

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, August 6, 2014

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Members Present: Chair Gordon Walker, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Janet Janke, Commissioner Joseph Demma, Vice Chair Paxton Guyman, Commissioner Jeremy Lapin

Staff Present: Community and Economic Development Director Brian Berndt, Senior Planner Glen Goins, Associate Planner Mike Johnson, City Attorney Shane Topham

Others Present: Youth City Council Representative Ben Pugmire, Jill McGee, Gary McGee, Susan Despain, Karrie Cook, Terry Wood, Barb Kornet, Gary, Allen, Kathy Allen, Kaye Skola, Mick Skola, Bryan McMillen, Kay Mc Millen, Jackie McGill, Delwyn Maxwell, Renee Maxwell, Kerry Christensen, Mike Reiter, Vicki Jensen, Dan West, Alex Wheeler, Bud Patnode, Elaine Patnode, Steve Williams, Ruthann Johnson, Lacey Ence, Claire Martin, Woody Noxon, Dave Hegston, Ryan Henderson, Linda Lyon, Steve Jensen, Blaine Walker, Todd Cowan, Jordan Schwitzer, Barbara Braeden, Scott Summerhat, Sam Togerson, Pepper Nix, Dale Aiken, Gray Smith, Cynthia Smith, Randy Long, Josh Kanter, Kris Mateus, Mke Tuckett, Cheryl McCallister, Kevin Kehl, Kire Kehl, Bonnie Gandleman, Steve Gandleman, Kari Kershaw, Jay Kershaw, Jody Kershaw, Jeff Moulton, Ronald Roberds, Jim Williams, Lynn Johnson, Cynthis Espen, Tracey Schwarz, Ed Spencer, Emily Henderson, Lowell Lyon, Scott Anderson, Carolyn Brooks, Nancy Hardy, Suzan Aiken, Dale Aiken

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Gordon Walker called the meeting to order at 6:00 p.m. and welcomed those attending.

2.0 CITIZEN COMMENTS

Chair Walker opened the citizen comment period.

Sheryl McAllister expressed concern about the City website not being updated in a timely manner. She also suggested the Commission seriously reconsider all construction along Wasatch Boulevard.

There were no further comments. The citizen comment period was closed.

3.0 PUBLIC HEARINGS

3.1 (Project #PUD-14-001) Public Comment on a request from Richard Cook, for a conditional use permit and site plan approval for the Giverny PUD located at 9160 South Wasatch Boulevard.

Chair Walker stated that the public hearing is for a request from Richard Cook, for a conditional use permit and site plan approval for the Giverny PUD located at 9160 South Wasatch Boulevard. He explained that this public hearing actually began and was opened on June 18, 2014. At that time, it was determined that there was not enough sufficient information provided regarding the proposed project. A request was made that seismic and traffic studies be conducted. Because the studies are not yet complete the applicant requested that the continued public hearing be extended to the next scheduled meeting in September. Mr. Walker stated that because the public hearing is listed on the agenda the Commission will still allow public comment.

Chair Walker opened the public hearing.

Terry Wood, Vice Chair of the Granite Community Council, reported that residents from the Granite area have submitted a petition to the Commission. They are not anti-development, but the magnitude and size of the proposed development will alter the character of the area.

Josh Kanter, Secretary of the Granite Community Council, stated that the Granite Community Council and several residents believe the proposal will impact the character of the area. Their objections are based on assumptions. Traffic is a concern as well as seismic conditions. Primarily, they are concerned with the precedent this proposed PUD may set for higher density and the preservation of the land.

Kent Anderson expressed concern with the proposed lot sizes.

Jordan Shwitzer spoke on behalf of his wife and neighbor Roger Thomas. He read an email from Roger Thomas expressing concern with the project density and the open space design. Traffic studies were recommended including a study of winter traffic.

Pepper Nicks is pro-development but expressed concern with lots size, proposed gates and street widths.

Kim Keale was present representing several future residents of the proposed Giverny development who feel the project should be approved. She asked the Commission to objectively consider the project. All homes will have two or three-car garages and will range in price from \$400,000 to over \$1 million. She believes that that property values will not adversely affect surrounding property values. In addition, nearly six acres of the proposed green space is flat and usable. Ms. Keale expressed her support for the Giverny development.

