowed to remain in perpetuity.

35

36 Commissioner Anderson agreed with the enforcement of violations and understood that this type
37 of issue is only before the City due to the applicant's submittal. Mr. Johnson explained that the
38 matter is before the Commission as a result of the application being submitted based on the notice
39 of violation received from the City.

40

41 Commissioner Mills expressed appreciation for the City's Code Enforcement. He commented that
42 if the Code is not enforced, they will have created a situation where sheds can be placed anywhere.
43 Safety issues were discussed. Commissioner Mills stressed the need to be proactive should they
44 wish to see these types of issues trend positively.

45

1 Mr. Johnson next reviewed Project SUB-22-005, a request from Ivory Homes for Preliminary Plat
2 Approval of a Planned Unit Development (“PUD”) consisting of 13 Single-Family lots and a
3 public park located at 3625 East Doverhill Drive. The property is 6.17 acres in size and is in the
4 R-1-8 Low-Density Single-Family Zone. Ivory Homes submitted the most recent configuration
5 for a 13-lot PUD with three lots to be accessed directly onto Doverhill Drive to the west and one
6 lot from Summerhill. The remaining lots would be accessed from 7650 South. A proposed City
7 park parcel was proposed in the middle of the property. A property rendering was displayed.

8
9 The Planning Commission originally approved a 17-lot PUD with conditions in December 2021.
10 Mr. Johnson confirmed that a Fault Study was subsequently conducted with numerous fault
11 hazards identified, which required ongoing discussions to find a solution and a Revised Concept
12 Plan. The Commission’s final recommendation was to approve the request subject to normal R-
13 1-8 setbacks. The Preliminary Park design was reviewed. He reported that the City’s purchase
14 price for its portion of the property remained the same with the intent that Ivory Homes will fully
15 construct the park at their cost. Parking will be provided on Doverhill Drive.

16
17 Mr. Johnson stated that a PUD detailed analysis was provided in the Staff Report and includes 13
18 lots over 6.17 acres in size with a density of 2.1 units per acre. The applicant requested an
19 exception to the circulation of private roadways with a sidewalk on one side and reduced side
20 setbacks and reduced lot width. Staff believed the impact of the reductions or modifications was
21 self-contained, especially to the adjacent platted subdivision lots to the north as the proposed lots
22 are standard R-1-8 parcels. The individual lot measurements were described. He noted that Ivory
23 Homes has not proposed any modification to building height or massing and is fully subject to the
24 Ordinance. The park itself contains a flat area with a retaining for water drainage that drops down
25 to the playground and pavilion. The Preliminary and Final Plats will receive approval from the
26 City Engineer and City Geologist as well as the Architectural Review Commission (“ARC”)
27 reviewing the PUD per Ordinance. He confirmed that any significant modifications to the plat as
28 a result of any of the conditions or City processes will be required to return to the Planning
29 Commission.

30
31 Commissioner Anderson expressed concern with the setbacks. She believed that the exceptions
32 will create issues with other applications. Mr. Johnson stated that to avoid setting an unintended
33 precedent, the applicant is required to go through the PUD process.

34 35 **3.0 Adjournment.**

36
37 ***Commissioner Mills moved to adjourn. Commissioner Anderson seconded the motion. The***
38 ***motion passed with the unanimous consent of the Commission.***

39
40 The Work Meeting adjourned at 5:58 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY PLANNING COMMISSION BUSINESS MEETING

Wednesday, January 4, 2023

6:00 p.m.

2277 East Bengal Boulevard

Council Chambers

ATTENDANCE

Members Present: Chair Jesse Allen, Commissioner Lucy Anderson, Commissioner Jessica Chappell, Commissioner Mike Shelton, Commissioner Dan Mills, Commissioner Sean Steinman, Commissioner Jonathan Ebbeler

Staff Present: Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, Deputy City Recorder Heather Sundquist, Systems Administrator Alex Earl, City Attorney Shane Topham

BUSINESS MEETING

1.0 Welcome and Acknowledgments.

Chair Jesse Allen called the Business Meeting to order at 6:00 p.m. and welcomed those present.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no conflicts of interest disclosed.