Nancy Hardy is of the opinion that the R-1-8 Zone is more appropriate than the proposed zoning. She is opposed to the limited amount of parking and the burden it will create on public services. She remarked that the design of PUDs and subdivisions should keep the community in mind.

Randy Long is opposed to the proposed Giverny project. The protection of trails and utility concerns were discussed.

Chris Mataeus stated that he believes the project will not only affect the immediate area, but the surrounding areas as well.

Barb Quinette expressed concern with the impact the proposed project will have on education.

Ruth Ann Johnson is opposed to the proposed project density and the increase in traffic flow.

Cynthia Spencer expressed opposition to the density of the proposed project. She wishes to preserve the peace, tranquility, and beauty of the surroundings.

Matt Reid stated that he is a proponent of the development and wishes to live there. He expressed his approval.

Lowell Lyon is of the opinion that different designs may be one alternative to the current proposal.

Scott Andersen expressed his approval for the proposed Giverny development and the benefits it will provide to the City of Cottonwood Heights.

Richard Ross, a Treasure Way resident, is in favor of integrating whatever happens next door to his community. He is opposed to gates, but is comfortable with the variety of development. His primary concern is with the challenges of a PUD and the ongoing maintenance.

Kevin Kihl is in favor of the proposed project and hopes to live there. He is of the opinion that the developer and builder will create a project that all will be happy with.

Lacey Empts expressed frustration and opposition to the proposed project. It is her opinion that due to density and lack of parking, the homes will be resold and become ski rentals. Reconsidering .25-acre lots was recommended.

Bud Patton asked that the developer be required to put together a detailed model in order to visualize the proposed project.

Jolene Watts is in favor of diversification. She expressed her support for the Giverny project.

Ed Spencer stated that he is opposed to the proposed lot size and appearance of the project.

Cynthia Smith expressed concern with increased traffic. She read from City Code Section 19.78.140 pertaining to PUDs and their effect on adjacent properties. She stated that she believes that surrounding properties will be adversely affected and she urged the Commission to recommend denial.

Gray Smith concurred with his wife's statements and stated that they are adamantly opposed to having the easement and entrance into their property being utilized as the grand entrance to the proposed Giverny project.

Tracy Schwartz is pro-development and urged to the Commission to carefully consider all of the comments made.

Jill McGee concurs with the comments made by the Smiths. She expressed frustration with the proposed project and traffic congestion concerns. She recommends denial.

Richard Olsen stated that due to the proposed close proximity of the proposed homes to one another, noise will be an issue. He is opposed to the proposed density of the project.

Gary McGee is opposed to the Giverny project. Density between PUDs was detailed. He described a list of PUD must haves and is of the opinion that the particular must haves have not been met with this particular PUD.

There were no further comments. Chair Walker stated that the public hearing will remain open and be continued to the next meeting scheduled for September 3, 2014.

4.0 PUBLIC COMMENT

4.1 **Project #SPL-14-001) Public comment on a request from Tony Baros, Baros Design, for an amendment to conditional use PL-82-2167 and site plan approval of a professional office building on property located at 1385 East Fort Union Boulevard**

Chair Walker stated that the proposed request from Tony Baros of Baros Design is for an amendment to the conditional use and site plan approval for an office building located at 1385 East Fort Union Boulevard.

Associate Planner, Mike Johnson, presented the staff report and stated that the conditional use was previously approved and was issued by Salt Lake County in 1982. The total square footage, including the basement, measures 13,500 square feet. Ingress and egress will be upgraded, but remain in the same location as the existing structure. Staff recommends approval with the conditions and findings sent forth in the staff report.

Tony Baros, from Baros Design, presented the request and stated that it will be similar to what was previously approved.

Chair Walker opened the public hearing.

Sheryl McCallister expressed frustrated with the development. She is opposed to the second floor, which would take away her mountain view.

There were no further public comments. Chair Walker closed the public comment period.

5.0 ACTION ITEMS

5.1 **(Project #PUD-14-002) Action on a request from Paul, Shaw, Shaw Building Group, for conditional use approval of a planned unit development (PUD) on properties located at 2489 East Creek Road and 2495 East Creek Road**

Chair Walker stated that the proposed request is for action on a request from Paul Shaw, from the Shaw Building Group, for conditional use approval of a Planned Unit Development (PUD) on properties located at 2489 and 2495 East Creek Road.

Commissioner Janke asked about the green space in the back of the development and the location of a fence along the creek.

Mr. Johnson confirmed that there will be a wrought iron fence, which would add a safety component.

Commissioner Lapin asked if a picnic table or pavilion would be part of the development.

Mr. Johnson stated that there will be a path leading to a gazebo and table.

Commissioner Walker requested clarification regarding the community amenities.

Mr. Johnson reported that there is a condition that specifies that no entry gate will be allowed. City Code also states that amenities improve community aesthetics and preserve critical environmental features. He clarified that currently, there are two proposed parking spaces.

Paul Shaw, from Shaw Building Group, reported that there are two parking spaces with “no parking” signs. Curb and gutter along Creek Road will be painted red to restrict parking. The development will not be gated on Creek Road. Amenities will be provided in the open space park.

Motion: Commissioner Lapin moved to approve the request from Paul, Shaw, Shaw Building Group, for conditional use approval of a Planned Unit Development (PUD) on properties located at 2489 East Creek Road and 2495 East Creek Road subject to the following:

Conditions:

- 1. Approval of this project constitutes a conditional use permit.***
- 2. Approval of this project constitutes preliminary approval of the planned unit development. Final approval will be granted upon meeting all conditions of approval.***
- 3. The applicant shall be required to provide a copy of the Codes, Covenants and Restrictions for the proposed PUD which details design guidelines, private lane and open space maintenance, and other details pertinent to the city code and this approval.***
- 4. The applicant shall provide indication on a final plan set that curbs adjacent to the property along Creek Road will be painted red to prohibit on-street parking, as recommended by the traffic study submitted by the applicant.***
- 5. The applicant shall be required to provide written confirmation that waste/refuse collection has been set up for the PUD.***
- 6. The applicant shall identify all areas with slope in excess of 30% on the plat.***
- 7. The applicant shall provide impervious surface calculations on a final site plan which indicates all proposed impervious surface, including roofs, patios, driveways, roads, etc.***
- 8. The applicant shall provide any design criteria for accessory structures. If none is provided, accessory structures shall be regulated by the underlying zoning district.***
- 9. The applicant shall provide a standard setback diagram on the final plat, or otherwise submit a written detail of setbacks on all lots within the PUD.***
- 10. The applicant shall submit a wet-stamped survey drawing that includes the boundary description and an indication of gross site acreage.***
- 11. All public improvements along Creek Road need to be identified and built per current APWA plans and specifications.***
- 12. The applicant shall be required to install ADA ramps at the entrance of the PUD.***
- 13. The applicant shall provide a detail of the tie-in to Creek Road.***
- 14. Inspections by the Public Works department of all improvements in the right-of-way shall be required.***
- 15. The applicant shall identify the concrete washout area on the Erosion Control Plan.***

16. *The applicant shall provide a more detailed design of the stabilized entrance of the PUD, including width, length, and rock size.*
17. *The applicant shall provide updated plans with three “Fire Lane” signs in the designated turnaround area.*
18. *The applicant shall address all correction items found in the review letter completed by Gilson Engineering and dated June 11th, 2014.*
19. *The applicant shall be required to install one city-standard street light along the Creek Road right-of-way, per the city’s street light standards.*
20. *The applicant shall comply with all pertinent provisions of chapter 19.78 (Planned Unit Developments) and chapter 19.72 (Sensitive Lands), other applicable provisions of Title 19 (zoning ordinance), Title 12 (Subdivisions), Title 14 (Highways, Sidewalks and Public Places), and any other codes deemed necessary by City staff.*
21. *The applicant shall make all technical corrections to the plan set prior to final approval.*
22. *The applicant shall be required to submit an itemized cost breakdown for all public improvements. An improvement bond in the amount of 110% of improvement costs, including landscaping, shall be submitted to the city if improvements are to be made after recordation of the final plat. If improvements are made prior to plat recordation, the applicant shall submit a warranty bond in the amount of 10% of total improvement costs, including landscaping. The required bond amount shall be subject to the approval of the city engineer.*
23. *The applicant shall address all conditions of approval of the Certificate of Design Compliance issued by the Architectural Review Commission on June 12, 2014.*
24. *The applicant shall obtain and provide copies of all necessary studies and reports as required by the City Engineer.*
25. *The applicant shall obtain and provide a copy of any permit required by Salt Lake County Flood Control.*
26. *All items found in this staff report and not listed in this section shall also be considered conditions of approval.*