2.0 General Public Comment.

Steve McIntosh expressed gratitude to the City's Public Works Department for their excellent snow plowing efforts.

3.0 Business Items.

3.1 Project AHO-22-007 - A Public Hearing and Possible Action on a Request from Jonathan Higbee for Declaration of an existing use violation as a non-conforming use at 7128 S. 2985 E.

Community and Economic Development Director, Michael Johnson presented the Staff Report and stated that the subject property is zoned R-1-8 Single-Family Low-Density Residential. Staff recommended temporary approval. The applicant was specifically requesting that two existing accessory structures on the subject property that do not conform to current zoning ordinance standards for accessory structures be formally declared legal non-conforming structures on the

1 property and allowed to remain. The constructed sheds are non-compliant with the following two
2 current zoning regulations:

- 3
4 1. They are located in the side yard of the home. It was noted that accessory buildings
5 are required to be behind the home by at least six (6) feet.
6
- 7 2. They do not currently comply with the minimum side yard setback requires for
8 accessory buildings. The ordinance requires a minimum setback of three (3) feet.
9

10 Staff's recommendation pertained to both existing structures although the applicant only submitted
11 an application for one of the structures. A Notice of Violation was issued by the Code Enforcement
12 Division in November 2022. As a result, the applicant found a provision in the Ordinance and
13 made the application based on the Notice of Violation as a potential remedy.
14

15 Mr. Johnson described the provision set forth in City Ordinance 19.88.140 in the Non-Conforming
16 Structure of the City Code. He explained that the Planning Commission may approve such an
17 application only when the evidence establishes all of the following:

- 18
19 1. The use exists on the property and has been in continuous violation for at least five
20 years.
21
- 22 2. No complaint has been made to the Department or the City regarding the violation
23 for at least five years.
24
- 25 3. Continuation of the use of the structure will not have a detrimental effect on the
26 health, safety, or welfare of persons or property in the vicinity.
27

28 Mr. Johnson reported that by approving an application hereunder, the Planning Commission may
29 set any conditions it deems necessary for the protection of adjacent properties or the public welfare
30 including provisions limiting the period of time the use may continue. This section shall in no way
31 be interpreted to permit the continuation of any violation that existed on the effective date of the
32 ordinance codified in this section. He noted that any person shall have the right to appeal to the
33 Appeals Hearing Officer a decision rendered by the Planning Commission pursuant to this section.
34

35 Mr. Johnson stated that there are two sheds. The first received a Notice of Violation from the
36 City's Code Enforcement Officer. The existing structure is 8 ½ feet tall and complies with the
37 accessory building standards. It is, however, located in the side yard and does not comply. City
38 Ordinance Standards require accessory buildings to be located in the rear yard and be separated
39 from the main structure by a minimum of six feet. The second shed is located in the side yard
40 behind the first structure and measures 9'4" in height. Both measure less than the minimum three-
41 foot requirement from the side yard property line. The applicant's narrative states the structure is
42 already considered legal non-conforming under the State Code definition when constructed and
43 continues to exist. No evidence was provided to the City to demonstrate that claim or that the
44 structures were constructed legally since 2003. When a complaint is received, Code Enforcement
45 is required to provide a remedy that is compliant with City Code.
46

1 Staff recommended temporary approval of the structures as non-conforming for a time period not
2 to exceed six months with the findings and conditions set forth in the Staff report. At the end of
3 the temporary approval period, both structures should become compliant with the current
4 accessory structure regulations. If the structures are allowed to remain, they represent a potential
5 risk to the health, safety, or welfare of persons or property in the vicinity. For that reason, Staff
6 was not recommending they be allowed to remain in perpetuity. The conditions and findings were
7 reviewed.