Findings:

1. *The proposed PUD conforms to the recommended density of the underlying R-1-8 zone.*
2. *The proposed PUD was reviewed by the Architectural Review Commission on June 12, 2014 and received a Certificate of Design Compliance.*
3. *The project meets the applicable provisions of Chapter 19.78, “Planned Unit Development,” of the zoning code.*
4. *The project meets the applicable provisions of Chapter 19.72, “Sensitive Lands,” of the Zoning Code.*

5. *The project meets the applicable provisions of Chapter 19.84, “Conditional Uses,” of the Zoning Code.*
 - a. *That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;*
 - b. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;*
 - c. *That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;*
 - d. *That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;*
 - e. *That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;*
 - f. *That protection of property values, the environment, and the tax base for the city will be assured;*
 - g. *That the use will comply with the City’s General Plan;*
 - h. *That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;*
 - i. *That the internal circulation system of the proposed development is properly designed;*
 - j. *That existing and proposed utility services will be adequate for the proposed development;*
 - k. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;*
 - l. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city’s general plan, subdivision ordinance, land use ordinance, and any applicable design standards;*
 - m. *That landscaping is appropriate for the scale with the city’s general plan, subdivision ordinance, land use ordinance, and any applicable design standards;*
 - n. *That the proposed use preserves historical, architectural and environmental features of the property;*
 - o. *That operating and delivery hours will be compatible with adjacent land uses.*
6. *The project meets the applicable provisions of Title 12, “Subdivisions,” of the Cottonwood Heights Municipal Code.*

7. *The project meets the applicable provisions of Title 14, “Highways, Sidewalks and Public Places,” of the Cottonwood Heights Municipal Code.*
8. *Proper notice was given in accordance with section 19.90.020 of the Cottonwood Heights Municipal code.*

The motion was seconded by Commissioner Paxton. Vote on motion: Janet Janke-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Paxton Guymon-Aye, Chair Gordon Walker-Aye. The motion passed unanimously.

5.2 (Project #SPL-14-001) Action on a request from Tony Baros, Baros Design, for an amendment to Conditional Use PL-82-2167 and site plan approval of a professional office building on property located at 1385 East Fort Union Boulevard

Chair Walker stated that the proposed request is for action on a request from Tony Baros, from Baros Design. The request is for an amendment to Conditional Use #PL-82-2167 and site plan approval located at 1385 East Fort Union Boulevard.

Motion: Commissioner Lapin moved to approve the Conditional Use Application from Tony Baros, Baros Design, for an amendment to Conditional Use #PL-82-2167 and site plan approval of a professional office building on property located at 1385 East Fort Union Boulevard subject to the following:

Conditions:

1. *The applicant shall meet all relevant portions of Chapter 14 (“Highways, Sidewalks and Public Places), Chapter 19.37 (“Neighborhood Commercial”), Chapter 19.87 (“Site Plan Review Process”), Chapter 19.49 (“Gateway Overlay District”), and all other applicable laws, ordinances and regulations pertaining to the proposed use.*
2. *Any recommendations made as a result of the traffic study and soils report shall be considered conditions of approval.*
3. *Final conditional use approval is contingent upon the applicant obtaining a Certificate of Design Compliance from the Architectural Review Commission. The conditions of certificate of design compliance approval are as follows:*
 - a. *Add a parapet treatment around the top of the building on all sides.*
 - b. *Wrap the front shading device and window treatment partially around the east side of the building.*
 - c. *Explore the following potential landscape changes:*
 - i. *A better hammerhead is recommended on the east side of the property in the parking lot. The ARC is comfortable with the sacrifice of up to four (4) feet of landscape buffer to achieve a better hammerhead.*
 - ii. *If parking requirements permit, replace one parking stall along the west side of the property (where the stalls shift) with landscaping details.*