8
9 The applicant, Jonathan Higbee, reported that the matter did not come before the City as a result
10 of a complaint. He believed that under the Code referenced, the Commission should allow his
11 sheds to remain in place. He submitted over 40 examples of widespread non-compliance
12 throughout his neighborhood and understood that a temporary allowance would be a denial. He
13 opposed the existence of the Code if the City's intent was simply to issue the temporary allowance.
14 Prior to submitting the application, Mr. Higbee sent an email to the Planning Commission Director
15 asking him to visit his home and work on his application. To date, he had not received a response.
16 The 2003 shed construction evidence comes from the County's website where the structure is
17 listed. Therefore, Utah Code Section 10.9A.10343 should apply. He asked the City to explain
18 how his sheds pose a greater risk than the 40 documented sheds and other structures and their plans
19 for enforcement. It was believed the City has the power to grant an allowance and relocation of
20 the 2015 shed was not feasible.

21
22 Commissioner Anderson agreed with the enforcement of violations and understood that this type
23 of issue is only before the City due to the application submitted by Mr. Higbee.

24
25 Commissioner Mills was appreciative of the City's enforcement. He commented that if the Code
26 is not enforced, they will have created a situation where sheds can be located anywhere. Safety
27 issues were discussed. If the City's desire is to see things trend positively, being proactive is
28 crucial.

29
30 Chair Allen opened the public hearing.

31
32 *Marshal Brough* stated that he lives on the same street as Mr. Higbee. He wished to confirm that
33 there have been no complaints from the neighbors. Their neighborhood is carport dominant and
34 the shed in question is well-built. He encouraged the Planning Commission to be reasonable and
35 look at the origin of the complaint, which was directed at Animal Control and the incessant barking
36 of an adjacent dog. The response of the Code Enforcement Officer was such that enforcement
37 must come from multiple neighbors rather than a single resident.

38
39 *Mark Russell*, a Summerhill Drive resident, urged the Planning Commission to enforce the Code
40 as it stands when addressing the next agenda item.

41
42 *Joseph Hobby* stated that he lives across the street from Mr. Higbee and had found them to be
43 wonderful neighbors who contribute to the neighborhood and the City. All of the neighboring
44 homes were built between 1950 and 1970 and although they share a similar design, he had never
45 thought of the structures in question as being any different from any other homes. There are

1 multiple violations that have not been addressed that are not aesthetically pleasing. He commented
2 that sheds that may be grandfathered in should be considered as such.

3
4 *Steve McIntosh* stated that it was his understanding that if the existing shed is allowed to remain,
5 it would become a zoning issue. The matter should be directed to the Zoning Department where
6 a variance may be granted. He did not believe this was an issue for the Planning Commission.

7
8 ***Commissioner Chappell moved to close the public hearing. Commissioner Ebbeler seconded***
9 ***the motion. The motion passed with the unanimous consent of the Commission.***

10
11 Police Chief, Robby Russo, reported that Mr. Higbee called to complain about a barking dog in his
12 neighborhood. When the officer arrived, he questioned the adjacent neighbors about issues with
13 barking. The officer then returned to Mr. Higbee to inform him that none of the neighbors were
14 complaining but may still pursue the complaint by signing the citation. Mr. Higbee later withdrew
15 the complaint and asked the City to dismiss the citation against the dog owner who appeared in
16 court at which time the case was dismissed. Since then, the Police Department has been contacted
17 by people who take issue with the sheds. No evidence had been presented or supported with respect
18 to the legality of the original construction. He confirmed that violations are addressed as complaints
19 are received and dealt with as staffing allows. It was noted that the department has no problem with
20 the six-month extension to allow the applicant time to provide a remedy to the violation.

21
22 Commissioner Anderson asked for clarification regarding when the violation was issued. Chief
23 Russo stated that the violation was issued when the officer initially received the complaint about
24 barking. Complaints about the sheds have been received subsequent to the original contact with
25 the applicant.

26
27 Commissioner Steinman stated that there is an issue with these types of non-conforming homes in
28 the City. He believed there was a need to bring these types of issues into a conforming space
29 involving removal or potentially setting up an application process or Redevelopment Agency
30 (“RDA”). He explained that life safety concerns should be addressed. He was opposed to a six-
31 month temporary approval and suggested they be proactive as a City and create a space for funding
32 of these types of projects to allow for life safety space.

33
34 Chair Allen stated that the issue at hand involves the application to either approve or deny the
35 declaration of an existing use violation as a non-conforming use. During his time serving in the
36 City, most accusations against the Commission have pertained to a lack of enforcement. He was
37 strongly in favor of enforcement and believed that a precedent would be set should they decide
38 otherwise. If the decision is made to impose a time period, an extension of six to 12 months was
39 recommended.

40
41 Commissioner Anderson agreed with Chair Allen and stated that their focus is on this particular
42 project. Addressing the other properties that are in violation is not the role of the Planning
43 Commission. She stated that codes are in place for a reason.

44
45 Commissioner Shelton agreed with Chair Allen’s comments and confirmed that the primary
46 responsibility of the Planning Commission is to interpret and enforce the Code. It is their job to
47 take the existing Code and apply it fairly. If the Commission does not enforce the rules, they would

1 be essentially rewriting the Ordinance to accommodate individual issues. He commented that his
2 role requires the enforcement of laws that are already in place.

3
4 Commissioner Mills expressed appreciation to the applicant, the neighbors, and the City's Code
5 Enforcement Officers. Because residents of the community live in close proximity to one another,
6 it was stressed that behaviors and structures have a significant impact. He believed changes need
7 to be made and recommended there be a clear path forward. He was in favor of enforcing the Code.

8
9 ***Commissioner Shelton moved to issue TEMPORARY APPROVAL of Project AHO-22-007 not***
10 ***to exceed one year from the date of approval based on the following:***

11
12 ***Findings:***

- 13
14 1. ***Section 19.88.140 permits the Commission to add conditions and time limits to***
15 ***any declaration.***
16
17 2. ***The subject property has substantial yard space that appears able to easily***
18 ***accommodate relocated structures in a manner that is fully compliant with City***
19 ***ordinance requirements.***
20
21 3. ***Six months provides a reasonable amount of time for the applicant to make***
22 ***arrangements for the removal, relocation, or reconstruction of accessory***
23 ***structures.***
24
25 4. ***Based on the evidence submitted, neither structure complies with the ordinance***
26 ***that was in place at the time it was constructed. As such, Staff's recommendation***
27 ***was to apply the time limit to both structures. No evidence was presented of***
28 ***proper fire-rating of those structures.***
29
30 5. ***If allowed to remain in perpetuity, the location of accessory structures in close***
31 ***proximity to property lines and main structures represents a risk to the health,***
32 ***safety, or welfare of persons or property in the vicinity.***
33

34 ***Commissioner Steinman seconded the motion. Vote on motion: Commissioner Ebbeler-Aye,***
35 ***Commissioner Steinman-Aye, Commissioner Mills-Aye, Commissioner Anderson-Aye,***
36 ***Commissioner Chappell-Aye, Commissioner Shelton-Aye, Chair Allen-Aye. The motion passed***
37 ***unanimously.***

- 38
39 3.2 **Project SUB-22-005 - A Public Hearing and Possible Action on a request from**
40 **Ivory Homes for Preliminary Plat Approval of a Planned Unit Development**
41 **("PUD") consisting of 13 Single-Family lots and a public park at 3625 E.**
42 **Doverhill Drive.**
43

44 Mr. Johnson presented the Staff Report and stated that this is a new application from the request
45 previously considered by the Planning Commission. The request is for Planned Unit Development
46 and Preliminary Plat Approval. The property owner is The Church of Jesus Christ of Latter-day

1 Saints who offered to allow the City to purchase a portion for use by a public park. Ivory
2 Development has been offered the rest of the property for low-density residential development.
3 The property and surrounding area are zoned R-1-8 Residential Single-Family. A property
4 rendering was displayed. The layout included nine homes to the east of the park adjacent to
5 Wasatch Boulevard with four homes to the west adjacent to Doverhill Drive.
6

7 Ivory Development originally presented a PUD for 17 lots in December 2021 and was approved
8 with conditions and modifications imposed by the Planning Commission. Subsequently, Ivory
9 Homes completed the required fault studies and identified numerous fault hazards, which deemed
10 the originally submitted plan unworkable and unbuildable. The submittal included reduced lot
11 frontage and side setbacks. The results of the Fault Study were discussed.
12

13 Mr. Johnson reported that the proposed City Park will be located in line with the unbuildable area,
14 which is allowed where habitable structures are not. The Preliminary Park design includes parking
15 on Doverhill Drive, a pedestrian walking path, and preservation of the existing pavilion. The
16 current PUD plan measures 6.17 acres with 13 lots or a density of 2.11 units per acre. The open
17 space provided is roughly 33% of the total site area and exceeds the minimum open space required
18 in a normal PUD. He reported that the PUD Ordinance in City Code allows for the Planning
19 Commission to establish modified standards for setbacks, lot dimensions, building height,
20 massing, and architecture during the entitlement process prior to construction. This process is put
21 in the approval and on the plat and the project is governed by that set of approved standards. Ivory
22 Homes is requesting much fewer modifications than the previous proposal in an effort to provide
23 the maximum park design for the City. Lot placement was described. Mr. Johnson stated that
24 none of the proposed lots are less than 9,000 square feet in size and all are in compliance. The
25 proposed 20-foot rear yard setbacks are allowed in typical R-1-8 subdivisions. Staff found that
26 the proposal reasonably complies with the provisions and recommended approval of both the PUD
27 and Preliminary Plat subject to conditions listed in the Staff report.
28

29 Chair Allen asked if the Unified Fire Authority (“UFA”) has reviewed the proposed 25-foot width
30 of Streets A and B and if the geotechnical analysis has been completed. Mr. Johnson clarified that
31 the road width requirement is 26 feet, which would need to be remedied by the developer. The
32 geologic hazard is complete and the project will continue through the Sensitive Lands process. He
33 noted that there is one area that remains to be trenched.
34

35 Commissioner Mills requested clarification regarding easements. He recommended pre-
36 prescriptive sidewalk locations as well as wheelchair accessibility in the park. Mr. Johnson stated
37 that setback easements will be located on the east side of Lots 109 and 110, two on Lot 111, and
38 potentially two on Lot 112 depending on the location of the home. He noted that the applicant
39 was present and would be addressing sidewalk concerns.
40

41 Peter Gamvroulas from Ivory Development stated that the project is a three-party effort between
42 the seller, Ivory Development, and Cottonwood Heights. He stated that the three have worked
43 well together collaboratively to ensure that their intentions have been realized to the extent
44 possible. He thanked City Staff for their efforts and directed questions to Ivory Development’s
45 digital platform.
46

1 Chair Allen opened the public hearing.

2
3 *Steve McIntosh* stated that he would prefer a more harmonious, better-blended subdivision but
4 understood the right of the developer and the needs of the City. He asked why the surrounding
5 residents were not included in the meetings of the three interested parties. Lack of access was of
6 concern. He recommended 1,820 square feet be removed from Lot 105 to extend the road onto
7 Doverhill Drive to provide a second egress and to alleviate the bottleneck. Making the adjustment
8 would provide harmony and provide better circulation through the proposed development as
9 required by PUD Ordinance Section 19.78.010.

10
11 *Margarita Martin*, a Doverhill Drive resident, expressed concern about their street becoming a
12 parking lot for the proposed park. She was also worried about having limited access to her home.

13
14 *Tony Pines* reported that his home overlooks the park. He felt that Ivory Development has the
15 potential to benefit the neighborhood and property values. He requested clarification on the
16 proposed grading, retaining walls, and the removal of the existing retaining structure supporting
17 the neighboring backyards. He stated that the entire property includes fill material with an
18 irrigation channel running through the ballpark. He recommended that a Compaction Study be
19 conducted to prevent fill from being placed on top of existing fill.

20
21 *Audrey Pines* stated that Ivory Development has submitted two plans without having a preference
22 for one over the other. She and her surrounding neighbors prefer the lower-density plan that does
23 not include a PUD. The park is minimal and she believed the gazebo could be saved in either of
24 the plans. Secondary access was preferred. Ms. Pines stated that her home backs the park and
25 expressed concern with slope stabilization as well as the height of the proposed homes.

26
27 *Lucy Lever* lives to the north of the property and questioned the whereabouts of a previous design
28 plan. It was her preference that the plan with the least amount of density be implemented.
29 Mr. Johnson reported that there are two concept plans. One is a PUD and the other is a standard
30 subdivision. The PUD provides preservation of the pavilion and additional park space. The
31 standard subdivision concept was not fully designed and would have included 10 lots with a private
32 cul-de-sac, which would have been entitled to approval. It was the decision of City leadership to
33 proceed with the PUD, which was the of the Planning Commission as well.

34
35 *Shelly Philco*, a Doverhill Drive resident, stated that the street is too narrow for two cars to pass.
36 Multiple cars are parked along the street, which makes it difficult for plows to gain access during
37 snowstorms. She questioned emergency vehicle access and felt that traffic patterns should be
38 considered as well as snow placement.

39
40 *Scott Peters*, an Avondale Drive resident, stated that he is a Landscape Architect by profession and
41 serves as Chair of the Architectural Review Commission ("ARC"). He appreciated the efforts of
42 the City in creating a plan that meets the needs of the community while benefiting the neighborhood.
43 With regard to the reduction of setbacks, he suggested that the location of Lots 109, 110, 111, and
44 112 be considered. He recommended that rather than allow a reduction of five feet on both sides
45 of adjacent lots, that it be restricted to five feet on one side and 10 on the other allowing 15 feet
46 between homes. He noted that access between Lots 113 and 105 is important in ensuring that the
47 new community is accessible and walkable. The design of the Park should consider physical and

1 visual access from Doverhill Drive. He expressed frustration with the amount of park space that
2 has been dedicated to retention and encouraged water retention to take place on existing lots.

3
4 There were no further public comments.

5
6 ***Commissioner Ebbeler moved to close the public hearing. Commissioner Chappell seconded***
7 ***the motion. The motion passed with the unanimous consent of the Commission.***
8

9 Commissioner Steinman asked for the parking ratio of parks in Cottonwood Heights and the
10 placement of plowed snow. He questioned the UFA's comments regarding circulation and the
11 hammerhead. Mr. Johnson stated that the City uses best practices for public parks and stated that
12 there is not a hardline requirement for parking. With regard to snow removal, Ivory Development
13 has been asked to provide a plan as they are not allowed to place private snow on public streets.
14 Storage must be provided on-site. He noted that UFA has approved the Concept Plan and his
15 understanding was that the road width requirement is 26 feet.

16
17 Commissioner Mills questioned the sidewalk design and connectivity. Mr. Johnson stated that the
18 park design and circulation will be at the discretion of the City Council but may be captured in the
19 park design and Development Agreement. Staff met to discuss technical engineering and
20 continued to work on the slope and retention area. The consensus was to retain as much as possible
21 in the private area. It was noted that park overflow discharge into the park must be regulated.

22
23 Commissioner Mills noted that John Porter was unable to comment on Zoom and was present to
24 comment.

25
26 Commissioner Mills reopened the public hearing to allow additional citizen comments.

27
28 *John Porter* reported that his home is the only home with a side abutment to the north side of the
29 park. He preferred parking be located closer to the pavilion and stated that his home is treated as
30 if it has a streetside setback to a road or sidewalk similar to those located in the neighborhood. He
31 asked that the walking path be placed as far from his home as the sidewalk on the front.

32
33 There were no further public comments.

34
35 ***Commissioner Mills moved to close the public hearing. Commissioner Anderson seconded the***
36 ***motion. The motion passed with the unanimous consent of the Commission.***
37

38 Commissioner Anderson thanked the residents in attendance for their participation.

39
40 Commissioner Shelton stated that the proposed plan is well thought out and strives to
41 accommodate various concerns. He believed the biggest question before the Commission was
42 how the rules will be applied to the proposed lots. With regard to the requested setbacks, he was
43 in favor of allowing only Lots 110, 111, and 112 to have adjusted setbacks of five feet along the
44 north side and increasing the space between the homes. Only allowing the northside setback would
45 increase the space between the homes and only modestly impact building envelopes.

1 Commissioner Anderson understood that with the proposed PUD plan, the Planning Commission
2 is within the guidelines of the Code to approve the setbacks as designed. Mr. Johnson confirmed
3 that the Planning Commission is required to approve any variation from a normal bulk and massing
4 standard of the R-1-8 zone.

5
6 Mr. Gamvroulas stated that Ivory Development is reviewing the project from a financial standpoint
7 and takes into account the types of homes they will build. There is a point that it does not make it
8 worthwhile to pursue a PUD. He explained that a PUD is part of a negotiation to provide a larger,
9 different, or more preferred open space should certain conditions not be met. Efforts were made
10 to reduce the impacts, however, because they were not satisfied with the negotiations, they were
11 reconsidering whether to continue to pursue the matter.

12
13 Commissioner Chappell stated that with respect to the setback of Lot 112, there are neighbors
14 across the street that are in close proximity to one other. She noted that with this development, the
15 setback variations are contained within the development as allowed by Code. Although Lot 112
16 abuts a private property owner, they have chosen not to be a part of the project. It was her opinion
17 that the south side setback for Lot 112 should not be a deal breaker. It was her preference to have
18 greater setbacks but recognized that the City has gained more as the plan has evolved.

19
20 Commissioner Mills stated that the plan is a dramatic improvement and thanked Ivory
21 Development for their willingness to negotiate. The most recent plan reflects a 25% decrease in
22 the number of total lots. It will be desirable due to the limited access and being tucked back in.

23
24 Mr. Johnson reviewed the conceptual park design. He stated that the final plan comes ultimately
25 from the City Council by way of a Development Agreement, which will be reviewed by the ARC.
26 Senior City Planner, Samantha DeSeelhorst, stated that ARC meetings are public meetings.
27 Although public attendance is encouraged and welcomed, they are not a public hearing body.

28
29 ***Commissioner Mills moved to approve Project SUB-22-005 with the following conditions:***

- 30
31 ***1. Prior to final construction plan approval/final plat recordation, the following***
32 ***information is required to be approved by the City:***
33
34 ***a. All Sensitive Lands Hazards Reports.***
35
36 ***b. A Final Plat and Plan reflecting all review comments and technical code***
37 ***requirements from any applicable City department.***
38
39 ***c. A Traffic Impact Memo.***
40
41 ***d. Utility Will-Serve Letters and approved Final Utility Plans.***
42
43 ***2. Architectural Review Commission review of proposed PUD prior to final plat***
44 ***approval.***
45
46 ***3. Trash Collection Plan for the private roadway.***
47

- 1 4. *Snow Removal Plan for the private roadway.*
- 2
- 3 5. *Plan for the maintenance, upkeep, and parking/traffic enforcement on the*
- 4 *private road.*
- 5
- 6 6. *Fencing plan per PUD ordinance.*
- 7
- 8 7. *Any significant modifications to the plat require additional consideration by the*
- 9 *Commission.*

10
11 *Commissioner Ebbeler seconded the motion. Vote on motion: Commissioner Ebbeler-Aye,*
12 *Commissioner-Steinman, Commissioner Mills-Aye, Commissioner Anderson-Aye,*
13 *Commissioner Chappell-Aye, Commissioner Shelton-Aye, Chair Allen-Aye. The motion passed*
14 *unanimously.*

15
16 **4.0 Consent Agenda**

17
18 **4.1 Approval of Planning Commission Minutes from December 7, 2022.**

19
20 *Commissioner Ebbeler moved to approve the Planning Commission Meeting Minutes from*
21 *December 7, 2022. Commissioner Chappell seconded the motion. The motion passed with the*
22 *unanimous consent of the Commission.*

23
24 **5.0 Adjournment**

25
26 *Commissioner Anderson moved to adjourn. Commissioner Shelton seconded the motion. The*
27 *motion passed with the unanimous consent of the Commission.*

28
29 The Planning Commission Meeting adjourned at 8:12 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, January 4, 2023.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____