- d. *Upon the above changes being made, the applicant shall submit the plans for final approval by the ARC.*
4. *The applicant shall be required to install one City-standard street light in the public right-of-way. The location of the street light shall be indicated on the building permit application.*
5. *All public improvements, as required by the City Engineer, shall either be:*
 - a. *Required to be installed, inspected, and approved prior to issuance of a building permit and ensured through a one-year warranty bond in the amount of 10% of total improvement cost, or;*
 - b. *Ensured through a development bond in the amount of 110% of total improvement cost, as approved by city staff.*
6. *All site lighting shall be indicated to be full-cut off in order to eliminate light pollution to adjacent properties.*
7. *The applicant shall demonstrate compliance with the Fire Department's conditions of approval, as follows:*
 - a. *The project must meet all local Building and Fire Code requirements.*
 - b. *Buildings over 12,000 square feet total area will be required to have an automatic fire sprinkler system installed.*
 - c. *Three fire hydrants are required within 400 feet.*
 - d. *3,000 GPM fire flow is required (1,500 GPM required because of sprinklers).*
 - e. *Verification of fire flow is required.*
 - f. *N.F.P.A.13 Fire System required, including fire alarm and monitoring. Plans are subject to Fire Department approval.*
 - g. *A lock box is required.*
 - h. *Fire Department Connection KNOX style locking caps are required. The Fire Department Connection shall face Fort Union Boulevard.*
8. *All technical corrections to the construction documents shall be made prior to issuance of a building permit, as approved by staff.*

Findings:

1. *The proposed project meets the applicable provisions of Chapter 19.37, "Neighborhood Commercial," of the zoning code.*
2. *The proposed project meets the applicable provisions of Chapter 19.49, "Gateway Overlay District," of the zoning code.*

3. *The proposed project meets the applicable provisions of Chapter 19.82, “Signs,” of the zoning code.*
4. *That the proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:*
 - a. *That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;*
 - b. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;*
 - c. *That the use will comply with the intent, spirit and regulations of this title and will be compatible with and implement the planning goals and objectives of the City;*
 - d. *That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;*
 - e. *That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;*
 - f. *That protection of property values, the environment, and the tax base for the City will be assured;*
 - g. *That the use will comply with the City’s General Plan;*
 - h. *That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;*
 - i. *That the internal circulation system of the proposed development is properly designed;*
 - j. *That existing and proposed utility services will be adequate for the proposed development;*
 - k. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;*
 - l. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the City’s General Plan, subdivision ordinance, , land use ordinance, and any applicable design standards;*
 - m. *That landscaping is appropriate for the scale with the City’s General Plan, subdivision ordinance, land use ordinance, and any applicable design standards;*
 - n. *That the proposed use preserves historical, architectural, and environmental features of the property;*

- o. That operating and delivery hours will be compatible with adjacent land uses.*
- 5. That the project meets the applicable provisions of Title 14, "Highways, Sidewalks and Public Places," of the Cottonwood Heights Municipal code.*

The motion was seconded by Commissioner Jones. Vote on motion: Janet Janke-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Paxton Guymon-Aye, Chair Gordon Walker-Aye. The motion passed unanimously.

5.3 Approval of July 2, 2014 Minutes

Motion: Commissioner Janke moved to approve the minutes of July 2, 2014. The motions was seconded by Commissioner Peters. Vote on motion: Janet Janke-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, James Jones-Aye, Perry Bolyard-Aye, Paxton Guymon-Abstain, Chair Gordon Walker-Abstain. The motion passed unanimously with two abstentions.

6.0 ADJOURNMENT

Motion: Commissioner Bolyard moved to adjourn. The motion passed unanimously on a voice vote.

The Planning Commission meeting adjourned at 7:37 p.m.

Minutes approved: