

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



February 5, 2025

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, February 5, 2025**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

1. Work Session – **5:00 p.m.** – City Council Work Room
2. Business Session – **6:00 p.m.** – City Council Chambers

Both sessions will also be broadcast electronically on the city's YouTube channel at <https://www.youtube.com/@CottonwoodHeights/streams>. **Please see the reverse side of this agenda for instructions on how to make public comment.**

5:00 p.m. Work Session

1.0 Review Business Session Agenda

The commission will review and discuss agenda items.

2.0 Adjourn

6:00 p.m. Business Session

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 General Public Comment

This is an opportunity for individuals to make general public comments that do not relate to any projects scheduled for public hearing under the "Business Items" section of this agenda. Please see the Public Comment Policy on the reverse side of this agenda for more information.

3.0 Business Items

3.1 Project ZTA-24-005

Continuation from January 8, 2025 Planning Commission meeting, including public hearing and potential action on a request by Rockworth Companies for a zoning text amendment to modify portions of the adopted Planned Development District (PDD) ordinance which governs the Rockworth Gravel Pit at 6995 S. Wasatch Blvd. The proposed modifications relate to further defining the massing and density of the future mixed-use project at this site.

3.2 Project CUP-24-019 & SUB-24-008

Continuation from January 22, 2025 Planning Commission meeting, including public hearing and potential action on a request by Nathan Anderson for a conditional use permit and preliminary plat approval to construct a 10-unit live-work townhome development at 3425 E. Bengal Blvd.

4.0 Consent Agenda

- 4.1 Approval of January 22, 2025 Planning Commission Minutes

5.0 Adjourn

Next Planning Commission Meeting: March 5, 2025

Public Comment Policy

Individuals may provide public comment verbally or via writing.

Verbal comments are accepted in person at the 6:00 p.m. Business Session, but not at the 5:00 p.m. Work Session. At the Business Session, public comment may be given during two intervals:

1. General Public Comment Period – An opportunity for general comments not relating to specific projects on the meeting agenda.
2. Specific Project Public Hearings – An opportunity for comments relating to specific projects on the meeting agenda which were noticed as public hearings.

Please note that verbal comments must be provided by attending the meetings in-person. Verbal comments cannot be provided via the electronic broadcast of planning commission meetings on the city's YouTube channel.

Verbal comment periods are an opportunity for individuals to share comments as they see fit but **are not an opportunity for "question and answer" dialogue.** Questions should be directed to city staff at planning@ch.utah.gov. Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, **written comments** may be submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the planning commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, February 4, 2025, the day prior to the meeting. Comments received after this deadline will be distributed to the planning commission after the meeting.

Meeting Procedures

Items will generally be considered in the following order: 1. Chair introduction of item, 2. Staff presentation, 3. Applicant presentation, if applicable, 4. Chair opens public hearing, if applicable, 5. Chair closes public hearing, if applicable, 6. Planning commission deliberation, 7. Planning commission motion and vote on item.

Applications may be tabled if additional information is needed in order to act on the item; or if the planning commission feels there are unresolved issues that may need further attention before the commission is ready to make a motion. No agenda item will begin after 9:00 pm without a unanimous vote of the commission. The commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7015 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, January 31, 2025, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 31ST DAY OF JANUARY, 2025, ATTEST: TIFFANY JANZEN, CITY RECORDER

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



February 5, 2025

Summary

Project Numbers:

ZTA-24-005

Subject Property:

6695 S Wasatch Blvd.

Actions Requested:

Zoning Text Amendment
(PDD-2 Ordinance)

Applicant:

Serra Nemelka
(Rockworth Companies)

Recommendation:

Approve

Context

Property Owner:

AJ Rock LLC



Acreage:

21.56

Request

This application represents a proposed zoning text amendment to the PDD-2 (Wasatch Rock Redevelopment) Ordinance. The PDD-2 zone is a site-specific zoning ordinance and master development plan that solely applies to the 21.56-acre property located at 6695 South Wasatch Boulevard. Specifically, this text amendment process proposes a final building height, massing, and unit count to the condominium use within the approved PDD-2 ordinance and development plan.

This text amendment proposes that the condominium use within the site permit a maximum height of 12-14 stories (consisting of 3-4 levels of structured parking below 9-10 floors of condominium units), and a total unit count of 75-110.



This rendering provides an example of the visual impact of the proposed text amendment (Note – all other elements shown in the rendering are entitled).

Background / Context

A detailed summary of the background and context of this project, including the current proposed text amendment, was provided by staff at the January 8, 2025 Planning Commission meeting. A copy of the previous staff memo, as well as the presentation shared by staff at that meeting is attached to this report.

As previously discussed, overall zoning and development entitlement has been granted for the full PDD-2 development project, with site reclamation and grading work underway. The purpose of this report is to provide an overview of the Commission’s role in the proposed text amendment and provide an updated analysis of development impacts specific to the proposed condominium building massing and density.

Planning Commission Role / Review Process

This application for a zoning text amendment to the city’s PDD-2 (Wasatch Rock Redevelopment) zone constitutes a legislative land use application. For legislative items, the Commission’s role is to review applications for compliance with city ordinances, master plans, etc., provide review comments and feedback to the applicant (if necessary), hold a public hearing, and provide a formal recommendation to the City Council. Final decision authority for zoning text amendments comes from the City Council. Specific to the PDD-2 text amendment, this application will also require review and recommendation by the Architectural Review Commission, as that procedure is codified within the current PDD-2 ordinance.

Impact Analysis

Staff has completed an updated analysis of potential impacts of the condominium building's proposed height and unit count. This analysis includes the following:

- PDD-2 ordinance amendment
- Projected traffic impact
- Geotechnical / geologic hazard review
- Utility impact / availability
- Building height summary and analysis

Prior to approval in 2021, the original PDD-2 ordinance application included the proposed condominium building at a height of 10-12 stories and 99 total units. After approximately 18 months of review in the public application process, and shortly before the City Council was preparing to take its final vote on the proposed PDD-2 ordinance, additional questions were asked of the condominium building. Rather than delaying the vote, the applicant opted to amend its application to include entitlement for the use and location of the condominium building but defer entitlement of massing and unit counts to a later date – a process that is now underway. With that final voluntary change by the applicant, the City Council approved the ordinance proposal and development plan.

PDD-2 Ordinance Amendment

The proposed PDD-2 amendment proposes to replace one existing section of the PDD-2 ordinance pertaining to the condominium building. That proposed amendment is as follows (red text represents the existing ordinance language, blue text represents the proposed amendment).

Section 3. Approval of Development Plan; Phasing.

A. This ordinance constitutes the Council's legislative approval of the PDD-2 zone and the Development Plan, subject to any additional Council approvals required by this ordinance.

B. Construction of the Project improvements shown on the Development Plan may be done in phases pursuant to a phasing plan reviewed and approved by the director of city's community and economic development department or designee (the "Director").

~~C. This ordinance approves a residential condominium use in the Project, provided that this ordinance does not constitute city approval of the final density and massing of the condominium use but instead only represents entitlement for that land use in the general location depicted in the Development Plan. Final building height, size, footprint, total unit count, parking, and other details concerning the proposed condominium use shall be determined through an amendment to this ordinance and the Development Plan reviewed and approved by the Council, in its legislative discretion, following recommendation by the city's planning commission ("Planning Commission"), city's planning department ("Department") staff, city's development review committee ("DRC"), city's architectural review commission ("ARC"), city's geologist, or other city-related individuals or advisory bodies in accordance with city's requirements and normal development review processes.~~

C. This amendment to the PDD-2 zone approves a residential condominium project ("Condo Project") within the Project. The Condo Project is approved for a height between nine (9) to ten (10) unit floors to be located above three (3) to four (4) parking levels on a building footprint located as depicted the site plan below on [Image X]. The parking allowed for the Condo Project is between a minimum of 1.25 parking stalls per unit to 2.0 parking stalls per unit. The total unit count for the Condo Project will be between seventy-five (75) units and one-hundred ten (110) units. Developer to determine the final unit story, parking level, unit

2

count, and parking stall configuration in accordance with this subsection.

D. Site plans for each phase, subdivision plats, densities, building heights, massing, site layout and uses shall conform to the requirements of the Code, this ordinance and the Development Plan. Prior to development, each phase shall be reviewed and approved by the city (including ARC review and approval of the site plan for that phase) to ensure compliance with this ordinance, the Development Plan, Project-specific design guidelines, all relevant provisions of the Code, and other relevant site plan requirements.

Staff Analysis:

The original PDD-2 application, approved in 2021, initially included the proposed condominium building at a height of 10-12 stories and 99 total units. At that time, staff's recommendation of approval, the Planning Commission's recommendation of approval, and the Architectural Review Commission's recommendation of approval all included the condominium building with those specifications (additionally, staff review at the time accounted for a building of that size and density). The proposed amendment clarifies that the allowed number of condominium units shall fall within a range of 75 to 110, in a building ranging in height from 12 to 14 total stories above the current grade of Wasatch Boulevard adjacent to the project site.

No other modifications to the ordinance or development plan are proposed. As written, as each specific phase of the project submits plans for building permit, site-specific technical requirements are required to be addressed. This includes (but is not necessarily limited to) building permit review by all relevant city departments, utility provider review, architectural review, and

additional site-specific geotechnical engineering for each phase of the project. All requirements for architectural standards, the provision of deed-restricted affordable housing units (15% of total multifamily unit count affordable to households earning not more than 80% AMI), outdoor lighting, signage, and other standards remain unchanged.

Projected Traffic Impact

The original review and approval of the PDD-2 project included the submittal and review of a traffic impact study (which included 100 condominium units). The original traffic study concluded that at full buildout, the primary site intersection projected to operate at a Level of Service C, which was found to be acceptable. City staff also found that the methodology of the traffic impact studies was consistent with requirements and best practices.

A staff memo from 2021 which provides links to the original traffic studies, as well as a detailed summary of those studies, is attached. It should be noted that the memo includes an intersection configuration that was further modified at the request of Holladay City residents and officials, to provide as little disruption as possible for the existing flow of traffic through the 6200 S intersection area. However, conclusions and findings remain the same.

The original traffic study made development assumptions that were modified throughout the process, summarized as follows:

Original Traffic Study Use Assumptions	Approved / Proposed Uses
Senior Living Center – 36 units	Senior Living Center – 0 units
Commercial / Retail – 32,000 sq. ft.	Commercial / Retail – 34,400 square feet
Condominiums – 100 units	Condominiums – 110 units (maximum)
Apartments – 285 total	Apartments – 300 units
General Office Use – 30,000 sq. ft.	General Office Use – 24,000 sq. ft.
Hotel – 140 rooms	Hotel – 140 rooms

Staff Analysis:

Because the condominium use was factored into original traffic studies, staff does not find a need to require a new traffic impact study. Changes between the original study assumptions and the approved uses generally net out to the same approximate building intensity and traffic generation. Slight inefficiencies created by the revised primary intersection into the site was acknowledged by the city and the applicant as acceptable due to the request to reconfigure that intersection by Holladay City residents and officials.

Geotechnical / Geologic Hazard Review

As part of the original entitlement of the site, substantial site scoping and assessment have taken place, including at least 16 separate geotechnical and geologic hazard studies and reviews that are at least partially relevant to the condominium location. Further, the PDD-2 ordinance requires that additional site-specific scoping work is required as technical development plans are prepared for each phase within the project. This includes, but is not limited to, site-specific fault trenching, slope stability analysis, debris flow analysis, liquefaction analysis, etc. Previous and future studies

are all required to follow the standards adopted within the city's Sensitive Lands Evaluation and Design Standards (SLEDS) ordinance.

In response to this text amendment, staff requested that the city's geologic hazard consultant, GeoStrata, provide a review letter addressing what has previously been completed and future requirements to be completed for the condominium site. That letter is attached to this report. The PDD-2 ordinance states that if, as a result of geotechnical/geologic hazard conditions, any phase of the project is substantially altered from what is approved, the applicant is required to seek amendment via the legislative land use review process for the project (Planning Commission/Architectural Review Commission recommendation, City Council approval).

Staff Analysis:

Staff finds that the proposed condominium building does not create any significant new concerns or conditions that haven't previously been analyzed and addressed, or that won't be addressed via the codified process for site-specific hazard clearance, mitigation, and permitting.

Utility Impact / Availability

The original PDD-2 application included a preliminary assessment of the proposed development site by relevant utility providers, Salt Lake City Public Utilities (culinary water availability) and Cottonwood Improvement District (Cottonwood Improvement District). This also includes stormwater infrastructure (Cottonwood Heights). All preliminary, entitlement-level assessments of utility capacity, availability, and need included an original proposal of 99 condominium units. Additionally, will-serve letters and approved utility plans will be required to be provided to the city prior to subdivision plat approval for the project, and in conjunction with building permit issuance for each phase of the project. Stormwater capacity has already been reviewed and approved by the city's Public Works and Engineering Department.

Staff Analysis:

No additional submittals are warranted for this text amendment, as procedures are currently in place to ensure utility requirements are satisfied. Previous approved will-serve letters included a condominium building and will need to be updated and provided with each phase of the project moving forward.

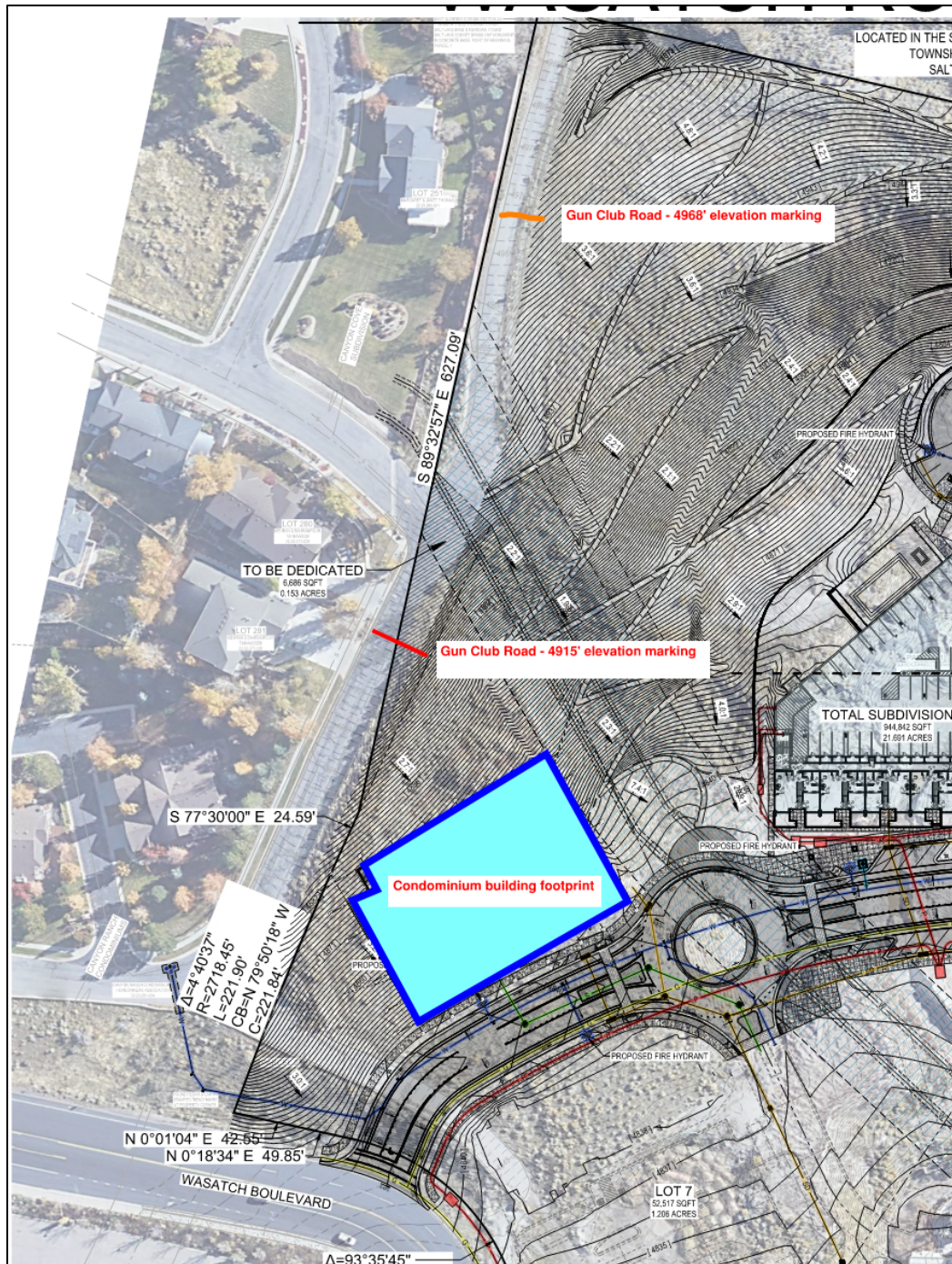
Proposed Building Height and Massing

Building Height within the PDD-2 project area was established by the city's Planned Development District ordinance ([19.51](#)). This site, and the larger gravel pit site directly to the south, are both located within a 'Tier 1' PDD area. The vision for this area, based both on the Planned Development District ordinance as well as the land-use vision established in the city's Wasatch Boulevard Master Plan, include recommendations for the possibility of substantial building height, massing, and development intensity given the site's characteristics of being located adjacent to a major highway, serving as a gateway to the Cottonwood Canyons with regional visibility and accessibility, and the site's ability to visually mitigate building height due to the property's historic operation as a mining use.

Setback from Wasatch Blvd.	Building Height (ft.)
0 to 20'	No Building
20' to 50'	60' Height*
50' to 100'	100' Height*
100' to 250'	120' Height*
250' to 500'	150' Height*
500' and more	300' Height*

[illegible]

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Staff Analysis:

The proposed building will be visible from the adjacent neighborhood. However, the maximum height proposed is substantially less than the maximum allowed within the city's Planned Development District ordinance. The condominium pad site is relatively small, and numerous hazards exist throughout the site, limiting the ability to relocate or construct units elsewhere and requiring vertical development to accommodate the number of units proposed (regardless, the current PDD-2 ordinance provides condominium entitlement at this location within the overall project). Further, this type of development and housing type is supported by the city's adopted

Wasatch Boulevard Master Plan and is compatible with the rest of the approved PDD-2 Development Plan.

Recommendation & Model Motions

Based on the findings and analysis presented herein, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for project ZTA-24-005.

Approval

I move to forward a recommendation of APPROVAL of project ZTA-24-005 based on the analysis and findings presented within the staff report dated February 5, 2025.

- *List any additional findings or recommendations for approval...*

Denial

I move to forward a recommendation of DENIAL of project ZTA-24-005 based on the following findings...

- *List findings for denial...*

Attachments

1. January 8, 2025 Staff Memo
2. January 8, 2025 Staff Presentation
3. 2021 Traffic Impact Study – Staff Memo
4. GeoStrata letter addressing geotechnical and geologic hazard requirements



PLANNING COMMISSION MEMO

ZTA-24-005 – PDD-2

Wasatch Rock Redevelopment Ordinance Amd.

Meeting Date: January 8, 2025

Staff Contact: Mike Johnson, CED Director

Request

This application represents a proposed zoning text amendment to the PDD-2 (Wasatch Rock Redevelopment) Ordinance. The PDD-2 zone is a site-specific zoning ordinance and master development plan that solely applies to the 21.56-acre property located at 6695 South Wasatch Boulevard. Specifically, this text amendment process proposes a final building height, massing, and unit count to the condominium use within the approved PDD-2 ordinance and development plan.

This text amendment proposes that the condominium use within the site be allowed to be constructed to a maximum height of 12-14 stories (consisting of 3-4 levels of structured parking below 9-10 floors of condominium units), and a total unit count of 75-110.



At the January 8, 2025 Commission meeting, staff intends to provide a detailed overview of the PDD-2 ordinance and development plan, a history of the project and its current entitlement, a summary of the proposed text amendment (and why the text amendment is required), and an overview of next steps in the approval process. This staff memo serves only as an introduction to the application. A full staff report with detailed staff analysis and recommendation will be provided to the Commission at a subsequent meeting. However, a brief background is provided below.

Background

The existing, approved PDD-2 zoning ordinance and development plan materials are publicly available for review on the city website at the following link. It is recommended that Commissioners review the posted materials to better understand the current approval and entitlement within the subject property. Staff will also provide an overview of these materials at the January 8, 2025 Commission meeting:

<https://www.cottonwoodheights.utah.gov/your-government/boards-and-commissions/planning-commission/wasatch-rock-redevelopment-proposal-6695-s-wasatch-blvd-pdd-19-001>

Following the Planned Development District ordinance process ([19.51 of the Cottonwood Heights Zoning Ordinance](#)), the PDD-2 zone and accompanying development plan was approved by the City Council in August 2021 after a nearly two-year public process which included extensive staff review, impact analysis, site assessment, and supportive recommendations from both the Planning Commission and the Architectural Review Commission. The approval created site plan entitlement and site-specific development standards for a mixed-use project consisting of seven phases and the following uses:

- Multi-family residential (apartments)
- Multi-family residential (condominiums)
- Hotel
- Commercial uses (six separate commercial pads are included in the approval)

Except for the condominium use, each of the uses has already received approval for maximum unit counts, building heights, massing, etc. Further, the PDD-2 ordinance provides specific detail for the process the applicant must follow to entitlement development standards for the condominium use (i.e., this text amendment process). Additional site elements, including traffic impact, site circulation, open space, parking, roadway alignment, etc. have also been previously approved. Staff will provide a full update to each of these elements as they relate to the proposed text amendment within the future project staff report and analysis.

[The approved PDD-2 site plan](#) includes the layout of the above-referenced uses within the project site, including the location of the condominium use. This current PDD-2 ordinance process also incorporates extensive study and analysis of site constraints, reclamation requirements, and other geotechnical and geological considerations to ensure that future development mitigates risk posed by hazards within the site. Staff will present an updated report on overall site reclamation, hazard mitigation, and reclamation that are specific to the proposed condominium site.

In addition to the above link to the current PDD-2 ordinance and project materials, attached are the applicant's proposed PDD-2 text amendment and updated plans which provide additional detail for the proposed condominium building's unit count, massing, and visual impact.

Recommendation

Given the complexity of the PDD-2 ordinance and the detailed process the project has already been through, staff intends to utilize its time at the January 8 Commission meeting providing an overview to the Commission. This overview will include a review of how the Planned Development District Ordinance functions, the various requirements of the established PDD-2 zone, the established review process for each phase of the project, and more. Staff recommends that the Commission review the existing approved PDD-2 zone materials (linked above), review the proposed amendment materials (attached), and begin the public input process for the text amendment.

Attachments

1. Proposed PDD-2 (Wasatch Rock Redevelopment) Ordinance amendment (with proposed changes tracked)
2. Conceptual Site Rendering (including proposed condominium massing)
3. Site building height analysis

PDD-2 (WASATCH ROCK REDEVELOPMENT) ZONE

A Planned Development District Under Cottonwood Heights Code Chapter 19.51

- Section 1. Purpose.**
- Section 2. Findings.**
- Section 3. Approval of Development Plan; Phasing.**
- Section 4. Uses.**
- Section 5. Development requirements.**
- Section 6. Development and architectural standards.**
- Section 7. BMR units.**
- Section 8. Outdoor lighting.**
- Section 9. Signage.**
- Section 10. Environmentally sustainable design.**
- Section 11. Reversionary clause.**
- Section 12. Contrary law.**
- Exhibit A Development Plan**
- Exhibit B Project Design Guidelines**

Section 1. Purpose.

A. The purpose of this ordinance (the “*ordinance*”) is to create a zone (the “*PDD-2 zone*”) to allow the phased development of approximately 21.56 acres of real property (the “*Property*”) that is located at approximately 6695 South Wasatch Boulevard in the city of Cottonwood Heights, Utah (the “*city*”) as shown in the development plan attached as Exhibit A (the “*Development Plan*”) and in the official zoning records of the city. The PDD-2 zone is applicable only to the Property.

B. The project (the “*Project*”) described in the Development Plan is a mixed-use project located in a manner and an environment that reflects attention to the Property’s topography, location, and specific features and sets forth the approved concepts for architectural, landscaping and urban design principles consistent with the Cottonwood Heights Code of Ordinances (the “*Code*”). The PDD-2 zone and the Project promote the goals and objectives set forth in Code Section 19.51.020 and the city’s general and master plans. The Project as depicted on the Development Plan will be adequately served by public streets, municipal services and public utilities of adequate capacity.

C. This ordinance is a “PDZ ordinance” as that term is defined in Code Section 19.51.020(C), and the PDD-2 zone is a Tier 1 Planned Development District project as described in Code Section 19.51.060.

Section 2. Findings.

Creation and adoption of the PDD-2 zone is based on, *inter alia*, the following findings by the city’s city council (the “*Council*”):

A. Development in the PDD-2 zone will support existing retail and commercial business in and near the Wasatch Boulevard area. Development in the PDD-2 zone will include residential and commercial properties. The development is located along major UTA bus corridors and adjacent to UTA bus stops with routes to and from many office and retail businesses.

B. The PDD-2 zone includes a mix of uses, including hotel, retail, office and other commercial uses together with residential uses. The different uses in the PDD-2 zone have a pedestrian orientation and have been located to accommodate each of those uses. The multi-family residential units have access to a variety of pedestrian amenities on the site, including pools, plazas, walkways, etc.

C. The PDD-2 zone is compatible with the city's general plan, as it provides for residential and commercial uses that are compatible with the land use designations on the site and compatible with the commercial and public amenity features within and near the Property.

D. Site features, uses, public amenities and aesthetic characteristics required in the PDD-2 zone encourage pedestrian activity within the site, and provide safe access to multi-modal transportation opportunities at a scale appropriate for the context of the site.

E. The PDD-2 zone properly integrates the physical characteristics of the site with the proposed development by providing important trail connectivity through the Property. The building height, architectural massing, and spatial relationship of proposed structures is appropriate for the area, and is valuable reuse and redevelopment of a site no longer suitable for extractive or other sand and gravel operations.

F. With the design of an appropriate entryway and signal, the PDD-2 zone site is properly served by public streets and services.

G. The PDD-2 zone furthers the goals of the city's Wasatch Boulevard Master Plan by creating a dense, mixed-use, walkable development with appropriate outdoor amenities in proper context at the site historically known as the "gravel pit."

H. The PDD-2 zone helps achieve the city's affordable housing goals by requiring deed-restricted affordable housing units.

Section 3. Approval of Development Plan; Phasing.

A. This ordinance constitutes the Council's legislative approval of the PDD-2 zone and the Development Plan, subject to any additional Council approvals required by this ordinance.

B. Construction of the Project improvements shown on the Development Plan may be done in phases pursuant to a phasing plan reviewed and approved by the director of city's community and economic development department or designee (the "*Director*").

~~C. This ordinance approves a residential condominium use in the Project, provided that this ordinance does not constitute city approval of the final density and massing of the condominium use but instead only represents entitlement for that land use in the general location depicted in the Development Plan. Final building height, size, footprint, total unit count, parking, and other details concerning the proposed condominium use shall be determined through an amendment to this ordinance and the Development Plan reviewed and approved by the Council, in its legislative discretion, following recommendation by the city's planning commission ("*Planning Commission*"), city's planning department ("*Department*") staff, city's development review committee ("*DRC*"), city's architectural review commission ("*ARC*"), city's geologist, or other city-related individuals or advisory bodies in accordance with city's requirements and normal development review processes.~~

C. This amendment to the PDD-2 zone approves a residential condominium project ("Condo Project") within the Project. The Condo Project is approved for a height between nine (9) to ten (10) unit floors to be located above three (3) to four (4) parking levels on a building footprint located as depicted the site plan below on [Image X]. The parking allowed for the Condo Project is between a minimum of 1.25 parking stalls per unit to 2.0 parking stalls per unit. The total unit count for the Condo Project will be between seventy-five (75) units and one-hundred ten (110) units. Developer to determine the final unit story, parking level, unit

| [count, and parking stall configuration in accordance with this subsection.](#)

D. Site plans for each phase, subdivision plats, densities, building heights, massing, site layout and uses shall conform to the requirements of the Code, this ordinance and the Development Plan. Prior to development, each phase shall be reviewed and approved by the city (including ARC review and approval of the site plan for that phase) to ensure compliance with this ordinance, the Development Plan, Project-specific design guidelines, all relevant provisions of the Code, and other relevant site plan requirements.

E. Approval of subdivision plats with fewer than ten lots may be approved administratively by the Department subject to Code Title 12 (Subdivisions).

F. If substantial discrepancies are discovered during review of site plans or subdivision plats, applications may be referred to the Planning Commission for final consideration or recommendation to the Council, as appropriate.

G. Material changes to this ordinance or the Development Plan arising from a submittal; the discovery of unanticipated geotechnical, geologic, or other site hazards; or for any other reason shall require an amendment to this ordinance following review, recommendation and/or approval by the DRC, ARC, Planning Commission and Council as specified in Code Chapter 19.51 (Planned Development District) ("*Chapter 19.51*") and other Code provisions.

Section 4. Uses.

A. The permitted uses in the PDD-2 zone include:

1. Multi-family residential dwellings;
 2. General retail;
 3. Office;
 4. Restaurant;
 5. Hotels;
 6. Entertainment venues;
 7. Public and quasi-public outdoor recreation and gathering amenities, including but not limited to trails, plazas, courtyards, etc.; and
 8. Home occupations, as defined by and in accordance with Code Section 19.76.040(F).
- B. Uses not listed as permitted in this section shall be prohibited.

Section 5. Development requirements.

Property in the PDD-2 zone shall be developed in conformance with this ordinance, including the Development Plan attached as Exhibit A and incorporated herein by reference; the applicable requirements of Chapter 19.51, including all applicable base Tier 1 regulations set forth in Table

1 of Chapter 19.51 attached as Exhibit B; the balance of the Code, including Title 12 (Subdivisions); all applicable APWA standards; the International Building Code; the International Fire Code; such other city standards as may be applicable to development in the PDD-2 zone as determined by the DRC; and the following additional standards:

A. Height. Building heights shall be no taller than as described in the Development Plan and measured from the average grade elevation of Wasatch Boulevard as specified in Code Section 19.51.060(B)(3).

B. Setbacks. The setbacks for all buildings in the PDD-2 zone shall be as generally depicted in the Development Plan. The western boundary of the PDD-2 zone site shall be considered the front yard.

C. Residential Units. Initially, the PDD-2 zone shall contain no more than 325 residential dwelling units, as depicted in the Development Plan. Those 325 units shall be developed in Phase

1 of the Project with construction of the multi-family apartment building. Additional condominiumized residential units may be constructed in the Project subject to and contingent upon future approval of massing and density of the proposed condominium use by the Council following recommendation by the Planning Commission. Except as specified, no additional residential units shall be added to the PDD-2 zone without a Council-approved amendment to this ordinance and revision to the Development Plan following recommendation by the Planning

Commission.

D. Coverage. The maximum lot coverage for in the PDD-2 zone shall be as depicted in the Development Plan.

E. Lot dimensions. Subject to Section 19.52.030, the minimum lot dimensions shall be as generally depicted in the Development Plan.

F. Storefronts and access (retail and commercial areas). A minimum of 50% of the height and width of the ground-floor frontage of retail and commercial buildings shall consist of windows, window displays, doors, or a combination thereof. Such windows, window displays, or doors shall be provided between two and eight feet above grade adjacent to the principal building frontage.

G. Parking.

1. The PDD-2 zone shall include parking stalls per unit and otherwise as shown in the Development Plan. All required accessible parking stalls shall be designed in accordance with applicable building code standards and the provisions of Chapter 19.80 (Off-Street Parking Requirements). Any parking spaces located within the city right-of-way will require a maintenance agreement reasonably acceptable to the city for snow removal, maintenance and repair of such parking areas.

2. Shared parking is being utilized to create a more efficient use of land. As such, agreements must be in place prior to building permit approval providing formalized shared parking and cross-access agreements. All proposed proprietary and shared parking arrangements and agreements are subject to review and approval by the Director.

3. Shared parking areas shall be open to the general public for access to public and quasi-public outdoor recreation and gathering amenities within the Project. Structured parking for multi-family residential uses may be excluded from this requirement.

H. Utilities. Utilities shall be buried unless otherwise prohibited. Any proposed unburied utilities are subject to DRC review and approval. City-standard street lights shall be installed on all public roads, subject to DRC review and approval.

I. Amenities. Amenities in the PDD-2 zone shall be as generally depicted in the Development Plan and shall include the following:

1. Public trails;
2. Plazas, courtyards, enhanced crosswalks, and water features;
3. Public pedestrian walkways, sidewalks, and bicycle lanes; and
4. Public and private common green areas.

J. Pedestrian circulation. Pedestrian circulation in the PDD-2 zone shall comply with the following requirements:

1. Sidewalks and pedestrian walkways shall be as shown in the Development Plan;

2. As depicted in the Development Plan and subject to final approval by the ARC during site plan review for each phase of the Project, minimum requirements for public sidewalks in the PDD-2 zone include:

(a) Continuous sidewalks with a width of at least eight feet shall be located along collector and arterial public streets; and

(b) Sidewalk(s) along the private street(s) shall be located as shown on the Development Plan.

(c) Minimum requirements for private pedestrian walkways in the PDD-2 zone include:

(i) Hard-surfaced sidewalks with a minimum width of five feet;

(ii) Readily visible sidewalks free of encroachment by parked vehicles;

(iii) Paving consisting of concrete or other masonry materials differentiated from the driveway and parking areas through the use of color, texture, or materials;

(iv) Shade provided by deciduous shade trees spaced at one per 30 linear feet of walkway or building canopy; *provided, however*, that shade trees within the aqueduct easement (the

“*MWD*

Easement”) across the Property benefitting of the Metropolitan Water District (“MWD”) will not be required to be installed if the city receives a written determination by MWD during site plan review prohibiting such installation;

(v) Lighting with pedestrian-scaled fixtures; and

(vi) A six-foot wide pedestrian trail shall be located through the Project beginning at Gun Club Road and terminating at the South property line (the “*Bonneville Shoreline Connector Trail*”) shall be developed with an appropriate surface as shown on the Development Plan, subject to ARC review and approval. The Bonneville Shoreline Connector Trail shall be improved and maintained at the Project’s cost; shall be perpetually open to the public, allowing the public to traverse the Property from one side to the other; and may in the future be included in a public trail system sponsored by the city. If formally requested by the city as part of a city-sponsored trail system involving trail improvements and a trail easement on either or both sides of the site, so long as one side connects to a trailhead or access point accessible to the general public, the then owner(s) of the affected portions of the Property shall grant a non-exclusive public trail easement to the city in the location of Bonneville Shoreline Connector Trail, in which event the city would thereafter assume responsibility for the trail improvements and their maintenance. The form of such easement grant shall be one that is reasonably proposed by the city and reasonably acceptable to such owner(s). Trail users shall be permitted to utilize shared parking areas within the Project, excluding structure parking for multi-family residential uses.

3. In order to create a safe pedestrian environment, multi-family residential buildings shall be sited so that all required internal sidewalks are in view of at least one unit’s living area windows.

4. Internal sidewalks parallel and adjacent to a street or drive aisle shall be raised or separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.

5. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian sidewalk must be increased to a width of seven feet when parking is located on one side, and a minimum width of nine feet when parking is located on both sides.

K. Open space. Open space shall be provided in the form of natural areas meriting preservation, landscaping, pedestrian plazas/courtyards, trails, atriums and/or other significant spaces open to the public. Public open space shall include trails and such other portions of the Project that are so identified on the Development Plan. Vehicular circulation and parking shall not qualify as open space but are required to meet parking and landscaping requirements. Open space amenities shall be approved and installed in a timely manner and consistent with development of adjacent Project phases. During Phase 1 of Project development, an open space phasing plan shall be submitted for review and approval by the ARC.

L. Landscaping. Prior to the use or occupancy of any premises in the PDD-2 zone, the following landscaping requirements shall be met, as depicted in the Development Plan and subject to approval by the ARC during site plan review for each phase of the Project:

1. At least 60% of the landscaped area shall be vegetated, subject to vegetation and landscaping limitations related to the MWD Easement.

2. Provide a ground-level landscaped area equal to at least 25% of the gross land area in the PDD-2 zone.

3. For landscaped areas designed as buffers, setbacks or visual backdrops, 40% of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees. These areas must be at least eight feet wide.

4. For large paved pedestrian spaces such as courtyards or plazas, a 12-foot tall/two-inch

caliper conifer or a 15-gallon/eight-foot tall deciduous tree shall be required for every 200 square feet of paved area. A 50% reduction in the number of trees in such areas may be permitted if at

least 25% of the ground plane is vegetated with potted plants, vines, shrubs, or groundcover. Landscaping plans for all paved spaces and pedestrian areas shall be subject to review and approval by the ARC.

5. Landscaping shall be installed in accordance with the Development Plan or as otherwise outline in this ordinance. A sustainable, water-efficient, and context-sensitive landscaping palette shall be utilized in all landscaped areas.

6. Except as otherwise provided in subsection (L)(4), all new deciduous trees shall have a minimum caliper size of two inches and all evergreen trees shall be planted at a minimum height of five feet.

7. Landscaping adjacent to Wasatch Boulevard shall provide a satisfactory combination of landscaping, retaining, and fencing so that the view of standard parked cars within the shared parking areas are obstructed from Wasatch Boulevard.

M. Access/Cross-Parking. Access to all development in the PDD-2 zone shall be constructed as depicted in the Development Plan. Covenants, conditions, restrictions and agreements reasonably acceptable to the city shall be recorded against the Property to provide for cross-access and cross-parking among and between the lots and uses within the PDD-2 zone.

N. Site Reclamation. Site reclamation shall occur as set forth in the Development Plan. Prior to the issuance of a building permit for a portion of the Project, final studies and engineering drawings pertaining to such portion of the Project will be submitted for review and approval by the city engineer as reasonably requested by the city engineer. Reclamation of the large natural hillside shall be reviewed and approved during Phase 1 of the Project's development.

Section 6. Development and architectural standards.

A. Development shall be allowed as generally depicted in the Development Plan subject to compliance with all applicable city standards, ordinances, and Tier 1 requirements as specified in Code Section 19.51.060 and the accompanying "Table 1" unless otherwise expressly provided herein. Development and architectural and site design standards for each Project phase and all open or common areas shall be in compliance with the intent of the Development Plan, the Gateway Overlay District (*see* Code Chapter 19.49), and the supplemental design guidelines outlined in Exhibit B, which standards are approved architectural examples and illustrations for the entire Project to be located on the Property.

B. The use of aluminum and vinyl siding shall be prohibited. Materials depicted in the Development Plan or described in the Supplemental Design Guidelines shall be allowed.

C. Development in the PDD-2 zone is subject to all applicable sensitive lands development standards detailed in Code Chapter 19.72, and each phase of the Project shall be required to properly complete requisite site studies and reports and comply with findings of required sensitive lands studies (e.g. slope stability analyses, fault hazard studies, liquefaction studies, soils reports, etc.). Such requirements shall be complete, and reviewed and approved by the DRC, for each of the Project's development phases before building permits are issued for such phase. No vertical construction may take place for any development phase until all required sensitive lands studies have been submitted, and reviewed and approved by the DRC, for the that development phase.

Section 7. BMR units.

A. The provisions of this Section 7 shall control and supersede any contrary provisions concerning BMR units contained in Chapter 19.51.

B. For purposes of this Subsection, the following definitions shall be used:

1. “*Affordable.*” Housing costs that are affordable to households earning not more than eighty percent (80%) of the AMI. Housing costs that do not exceed thirty percent (30%) of the household income of a qualifying household shall be deemed affordable hereunder.

2. “*Area median income*” or “*AMI.*” As described in the city’s most recently approved affordable housing plan (the “*Housing Plan*”), area median income is the annual median income of households within the city. AMI shall be updated annually using the most recent U.S. Census Bureau statistics for the area within the city, using the methodology used in the Housing Plan or such other methodology as both the residential project operator and the city approve in writing as an appropriate substitute protocol for determining the AMI. The residential project operator shall reimburse all costs reasonably incurred by the city to engage experts to advise the city concerning such updates, so long as the city gives the operator reasonable prior written notice of its intent to engage such expert.

3. “*Bedroom.*” A room designated to be used for sleeping purposes and which contains one or more closets and meets all applicable city building code requirements for light, ventilation, sanitation and egress.

4. “*BMR units.*” Residential dwelling units that are BMR units required by Chapter 19.51 and are deed-restricted to the housing size and type for individuals meeting the occupancy guidelines approved by the city.

5. “*Deed restriction.*” The recording of an encumbrance on legal title to the to the Property of this ordinance or a notice of this ordinance, as determined by the city.

6. “*Household.*” All related and unrelated individuals occupying a unit.

7. “*Market units.*” Residential dwelling units in the PDD-2 zone that are not BMR units and are subject to rental at full market rates.

8. “*Operator.*” The owner or manager of the BMR units and market units, respectively.

9. “*Qualifying household.*” A household earning not more than eighty percent (80%) of the AMI.

C. Fifteen percent (15%) of the total number of residential dwelling units within the PDD-2 zone shall be BMR units; *provided, however*, that the BMR units in the PDD-2 zone may be located entirely in the multi-family apartment building(s) and not in the residential condominium building(s). At no time may fewer than 15% of total multi-family residential units in the Project (including any future condominium units) be dedicated as BMR units. BMR units shall be rented to qualifying households at a price which is affordable. The maximum rent shall be adjusted annually in accordance with changes to the city’s AMI. As applied to qualifying households, the lease term shall be one year and shall be renewable at the tenant’s option if the tenant remains a qualifying household and has complied with the terms and conditions of the lease.

D. BMR units developed in accordance with the requirements of this ordinance are not included in the density calculation for the Project and shall not be subject to the city’s impact or similar fees. BMR units shall be disbursed throughout all residential buildings in the PDD-2 zone, with one or more contained within each of the proposed buildings. Further, in order to assure livability, all BMR units shall be no smaller than the minimum gross square footages for the following unit types:

1. Studio – 500 sq. ft. minimum;
2. 1-bedroom unit – 650 sq. ft. minimum;
3. 2-bedroom unit – 900 sq. ft. minimum;
4. 3-bedroom unit – 1,150 sq. ft. minimum.

E. The operator of the BMR units shall reasonably determine which units are BMR units, provided that each of the four unit types described above shall be included among the Project’s BMR units in the same proportion as each of such unit types is included among the

Project's

market units unless otherwise agreed by the city in writing based on a competent, third-party market analysis.

F. BMR units may differ from the Project's market units with regard to interior amenities and gross floor area, provided that:

1. Such differences are not apparent in the general exterior appearances of the Project's dwelling units;
2. Such differences do not include insulation, windows, heating systems and other improvements related to the energy efficiency of the Project's residential dwelling units; and
3. The square footage of the BMR units shall not be less than the minimum square footage requirements set forth above.

G. All BMR units shall be constructed and made ready for occupancy on approximately the same schedule as the Project's market units; *provided, however*, that certificates of occupancy (whether temporary or permanent) for the last ten percent (10%) of the market units shall be withheld by the city until certificates of occupancy have been issued for all of the BMR units. If market units are to be developed in phases, all BMR units shall be developed proportionately. In the required schedule for phased development, details shall be included for all BMR units.

H. Prior to issuance of a building permit:

1. A deed restriction approved by the city shall be recorded in the office of the Salt Lake County Recorder against legal title to the Property; and
2. The city shall have reasonably determined that, due to its senior priority against legal title to the Project (achieved as a result of recording priority, subordination of senior lienholders, or similar), as evidenced by a title commitment provided at the operator's cost and issued by a licensed title insurer reasonably acceptable to the city, the deed restriction is not subject to being voided by foreclosure or other legal action.

H. The operator of the BMR units shall:

1. Use commercially reasonable efforts to advise the public of the existence and possible availability of the Project's BMR units, including, without limitation, annually so informing public and quasi-public bodies in Salt Lake County which provide affordable housing counseling or similar services to qualifying household populations, such as the Housing Authority of the County of Salt Lake and Utah Community Action.

2. Maintain a list, and allow the city to maintain a list, of those who have indicated interest in renting a BMR unit in the Project after the operator has verified each such person's status as a qualifying household under applicable AMI requirements.

3. Promptly contact the Director and such persons, based on their relative priority on such lists, when a BMR unit becomes available to rent.

4. Use diligent, commercially reasonable efforts to endeavor to rent a vacant BMR unit to a qualifying household tenant before renting the vacant BMR unit to a non-qualifying household tenant, including holding such BMR unit available for at least 45 calendar days (the "*Hold Period*") while diligently seeking a qualifying household tenant.

(a) The Hold Period shall commence immediately upon the operator receiving notice from the tenant of a BMR unit indicating the tenant's intent to not renew the lease. The Hold Period shall not expire before the subject unit becomes vacant and ready for occupancy by a replacement tenant.

(b) If a qualifying household tenant is not located within the Hold Period, then the vacant BMR unit may be rented to a non-qualifying household tenant for a lease term not exceeding six months in duration, whereupon the BMR unit shall again be made available for rent to qualifying household tenants for a new 45-day Hold Period before it may be rented to a non-qualifying household tenant as provided in this Section.

(c) Because the maximum lease term to a non-qualifying tenant is half the duration of the standard lease term to a qualifying tenant, it is anticipated that the rental of BMR units to non-qualifying household tenants (in the absence of available qualifying household tenants as provided in this Subsection 4) will result in more frequent “roll-over” of tenants in the BMR units, which in turn will necessitate more frequent readying of the BMR units for occupancy by replacement tenants. To provide a source of maintenance funds to the operator to repair any damage, clean carpets, etc. of a vacated BMR unit to make the unit ready for occupancy by a replacement tenant, the rental for a BMR unit charged to a non-qualifying household tenant (who comes to occupy such unit as provided in this Subsection 4) may exceed the rental charged to a qualifying household tenant, but only to the extent reasonably necessary to generate such maintenance/repair funding for the BMR units after taking into account other sources of maintenance funding such as forfeited deposits from the prior tenant(s). The city shall be entitled to verify that such additional rental amounts are both reasonable and being used only to defray such increased maintenance/repair costs (also called “direct unit turn costs”) of the BMR units, and the operator shall cooperate in such verification process by providing a ledger of (i) the direct unit turn costs associated with the tenant replacement of BMR units if rented to non-qualifying household tenants, and (ii) the increased rental amounts charged to such non-qualifying households occupying BMR units.

I. At the end of each calendar quarter, the operator shall file with the Director a written report in such form as the Director may reasonably require, including a log of the Project’s BMR units with details on rents charged, tenant qualifications and rental status of each BMR unit. The city shall be entitled to further verify compliance with this ordinance at any time or from time to time, and the operator shall reasonably cooperate in such verification process.

J. Future conversion of rental units to for-sale units shall require a Council-approved amendment to this ordinance, subject to all applicable city hearings and approvals.

Section 8. Outdoor lighting.

Outdoor lighting in the Project shall comply with Code Chapter 19.77 (Outdoor Lighting).

Section 9. Signage.

The type, material, color and location of signage in the Project shall comply with the requirements set forth in Code Section 19.51.060(B)(11) and Code Chapter 19.82 (Signs), as well as the sign locations approved in the Development Plan, which approval includes sign types, dimensions and numbers approved for this Project. Final signage plans shall be reviewed by the ARC to determine compliance with this ordinance and the Development Plan. The ARC will review all signs for design compliance, location, size and other applicable “time, place, and manner” considerations.

Section 10. Environmentally sustainable design.

The Project shall be developed utilizing sustainable development practices included in the Development Plan, as verified and approved by the ARC during site plan review for each Project phase and confirmed by city staff prior to issuance of building permits for each phase. A written summary of sustainability measures shall be submitted during site plan review of each phase. Additional sustainable development practices, including electric vehicle chargers, are encouraged and will be reviewed on a case-by-case basis by the Director and city sustainability staff.

Section 11. Reversionary clause.

If a building permit is not issued for the principal improvements to be constructed in the PDD-2 zone within ten years after the effective date of this ordinance, this ordinance shall be

deemed retroactively repealed and the Property shall revert back to its zoning designation in effect immediately prior to the passage of this ordinance (or the equivalent of such zoning designation that is in existence on the date of such reversion), subject to all applicable city processes for repealing ordinances and modifying zoning designations. An applicant may request an extension for one additional year provided that:

(A) The extension is applied for prior to the fifth anniversary of enactment of this ordinance;
and

(B) The Director determines that good cause exists for the granting of such requested extension.

Section 12. Contrary law.

This ordinance is subject to any contrary federal or Utah state law.

EXHIBIT A

[Development Plan]

EXHIBIT B

[Project Design Guidelines]

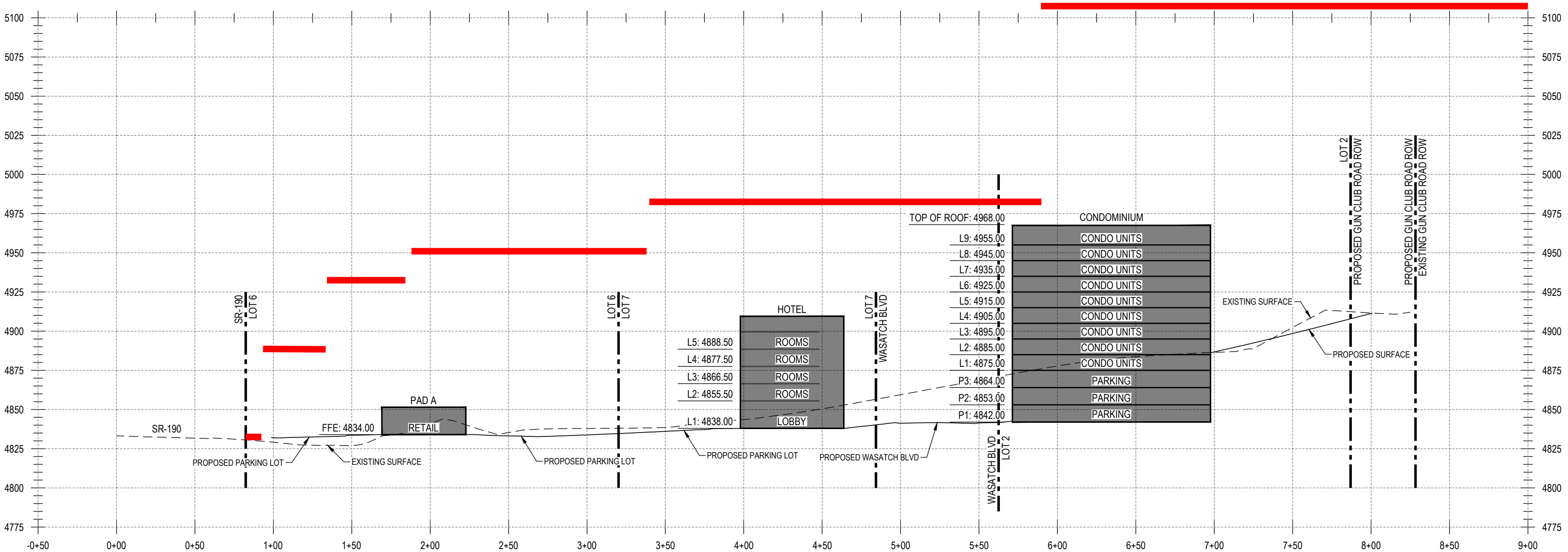
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Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	4



PROPOSED CONDOMINIUM BUILDING

Setback from Wasatch Blvd.	Building Height (ft.)
0 to 20'	No Building
20' to 50'	60' Height*
50' to 100'	100' Height*
100' to 250'	120' Height*
250' to 500'	150' Height*
500' and more	300' Height*

SECTION B
HORIZ: 1"=60'
VERT: 1"=60'





ZTA-24-005

PDD-2 'Wasatch Rock Redevelopment Redevelopment' Ordinance
Zoning Text Amendment Application

January 8, 2025 Planning Commission Meeting

Site Context

Site address affected by ZTA

- 6695 S Wasatch Boulevard
- 21.56-acres

Applicant

Rockworth Companies

Impacted Ordinance

PDD-2 – Wasatch Rock
Redevelopment (site-specific
Planned Development Zone)



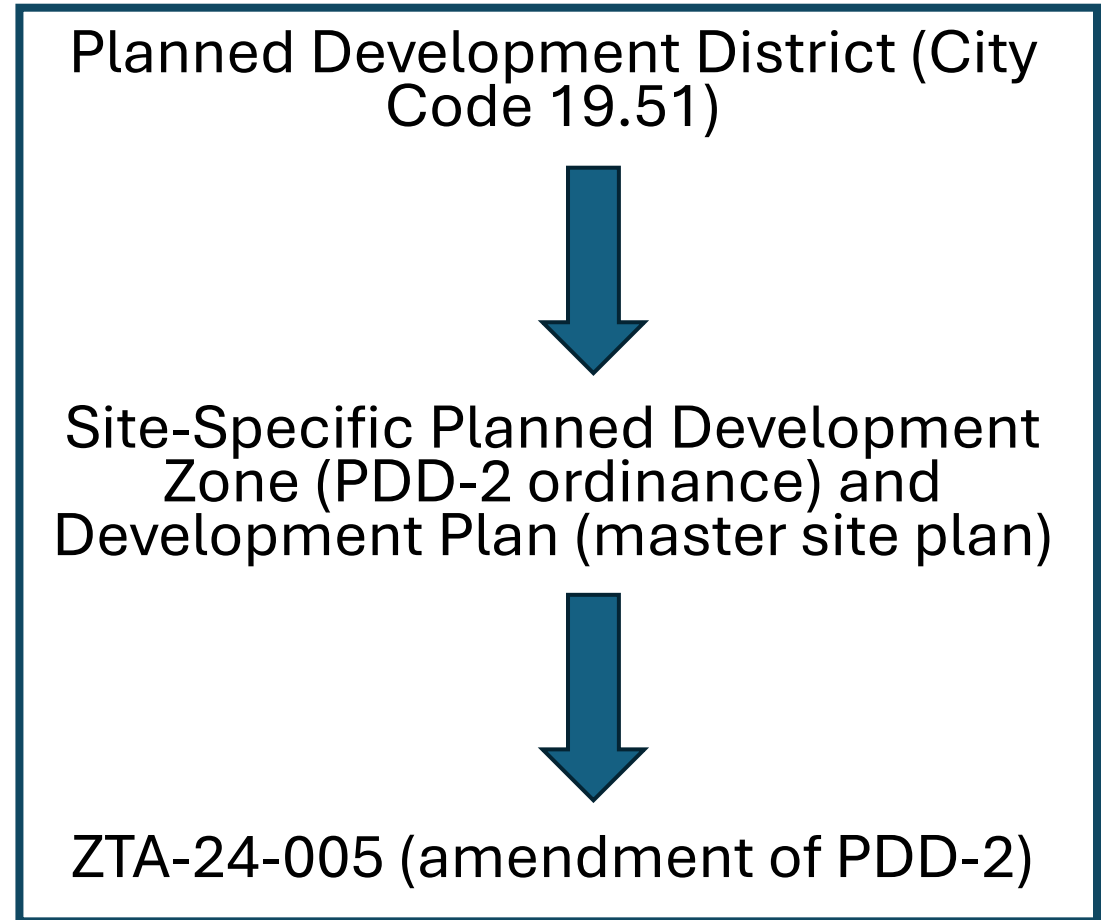
A topographic map of Holladay City, Utah, with the city name "HOLLADAY CITY" centered in bold black text. The map features a yellow dashed line outlining the city boundary. A red rectangle highlights a specific area in the upper-middle section, adjacent to a large green area. Other colored regions include purple in the upper left, blue in the center, and orange in the lower left. The map shows a network of roads, including Cottonwood Pkwy, Mill Hollow Park, and various residential streets. Geographical features include Heughs Creek, Dry Hollow, and several parks like Old Mill Park and Mill Hollow Park. Elevation contours are marked with values such as 5178 ft, 5200 ft, and 5300 ft. The map also shows a golf course in the upper right and a large green area in the lower right.

1-8-25 Meeting

- Background / context for current site entitlement
- Overview of approval process and scope
- Public comment & Commission discussion
- No recommendation / decision is scheduled

PDD-2 Zone Background

- Applicant applied for original PDD-2 zone in 2019
- PDD-2 zone was approved and entitled in 2021 – establishes development parameters and a master site plan for the subject property
- PDD-2 zone included full site review and impact analysis, and established approved uses, densities, massing, site circulation, landscaping, approval process, etc.



Adopted PDD-2 Ordinance

Overview of current site entitlement

Planned Development Zone

COTTONWOOD HEIGHTS

ORDINANCE NO. 363-A

AN ORDINANCE ENACTING THE PDD-2 (WASATCH ROCK REDEVELOPMENT) ZONING ORDINANCE; RE-ZONING 21.56 ACRES OF REALTY AT 6695 SOUTH WASATCH BLVD. TO PDD-2 (WASATCH ROCK REDEVELOPMENT); AND AMENDING THE ZONING MAP

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the legislative body (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City; codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and adopting a zoning map (the “*Zoning Map*”) for the City; and

WHEREAS, thereafter, the Code was amended to include Chapter 19.51 (Planned Development District) (“*Chapter 19.51*”) creating an overlay zone in the City whereunder each of the parcels of realty designated in Chapter 19.51 (each, an “*eligible parcel*”) could be re-zoned to a unique “planned development” zone following development of a proposed customized zoning ordinance for each such parcel, recommendation by the City’s planning commission (the “*Planning Commission*”), and approval by the Council, all as provided in Chapter 19.51, the balance of the Code, and the Act; and

WHEREAS, the approximately 21.56 acres parcel of realty located at approximately 6695 South Wasatch Blvd. in the City (the “*Property*”), which currently is zoned F-1-21, is an eligible parcel for which a customized “planned development” zoning ordinance may be created and imposed on the Property as provided in Chapter 19.51; and

WHEREAS, following application by or on behalf of the owner of the Property, a customized “planned development” zoning ordinance (the “*PDD-2 Ordinance*”) for the “PDD-2 (Wasatch Rock Redevelopment)” zone (the “*Zone*”) was developed for possible enactment and imposition on the Property as provided in Chapter 19.51; and

WHEREAS, a public hearing was held before the Planning Commission where citizens were given the opportunity to provide written or oral comment concerning the proposed PDD-2 Ordinance and application of the Zone to the Property; and

PDD-2 (WASATCH ROCK REDEVELOPMENT) ZONE

A Planned Development District Under Cottonwood Heights Code Chapter 19.51

- Section 1. Purpose.**
- Section 2. Findings.**
- Section 3. Approval of Development Plan; Phasing.**
- Section 4. Uses.**
- Section 5. Development requirements.**
- Section 6. Development and architectural standards.**
- Section 7. BMR units.**
- Section 8. Outdoor lighting.**
- Section 9. Signage.**
- Section 10. Environmentally sustainable design.**
- Section 11. Reversionary clause.**
- Section 12. Contrary law.**
- Exhibit A Development Plan**
- Exhibit B Project Design Guidelines**

Section 1. Purpose.

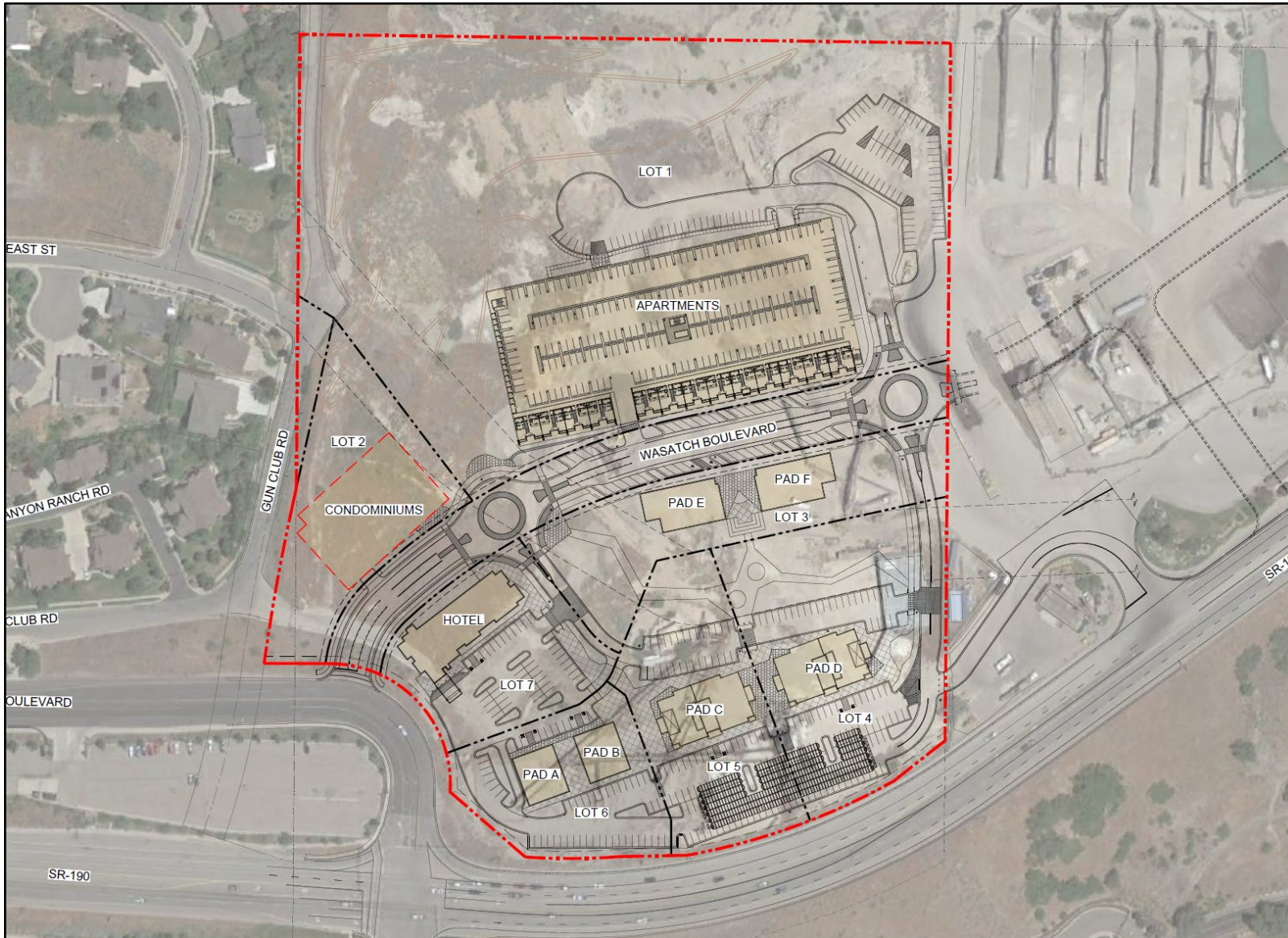
A. The purpose of this ordinance (the “*ordinance*”) is to create a zone (the “*PDD-2 zone*”) to allow the phased development of approximately 21.56 acres of real property (the “*Property*”) that is located at approximately 6695 South Wasatch Boulevard in the city of Cottonwood Heights, Utah (the “*city*”) as shown in the development plan attached as Exhibit A (the “*Development Plan*”) and in the official zoning records of the city. The PDD-2 zone is applicable only to the Property.

B. The project (the “*Project*”) described in the Development Plan is a mixed-use project located in a manner and an environment that reflects attention to the Property’s topography, location, and specific features and sets forth the approved concepts for architectural, landscaping and urban design principles consistent with the Cottonwood Heights Code of Ordinances (the “*Code*”). The PDD-2 zone and the Project promote the goals and objectives set forth in Code Section 19.51.020 and the city’s general and master plans. The Project as depicted on the Development Plan will be adequately served by public streets, municipal services and public utilities of adequate capacity.

C. This ordinance is a “PDZ ordinance” as that term is defined in Code Section 19.51.020(C), and the PDD-2 zone is a Tier 1 Planned Development District project as described in Code Section 19.51.060.

Approved 8/3/2021

Development Plan



Apartments:

- 7 stories
- 325 units (later reduced to 300)

Retail Commercial

- 4 total buildings (A, B, E, F)
- 1 story each

Mixed-Use Commercial

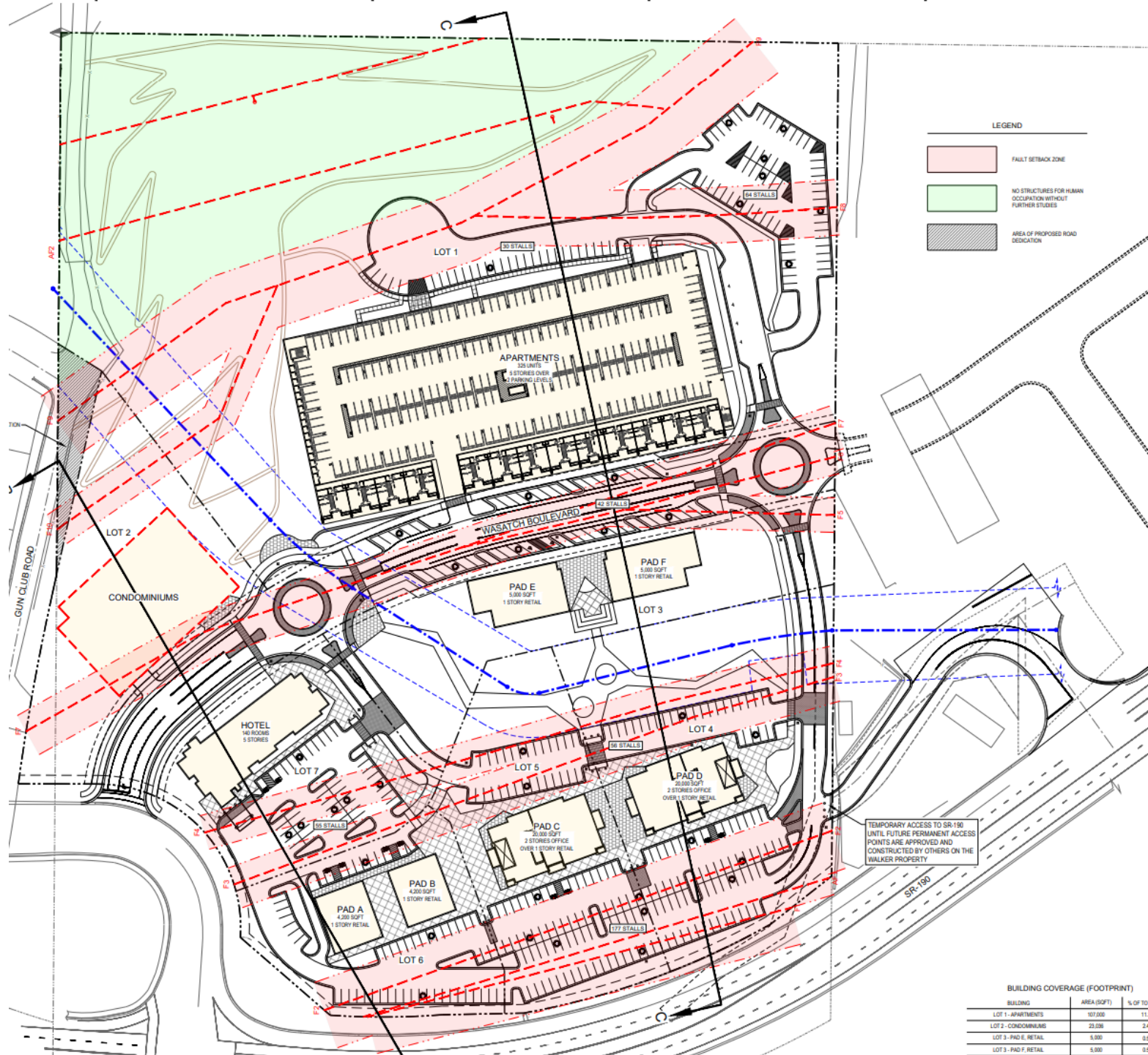
- 2 total buildings (C, D)
- 3 stories each

Hotel

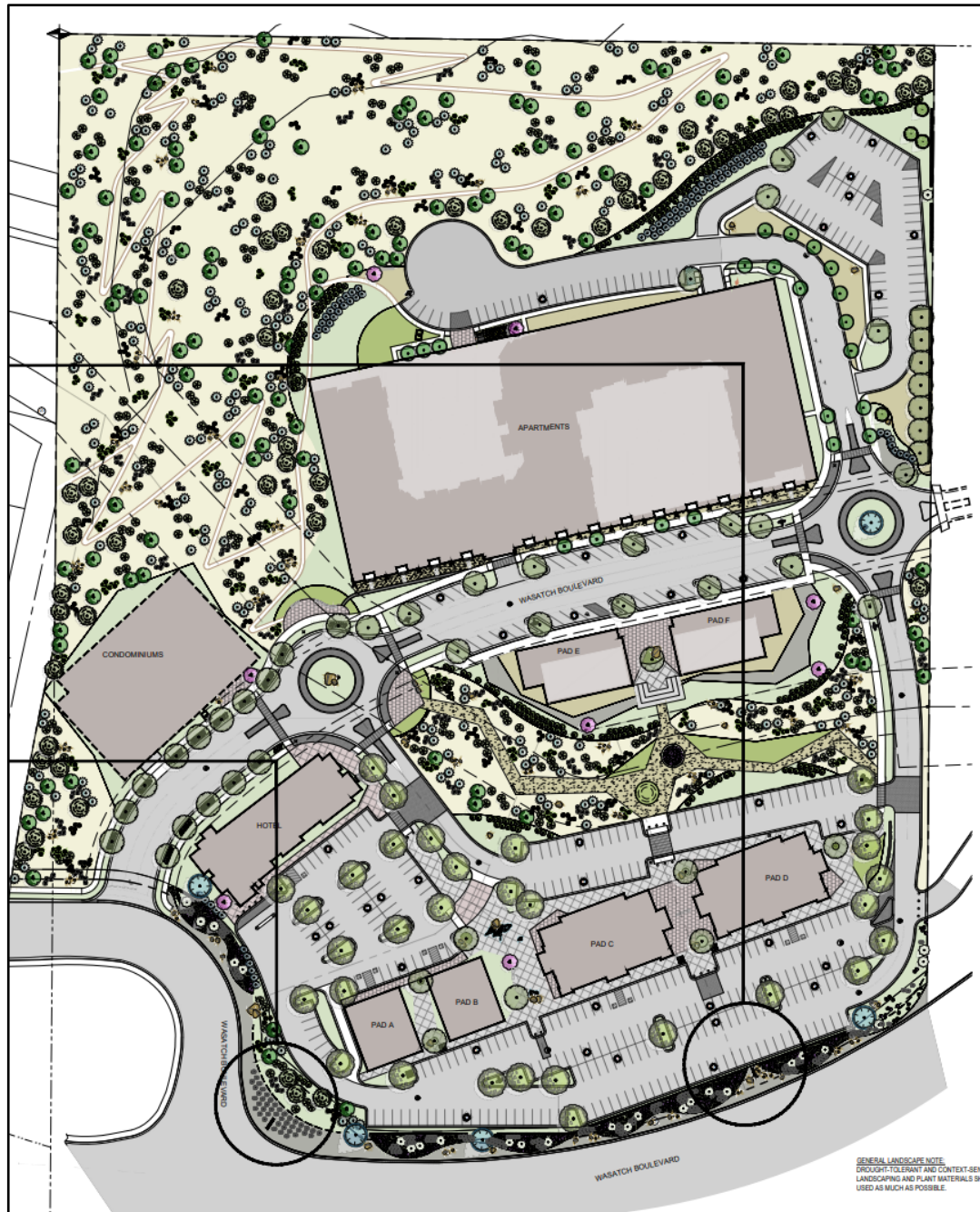
- 5 stories
- 140 rooms

Condominium Building

- Use and location approval
- Massing, height, unit count subject to approval

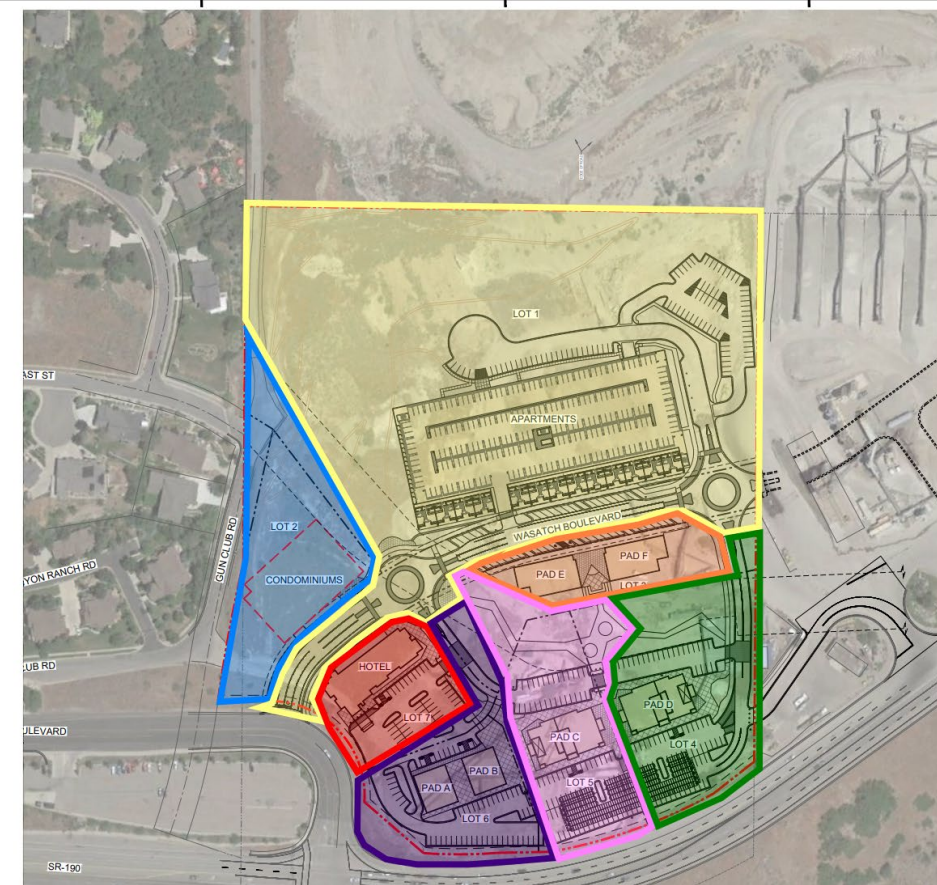


BUILDING COVERAGE (FOOTPRINT)		
BUILDING	AREA (SQFT)	% OF TOTAL
LOT 1 - APARTMENTS	107,000	11.3%
LOT 2 - CONDOMINIUMS	23,036	2.4%
LOT 3 - PAD E, RETAIL	5,000	0.5%
LOT 3 - PAD F, RETAIL	5,000	0.5%



Phasing Plan Key

- Phase 1: Apartments
- Phase 2: Pad A and B
- Phase 3: Pad C
- Phase 4: Pad D
- Phase 5: Hotel
- Phase 6: Pad E and F
- Phase 7: Condos



Site Visual Renderings

Prepared during original PDD application process





Rendering intended to depict massing and height. Architecture is not representative.



Rendering intended to depict massing and height.
Architecture is not representative.



Rendering intended to depict massing and height. Architecture is not representative.

2025 - Proposed Amendment

Section 3. Approval of Development Plan: Phasing

A. This ordinance constitutes the Council's legislative approval of the PDD-2 zone and the Development Plan, subject to any additional Council approvals required by this ordinance.

B. Construction of the Project improvements shown on the Development Plan may be done in phases pursuant to a phasing plan reviewed and approved by the director of city's community and economic development department or designee (the "Director").

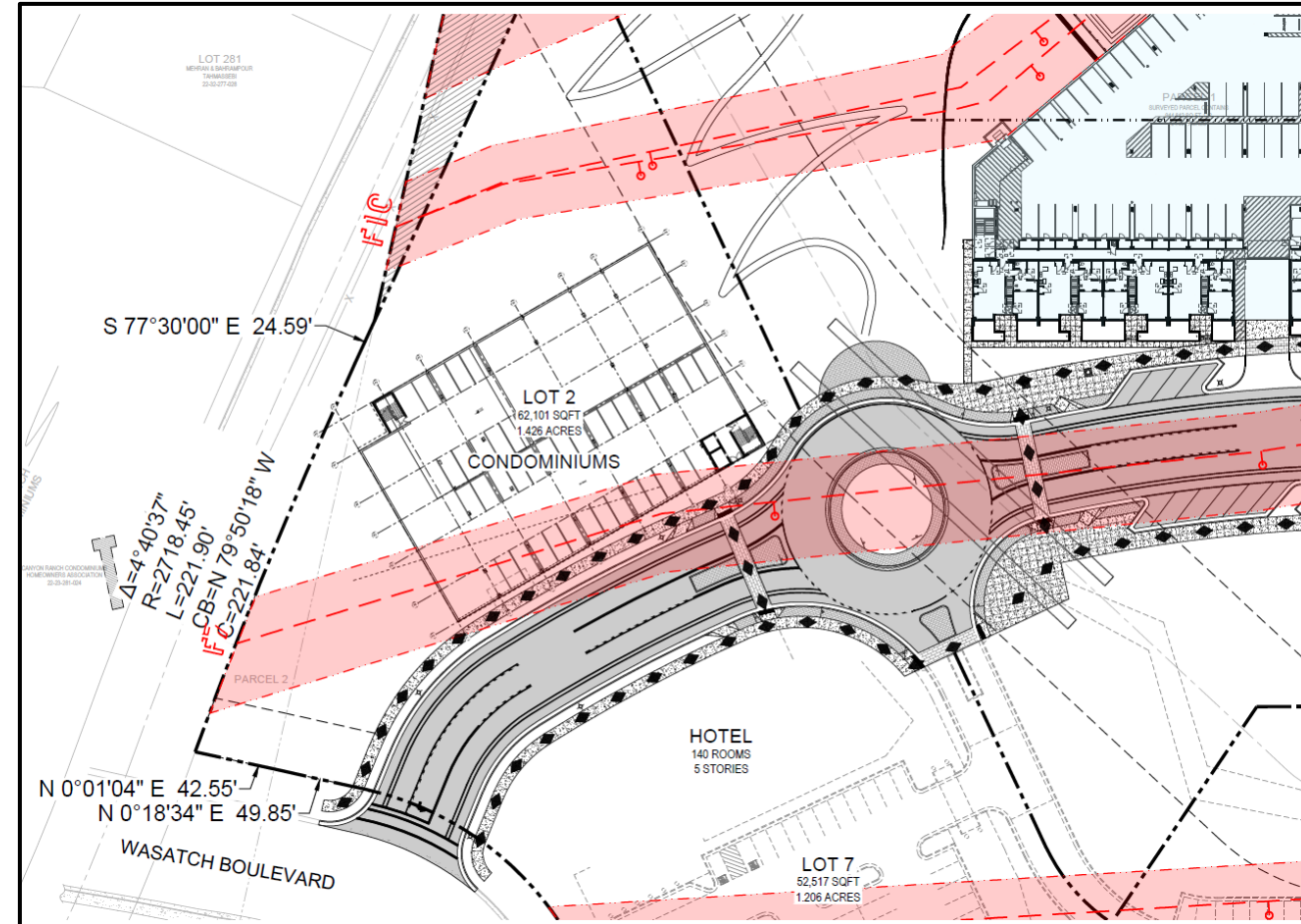
~~C. This ordinance approves a residential condominium use in the Project, provided that this ordinance does not constitute city approval of the final density and massing of the condominium use but instead only represents entitlement for that land use in the general location depicted in the Development Plan. Final building height, size, footprint, total unit count, parking, and other details concerning the proposed condominium use shall be determined through an amendment to this ordinance and the Development Plan reviewed and approved by the Council, in its legislative discretion, following recommendation by the city's planning commission ("Planning Commission"), city's planning department ("Department") staff, city's development review committee ("DRC"), city's architectural review commission ("ARC"), city's geologist, or other city-related individuals or advisory bodies in accordance with city's requirements and normal development review processes.~~

C. This amendment to the PDD-2 zone approves a residential condominium project ("Condo Project") within the Project. The Condo Project is approved for a height between nine (9) to ten (10) unit floors to be located above three (3) to four (4) parking levels on a building footprint located as depicted the site plan below on [Image X]. The parking allowed for the Condo Project is between a minimum of 1.25 parking stalls per unit to 2.0 parking stalls per unit. The total unit count for the Condo Project will be between seventy-five (75) units and one-hundred ten (110) units. Developer to determine the final unit story, parking level, unit

2

count, and parking stall configuration in accordance with this subsection.

D. Site plans for each phase, subdivision plats, densities, building heights, massing, site layout and uses shall conform to the requirements of the Code, this ordinance and the Development Plan. Prior to development, each phase shall be reviewed and approved by the city (including ARC review and approval of the site plan for that phase) to ensure compliance with this ordinance, the Development Plan, Project-specific design guidelines, all relevant provisions of the Code, and other relevant site plan requirements.



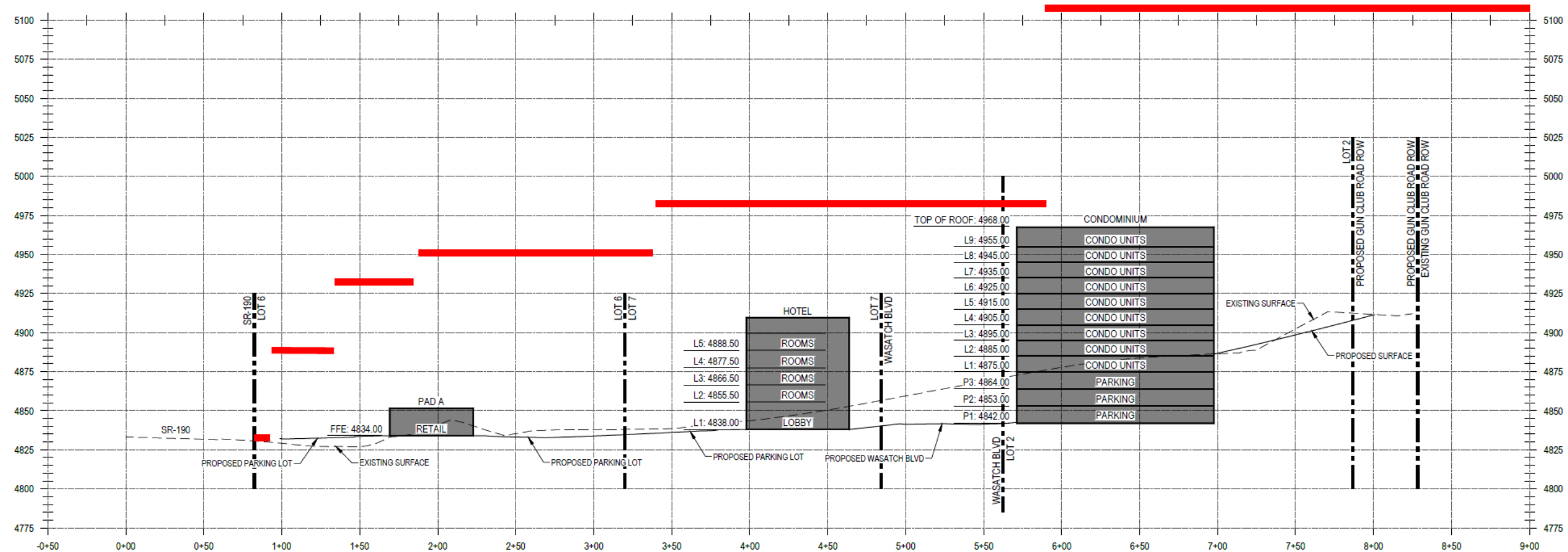
Proposed Condominium Massing:

- 9-10 unit floors
- 3-4 levels of parking
- 75-110 units



Setback from Wasatch Blvd.	Building Height (ft.)
0 to 20'	No Building
20' to 50'	60' Height*
50' to 100'	100' Height*
100' to 250'	120' Height*
250' to 500'	150' Height*
500' and more	300' Height*

SECTION B
HORIZ: 1"=60'
VERT: 1"=60'



Next Steps

- Commission discussion, additional information
- Full technical staff analysis of proposed condominium details:
 - Traffic impact study review
 - Utility availability
 - Geotechnical / Geologic hazard mitigation requirements
 - PDD-2 amended ordinance review
 - City Master Plan compatibility
- Continued discussion at a subsequent commission meeting
- ARC consideration
- City Council consideration

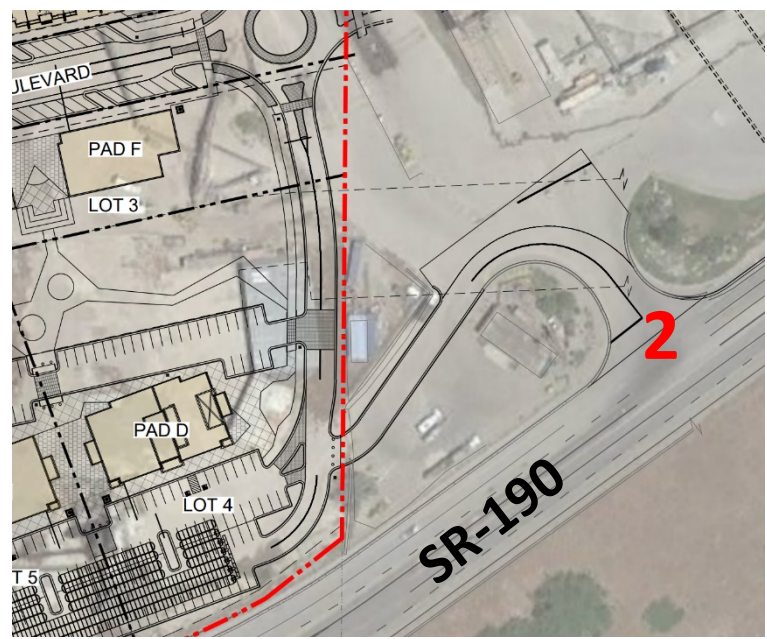
Gravel Pit Planned Development District

Traffic Impact Summary

Proposal

The development is proposing two points of access:

1. The primary access point is located on the northwest portion of the project and will connect to the existing, non-UDOT Wasatch Boulevard with dedicated lanes for traffic movement in any direction. This road will also include all required bike lanes and sidewalks.
 - As proposed by the applicant, this intersection would be a 3-way stop. However, in response to Holladay City's concerns, the city and developer are willing to initially construct the intersection with only two stops to allow south-bound traffic on Wasatch Boulevard to flow unimpeded into the project site and to SR-190 (the star icon below indicates the location that a stop sign will be removed)
 - Note – if the lack of a stop sign creates safety issues, the city will revisit the matter and may install a stop sign at a future time.
2. The secondary access point currently exists and is located south of the development near the ski rental shop. The property owner has legal right of access, and this will serve as a secondary access point. This access will eventually be replaced by a permanent access to be constructed with the southern portion of the gravel pit in the future.
 - The final design and configuration of this temporary intersection will be contingent on UDOT's permitting process.



Traffic Study Summary

Full traffic studies are available on the project's web page, at the following links:

- <https://www.cottonwoodheights.utah.gov/home/showdocument?id=2642>
- <https://www.cottonwoodheights.utah.gov/home/showdocument?id=2644>

In summary, a full traffic impact study was completed for this project. Projected traffic, intersection wait time, queuing, etc. in all directions was analyzed. The traffic study only accounts for existing traffic and new traffic anticipated by this project. Future traffic studies will be required when the full gravel pit property begins development.

The study concludes that the proposed intersection configuration and project traffic impact, for turns in any direction, operates at a level of service C or higher. In transportation planning, a level of service D is deemed acceptable and used as a minimum standard. Even given the full project traffic impact of development, the proposed intersection, turn lanes, and road infrastructure are easily adequate to handle the additional traffic.

Alternate Options Explored

At the recommendation of city staff and the request of Holladay officials, the developer's traffic engineer explored multiple alternative site access options and completed formal traffic analyses and modeling for each alternative. Among alternatives explored were two round-about configurations (one at the same location as the current intersection and one further north near the park-and-ride entrance) and modified versions of the proposed intersection. After study, it was concluded that any of the alternatives were comparable in levels of service as the proposed intersection. The round-about concepts were problematic due to topography challenges and unfeasible designs, and the modified intersections were found to be less ideal than the current solution.

Results of these studies were shared with staff from Cottonwood Heights and Holladay, and we have recommended remaining with the current proposal as the preferred and ideal intersection design. As detailed on page 1, one of the three intersections has been removed to accommodate unimpeded southbound flow from the northern Holladay area through the project site and onto SR-190. City engineering staff has expressed hesitancy supporting the removal of the stop sign and feel it may need to be explored again soon if issues occur.

Conclusion

Staff finds the proposed intersection to meet all city standards and properly serve the traffic in the project area. The road system is proposed to be dedicated to the city and will become a public street. When the southern gravel pit property begins development, it is likely that this intersection will need to be assessed again, in partnership with Holladay City and its long-range planning efforts. At that time, further modifications may be justified. However, the current two-access proposal for this development project is supported by traffic studies, city staff, and the Planning Commission. Staff recommends that the Council support the proposed intersection configuration, which allows staff to move forward with final design details to meet all proper standards.

To: Michael Johnson
Director of Community and Economic Development
City of Cottonwood Heights

Adam Ginsberg
Staff Engineer
Public Works, City of Cottonwood Heights

From: J. Scott Seal, P.E.
Associate Principal Geotechnical Engineer

Timothy J. Thompson, P.G.
Principal Geologist

Date: January 7, 2025

Subject: Review of: Rockworth Development application to complete the entitlement process on their northern gravel pit development site



Introduction

At the request of Michael Johnson and Adam Ginsberg, GeoStrata reviewed the above referenced Rockworth Development application that was submitted to Cottonwood Heights City for review. The following documents were referenced as part of this review:

Site Context Plan - Wasatch Gravel Pit Aerial Exhibit, Sheet AE-02, prepared by Mc Neil Engineering and dated September 28, 2020.

Site Plan and Constraints (updated land use table added) – Wasatch Gravel Pit Conceptual Site Plan, Sheet SK-01A, prepared by McNeil Engineering and dated July 14, 2021.

Concept Grading Plan - Wasatch Gravel Pit Concept Grading Plan, Sheet SK-02, prepared by McNeil Engineering and dated July 14, 2021.

Concept Phasing Plan - Wasatch Gravel Pit Aerial Exhibit, Sheet AE-02, prepared by McNeil Engineering and dated July 15, 2021.

Wasatch Condo Tower-R – Wasatch Rock Condos Architectural Site Plan, Sheet AS101, prepared by Beecher Walker Architecture/Interiors and not dated.

Our review of the Rockworth Development application was conducted on behalf of Cottonwood Heights City to assist the city in protecting public health, safety, and welfare, and to reduce risks to future property owners. The purposes of our review are to assess whether or not the Rockworth Development application and associated documents were prepared consistent with reasonable standards of practice and in accordance with Cottonwood Heights City's Sensitive Lands Evaluation & Development Standards (SLEDs) (Title 19 Chapter 19.72 of the Cottonwood Heights City Municipal code).

Previous Reviews

Previous geotechnical study and slope stability analysis reports and review response letters, prepared by

Gordon Geotechnical, for the subject property have been submitted to Cottonwood Heights City for review. These reports and letters include the following:

- Geotechnical Report Liberty Mountain 6695 South Wasatch Boulevard Salt Lake City, Utah (GSH Geotechnical Inc., July 29, 2016, Job No. 0283-015-16) (Reviewed September 12, 2019)
- Report Geotechnical Study and Slope Stability Analysis Proposed Wasatch Rock Development, 6695 South Wasatch Boulevard Cottonwood Heights, Utah (Gordon Geotechnical, May 13, 2020, Job No. 528-005-20) (Reviewed June 17, 2020)
- Response Letter Review of Geotechnical Study and Slope Stability Analysis, Proposed Wasatch Rock Development, 6695 South Wasatch Boulevard, Cottonwood Heights, Utah (Gordon Geotechnical, July 9, 2020, Job No. 528-005-20) (Reviewed November 3, 2020)
- Report Final Slope Stability Analysis, Proposed Wasatch Rock Development 6695 South Wasatch Boulevard, Cottonwood Heights, Utah (Gordon Geotechnical, October 7, 2020, Job No. 528-006-20) (Reviewed November 3, 2020)
- Response Letter 3-rev1, Review of Geotechnical Study and Slope Stability Analysis, Proposed Wasatch Rock Development, 6695 South Wasatch Boulevard, Cottonwood Heights, Utah (Gordon Geotechnical, December 16, 2020, Job No. 528-006-20) (Reviewed January 20, 2021)
- Response Letter No. 4, Review of Geotechnical Study and Slope Stability Analysis, Proposed Wasatch Rock Development, 6695 South Wasatch Boulevard, Cottonwood Heights, Utah (Gordon Geotechnical, March 18, 2021, Job No. 528-006-20) (Reviewed April 8, 2021)
- Report Final Geotechnical Study and Slope Stability Analysis Proposed Apartment Structure Wasatch Rock Development, 6695 Wasatch Boulevard Cottonwood Heights, Utah” (Gordon Geotechnical, October 16, 2023, Job No. 528-010-21) (Reviewed December 29, 2023)
- Response Letter Report Final Geotechnical Study and Slope Stability Analysis Proposed Apartment Structure Wasatch Rock Development, 6695 Wasatch Boulevard Cottonwood Heights, Utah (Gordon Geotechnical, February 26, 2024, Job No. 528-010-21) (Reviewed March 26, 2024)
- Revision No. 1 Report Final Geotechnical Study and Slope Stability Analysis Proposed Apartment Structure Wasatch Rock Development, 6695 Wasatch Boulevard Cottonwood Heights, Utah (Gordon Geotechnical, February 26, 2024, Job No. 528-010-21) (Reviewed March 26, 2024)
- Response Letter #2 Review of Final Geotechnical Study and Slope Stability Analysis Proposed Wasatch Rock Apartment Structure, 6695 Wasatch Boulevard Cottonwood Heights, Utah” (Gordon Geotechnical, April 1, 2024, Job No. 528-010-21) (Reviewed April 4, 2024)

The above cited geotechnical reports and review response letters were reviewed by GeoStrata on behalf of Cottonwood Heights City and review letters were provided to Cottonwood Heights City by GeoStrata.

Previous geologic hazards evaluation reports, prepared by Western Geologic & Environmental, for the subject property have been submitted to Cottonwood Heights City for review. These reports include the following:

- Surface Fault Rupture Hazard Evaluation AJ Dean Property 6700 South Wasatch Boulevard Cottonwood Heights, Utah (June 10, 2009) (No review letter prepared for this report)
- Report Surface Fault Rupture Hazard Evaluation AJ Rock LLC Property 6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 8, 2018) (Reviewed October 18, 2019)
- Report Geologic Hazards Evaluation AJ Rock LLC Property 6695 South Wasatch Boulevard

Cottonwood Heights, Utah (May 11, 2020) (Reviewed June 16, 2020)

- Supplemental Data Geologic Hazards Evaluation AJ Rock LLC Property 6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 4, 2020) (Reviewed December 2, 2020)
- Report Supplemental Surface Fault Rupture Hazards Evaluation Wasatch Rock 6695 South Wasatch Boulevard Cottonwood Heights, Utah (May 19, 2022) (No review letter prepared for this report)
- Report Supplemental Surface Fault Rupture Hazards Evaluation Part Two AJ Rock LLC Property (AKA Wasatch Rock) 6695 South Wasatch Boulevard Cottonwood Heights, Utah (September 1, 2022) (Reviewed October 10, 2022)

The above cited geologic reports were reviewed by GeoStrata on behalf of Cottonwood Heights City and review letters were provided to Cottonwood Heights City by GeoStrata.

Review Discussion

In the April 4, 2024, GeoStrata review letter titled **“Response Letter #2 Review of Final Geotechnical Study and Slope Stability Analysis Proposed Wasatch Rock Apartment Structure, 6695 Wasatch Boulevard Cottonwood Heights, Utah”** (Gordon Geotechnical, April 1, 2024, Job No. 528-010-21), GeoStrata’s Review Comment 2 is as follows:

“Review Comment 2 (June 17, 2020)

Section 2, Proposed Construction, of the May 13, 2020, Gordon Geotechnical report states: *“Maximum column and wall loads for the condominium structure are anticipated to be very large, on the order of 1,000 to 1,500 kips and 15 to 30 kips per lineal foot, respectively. Detailed structural loads will be needed to finalize geotechnical recommendations for this structure.”*

Following approval of buildable areas and final subdivision of lots for the subject property, GeoStrata recommends that Cottonwood Heights City request that a design level geotechnical assessment be performed for each of the proposed buildings, which incorporates detailed structural loads. This is especially critical for the proposed condominium structure.

Gordon Geotechnical Response to Review Comment 2 (July 9, 2020)

“G² is planning to provide a detailed geotechnical assessment for each proposed building with recommendations tailored to the structural loads when foundation plans or loading details become available.”

GeoStrata Review Comment 2 (November 3, 2020)

GeoStrata recommends that the City require that a detailed geotechnical assessment be provided for each proposed building with recommendations tailored to the structural loads when foundation plans or loading details become available.

GeoStrata Review Comment 2 (January 20, 2021)

The GeoStrata November 3, 2020 Review Comment 2 was not addressed by Gordon Geotechnical in their December 16, 2020 review response. GeoStrata recommends that Cottonwood Heights City request that the consultant provide a response to this review comment.

GeoStrata Review Comment 2 (December 29, 2023)

Section 2 Proposed Construction of the October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report states: *“Development plans for the site have evolved over the years. Development at the site is complicated by the existence of several fault lines and a buried aqueduct which render significant portions of the site as “un-buildable” for habitable structures. These fault lines and buried aqueduct have been considered from the onset when designing the latest development plans. The proposed structures have been strategically located in the “buildable” areas defined in the surface fault rupture hazard reports.*

Currently, an apartment structure is planned for the eastern portion of the site. Additionally, Wasatch Boulevard along the western boundary of the site will be re-aligned to bi-sect the site in a generally north-south direction.

The proposed apartment structure will consist of a two-level reinforced concrete parking structure with five-levels of wood-frame apartments on top. The lowest level of the parking structure will step-down one level due to the sloping topography of the site. The lowest parking level on the western portion of the site (Level P1) will be established at an elevation of 4,840 feet. The lowest parking level on the east side of the structure will be established at an elevation of 4,850 feet.

Detailed foundation plans have been provided by McNeil Engineering dated June 27, 2023. Based on our review of the foundation plans, maximum column and wall loads will range from approximately 100 to 800 kips and 7 to 14 kips per lineal foot, respectively. For the purposes of slope stability modeling, we have utilized a conservative estimate of an average uniform loading of 1,500 pounds per square foot across the building footprint. ...”

Based on the discussion presented by G² in their October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report, we consider this comment addressed for the proposed apartment structure.”

In the April 4, 2024 GeoStrata review letter titled **“Response Letter #2 Review of Final Geotechnical Study and Slope Stability Analysis Proposed Wasatch Rock Apartment Structure, 6695 Wasatch Boulevard Cottonwood Heights, Utah” (Gordon Geotechnical, April 1, 2024, Job No. 528-010-21)**, GeoStrata’s Review Comment 4 is as follows:

“Review Comment 4 (June 17, 2020)

Section 5.1, Summary of Findings, of the May 13, 2020 Gordon Geotechnical report states: *“The condominium structure at Section A-A’ incorporates a deep cut for below-grade parking. A structural element must extend a minimum of 15 feet below the bottom of footings to assure an adequate factor of safety. This may consist of deep foundations, soil improvement, or a permanent shoring solution such as soil nails.”*

GeoStrata recommends that Cottonwood Heights City request that internal, external, and global stability of the permanent shoring and/or retaining wall to be constructed on the uphill side of the proposed condominium structure be evaluated prior to approval for construction. This evaluation will likely be completed during the final design of this structure.

Gordon Geotechnical Response to Review Comment 4 (July 9, 2020)

“Internal, external, and global stability analyses will be performed in conjunction with the final design of the condominium structure and required shoring design. Shoring designs are typically provided by the specialty contractors performing the work.”

Review Comment 4 (November 3, 2020)

In the October 7, 2020 Gordon Geotechnical report, cross-section A-A' was updated based on additional subsurface data obtained from new boreholes. Section 6, Conclusions, of the October 7, 2020 Gordon Geotechnical report states:

“The condominium structure at Section A-A' incorporates a deep cut for below-grade parking. A structural element must extend a minimum of 5 feet below the bottom of footings on the cut side to assure an adequate factor of safety. This may consist of deep foundations, soil improvement, or a permanent shoring solution such as soil nails. A depth of 5 feet is shallower than previously recommended in the May 13, 2020 report. This is due to the lack of groundwater encountered to depths of 81 feet at boring locations B-9 and B-10. The projected groundwater is deeper in the updated slope stability models resulting in more favorable slope stability conditions.”

GeoStrata recommends that Cottonwood Heights City request that internal, external, and global stability of the permanent shoring and/or retaining wall to be constructed on the uphill side of the proposed condominium structure be evaluated prior to approval for construction. This evaluation will likely be completed during final design of this structure and should include an assessment of temporary cut and/or shoring during construction.

In addition, GeoStrata recommends that Cottonwood Heights City request that the constructability of the required cuts for this structure be investigated for feasibility. It is likely that additional geotechnical recommendations will be required for this portion of the project in order to decrease the potential for collapse of larger cuts within the unconsolidated granular sediments.

Gordon Geotechnical Response to Review Comment 4 (December 16, 2020)

“Our slope stability analysis indicates that a shoring system will be required to maintain excavation sidewall stability and global stability of the large cuts associated with the condominium structure. There is most likely not sufficient space on the site to open cut this excavation. We recommend that the structural element required be considered as part of the shoring of footing design since it would likely be installed by drilling/shoring contractors.”

Based on our understanding of the subsurface conditions and experience with below grade construction, a top-down cut with a shoring system such as soldier pile and lagging, tieback, or soil nail walls are feasible for this project. G² works with several shoring contractors in Salt Lake City with extensive experience installing permanent and temporary shoring walls.

Temporary or permanent shoring systems are typically designed by the contractor performing the work. The shoring system design requires a significant amount of engineering and therefore is typically not performed until the building construction plans have been finalized. Minor changes in the building layout or footing elevations would require a complete re-design of the shoring/deep foundation system.

G² must review the shoring design to ensure that it conforms to the recommendations in our

geotechnical study and slope stability analysis.”

GeoStrata Review Comment 4 (January 20, 2021)

We concur with the recommendations provided by Gordon Geotechnical in their December 16, 2020 response to review comment 4 and we recommend that Cottonwood Heights City require the applicant to comply with these Gordon Geotechnical recommendations.

Based on the discussion presented by Gordon Geotechnical in their December 16, 2020 response to review comment 4, we consider this comment addressed.

GeoStrata Review Comment 4 (December 29, 2023)

We note that the October 16, 2023, G² Final Geotechnical Study and Slope Stability Analysis report was prepared to assess Phase 1 of the Wasatch Rock Development which includes the proposed apartment structure planned for Lot 1. We understand that the proposed condominium structure planned to be located on Lot 2 is no longer included in Phase 1 of the Wasatch Rock Development and has not been assessed as part of the October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report. GeoStrata recommends that Cottonwood Heights City require the applicant to comply with the Gordon Geotechnical recommendations presented in the December 16, 2020, Gordon Geotechnical Response to Review Comment 4 when the plans for the proposed condominium structure are developed.”

In the April 4, 2024 GeoStrata review letter titled **“Response Letter #2 Review of Final Geotechnical Study and Slope Stability Analysis Proposed Wasatch Rock Apartment Structure, 6695 Wasatch Boulevard Cottonwood Heights, Utah” (Gordon Geotechnical, April 1, 2024, Job No. 528-010-21)**, GeoStrata’s Review Comment 10 is as follows:

“Gordon Geotechnical Response to Review Comment 10 (July 9, 2020)

“G² can provide a detailed geotechnical assessment for each proposed building, including the condominium structure, when final foundation loading details become available.”

GeoStrata Review Comment 10 (November 3, 2020)

As part of final design of the proposed structures and as recommended in Review Comment 2, GeoStrata recommends that Cottonwood Heights City request that a design level geotechnical assessment be performed for each of the proposed buildings, which incorporates detailed structural loads. As part of preparation of these reports, a review of planned building foundations and foundation loads should be completed by the geotechnical engineer.

Review Comment 10 (January 20, 2021)

In GeoStrata’s November 3, 2020 Review Comment 7, we recommended that Cottonwood Heights City request that a design level geotechnical assessment be performed for each of the proposed buildings, which incorporates detailed structural loads. As part of preparation of these reports, a review of planned building foundations and foundation loads should be completed by the geotechnical engineer. This comment needed no response by Gordon Geotechnical.”

In the October 10, 2022 GeoStrata review letter titled **Review of: “Supplemental Surface Fault Rupture Hazard Evaluation Part Two AJ Rock LLC Property (AKA Wasatch Rock) 6695 South Wasatch Boulevard Cottonwood Heights, Utah” (September 1, 2022)**

Supplemental Data Geologic Hazards Evaluation AJ Rock LLC Property 6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 4, 2020)

**Geologic Hazards Evaluation AJ Rock LLC Property
6695 South Wasatch Boulevard Cottonwood Heights, Utah (May 11, 2020)**

**Surface Fault Rupture Hazard Evaluation AJ Rock LLC Property
6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 8, 2018)**”, GeoStrata’s Review Comment 9 is as follows:

“Review Comment 9 (12/2/2022)

Based on the data and discussion presented by Western Geologic in their May 11, 2020 Geologic Hazards Evaluation report regarding their subsurface investigation and surface fault rupture hazard assessment, it is our opinion that due to the site constraints faced by Western Geologic during their fieldwork, the surface fault rupture hazard assessment presented in their May 11, 2020 Geologic Hazards Evaluation report is considered preliminary in nature. Western Geologic states that their subsurface exploration was limited to accessible areas of the subject site not mantled by large gravel piles, such as along roads, and further restricted by the easement for the aqueduct crossing the site and that no exploration was conducted in steep areas of the eastern part of the Project (east of the steep escarpments from gravel mining) and no long continuous trench exposures were feasible. They also state that the ground surface elevation for significant faults were surveyed and tagged in blue on Figure 4 in their May 11, 2020 report because the site has been and will be subject to significant surface modification, which may change the ground surface intersection locations of faults depending on dip direction, angle, and amount of surface material removed. They also state that a lineament observed on the 1938 air photo was used to map fault F10 (Figure 4) trending to the southeast and then bending eastward to converge with F9, however no trenching could be conducted to confirm the fault location southeast of trench T-9 due to the aqueduct easement.

Western Geologic recommends the Project civil engineer should review the fault setbacks presented on Figure 4 on a case-by-case basis to ensure that structures are setback a safe distance from active faults in areas where significant cuts are planned. Western Geologic also states that it is their understanding that minor adjustments will be made with regard to the condominium and Pad E structures on Figure 4. They recommend that the most-recent grading plan be submitted to Cottonwood Heights City at the time their report and the geotechnical engineering report are submitted to the city, but they state that the site plans may change and may differ from the base provided on Figure 4. GeoStrata recommends that Cottonwood Heights City require the applicant to allow Western Geologic to review the final design site plans and make any necessary comments on the grading plan and adjustments to their recommended fault setbacks. We further recommend that Cottonwood Heights City require the applicant to allow Western Geologic to perform a final surface fault rupture hazard assessment of each proposed structure on a case-by-case basis to assess each proposed buildable area for active faults and make any necessary modifications to their surface fault rupture hazard mitigation recommendations. We recommend that Western Geologic perform the final surface fault rupture hazard assessment of each proposed structure once final grading plans and design plans have been prepared and prior to final approval of the development plans by Cottonwood Heights City.

It should be noted that the setback areas as shown on Figure 4 are delineated around the mapped locations of the surface rupture faults as shown on Figure 4. In Bowman and Lund (2016) Chapter 3

Guidelines for Evaluating Surface-Fault-Rupture Hazards in Utah, under the section heading Fault Mapping, subsection heading Trench Number and Location (page 44) it states: “...Trenches should be oriented perpendicular, or as close to perpendicular as possible, to the trend of the mapped fault trace at or near the site, and be of adequate length to intercept faults projecting toward proposed or existing structures and potential setback areas....”

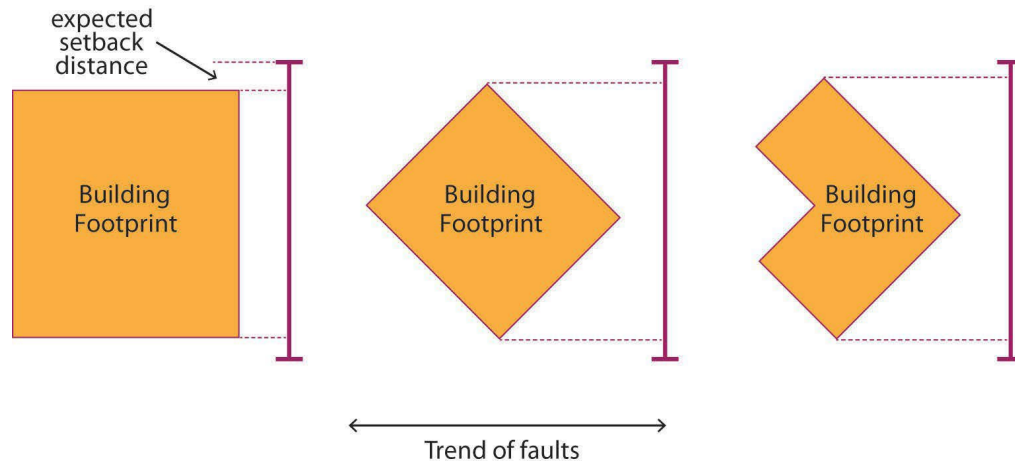


Figure 15. Fault trench length and orientation to investigate a building footprint. Trenching must extend beyond the footprint of at least the expected setback distance for the IBC Building Risk Category class (from Christenson and others, 2003).

Based on the recommended practice as described by Bowman and Lund (2016), trenching must extend beyond the proposed footprint of planned structures at least the distance of the expected or calculated setback distance. This means that the setback areas as shown on Western Geologic’s Figure 4 should extend in from the ends of the trenches into the trench the distance of the calculated setback distance. The boundaries of the setback areas and buildable area as shown on Western Geologic’s Figure 4 should be determined considering the UGS recommendation that trenching must extend beyond the footprint of each proposed structure a distance of at least the expected setback distance for the IBC Building Risk Category class (from Christenson and others, 2003) as shown above on the Bowman and Lund (2016) Figure 15. Setback areas and buildable areas for each proposed structure should be established in accordance with the method described by Bowman and Lund (2016) as part of the final surface fault rupture hazard assessment of each proposed structure. We recommend that the Cottonwood Heights City require Western Geologic to delineate surface fault rupture setback areas and buildable areas for the subject site on an updated Figure 4 in accordance with the method described by Bowman and Lund (2016).”

In the October 10, 2022 GeoStrata review letter titled **Review of: “Supplemental Surface Fault Rupture Hazard Evaluation Part Two AJ Rock LLC Property (AKA Wasatch Rock) 6695 South Wasatch Boulevard Cottonwood Heights, Utah”** (September 1, 2022)

Supplemental Data Geologic Hazards Evaluation AJ Rock LLC Property 6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 4, 2020)

**Geologic Hazards Evaluation AJ Rock LLC Property
6695 South Wasatch Boulevard Cottonwood Heights, Utah (May 11, 2020)**

Surface Fault Rupture Hazard Evaluation AJ Rock LLC Property

6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 8, 2018)”, GeoStrata’s Review Discussion is as follows:

“Current Review Discussion

Section 3.0 Purpose and Scope of the September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report states: *“The purpose of the supplemental investigation herein was to: (1) confirm the location of fault F8 and determine if there is sufficient space to move the proposed apartment building on Lot 1 to the south; (2) confirm the location for faults F5 through F7 in the area where they are believed to converge; and (3) confirm that no active faults are present crossing the building pads on Lots 3, 4, 5 and 6 in the west part of the site. The scope of our investigation is outlined in the May 25, 2022 work plan prepared for Gordon Geotechnical. Four trenches (T-18, T-19, T-20 and T-21) in our work plan were proposed to confirm the location for fault F7 in the north part of the Project, as well as to confirm that no active faults trend through the building pads on Lots 2 and 7. However, deep fills were reportedly encountered in the north part of the site that prevented completion of these trenches. Only the hazard from surface fault rupture hazard was assessed in our investigation.”*

In the October 10, 2022 GeoStrata review letter titled **Review of: “Supplemental Surface Fault Rupture Hazard Evaluation Part Two AJ Rock LLC Property (AKA Wasatch Rock) 6695 South Wasatch Boulevard Cottonwood Heights, Utah” (September 1, 2022)**

Supplemental Data Geologic Hazards Evaluation AJ Rock LLC Property 6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 4, 2020)

**Geologic Hazards Evaluation AJ Rock LLC Property
6695 South Wasatch Boulevard Cottonwood Heights, Utah (May 11, 2020)**

**Surface Fault Rupture Hazard Evaluation AJ Rock LLC Property
6695 South Wasatch Boulevard Cottonwood Heights, Utah (October 8, 2018)”, GeoStrata’s Current Review Comment 9 is as follows:**

“Current Review Comment 9

In GeoStrata’s Review Comment 9 (12/2/2022), we recommended that:

1. Cottonwood Heights City require the applicant to allow Western Geologic to review the final design site plans and make any necessary comments on the grading plan and adjustments to their recommended fault setbacks.
2. Cottonwood Heights City require the applicant to allow Western Geologic to perform a final surface fault rupture hazard assessment of each proposed structure on a case-by-case basis to assess each proposed buildable area for active faults and make any necessary modifications to their surface fault rupture hazard mitigation recommendations.
3. Western Geologic perform the final surface fault rupture hazard assessment of each proposed structure once final grading plans and design plans have been prepared and prior to final approval of the development plans by Cottonwood Heights City.
4. Cottonwood Heights City require Western Geologic to delineate surface fault rupture setback areas and buildable areas for the subject site on an updated Figure 4 in accordance with the method described by Bowman and Lund (2016).

Section 5.0 Supplemental Subsurface Investigation of the September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report states: “Six trenches (T-13, T-14, T-15, T-16, T-17 and T-22) were excavated and logged at the site for the supplemental subsurface investigation herein. Trench T-13 was located to find fault F8 in the southeast part of the site and facilitate relocating the proposed apartment building on Lot 1. Trenches T-14, T-15, T-16 and T-22 were located to confirm that no active faults trend through the building pads on Lots 4, 5 and 6 in the west part of the site. Trench T-17 was located to confirm that no active faults trend through the building pads on Lot 3, as well as confirm the location for faults F5 through F7 in the area where they were believed to converge. ...

Figure 3 is a site plan at a scale of 1 inch equals 100 feet (1:1,200) showing the site boundary and current development plan, as well as current (bright) and previous (dim) exploratory locations and exposed faults in the trenches. Faults with displacement of less than 0.3 feet are shown in black, whereas faults displaying more than 0.3 feet of displacement are shown in red. Bars and balls mark the downthrown fault sides. Trench locations were field measured using a handheld GPS and by trend and distance methods, and then subsequently surveyed for additional accuracy by the Project civil engineer. GPS locations and trend are shown on the logs. Field measurements have been corrected in some cases based on the survey data. Surveyed elevations for significant faults are tagged in blue on Figure 3 to show the highest point of the fault in the trench exposure. Fault elevation is shown because the site has been and will be subject to significant surface modification, which may shift the fault location depending on dip direction, angle, and amount of surface material removed.”

Section 6.0 Conclusions And Recommendations of the September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report states: “No evidence for faulting was exposed in trenches T-14, T-15, T-16 and T-22. Trench T-13 exposed evidence for 3.2 feet of dtw displacement on fault F8, which was also exposed in T-8 further north but not in Walker Development trenches T-1W and T-1E. Trench T-17 exposed several small displacement faults in two zones, as well as a zone of faulting bounded by faults F5, F6 and F7. Fault F5 displayed 1.2 feet of dtw displacement, F6 displayed 1.0 feet of dtw displacement, and F7 displayed more than 2.5 feet of dtw displacement. Although the displacement for F7 could not be directly measured in T-17, displacement on F-7 was measured in T-8 about 114 feet to the north (5.2 feet).

Fault locations are shown on Figure 3 based on previous mapping and trenching evidence from this study, as well as the first stage of the study in progress for the Walker Development property (trenches T-1W and T-1E). Table 1A provides a compilation of fault data from the trenches at the Project, log station for the highest location of each fault exposure, fault trend, and measured dip angle. Dip angles are those measured in the exposure and are not corrected for apparent dip. This would only be significant for faults that display low dips because they were exposed at an acute angle.

Given the above, the risk from surface faulting is high at the site. Based on our current understanding that surface fault rupture and deformation tend to follow past patterns, we recommend a non-buildable (setback) zone around the projected traces of the fault crossing the site as shown on Figure 3. Calculated setback distances based on the fault parameters and guidelines in Lund and others (2020) are also indicated on Table 1A. Recommended setback distances are shown on Table 1B. ...

Small displacement faults (< 0.3 feet of offset) are not listed on Table 1A. These faults show no

evidence for Holocene reactivation that would suggest a future larger displacement is likely. We believe the faults pose a low life-safety risk, but recommend structures located over small displacement faults (such as Lot 3 trenches T-1 and T-17, for example) be designed to withstand up to 0.3 feet of vertical offset to reduce the risk of costly repairs. Utility lines that cross faults should also be engineered to withstand expected displacements and/or have design features to ensure life safety. Setback areas based on the results of our investigation and recommended setbacks in Table 1B are shown on Figure 3. Narrow or isolated buildable areas between setbacks (such as between F3-F4 on the north, and F6-F7 and F8/F9 on the south) have conservatively been combined into the surrounding setback area.

The setback distances on Tables 1A-B and Figure 3 are calculated assuming an 8-foot footing depth from existing grade. However, the Project may require cuts to create level building pads that would have deeper footing depths than we assume. We therefore show a safety factor on Tables 1A and 1B to help with assessing how much a fault will shift per 1-foot difference between the surveyed elevation (or existing grade) and proposed grade elevation. ... ”

Based on the data and discussion presented by Western Geologic in their September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report, Western Geologic made adjustments to their recommended fault setbacks for building pads on Lots 3, 4, 5 and 6. Western Geologic has also delineated surface fault rupture setback areas and buildable areas for the subject site in accordance with the method described by Bowman and Lund (2016 and 2020). However, the current design site plan as presented by Western Geologic on their Figure 3 (updated from Figure 4 in the 12/2/2022 Western Geologic report) is not the final design site plan. GeoStrata recommends that Cottonwood Heights City require the applicant to allow Western Geologic to review the final design site plans, when they become available, and make any necessary comments on the site plan and adjustments to their recommended fault setbacks.

Based on the data and discussion presented by Western Geologic in their September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report, Western Geologic located fault F8 in the southeast part of the site to facilitate relocating the proposed apartment building on Lot 1. It is our understanding that an updated site plan prepared by McNeil Engineering and dated March 11, 2022 is available which presents the current proposed relocation of the proposed apartment building on Lot 1 that is different than the site plan shown on Western Geologic’s Figure 3 (McNeil Engineering July 14, 2021). GeoStrata recommends that Cottonwood Heights City require the applicant to allow Western Geologic to review the updated design site plan and make any necessary comments on the site plan and adjustments to their recommended fault setbacks.

Section 6.0 Conclusions And Recommendations of the September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report states: *“We recommend not modifying the defined setback areas on Figure 3 to avoid complexity and because development plans may change. Instead, Western Geologic should review the site grading plan on a case-by-case basis to ensure that structures will still be at a safe distance in areas where significant cuts are planned.*

Based on the results of our investigation, we recommend the following:

- 1) ***Additional Subsurface Exploration*** – *Four proposed trenches (T-18, T-19, T-20 and T- 21) were not completed for our investigation due to deep fill materials encountered during excavation. These trenches should be completed after the northern part of the Project has been cleared and*

the fill materials graded to manageable depths to confirm the location for fault F7 in the north part of the site and that no active faults trend through the building pads on Lots 2 and 7.

- 2) ***Excavation Backfill Considerations*** – *Should a structure be located above a trenched area and the backfill may support the structure, the backfill must be replaced with structural fill if the footings do not extend deeper than the excavation depth.*
- 3) ***Report Availability*** – *The report should be made available to architects, building contractors, and in the event of a future property sale, real estate agents and potential buyers. This report should be referenced for information on technical data only as interpreted from observations and not as a warranty of conditions throughout the site. The report should be submitted in its entirety, or referenced appropriately, as part of any document submittal to a government agency responsible for planning decisions or geologic review. Incomplete submittals void the professional seals and signatures we provide herein. Although this report and the data herein are the property of the client, the report format is the intellectual property of the authors and should not be copied, used, or modified without their express permission.*

No other changes are needed to the recommendations provided in our 2020 report.”

GeoStrata concurs with the recommendations presented by Western Geologic and we recommend that Cottonwood Heights City require the applicant to comply with these Western Geologic recommendations. This comment needed no response by Western Geologic.”

GeoStrata Review Comment 1

Based on the review discussion cited above GeoStrata notes the following:

G² plans to provide a detailed geotechnical assessment for each proposed building with recommendations tailored to the structural loads when foundation plans or loading details become available (G² July 9, 2020) and GeoStrata recommended that the City require that a detailed geotechnical assessment be provided for each proposed building with recommendations tailored to the structural loads when foundation plans or loading details become available (GeoStrata November 3, 2020).

Section 2 Proposed Construction of the October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report states: “*Currently, an apartment structure is planned for the eastern portion of the site. Additionally, Wasatch Boulevard along the western boundary of the site will be re-aligned to bi-sect the site in a generally north-south direction.*”

Section 5.1, Summary of Findings, of the May 13, 2020 Gordon Geotechnical report states: “*The condominium structure at Section A-A’ incorporates a deep cut for below-grade parking. A structural element must extend a minimum of 15 feet below the bottom of footings to assure an adequate factor of safety. This may consist of deep foundations, soil improvement, or a permanent shoring solution such as soil nails.*”

GeoStrata recommended that Cottonwood Heights City request that internal, external, and global stability of the permanent shoring and/or retaining wall to be constructed on the uphill side of the proposed condominium structure be evaluated prior to approval for construction. This evaluation will likely be completed during the final design of this structure. (GeoStrata June 17, 2020)

G² stated that *“Internal, external, and global stability analyses will be performed in conjunction with the final design of the condominium structure and required shoring design. Shoring designs are typically provided by the specialty contractors performing the work.”* (G² July 9, 2020)

Section 6, Conclusions of the October 7, 2020 Gordon Geotechnical report states: *“The condominium structure at Section A-A’ incorporates a deep cut for below-grade parking. A structural element must extend a minimum of 5 feet below the bottom of footings on the cut side to assure an adequate factor of safety. This may consist of deep foundations, soil improvement, or a permanent shoring solution such as soil nails. A depth of 5 feet is shallower than previously recommended in the May 13, 2020 report. This is due to the lack of groundwater encountered to depths of 81 feet at boring locations B-9 and B-10. The projected groundwater is deeper in the updated slope stability models resulting in more favorable slope stability conditions.”*

GeoStrata recommended that Cottonwood Heights City request that internal, external, and global stability of the permanent shoring and/or retaining wall to be constructed on the uphill side of the proposed condominium structure be evaluated prior to approval for construction. This evaluation will likely be completed during final design of this structure and should include an assessment of temporary cut and/or shoring during construction. Additionally, GeoStrata recommended that Cottonwood Heights City request that the constructability of the required cuts for this structure be investigated for feasibility. It is likely that additional geotechnical recommendations will be required for this portion of the project in order to decrease the potential for collapse of larger cuts within the unconsolidated granular sediments. (GeoStrata November 3, 2020)

GeoStrata noted that the October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report was prepared to assess Phase 1 of the Wasatch Rock Development which includes the proposed apartment structure planned for Lot 1. The proposed condominium structure planned to be located on Lot 2 was no longer included in Phase 1 of the Wasatch Rock Development and was not assessed as part of the October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report. GeoStrata recommended that Cottonwood Heights City require the applicant to comply with the Gordon Geotechnical recommendations presented in the December 16, 2020 Gordon Geotechnical Response to Review Comment 4 when the plans for the proposed condominium structure are developed (GeoStrata December 29, 2023)."

G² stated that *“G² can provide a detailed geotechnical assessment for each proposed building, including the condominium structure, when final foundation loading details become available.”* (G² July 9, 2020)

As part of final design of the proposed structures and as recommended in Review Comment 2, GeoStrata recommended that Cottonwood Heights City request that a design level geotechnical assessment be performed for each of the proposed buildings, which incorporates detailed structural loads. As part of preparation of these reports, a review of planned building foundations and foundation loads should be completed by the geotechnical engineer. (GeoStrata November 3, 2020)

In GeoStrata’s November 3, 2020 Review Comment 7, we recommended that Cottonwood Heights City request that a design level geotechnical assessment be performed for each of the proposed buildings, which incorporates detailed structural loads. As part of preparation of these reports, a review of planned building foundations and foundation loads should be completed by the geotechnical engineer. (GeoStrata January 20, 2021)

GeoStrata Review Comment 2

Based on the review discussion cited above GeoStrata notes the following:

Western Geologic recommended that the Project civil engineer should review the fault setbacks presented on Figure 4 on a case-by-case basis to ensure that structures are setback a safe distance from active faults in areas where significant cuts are planned (Western Geologic September 1, 2022). Western Geologic also stated that it is their understanding that minor adjustments will be made with regard to the condominium and Pad E structures on Figure 4. They recommend that the most-recent grading plan be submitted to Cottonwood Heights City at the time their report and the geotechnical engineering report are submitted to the city, but they state that the site plans may change and may differ from the base provided on Figure 4. GeoStrata recommended that Cottonwood Heights City require the applicant to allow Western Geologic to review the final design site plans and make any necessary comments on the grading plan and adjustments to their recommended fault setbacks (GeoStrata 12/2/2022). We further recommended that Cottonwood Heights City require the applicant to allow Western Geologic to perform a final surface fault rupture hazard assessment of each proposed structure on a case-by-case basis to assess each proposed buildable area for active faults and make any necessary modifications to their surface fault rupture hazard mitigation recommendations. We recommended that Western Geologic perform the final surface fault rupture hazard assessment of each proposed structure once final grading plans and design plans have been prepared and prior to final approval of the development plans by Cottonwood Heights City.

Section 3.0 Purpose and Scope of the September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report states: *“The purpose of the supplemental investigation herein was to: (1) confirm the location of fault F8 and determine if there is sufficient space to move the proposed apartment building on Lot 1 to the south; (2) confirm the location for faults F5 through F7 in the area where they are believed to converge; and (3) confirm that no active faults are present crossing the building pads on Lots 3, 4, 5 and 6 in the west part of the site. The scope of our investigation is outlined in the May 25, 2022 work plan prepared for Gordon Geotechnical. Four trenches (T-18, T-19, T-20 and T-21) in our work plan were proposed to confirm the location for fault F7 in the north part of the Project, as well as to confirm that no active faults trend through the building pads on Lots 2 and 7. However, deep fills were reportedly encountered in the north part of the site that prevented completion of these trenches. Only the hazard from surface fault rupture hazard was assessed in our investigation.”*

In GeoStrata’s Review Comment 9 (GeoStrata 12/2/2022), we recommended that:

1. Cottonwood Heights City require the applicant to allow Western Geologic to review the final design site plans and make any necessary comments on the grading plan and adjustments to their recommended fault setbacks.
2. Cottonwood Heights City require the applicant to allow Western Geologic to perform a final surface fault rupture hazard assessment of each proposed structure on a case-by-case basis to assess each proposed buildable area for active faults and make any necessary modifications to their surface fault rupture hazard mitigation recommendations.
3. Western Geologic perform the final surface fault rupture hazard assessment of each proposed structure once final grading plans and design plans have been prepared and prior to final approval of the development plans by Cottonwood Heights City.

Section 6.0 Conclusions And Recommendations of the September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report states: *“We recommend not modifying*

the defined setback areas on Figure 3 to avoid complexity and because development plans may change. Instead, Western Geologic should review the site grading plan on a case-by-case basis to ensure that structures will still be at a safe distance in areas where significant cuts are planned.

Based on the results of our investigation, we recommend the following:

- 1. **Additional Subsurface Exploration** – Four proposed trenches (T-18, T-19, T-20 and T- 21) were not completed for our investigation due to deep fill materials encountered during excavation. These trenches should be completed after the northern part of the Project has been cleared and the fill materials graded to manageable depths to confirm the location for fault F7 in the north part of the site and that no active faults trend through the building pads on Lots 2 and 7.”*

Review Summary

October 16, 2023 G² Final Geotechnical Study and Slope Stability Analysis report was prepared to assess Phase 1 of the Wasatch Rock Development which includes the proposed apartment structure planned for Lot 1 and the Wasatch Boulevard re-alignment that bi-sect the site in a generally north-south direction. No design level geotechnical assessment has been performed for the condominium building or any other proposed buildings within the Wasatch Rock redevelopment Zone. GeoStrata recommends that Cottonwood Heights City request that a design level geotechnical study and slope stability analysis be performed for the proposed condominium building, which incorporates detailed structural loads and proposed grading prior to approval of the proposed condominium building, approval for completing the entitlement process on the Rockworth Development northern gravel pit development site, and approval of the updated final ordinance proposal (PDD-2 Wasatch Redevelopment Zone).

The September 1, 2022 Western Geologic Supplemental Surface Fault Rupture Hazard Evaluation report was prepared to assess the surface fault rupture hazard for the apartment building proposed for building Lot 1 and building pads on Lots 3, 4, 5 and 6 in the west part of the site. Deep fills prevented completion of investigatory trenches to assess the surface fault rupture hazard for the building pads on Lot 2 (proposed condominium) and Lot 7 (proposed Hotel). Western Geologic recommends that the four proposed trenches (T-18, T-19, T-20 and T- 21) should be completed after the northern part of the Project has been cleared and the fill materials graded to manageable depths to confirm the location for fault F7 in the north part of the site and that no active faults trend through the building pads on Lots 2 and 7. GeoStrata recommends that Cottonwood Heights City request that the four proposed trenches (T-18, T-19, T-20 and T- 21) be completed and that Western Geologic update their Surface Fault Rupture Hazard Evaluation to include the data from these four trenches and confirm the location for fault F7 in the north part of the site and provide an assessment of whether or not active faults trend through the building pads on Lots 2 and 7 prior to approval of the proposed condominium building, approval for completing the entitlement process on the Rockworth Development northern gravel pit development site, and approval of the updated final ordinance proposal (PDD-2 Wasatch Redevelopment Zone).

Closure

This review letter is issued in response to the Rockworth Development application and associated documents referenced above. Comments and recommendations in this review letter are based on data presented in the Rockworth Development application and associated documents referenced above. GeoStrata has not performed an independent site assessment. GeoStrata has relied on Consultant reports in performing its services. Consequently, it does not represent or warrant that the Consultant reports contain accurate data or proper recommendations. Recommendations and Comments presented in this review letter are provided to Cottonwood Heights City to assist the city in reducing risks from geologic

hazards. GeoStrata makes no warranty; either expressed or implied and shall not be liable for any direct, special, incidental, or consequential damages with respect to claims by users of this review.

All services performed by GeoStrata for this review were provided for the exclusive use and benefit of Cottonwood Heights City. No other person or entity is entitled to rely on GeoStrata's services or use the information contained in this letter without the express written consent of GeoStrata.

If there are any questions concerning the contents of this review, please feel free to contact our office at (801) 501-0583.

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION SUPPLEMENTARY STAFF MEMO

Project CUP-24-019 / SUB-24-008



February 5, 2025

Request

CUP-24-019 / SUB-24-008 was presented to the Planning Commission for review, public hearing, and possible action at the Commission's January 22, 2025 meeting. After public hearing and discussion by the Commission, a motion was made to table consideration of the matter until the February 5, 2025 Commission meeting. The reason provided for the continuation was to determine potential conditions that could be applied to the project to mitigate potential negative impacts to the public and to the surrounding area. A list of possible conditions was noted on the record, and the Commission requested that the applicant be prepared to address the questions, and that staff review these possible conditions and provide analysis and recommendations as to whether they are appropriate within the context of state and local conditional use requirements. This memo and the assessment herein was prepared by Community & Economic Development staff, with support and input by the City Attorney and the city's Public Works and Engineering division staff.

It should be noted that as of the publication of this memorandum, no conditions have been imposed, and no final decision has been made. This memo is intended to inform the Commission as it continues to consider the above-referenced land use application.

An overview of the land use authority's role as it relates to conditional use applications is as follows (**emphasis added**). This codified authority is derived from Utah State Code ([10-9a-507](#)), and supersedes any conflicting provisions within the city zoning ordinance chapter regarding the Conditional Use process ([19.84](#)):

10-9a-507. Conditional uses.

- (1) (a) *A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.*
- (b) *A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.*
- (2) (a) (i) *A land use authority **shall** approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*
- (ii) *The requirement described in Subsection [\(2\)\(a\)\(i\)](#) to reasonably mitigate anticipated detrimental effects of the proposed conditional use **does not require elimination of the detrimental effects.***
- (b) *If a land use authority proposes reasonable conditions on a proposed conditional use, **the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.***
- (c) *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve*

compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.

(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

Staff Assessment of Conditional Use Land Use Authority

Utah state law requires applications for conditional use approval to begin with a presumption of approval. That is, such applications are entitled to approval if reasonable conditions are, or can be, imposed to mitigate reasonable anticipated detrimental effects. Notably, conditions are not required to eliminate detrimental effects, only mitigate them.

As such, any conditions must be clearly tied to an objective potential impact of the use, in accordance with applicable standards (in this case, the NC zoning chapter).

A conditional use permit can only be denied if anticipated detrimental effects of a use cannot be reasonably mitigated through any condition, which in practice (with support by established case law) is uncommon. However, if an imposed condition is reasonable and backed by proper findings, such conditions may result in reconfiguration of a development plan or site to accommodate such conditions. Utah land use law also requires municipalities to find in favor of the applicant/ developer/property owner in cases where provisions or terms are unclear or ambiguous:

10-9a-306 Land use authority requirements -- Nature of land use decision.

(1) A land use authority shall apply the plain language of land use regulations.

(2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.

(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Deviating from this approach may result in appeal and liability, and staff reports and recommendations for administrative land use applications are based on these review parameters.

Staff analysis of the possible conditions mentioned at the last Commission meeting is as follows:

Possible Condition #1 – Require deed restrictions to require ground floor non-residential use, and/or require an active business license within each proposed unit, to be issued within 6 months of occupancy

Potential detrimental effect to be mitigated:

Potential non-compliance with the ‘work’ component of the proposed use, and that ‘work’ units may not serve the proposed non-residential purpose in practice (and that the lack of proper ‘work’ units results in a detrimental impact on the surrounding area).

Staff assessment of possible condition #1:

While there was debate as to the merit of the ‘live/work’ use type codified in city ordinance, staff believes that the extent of the use proposed does not inherently create a negative impact. Because Utah law requires municipalities to find in favor of property owners/applicants/developers in the case of ambiguous terms, staff finds that the requirement to impose strict licensing standards in the absence of codified

requirements to be beyond the scope of the city's conditional use authority.

As discussed by staff at the January 22, 2025 Commission meeting, the following is a summary of the live/work use type and its applicable regulations (or lack thereof):

- Live/work is listed as an allowed use type in the Neighborhood Commercial zoning chapter ([19.37](#))
- Live/work is not explicitly defined in the city's zoning ordinance. For undefined terms, the city ordinance ([19.04.005](#)) directs us to use the Planner's Dictionary (published by the American Planning Association), or Webster's Dictionary for such definitions, and provides the CED director with the authority to determine which definition to use.
- The chosen live/work definition that was found most reasonable by the Community & Economic Development Director to apply is in the Planner's Dictionary is as follows (note: no definition appears in Webster's dictionary):
 - *A dwelling unit combining residential-use types with commercial- or limited-industrial-use types. This use classification includes but is not limited to: office, live/work facilities, or other similar uses.*

Staff believes that the concerns expressed about the lack of specific requirements for live/work units are valid and worth consideration but are more appropriately addressed via legislative updates to the city code (by the city council) to impose such requirements, rather than via project-specific conditions of approval.

Possible Condition #2 – Provide at least one ADA compliant parking stall

Potential detrimental effect to be mitigated:

Lack of accessibility within the project site.

Staff assessment of possible condition #2:

Development of this property already requires compliance with all applicable accessibility and ADA standards, as governed by the city's adopted building code, zoning code ([19.80](#)), and other applicable regulations. Staff believes that imposition of an additional condition of approval is redundant and unnecessary to mitigate the stated potential impact. Without further clear findings to the contrary, staff believes that requiring ADA improvements in excess of codified requirements is not reasonably proportional to the detrimental impact identified. A summary of current relevant ADA requirements is as follows (provided in consultation with Sunrise Engineering, the city's contracted building plan review and inspection provider):

- The city's off-street parking ordinance ([19.80](#)) requires at least one accessible stall for every 25 stalls in a parking lot. Such stalls are required to be located as near as practical to a primary building entrance, include permanent reflective signage and/or surface identification painting, and include a minimum dimension of 13'x20' (or such standard as may be required by the ADA). Further, parking and circulation shall apply with any additional ADA requirements.
- In addition to parking requirements, the construction of live-work units may be subject to International Building Code standards (as opposed to International Residential Code) for accessibility, including the provision of ADA-compliant restrooms within designated work areas, elevator access in at least one building, and fire suppression systems throughout.

Possible Condition #3 – Utilize internal trash pickup, without any bins being placed on Bengal Boulevard

Potential detrimental effect to be mitigated:

February 5, 2025

Obstruction from 10+ trash receptacles being left in the public right-of-way for pick-up at the same time along a relatively narrow property frontage.

Staff assessment of possible condition #3:

Staff agrees that on-street storage of 10 or more trash receptacles is a reasonably anticipated detrimental effect and may be mitigated with a condition to provide internal trash pick-up service.

The subject property is only slightly wider than a standard residential lot in the vicinity, and yet 10+ receptacles being placed on street during pick-up days has the reasonable potential to create more substantial impacts than a typical residential lot. Additionally, adjacent commercial properties within the same zoning district appear to utilize on-site trash pick-up.

The specific methodology of such pick-up system should be determined by the applicant. If development of an internal solution significantly modifies the site layout, Planning Commission review and approval is required. If the applicant opts to propose an internal solution that relies on a common trash receptacle (i.e. dumpster), the Neighborhood Commercial zone provides the following requirements, likely requiring an amended site plan:

- [19.37.120](#) – ‘All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.’

Possible Condition #4 – Install (or retain) fencing on the west side of the subject property

Potential detrimental effect to be mitigated:

Removal of a barrier fence along the west side of the property could reasonably encourage excess parking along Oak Shadow Circle.

Staff assessment of possible condition #4:

Staff believes that this is a reasonable condition that addresses a potential detrimental impact, and such a condition is appropriate.

It is staff’s understanding that the applicant stated during his presentation at the January 22, 2025 Commission meeting that the existing western boundary fence would be left in place. Whether existing fencing is left in place or new fencing is proposed, such fencing shall comply with all applicable ordinances governing fence height, clear view (intersection visibility), materiality, etc., verifiable during building permit review for the project. Installation of fencing provides a physical and visual buffer between the adjacent area and the proposed development.

Possible Condition #5 – Require signage to be installed within adjacent private property (owned by The Church of Jesus Christ of Latter-Day Saints) that restricts parking by future occupants of the proposed live/work units

Potential detrimental effect to be mitigated:

Unauthorized use by project occupants/visitors of the private parking lot on the adjacent property.

Staff assessment of possible condition #5:

February 5, 2025

Staff believes that this is not a reasonable condition that can be imposed by the city. The adjacent property is privately owned by The Church of Jesus Christ of Latter-Day Saints, which has no involvement in this application. Neither the current applicant nor the city may require an unrelated private owner to install signage or make other changes to the unrelated owner's property that isn't part of the application. Staff therefore believes that attempting to impose a property restriction (erection of signage) on unrelated property as a condition of approval for use of another applicant's property is not within the city's scope of approval.

Staff believes, however, that a valid condition of approval may be to require the applicant to install such signage on the applicant's own property if the Commission deems such action reasonably necessary to mitigate a perceived negative impact of the proposed development.

Possible Condition #6 – Install signage and enact restriction on Oakshadow Circle prohibiting overnight on-street parking

Potential detrimental effect to be mitigated:

Excessive on-street parking on Oakshadow Circle could block or restrict access to the existing residential development, which is accessed solely via Oakshadow Circle.

Staff assessment of possible condition #6:

Staff believes that the potential impact of excess on-street parking along the western boundary of the subject property could create a detrimental impact by restricting access and visibility to the existing residences located on Oakshadow Circle, particularly at night, as Oakshadow Circle serves as the only point of access for nine single-family homes. As such, staff believes that a condition of approval prohibiting on-street parking on Oakshadow Circle is reasonable.

However, staff shares the discussed concern of restricting on-street parking on that public right-of-way to some users and not others. Recommended on-street parking restrictions in the area, and its impact on all members of the public, should be carefully considered by the Commission. Final authority to restrict on-street parking comes from the city's public works and engineering division, and requires determination that prohibition of parking is based on evidence of dangerous conditions or interference with free movement of traffic ([11.20.030](#)).

If the Commission considers a condition to mitigate this potential impact, staff recommends that the condition be contingent upon the city engineer's finding that one of the codified unsafe conditions is present.

Possible Condition #7 – Provide at least 300 square feet of ground floor office space per unit

Potential detrimental effect to be mitigated:

Potential non-compliance with the 'work' component of the proposed use, and that 'work' units may not serve the proposed non-residential purpose in practice.

Staff assessment of possible condition #7:

(Refer to the staff assessment for possible condition #1, above)

Possible Condition #8 – Provide enhanced pedestrian amenities

Potential detrimental effect to be mitigated:

Safety and mobility concerns created by the interface of the proposed development with the existing pedestrian infrastructure adjacent to the subject property.

Staff assessment of possible condition #8:

Staff believes that this possible condition is ambiguous and specific perceived adverse impacts should be further identified prior to any recommended mitigating condition. Staff believes that at most a condition to install internal signage, painted lines across the drive aisles signifying the potential of pedestrians, or other improvements within the project may be reasonable. Staff believes that substantial right-of-way or infrastructure improvements are not reasonable mitigation requirements.

Based on the Commission's discussion and the public comments to the same effect, this desire for enhanced amenities seemed to be based on potential safety and mobility concerns created by the proposed development that didn't previously exist. In previous similar projects along Fort Union Boulevard in the city, live-work developments were required to provide additional right-of-way dedication and construct a wide sidewalk and grade-separated bicycle lane. However, that requirement was based on master plans and cross-sections developed specifically for Fort Union Blvd., and those projects involved substantially more development intensity than previously existed at those locations.

The subject property contains continuous sidewalk on both public frontages, as well as an existing bicycle lane within the Bengal Blvd. right-of-way. This area generally complies with the established cross-section for Bengal Blvd. Prior to building permit approval, the city will ensure that the existing condition of that infrastructure is acceptable and may require repairs/upgrades if deficiencies exist.

Another factor that could warrant imposition of such a condition could be found if the intensity of proposed development was much greater than the previous use on the site. To determine this, staff has reviewed both the provided traffic study from the applicant as well as the International Traffic Engineers (ITE) Trip Generation Manual. The Trip Generation Manual helps us estimate the anticipated daily trip generation of a bank with a drive-through (this site was previously a Wells Fargo Bank with a drive-through window):

- Projected daily trips generated from the proposed live-work project – 67
 - AM Peak trips per hour anticipated – 4
 - PM Peak trips per hour anticipated – 5
- ITE Trip Generation Manual estimate for trips generated by a 2,300 square-foot financial institution with drive-through – 350 daily trips
 - AM peak trips per hour estimated – 32
 - PM peak trips per hour estimated – 60

Based on this analysis, staff believes that enhanced pedestrian infrastructure improvements based on projected use intensity are unwarranted. Staff further notes that the proposed development consolidates two existing points of ingress/egress on the site down to one.

Staff finds it reasonable to impose a condition to provide visual indication of potential pedestrian crossing across the proposed driveway access to the site. In previous projects, this has been accomplished by painted markings on the ground or via signage visible to vehicles leaving the site. These conditions help improve the visibility of pedestrians adjacent to the project.

Possible Condition #9 – Provide more ample on-site snow storage

Potential detrimental effect to be mitigated:

Potential for excess snow to be stored within visitor parking area or pushed into public right-of-way, creating either a shortage of visitor parking or creating additional obstructions within the public right-of-way.

Staff assessment of possible condition #9:

Staff believes that this is a reasonably anticipated detrimental impact that can be mitigated by the applicant providing enhanced snow storage capacity. Inadequate storage could result in snow being stored in visitor parking stalls or within the public right-of-way, both of which create potential negative impacts (parking shortage, right-of-way/access obstruction). Staff recommends that any modifications made to the plans to accommodate snow storage be subject to approval by the city engineer.

Conclusion

Staff recommends that the Commission carefully review this staff analysis in context of its full review of the proposed project and provide the applicant with an opportunity to present his response to the items requested by the Commission.

If additional information is requested of the applicant, the item may be again continued to a date certain to provide time for the applicant to prepare a response and submit updated plans. The Commission also has the option to vote on the application (model motions are available in the January 22, 2025 staff report). Imposition of any conditions should be accompanied by clear findings. If such conditions are addressed within the project staff report or this supplementary memo, the written analysis can serve as those findings. If additional conditions are considered beyond those addressed in staff reports, the Commission should ensure that clear, objective findings of fact are added to the public record to support those conditions.

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

Wednesday, January 22, 2025

5:00 p.m.

**2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Dan Poulson

Staff Present: Community and Economic Development Director, Michael Johnson; City Recorder, Tiffany Janzen; System Administrator, Alex Earl; Senior Planner, Samantha DeSeelhorst, Associate Planner/Sustainability Analyst, Ian Harris

WORK SESSION

Chair Lucy Anderson called the Planning Commission Work Session to order at 5:00 p.m.

1.0 Review Business Session Agenda.

The Business Session agenda items were reviewed. Chair Anderson reported that there are two items on the agenda, including a Business Item and the Consent Agenda. Senior Planner, Samantha DeSeelhorst shared information about the Business Item, which is Project CUP-24-019 and SUB-24-008. The applicant will be present during the Business Session to answer questions.

Ms. DeSeelhorst reported that the project name for CUP-24-019 and SUB-24-008 is Brighton Lofts. She shared an aerial image of the property, which is on the corner of Bengal Boulevard and Oak Shadow Circle. The address is 3425 East Bengal Boulevard and the zone is Neighborhood Commercial (NC). Two different actions have been requested: a Conditional Use Permit and Preliminary Subdivision Plat approval. That is the reason for the two application numbers. The applicant is Nathan Anderson and Staff recommends approval of the application with conditions.

The subject property is 0.48 acres in size. A vicinity map was shared and the subject property was highlighted for context. Ms. DeSeelhorst reported that a Wells Fargo Bank was located on the subject property from 2006 to 2024. Though the bank building is still standing, the bank location is now closed. A zoning map was shown and the subject property was highlighted. Ms. DeSeelhorst reiterated that the subject property is located in the NC Zone. There are primarily three different types of residential zones surrounding the subject property: Residential Single-Family (R-1-6), Residential Single-Family (R-1-8), and Residential Multi-Family (R-2-8).

The subject proposal is a live-work townhome development. Ms. DeSeelhorst explained that two different applications are required because live-work developments are conditional uses in the NC Zone. The subdivision is necessary to divide the property into 10 separately owned units.

Ms. DeSeelhorst reviewed a screenshot of the Landscaping Plan. She noted that this shows more of the site layout. There are five units on either side and then a central drive aisle coming down the middle. There is some parking in the back and landscaping surrounding the development.

The proposed use is a live-work townhome development, which is allowed in the underlying zone as a conditional use. Ms. DeSeelhorst explained that the Cottonwood Heights City Code lists live-work developments as an allowed use but does not provide a definition. In most communities, these developments include a residential component and a non-residential component, with local regulations providing more specificity. Since there is not a local definition, Staff defers to definitions to The Planner's Dictionary, which includes the following examples:

- “A dwelling unit combining residential-use types with commercial or limited industrial-use types. This use classification includes, but is not limited to office, live/work facilities, or other similar uses.”
- A dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than two persons who do not reside in the unit are employed on the premises.”

In this instance, the applicant is proposing that the live component be the townhomes, with the ground floor office space being the work component. The ground floor office space is to be used by the tenants. In the absence of a local definition, the proposed combination of dwelling area and ground floor office space for use by the tenants is compliant with Code, both in this project and in past projects. Should stricter parameters be desired for this use in the future, a code update should be considered. Commissioner Sean Steinman asked if the applicant could develop this without a live-work component under the current code. Community and Economic Development Director, Michael Johnson, denied this. Two allowed uses are live-work or mixed residential housing. Commissioner Steinman wondered if it is possible to deed restrict that there be a commercial component to make sure the ground level is used commercially. Ms. DeSeelhorst does not believe so, because the definition is compliant with the code based on past projects. She believes what is proposed meets the definitions mentioned.

Mr. Johnson explained that with previous live-work projects, there was no mandate that there be a business in there 24/7. It does not require an active license at all times, but it does allow the flexibility for that space to be licensed commercially. It is a tool that provides flexibility and allows for commercial use. However, it does not mandate that there must always be commercial use. In this case, a commercial license could be issued, but it could not be in a residential zone.

Commissioner Shelton asked if there is any restriction on what commercial use can be carried out. Mr. Johnson explained that it would be whatever uses are allowed in the underlying zoning district. The underlying zone is the NC Zone, which allows for a wide range of uses. There is a relevant Condition of Approval to use. Ms. DeSeelhorst noted that the Planning Commission can review the proposed conditions and decide whether there is support for the recommendations.

Commissioner Poulson asked about enforcement. There might be a business with one employee, or the business might require that customers visit. This could lead to parking issues. Ms. DeSeelhorst explained that the use will be looked at during the Business License process. There are also enforcement measures. Sometimes, some businesses say one thing on their application to the

Business License Department, but the actual operations are outside of that. Those involved in Business Licenses work closely with Code Enforcement when there are issues.

Commissioner Mills posed several questions to Staff, including ones about parking requirements, elevations, impacts to adjacent properties, and neighboring setbacks. Ms. DeSeelhorst offered to address his questions in the presentation. Commissioner Mills asked if the Commission is bound by The Planner's Dictionary definitions for whatever is not defined in the City Code. Mr. Johnson explained that the Director has the authority to choose a reasonable definition. What he does is look at one that does not have overly specific standards for square footage. The reasonable definitions are considered. The first definition read earlier is what he concludes is a reasonable definition of live-work based on what is proposed and other projects that have been approved and defined as live-work. Commissioner Mills asked how much precedent factors into that. Mr. Johnson reported that the other two projects that have live-work units are in a mixed-use zone but are classified as live-work units. The use type has already been established.

Commissioner Mills wanted to know if there is precedent in terms of how other adjacent municipalities are handling this issue. Mr. Johnson explained that each code will define and regulate uses differently. Chair Anderson asked whether the workspace can be living space. Ms. DeSeelhorst denied this. By definition, the work space could not be a living space.

Information about project density was shared. Ms. DeSeelhorst reported that the applicant is proposing 10 units on a 0.48-acre site. There is not a specific number for the allowed density in this zone. The zoning ordinances for some zones list a specific density number. For example, the Mixed-Use Zone specifies a maximum density of 35 units per acre. The General Plan also specifies a density number for the residential zones in the City. Though both of those documents discuss the intention of the NC Zone, neither specifies a clear number for the NC Zone. As a result, there is not a strict density figure. In the absence of that, the City uses other development parameters to assess whether the project is compliant. This includes setbacks, height, and parking, among others.

Ms. DeSeelhorst shared information about setbacks and height. The south property line is what is considered the front and that is required to be 25 feet. The proposal is for that setback to be 25 feet, which is compliant. The west side has to be 25 feet and 25 feet is proposed. The east side has to have a 10-foot setback and 10 feet is proposed. On the rear, which is the north, the requirement is a 25-foot setback, and the applicant is providing more than that with 27.98 feet.

Chair Anderson asked about the setback requirements in other zones for comparison. Ms. DeSeelhorst reported that the R-1-8 Zone is the most common residential zone in the City. For construction in that zone, the requirements are 25 feet in the front, 20 feet in the rear, and the side adjacent to a public right-of-way is 20 feet, and then eight feet on the internal interior side. Mr. Johnson explained that in this case, the setbacks are either the same or greater than a typical residential lot.

Commissioner Steinman asked about the R-2-8 Zone setback requirements. He next asked about Residential Multi-Family density requirements per acre. Mr. Johnson reported that the R-2-8 Zone is two units per 8,000 square feet and Residential Multi-Family has an equation based on dwelling units and the amount of acreage. As for the setback requirements for the R-2-8 Zone, it was noted that the front yard requirement is 25 feet, a five-foot interior side, a 20-foot corner side, and a 20-foot rear.

Commissioner Mills asked about ingress/egress for vehicles and fire requirements. Ms. DeSeelhorst reported that the Fire Department approved the proposal and provided no preliminary comments. The Fire Department will need to do another review if this moves forward. She was not certain whether sprinkling was required. That is something the applicant might be able to answer, based on his construction plans

Ms. DeSeelhorst reported that the maximum height measurement allowed is 35 feet and the proposal is for 30 feet. This means that the proposal complies with setback and height requirements. Mr. Johnson reported that the height is measured from existing grade. Commissioner Mills noted that there is a natural slope on Bengal Boulevard. He is also curious about the current height of the Wells Fargo Bank building. It was noted that the applicant can answer some of the questions posed by the Commission during the Business Session discussion.

Lighting and landscaping information was reviewed. The City's adopted Outdoor Lighting Ordinance applies to this project. The submitted Photometric Plan complies with all components except for total site lumens and property boundary illumination. There can be a dialogue with their Lighting Engineer to make sure it complies with everything, as the total site lumens were too high and the illumination at the property boundary was too high. The light trespass was low enough to meet the code, but right at the property line, it was a little bit too bright. Staff recommended a Condition of Approval that compliance be demonstrated during the Building Permit process. If this project were east of Wasatch Boulevard, there would be a lower illumination maximum, but because it is west of Wasatch Boulevard, it is the standard in the Code. Ms. DeSeelhorst reported that the proposal complies with the landscaping standards. Some of the landscaping specifications in the NC Zone do not apply to this project due to the size and use.

Information about fencing was shared. The applicant is proposing four-foot fencing around the private yard areas for each unit but does not propose new site fencing. The plans indicate that the following fences will remain east side block retaining wall and chain link fence and the north side block retaining wall and wood fence. While site fencing is not required, the Commission can add a Condition of Approval for additional fencing to provide enhanced buffering between properties. Commissioner Mills noted that he will have some questions about fencing for the applicant.

Ms. DeSeelhorst shared information about parking. She reported that the City uses the ITE Parking Generation Manual for its parking requirements. The Cottonwood Heights City Code does not specify parking requirements for visitor parking. As a result, parking was assessed for the dwelling units and office space. The dwelling units require 13 stalls, and 20 parking stalls will be provided. The office space requires three stalls, and four stalls will be provided through the applicant's proposal. She shared the ratio generated by the ITE Parking Generation Manual.

Commissioner Poulson noted that in the Brighton Lofts construction plans, the entrance to the garage does not appear to be very wide. He is wondering whether two vehicles can fit there. Ms. DeSeelhorst explained that this was not flagged in the first Engineering Department review but could be flagged during the technical review process. If during the technical review process, something is flagged that conflicts with what is approved, the applicant would need to come back for revised approval from the Planning Commission. Commissioner Poulson expressed concerns about the narrow garage and potential parking issues it could cause. Mr. Johnson reported that there are not tandem stalls proposed,

as those are prohibited. There are two-car garages proposed. The townhome garages are proposed to be 21x21 and a standard commercial parking stall is 9 x 18.

The Commission discussed live-work and how to ensure compliance. Commissioner Steinman does not want to approve a live-work project where there will not actually be a live-work component. Ms. DeSeelhorst noted that a lot of the public comments received so far have echoed those concerns. Commissioner Steinman wanted to know if the City could deed restrict. Mr. Johnson explained that if the Commission feels there will be a potential negative impact created, conditions can be imposed to mitigate those impacts. A requirement to deed restrict would need to be tied to some perceived negative effect and there would need to be valid findings.

Commissioner Steinman expressed concerns about the parking associated with the commercial component. Mr. Johnson explained that if the Commission is concerned about parking and the parking burden, there would need to be a request for more data before there is a request made for additional parking. That data could inform any Condition of Approval that is imposed. As it stands, the Staff analysis looked at the ITE Parking Generation Manual as part of this process.

Commissioner Shelton shared comments about the live-work proposal. He noted that the minimum parking requirements are being evaluated as if there was one office. However, there will be multiple workspaces. He does not believe the evaluation would be conducted the same way if there were 10 commercial offices. Discussions were had about the ITE Parking Generation Manual requirements. Commissioner Mills noted that the parking spaces are small to begin with and vehicles moving past one another will also be tight. There are numerous parking concerns.

Mr. Johnson shared information about the live-work units on Fort Union Boulevard. The one by the Fire Station has 12 units and has about five visitor parking stalls outside of the garage space. Commissioner Steinman noted that this particular application is in the NC Zone. He believes there should be an emphasis on the commercial components. He does not want to promote non-compliance. Mr. Johnson explained that while the zoning is different between the live-work projects mentioned, the use category is the same. More information about parking was shared.

Ms. DeSeelhorst reported that a Traffic Study was provided as part of the project submittal and was preliminarily reviewed by the Engineering Department. The traffic study found that a Level of Service (“LOS”) C is maintained post-development, which is acceptable to the Engineering Department. The Engineering Department has required that during the technical review process, which follows the Planning Commission process, the traffic study be updated to verify the on-site parking spaces and compliance with Americans with Disabilities Act (“ADA”) requirements. The proposal does not change the LOS. If a revision to the traffic study is done as part of the technical review process and it revises what was approved, the applicant would be required to return to the Planning Commission for approval.

Commissioners discussed the ADA requirements. Ms. DeSeelhorst understands that the ADA requirements are triggered by the total number of stalls in the parking area. Commissioner Mills believes the City can do more to prioritize accessibility when it comes to new development. He believes the requirements should be different if there are business uses there. Mr. Johnson reported that there are standards in place and ADA requirements are taken seriously.

Ms. DeSeelhorst discussed visitor parking. Although the City Code does not have requirements for visitor parking, Staff is concerned that visitors may try to park on the neighboring cul-de-sac, Oak Shadow Circle. Oak Shadow Circle is a public right-of-way that allows public parking by default. Considering the single point of ingress and egress as well as the relatively narrow width and short length of the cul-de-sac, Staff finds that an excess of parking on this right-of-way could create a disproportionate negative impact on those homes. Staff has recommended a Condition of Approval that townhome visitors not be allowed to park on that cul-de-sac. Signage would need to be installed at the entrance to the townhome development, as well as along Oak Shadow Circle. Chair Anderson thought the sign should state, “No Parking for Brighton Lofts,” for clarity. Commissioner Mills thought it might be simpler to state, “No Parking Overnight” in that area.

No roof appurtenances (roof-mounted equipment) are proposed, but pad-mounted utilities are proposed instead. These pad-mounted utilities must be screened per the requirements in the NC Zone. A recommended Condition of Approval reiterates this for the record. Ms. DeSeelhorst shared information about snow removal. It will be handled on-site privately and will not be conducted by the Public Works Department. Snow storage is required and is proposed to be at the north end of the development. Staff has included a Condition of Approval that snow storage does not block access to any of the surface parking stalls. Individual trash cans are proposed for each unit, rather than a site dumpster. City Code specifies requirements for site dumpsters but does not specify requirements for individual trash cans. The applicant proposes that each tenant place the cans out for curbside pickup on Bengal Boulevard on trash collection days. Some of the public comments received so far have expressed concerns about the waste management and the impacts.

Commissioner Poulson noted that he has some concerns about what has been proposed as far as trash collection. The cans are 31 inches across, but three feet are required to be between each can. That means there can only be six cans on the west side and eight cans on the other side. He noted that only 14 cans can be placed there, which is six cans short of what needs to be put out. If all 20 cans are put out there, the distance between the cans will be under 1.5 feet. If the distance is less than three feet it is at the discretion of the driver to decide whether or not they will pick up the cans. Ms. DeSeelhorst suggested sharing this comment with the applicant during the Business Session.

Mr. Johnson noted that the Commission can ask the applicant to propose an internal trash management system and come back and demonstrate how that would function. Commissioner Poulson liked that suggestion. He reiterated that the current proposal for trash management will not work. Ms. DeSeelhorst believes members of the public will appreciate this being discussed during the Business Session because that was a common concern expressed in the written comments. She reported that all written public comments were forwarded to the Commission. This item is also scheduled for a public hearing during the Business Session. The recommended Conditions of Approval are included in the Staff Report. Commissioners have discussed some other possible conditions as well. There are three model motions ready for the Business Session.

Chair Anderson asked if there were any additional questions for Staff. Commissioner Mike Smith had a question about the height because that was a common concern expressed in the written comments. Mr. Johnson explained that the proposal is five feet less than the maximum height. Chair Anderson wanted to know what else could be built in the NC Zone. Ms. DeSeelhorst reported that every use in the NC Zone is conditional and there are no permitted uses. A lot of conditional uses that come to the Commission are in the NC Zone. She shared a list of the conditional uses.

Commissioner Steinman noted that planned unit developments (“PUD”) and live-work spaces are in different sections in the list of conditional uses. He asked whether the applicant could apply for a PUD without the live-work component. Mr. Johnson believes the PUD has an acreage requirement that this site would not meet. Commissioner Steinman asked what the process looks like for the Planning Commission to ensure there is compliance with the live-work component. He wondered whether a deed restriction is the best path forward for compliance.

Mr. Johnson noted that the Commission can mandate that a commercial license be maintained and on file with the City to address the work component. The NC Zone is intended to encourage residential mixed-use. This mid-density product, which is a mixture of residential and commercial, serves that intention. Staff could argue that it meets the purpose of the NC Zone. Commissioner Mills likes the idea of what has been presented, but it feels the proposal is tight. It might benefit from fewer units. For instance, the proposal could be six or eight units instead of the 10 requested.

2.0 Adjourn.

Commissioner Shelton moved to ADJOURN the Work Session. Commissioner Mills seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Session adjourned at 6:06 p.m.

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

Wednesday, January 22, 2025

6:00 p.m.

2277 East Bengal Boulevard

City Council Chambers

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Dan Poulson

Staff Present: Community and Economic Development Director, Michael Johnson; City Recorder, Tiffany Janzen; System Administrator, Alex Earl; Senior Planner, Samantha DeSeelhorst, Associate Planner/Sustainability Analyst, Ian Harris

BUSINESS SESSION

Chair Lucy Anderson called the Planning Commission Business Session to order at 6:06 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no Ex Parte Communications or Conflicts of Interest disclosed.

2.0 General Public Comment.

Chair Anderson opened the public comment period.

Robert Farnsworth referenced the ITE Parking Generation Manual. He noted that while it is used by the City, it is not available to the public. This means that the public is unable to review it. If the Planning Commission is using this manual, members of the public should be able to access it.

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

3.0 Business Items.

3.1 Project CUP-24-019 and SUB 24-008 – Public Hearing and Potential Action on a Request by Nathan Anderson for a Conditional Use Permit and Preliminary Plat Approval to Construct a 10-Unit Live-Work Townhome Development at 3425 East Bengal Boulevard.

Ms. DeSeelhorst reported that the project name for CUP-24-019 and SUB-24-008 is Brighton Lofts. Two different actions have been requested by the applicant: a Conditional Use Permit and Preliminary Subdivision Plat approval. The property is located at 3425 East Bengal Boulevard and the zone is Neighborhood Commercial (NC). The subject property is 0.48 acres. She shared an aerial image that shows Bengal Boulevard to the south and Oak Shadow Circle to the west. The subject property is

located toward the eastern end of Bengal Boulevard. Ms. DeSeelhorst shared a street view of the property and reported that it was used as a Wells Fargo Bank for many years. That building is still standing, but the bank location has closed. A zoning map was shown and the subject property was highlighted. There are primarily three different types of residential zones surrounding the property, which are Residential Single-Family (R-1-6), Residential Single-Family (R-1-8), and Residential Multi-Family (R-2-8).

The proposal is for a live-work townhome development, which is allowed in the underlying zone as a conditional use. Ms. DeSeelhorst explained that the Conditional Use Permit is required because live-work developments are conditional uses. The subdivision component is required whenever property is divided. She clarified that separate units are classified as a division of property. Ms. DeSeelhorst reviewed the Site Plan and pointed out that there are five units on either side with a central drive aisle down the middle. There is also some surface parking to the north.

Ms. DeSeelhorst explained that what a live-work development is can vary by jurisdiction. Cottonwood Heights does not have a definition in the City Code. In the absence of a local definition, Staff defers to definitions to The Planner's Dictionary, which includes the following:

- “A dwelling unit combining residential-use types with commercial or limited industrial-use types. This use classification includes, but it not limited to office, live/work facilities, or other similar uses.”
- A dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than two persons who do not reside in the unit are employed on the premises.”

The Director has the discretion to determine which definition is used. Based on previous comments, it sounds like the Director has determined the first definition is the most applicable. Ms. DeSeelhorst reiterated that there are not specifications for live-work in the City Code. The applicant is proposing that the live component be the townhomes, with the ground floor office space being the work component. The ground floor office space will be used by the tenants.

In the absence of a local definition, the proposed combination of dwelling area and ground floor office space for use by tenants is compliant with Code, both in this project and in past projects. Ms. DeSeelhorst noted that if there is a desire to have more local regulation or additional clarity, a code update might be worth considering. Information about project density was shared. The applicant is proposing 10 units on the 0.48-acre site. Some of the zoning ordinances in Cottonwood Heights list a specific density ratio. For example, the Mixed-Use Zone states that the maximum number of units is 35 per acre. The General Plan, which is the guiding document for the City, specifies a density bandwidth for different residential zones. However, there is nothing listed for the NC Zone. In the absence of a strict density number, the City uses other development parameters to assess whether the project is compliant. This includes constraints such as setbacks, height, and parking. Information about setbacks and height were shared.

The front setback, which is the south property line, needs to have a 25-foot setback and the applicant is proposing a 25-foot setback. The west side, which is adjacent to Oak Shadow Circle, needs to have a 25-foot setback, and 25 feet is proposed. The east side needs to have a 10-foot setback, and 10 feet is proposed. On the rear, the setback requirement is 25 feet. The applicant will provide more than that with 27.98 feet. All of the proposed setbacks meet the minimums outlined in the code. The

maximum building height allowed is 35 feet and the applicant proposes 30 feet. Ms. DeSeelhorst clarified that the height is measured from existing grade.

The Outdoor Lighting Ordinance applies to this project. The submitted Photometric Plan complies with all components except for two items: the total site lumens and property boundary illumination. Those items need to be corrected, and a Condition of Approval is recommended to address that. As for landscaping, the proposal complies with the City landscaping standards. Some specifications for landscaping in the zone do not apply due to the property size and proposed use.

Ms. DeSeelhorst shared information about fencing. The applicant proposes four-foot fencing around the private yard areas for each unit but does not propose new site fencing. The plans indicate that the following fences will remain east side block retaining wall and chain link fence and the north side block retaining wall and wood fence. While site fencing is not required, the Commission can add a Condition of Approval for additional fencing to provide some enhanced buffering.

The City uses the ITE Parking Generation Manual for its parking requirements. The Cottonwood Heights City Code does not specify parking requirements for visitor parking. As a result, parking was assessed for the dwelling units and office space. During the Work Session, the Planning Commission discussed whether that is the best approach and if other metrics should be considered. Ms. DeSeelhorst explained that the manual determines there should be 13 parking stalls provided for the dwelling units. Twenty are proposed to be provided in the two-car garages. The office spaces require three stalls, which is based on square footage. The proposal is to provide four stalls.

Ms. DeSeelhorst reported that a Traffic Study was provided as part of the project submittal. It was preliminarily reviewed by the Engineering Department. The traffic study found that a Level of Service (“LOS”) C is maintained post-development, which is acceptable to the Engineering Department. The Engineering Department stated that during the technical review process, which follows the Planning Commission process, the traffic study must be updated to verify the on-site parking spaces required are sufficient and that there is compliance with ADA requirements. If a revision to the traffic study is done as part of the technical review process and it revises what has been approved, the applicant would be required to return to the Planning Commission for approval.

Visitor parking was discussed. Ms. DeSeelhorst noted that City Code does not have specific requirements for visitor parking. However, Staff is concerned that visitors may try to park on the neighboring cul-de-sac, which is Oak Shadow Circle. Oak Shadow Circle is a public right-of-way that allows public parking by default. Considering the single point of ingress and egress as well as the relatively narrow width and short length of the cul-de-sac, Staff finds an excess of parking on this right-of-way could create a disproportionate negative impact on those homes. Staff has recommended a Condition of Approval that townhome visitors not be allowed to park on that cul-de-sac. Signage would need to be installed at the entrance to the townhome development, as well as on Oak Shadow Circle. The Commission discussed whether that condition is appropriate during the Work Session and there can be additional discussions about the recommended conditions.

Ms. DeSeelhorst reviewed some miscellaneous items. No roof appurtenances (roof-mounted equipment) are proposed, but pad-mounted utilities are proposed instead. These pad-mounted utilities must be screened per the requirements. A recommended Condition of Approval reiterates this for the record. In terms of snow removal, it will be handled on-site privately and will not be conducted by the Public Works Department. Snow storage is required and is proposed to be at the north end of the

development. Staff has included a recommended Condition of Approval that states the snow storage cannot block access to any of the surface parking stalls.

Waste management was a significant topic of discussion during the Work Session. It was also a shared concern in many of the written public comments. At this time, it is proposed that instead of using a site dumpster, there will be individual cans for each unit. City Code has requirements for site dumpsters but does not have requirements for individual trash cans. Some members of the Commission have researched what the waste management provider for the City requires. There will likely be some questions for the applicant about what the plan is to mitigate those issues. She clarified that the proposal is to place cans for curbside pickup on Bengal Boulevard.

Ms. DeSeelhorst reported that there were several public comments submitted ahead of the deadline, which is noon the day prior to the Planning Commission Meeting. All of the comments received ahead of that time were submitted to Commissioners for review. This item is also scheduled for a public hearing. When the time comes, the Chair will open the hearing for those interested. Ms. DeSeelhorst shared the Staff recommendation as well as the proposed conditions.

Based on the findings listed in the Staff Report, Staff recommends approval of the applicant project with several Conditions of Approval. There has been some discussion about additional conditions and amendments to the recommended conditions. The conditions listed are a starting point. When the time comes for a motion to be made, there are sample motions available for the Commission.

The applicant, Nathan Anderson, introduced himself to the Planning Commission. He initially envisioned this property as being more mixed-use, with some commercial on the first level, parking internal to the building, and 16 to 18 units on the property. That would have provided an avenue to use House Bill (“H.B.”) 572 funds to make it more affordable. However, given his background in the construction and development business, he felt the impact would be too great for the City and the nearby residents. It was then changed to the 10 live-work townhomes.

Mr. Anderson explained that live-work townhomes were done previously on Fort Union Boulevard and have also been done in Salt Lake City and Millcreek. Those live-work developments have performed well. The Covenants, Conditions, and Restrictions (“CC&Rs”) will dictate that there are no patrons present on the properties. The work element will be for office use. The workspace is intended for the owner of the townhome. As for the parking and garage portion of the townhomes, there is a 29% slope in the stairway that enters into the garage and projects into the garage. The lower portion of the stairway is used as an alcove for the garbage can placement.

Mr. Anderson shared information about trash removal. It is not possible to allow a vehicle into the project that weighs 20 to 25 tons. It is also not possible to improve the road well enough to sustain that kind of weight, traffic, and damage. That is the reason for the proposal to pick up individual cans on Bengal Boulevard. If there are 10 units, there will not be 20 cans associated with the project. He explained that there will be 10 cans. An outside provider is needed, which is ACE Disposal. The recycling will be picked up once per month and will not be on the same day as the trash collection. He reiterated that there would only be 10 cans placed out there at one time.

As for fencing, it is not possible to do anything on the LDS Church property on the east side. Mr. Anderson explained that it needs to remain as it is currently. He noted that he took over some information to the resident who lives to the north of the property. That block wall is in fantastic

condition and will remain so. When it comes to the fencing on the west, he will try to make it better than it is currently. Some of the wrought iron could be upgraded to make it look nicer. The lighting fixtures on all of the pillars need to be changed because most of them do not work. Most of the fencing will remain. To respect the privacy of neighbors, there will be more than what is shown in the Landscaping Plan. Crimson Spire Oak trees will be planted every 5.5 to six feet along the north and west. Those trees provide coverage year-round, which will be beneficial to residents.

Mr. Anderson reported that the townhome itself will be finished with high-quality materials. He mentioned the current market conditions and new tariffs on the way. Most of the lumber that is used comes from the Boreal Forest in Canada. As a result, the lumber costs are anticipated to increase. Mr. Anderson noted that the Planning Commission will most likely hear comments during the public hearing that are in opposition to development, but there needs to be more housing products out there of all types. He asked the Commission to consider a Conditional Use Permit request.

Commissioner Sean Steinman had questions about operations within the site. He wanted to know what management and Homeowners Association (“HOA”) would be put in. Mr. Anderson reported that there will be a standard HOA, and it will be governed by the CC&Rs. The CC&Rs will determine what can be done with the live-work space. There will be no Airbnb business allowed or short-term rental businesses. Commissioner Steinman asked about the amenities that will be there for residents of the property. Mr. Anderson stated that the residents will have a yard and a townhome. A common criticism of townhome units relates to storage and privacy. That is the reason there will be fencing to separate the units and create a private outdoor space for residents.

Commissioner Steinman asked about the live-work component and what regulations the HOA will have over that. Additionally, he wanted to know if there would be any on-site management. Mr. Anderson denied that there would be on-site management. There is an outside professional management company that will govern the CC&Rs. Commissioner Dan Mills asked if the capacity of the road could be built to tolerate the trash collection vehicles. Mr. Anderson explained that he has had experiences with both a dumpster and individual trash cans. A garbage dumpster in an enclosed defined area with gates and locks is often abused over the years. There is a lot of maintenance associated with dumpsters. It has worked better when the garbage can is internal to the garage. Based on the CC&Rs, individual cans cannot be left outside the garage. The trash can has to stay inside the garage and then be taken to Bengel Boulevard on the date of trash collection.

Commissioner Mills asked the applicant to provide more clarity about the east side. It looks like the setback on the east will be tight, where the current wall and ivy are located. He asked for more information about how the east and west will be handled. Mr. Anderson reported that from the foundation wall to the property line is 10 feet. There will be small courtyards on that side and there will be larger courtyards on the west side. Ms. DeSeelhorst believed Commissioner Mills was referring to the cantilevered area on the upper story. It was previously clarified with the applicant that this counts against setbacks. She believes the intention is to update the articulation to remove that. However, the rendering was not updated ahead of the Planning Commission Meeting. She does not believe that it will be part of the project as it continues to move forward.

Commissioner Mills mentioned the ivy in the area. He imagines that it was planted years ago and asked if it is on the property of the LDS Church. Mr. Anderson explained that the wall is split between the LDS Church and this property. The ivy is a good barrier, but having two fences is not a good idea. Two fences side by side tend to collect debris. If the chain link is on their side of the block

wall, it will be removed. Commissioner Mills stated that it is on the opposite side. Whatever agreement is worked out, he asked that the maintenance be considered. The area to the east will be shaded and will be very different from the space that is provided on the west side. Mr. Anderson reiterated the intention to plant trees to provide additional privacy to the residents.

Chair Anderson noted that the north is where the proposed snow storage would be located. She asked if planting those trees would block the area in terms of snow storage. Mr. Anderson denied this and explained that there would be adequate space there. Commissioner Dan Poulson had a question about the trash collection. He asked if it was ACE Disposal who would collect the trash cans since Wasatch Front Waste and Recycling District handles trash collection in Cottonwood Heights. Mr. Anderson reported that two years ago, Wasatch Front Waste and Recycling stated that they have the option to pick up or not pick up from private development in Salt Lake County from 1978 on. When notices were issued to planned unit developments (“PUD”) and private developments, there were a lot of difficulties. ACE Disposal has been the best provider in his experience.

It was reiterated that ACE Disposal will handle the trash collection. Commissioner Poulson believed ACE Disposal will not have the same rules that need to be abided by as Wasatch Front Waste and Recycling District. This was confirmed. Mr. Anderson explained that they were instructed that there needs to be a 20-inch separation between cans. There are 10 cans associated with this development, which means there is more than enough space available. As for the question asked earlier about whether or not the roads could be construction to handle the heavy trucks, it is possible if there were 10 inches of reinforced concrete, but it is cost-prohibitive to put that in.

Commissioner Steinman asked if there are any details about the ACE Disposal trash removal. He wanted to know if the company could pick up trash on a public road. This was confirmed. Mr. Anderson reported that the arm was on the side of the vehicle. On the can, there is a stainless-steel metal bar embedded in the handle grip. That is where the can is grabbed. The distance between the cans that were mentioned during the Work Session relates to the capture system, which has two arms that come in and pick up the can. This is a different system, and it comes from below.

Commissioner Poulson noted that it was stated previously that recycling will be picked up one time per month. He asked if that was adequate. Mr. Anderson noted that in other PUDs, recycling being picked up on a three-or-four-week basis has been fine. He reiterated that there are different mechanical systems between ACE Disposal and Wasatch Front Waste and Recycling District.

Commissioner Mills asked about the visitor parking. He wondered if there were any strategic ideas related to ADA approaches. Mr. Anderson explained that the project is designed to be ADA-visitible. All of the sidewalks, approaches, and courtyard patios have been leveled. There is only one step into the unit. To be ADA compliant would be different than ADA visitible. In the case of ADA compliance, there would be three parking stalls and a landing pad. The townhome is intended to be visitible. Commissioner Mills mentioned the sidewalks in front of the visitor parking spaces. He is trying to envision how a wheelchair user might be able to navigate that. Mr. Anderson acknowledged that it would be tight for a full wheelchair to access that area.

Commissioner Poulson noted that there might be issues with parking if there is a party or someone is entertaining, given the amount of visitor parking spaces. Mr. Anderson noted that he had seen vehicles parked on the north and west sides of Bengal Boulevard. Visitors could park on the public street if there is no additional parking available on the site. He heard similar comments on other

development projects, but the only time there has ever been a parking issue was during the construction period. The parking stalls have served residents and visitors well on a regular basis. Commissioner Poulson reiterated his concerns about the visitor parking that is proposed.

Commissioner Steinman asked about fire remediation. He wanted to know if there would be sprinkling in the buildings. Mr. Anderson stated that everything proposed on the property is compliant with the zoning and fire regulations. Commissioner Steinman wanted to hear more about the zoning compliance within the NC Zone. Mr. Anderson mentioned the height and the setbacks. There is compliance with those requirements. Commissioner Steinman asked if he feels the live-work component matches the overall intent of the NC Zone. Mr. Anderson noted that the commercial component is essentially a small bedroom. During the COVID-19 pandemic and after, many people started to work from home or had a hybrid system in place. It is beneficial to have a separate area for business use from the living area. Someone could conduct business in that room and not be bothered by the rest of the household activities. The CC&Rs will govern that live-work space. He explained that there will not be daily visitors to the office units.

Chair Anderson believes the applicant's definition of live-work is to have a separate home office. Mr. Anderson confirmed this. In most cities, to have a home office, the resident needs to apply for a Home Occupation Permit. That allows them to conduct their business from home.

Commissioner Mills had a question about elevation. He asked Staff and the applicant to estimate the height of the current structure on the property. Ms. DeSeelhorst shared the street view image, which shows the Wells Fargo Bank building. Mr. Anderson reported that the apex of the roof is 26.8-feet. The proposal for this building is 29.9 feet. Commissioner Mills noted that there is a difference in grade tapering from the north to south and from the east to the west. He asked if there was anything that would reassure the residents that there would not be an appreciable change. It would be beneficial to know how the applicant plans to deal with the slope in both directions. Mr. Anderson stated that the site would be balanced. The reason the bank building was constructed in this way was to accommodate drainage. It all drains to the central drains that are in the back on the north end. The grade was raised to pull it back. They will need to take the grade down on the east and west to match. Commissioner Mills believes that this will reassure some of the residents.

Additional discussions were had about the elevations. Commissioner Mills asked whether it is anticipated the northeast quadrant or southwest quadrant will be approached. Mr. Anderson reported that it will be the southwest quadrant. The grading and drainage shown on the civil engineering from McNeil Engineering shows that all of the water from the corners needs to be pulled back and brought down a center waterway because there is a 24-inch corrugated pipe that goes under there. That is where all of the water collection is stored until it percolates out.

Chair Anderson opened the public hearing.

Kelby Kunn reported that she lives three houses from the proposed development. She wants to address two key concerns including density and why this project does not fit the character of the community. This 10-unit townhome proposal is not appropriate for the NC Zone. She stated that the NC Zone was never intended to accommodate high-density residential development like this. Zoning Code Section 19.37.010 states that the NC Zone is meant for small-scale commercial services, not high-density housing. General Plan Section 3.1 prioritizes land use compatibility, ensuring that the commercial-zoned properties do not disrupt established residential areas. Subdivision Code Section

12.08.030 explicitly requires subdivisions to align with the character of the surrounding development, which this project fails to do. The developer is exploiting a zoning loophole by labeling this as a live-work project. In reality, it is a high-density residential development disguised under a commercial classification. It is a project where if properly zoned under the multi-family housing regulations, would be subject to stricter density restrictions. It appears the developer is attempting to bypass those stricter density restrictions. Ms. Kunn is not opposed to development, as growth is necessary, but it must be consistent with the surrounding neighborhood.

The areas in the community that have denser housing are zoned as R-2-8, which allows for duplex-style housing that fits with the neighborhood's character. Ms. Kunn stated that the proposal goes beyond the density threshold and does not align with the existing R-2-8 zoning patterns in nearby residential areas. If this property truly is for housing, it should be rezoned to the R-2-8 Zone to ensure that it fits within the surrounding community and maintains a balance between commercial and residential uses. Ms. Kunn is concerned about how the high-density project will increase traffic, reduce safety, and disrupt the quiet residential character that currently exists in the neighborhood. She moved here specifically because of the single-family low-density duplex homes that define the area. This proposal threatens the balance that exists. Ms. Kunn urged the Planning Commission to deny the project as proposed because it is not suitable for the NC Zone and does not reflect the density of surrounding neighborhoods. If residential development is truly the goal, then the developer should follow the correct process and seek a rezone to the R-2-8 Zone. This decision is not about stopping development but ensuring there is responsible development.

Ellen Birrell appreciates the work that the Planning Commission does. There are some challenges she sees with this proposal, and she wants to make sure those challenges are considered during the deliberations. In reviewing the code, she sees that there is contradictory language between 19.37.010 and 19.37.030. While live-work is listed as a conditional use, the design of this project involves a small room on ground level that may or may not be used by the resident for their livelihood. The language in 19.27.010 states: "The NC zone is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents." Ms. Birrell pointed out that what has been described is not convenience goods and services used frequently by local residents.

Ms. Birrell noted that the applicant has stated the units will not be used to interact with the public. As a result, that is a direct contradiction to what appears in the code for the NC Zone. The zone provides for scale and character of development that is consistent with pedestrian orientation and which tends to attract and promote a walk-in clientele. That stands in direct opposition to what has been described about this project. None of the units provide convenience goods and services used frequently by locals and none of the units provide pedestrian orientation that tends to attract and promote a walk-in clientele. Ms. Birrell pointed out that there will not be sidewalks within the project. In addition, she noted that Bengal Boulevard is used by children to reach an elementary, middle, and high school. There is nothing in Cottonwood Heights planning that addresses a safer condition for walkability along this segment of Bengal Boulevard. All of the additional vehicular trips that will be added with these 10 units will add to the danger on Bengal Boulevard. She urged the Commission to consider that while there is support for live-work units, what is proposed is not necessarily well suited to the area given the intention of the NC Zone.

Jonny Matich stated that Cottonwood Heights has certain values and has set certain standards. He lives on Oak Shadow Circle and has been there for the last five years. This development will not

obstruct his view, but it will cause safety problems. He works in education and when he leaves his house, there are a lot of students and pedestrians in the area. Putting 10 or 20 trash cans on Bengal Boulevard will cause visibility issues. Mr. Matich also has concerns about light pollution and the recycling only being picked up once a month. The 10-unit townhome development will not provide enough space for safety. He asked the Commission to deny the proposal.

Mitch Longson explained that he was here to raise a concern from the perspective of the neighboring LDS Church. There were some comments made about the Oak Shadow Circle parking and a potential Condition of Approval for signage there. However, he would like to request a similar condition if this project moves forward to address parking at the LDS Church. The same concerns are there that exist on Oak Shadow Circle. Visitor parking could easily be channeled into what some perceive as public parking in the church lot. As a result, Mr. Longson asked that there be a Condition of Approval for signage and enforcement to ensure there is no visitor parking there.

Jay Velazquez stated that he and his husband live directly west of the planned development on Oak Shadow Circle. He was impressed with the Commission discussion that took place. It is clear that several Commissioners see many of the same issues residents see. This project does not make sense as a live-work development, because the applicant himself stated that this is residential with a home office. A 108-square-foot room that is described by the applicant as a small bedroom is not a commercial use. His walk-in closet is larger than 108 square feet and he would not hold a meeting there. Mr. Velazquez agreed with the concerns expressed previously about garbage, fire, and density. There are a lot of subjective standards that are being applied because the City Code does not have enough specificity on certain items. The conflict between the NC Zone and what is being described as a residential high-density development is concerning. The role of the Planning Commission is to determine whether or not this proposal makes sense in this particular area.

Mr. Velazquez mentioned that the garbage cans will need to be kept inside the garage. He does not believe it will be possible to park two vehicles inside of the garage and also store the garbage. This proposal sets a dangerous precedent for the live-work approach. He appreciated the comments shared earlier by City Council Member Birrell about the conflicts with the Code. Mr. Velazquez added that the area can receive 12 to 20 inches of snow during a snowstorm. He does not believe there is enough room to hold all of the snow that will come along that driveway. For the safety of existing and future residents, he asks that the Commission reject this proposal.

Jeff Chatelain does not support 10 units on a 0.48-acre property. He is not certain that the price of the units has been revealed but expressed concerns about any comparisons to Tavaci. Mr. Chatelain shared information about the Canyon Centre, which he lives next to. He urged the Commission to look at the number of trash cans that are put out on garbage day there. He next shared concerns that snow from the proposed development will be pushed onto Bengal Boulevard. There are concerns that what happened at Canyon Centre will happen again with this development.

Robert Farnsworth shared comments about the NC Zone and 19.37.010. This plan wants to take an existing bank and replace it with 10 small offices that total 1,080 square feet. That is a reduction of over 53% of the commercial use, which is not protecting or enhancing the area. He read from 19.37.010 and pointed out that the application does not meet the standards. The Municipal Code defines a home occupation as any use that is conducted entirely within a dwelling and carried out by one person residing in the dwelling unit, where use is clearly incidental and secondary to the use of

the dwelling and does not change the character of the dwelling for residential purposes. It is clear that the home offices that are proposed as part of this development are not live-work.

Mr. Farnsworth explained that what is proposed does not meet the Code. The Code language also states that “Development within this zone should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and properly cited parking facilities.” A 20-unit per acre density should not sit next to a low-density R-1-6 Zone. The plan also does not appear to be ADA-compliant. It needs to be compliant and not simply visitable. If there are four or fewer spaces, it needs to be van-compliant, which requires an eight-foot access aisle. There is no room on the plan for an eight-foot access aisle.

Paul Hatfield stated that he lives on Oak Shadow Circle. Based on a review of the plans, it seems the proposed development is incompatible with the single-family homes that are in the area. The General Plan states that any new development shall preserve the neighborhood character and complement the existing built environment, which this proposal does not. As for snow removal, he lives at the very end of Oak Shadow Circle and half of the time, the snow is pushed into the front of his home. There have been times when the snow has been there until late May or early June. If there is a four-inch snowstorm, the applicant will need to plan on putting 36 cubic feet of snow onto the end of that driveway, which will not fit. As a result, snow will likely be pushed out onto Bengal Boulevard. The proposal only makes sense if there is a very lean snow year.

Mr. Hatfield was not opposed to development of the lot. He understands that housing development needs to take place. If this proposal moves forward, he asks that the Commission require a fence on the Oak Shadow Circle side. When it comes to the height, it is correct that the bank height is almost 27 feet but it has a pitched roof. The developer is planning to have a flat roof at 30 feet, which will have more of an impact than what is there currently. Mr. Hatfield stated that the proposed development does not adequately take into account the NC Zone or the adjacent R-1-6 Zone. He asked that the Planning Commission deny the proposal.

Marcia Whitney lives near the intersection of Bengal Boulevard and 3500. There are a lot of traffic issues with that intersection, but she has never seen vehicles parked on Bengal Boulevard. She is concerned about the parking, especially the suggestion that parking can or will take place along Bengal Boulevard. Not only does the proposal not match the neighborhood, but there is not enough parking for the number of residents. Each unit will likely have two vehicles, which is 20 vehicles coming in and out close to the intersection. She reiterated her concerns about the traffic levels.

Sean Cox lives directly north of the proposed development. He is deeply concerned about the impact this project will have on the privacy of his family, the density of the neighborhood, and the overall character of the community. Mr. Cox values the peace and privacy of his home. The dense layout of the proposed design, as well as the proximity to his property, threatens to take away his peace and privacy. He worries about the noise, increased activity, and losing personal space. Knowing that his backyard will now be overlooked by new neighbors is unsettling. While the proposal includes a commercial office, it is clear that the focus is residential. This is not what the NC Zone was intended to do. The zone is supposed to serve the community with low-impact commercial uses. What is proposed is high-density housing that will strain the infrastructure and change the character of the neighborhood. This proposal does not fit in the area.

Mr. Cox noted that the development feels rushed and out of place. This is not just about the rules in zoning, but in preserving the unique sense of community that residents have worked hard to find and build. This project does not align with the needs of the community or the character of the neighborhood. It will disrupt privacy and cram too many units into a small space. Mr. Cox asked the Commission to reject this proposal and prioritize development that reflects shared values.

Ryan Buy stated that he lives on Mountain Estates Drive. He thanked his fellow citizens who have shared comments. Mr. Buy believes the project should be rejected, as it does not fit the character of the neighborhood. He also feels that the reason the garbage cans are proposed to be placed on the street is because there is not enough space for a garbage truck to exit the development. He heard that the Unified Fire Authority (“UFA”) has approved the preliminary plans, but he has a hard time believing that a fire truck could make it into this property and then safely turn around. If this project moves forward, he would like to see a letter from UFA that is part of the public record. Mr. Buy asked the Planning Commission to reject this proposal in its current form.

Randy Gotberg is a resident of the neighborhood and expressed concerns about what has been proposed. The issues that have been mentioned by others are important and need to be considered. He believes that the Commission has been lied to by omission. While the garages are 21’ x 21’ and it is possible to park one larger vehicle in the garage, it is unlikely that a second vehicle will fit. There is not enough room in the proposed development. As for the offices that will be downstairs, he wants to understand where that parking will be accommodated. It was stated that trees would provide privacy for the tenants and neighbors next door, but he feels that is another lie by omission. The trees would be for the tenants and developer because the neighbors would lose their views of the mountainside as the trees grow taller. He expressed concerns about emergency access.

Mike Halligan stated that he is a resident of Cottonwood Heights. He agrees with many of the comments that have been shared and the concerns that have been raised. There has been a discussion about overflow parking on the street. Based on the way the street is currently striped, that would result in parking in the bicycle lane. This puts visitors needing to park in a difficult situation, where they will need to decide whether to park in the church parking lot or the bicycle lane. There is not a clear solution. If this project moves forward, it is necessary to determine where the parking will take place and how the parking will impact other uses on the street. He discussed the proposed massing. Putting something of that size and mass into the space will change the neighborhood character, as the surrounding neighborhoods are two-story residential.

Chad Penguin lives approximately three blocks north of the proposed development. There is a difficult intersection at 3500 East and Bengal Boulevard. That intersection has a crosswalk for the schools. There is already an issue with vehicles not stopping at that intersection. Adding parking in the bicycle lane as well as garbage collection there will block access and visibility. Creating these kinds of issues could result in a pedestrian being hit. He reiterated his safety concerns.

Karen Cordiner lives at the end of Oak Shadow Circle and there is often snow in front of her home. As for the corner of 3500 East and Bengal Boulevard, there are a lot of issues there and people do not stop. She worries about crossing any street with a stop sign. Adding more people to the area means more vehicles in the area. She is worried about visibility and safety. Ms. Cordiner would like to see a development that makes sense with the rest of the neighborhood.

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

Chair Anderson expressed appreciation for the residents who came out to share comments. She noted that it is now time for the Planning Commission to deliberate on the application.

Commissioner Steinman wanted to start with a discussion on live-work. The current Code is not clear enough and the City has to rely on the applicant and their vision of live-work. The NC Zone encourages enhancing local amenities, promoting walkability, encouraging mixed-use, limiting impact, and fostering community. Unfortunately, this development is focusing on a home office rather than a true live-work situation. Live-work means there is cohesiveness within the community. Most other communities have a 300-square-foot live-work requirement component. He could see live-work making sense in this area if there was a 300-square-foot base-level requirement.

Commissioner Steinman reported that in the NC Zone, there is a PUD requirement, which requires three acres or more to be multi-family. The applicant communicated that this is basically a multi-family development rather than a live-work development. The live-work component has to have a residential component, commercial component, and integrated use. It is important to consider how this proposal will meet the intent of the NC Zone. He has some ideas to mitigate concerns, such as deed restriction. Containing trash on-site and containing all snow removal is important, as is ensuring there is cohesiveness to foster a sense of community. Though there have been other live-work developments, the NC Zone is not mixed-use. Commissioner Steinman believes a requirement of 300 square feet for commercial use would better create the commercial component. In addition, he feels that ADA needs are important to keep in mind. He loves NC developments but feels that those developments need to be thoughtful, foster community, and limit impacts. A lot of people want to see development occur on the property but want to see intentional development.

Chair Anderson has similar thoughts as far as the work component. It sounds like the proposal is a workspace, but it is not commercial. Commissioner Mills acknowledged that there are gaps in the Code due to incorporation. Based on the discussion with the applicant, he feels better about the trash collection, though it is not an ideal situation. Parking continues to be a concern as does ADA. He does not have an issue with the higher density and pointed out that the NC Zone could allow several other uses, such as a Starbucks. That kind of use would result in a lot of traffic. Commissioner Mills noted that this lot is fairly small and that is in contrast with some of the other projects that have been mentioned during the meeting. In order for this to move forward, he believes there will need to be some thoughtful Conditions of Approval to address the issues.

Chair Anderson believes the waste management needs to be internal. It is concerning to put garbage cans out on Bengal Boulevard, as that can create a safety hazard. She noted that Bengal Boulevard is already a dangerous street. In addition, it is not appropriate for snow removal to impact Bengal Boulevard. Based on the materials, it does not appear there is enough snow storage.

Commissioner Shelton shared information about the different roles of the Planning Commission. One of their roles is to listen to comments from the public. The character of the community and whether or not something makes sense in the community is defined by the zone. The Commission is limited in its scope to the rules that are set. Council Member Birrell mentioned that her view is that there is a contradiction in the code. This is a contradiction that many members of the public brought up during the public hearing. The recognition that there is a contradiction creates a challenge, as a contradiction must be resolved in favor of the applicant.

Commissioner Shelton agrees that this piece of property would be better if it were not zoned NC. However, it is zoned NC and that is what the Planning Commission needs to consider. It makes sense to him to remove live-work from the NC Zone, but at this time, it is listed there. The City Council has a different role than the Planning Commission. He pointed out that the City Council can set the rules. For example, the City Council could decide that live-work does not belong in the NC Zone and remove it. The Planning Commission cannot do that. If live-work is permitted, the Commission has to approve the use in that zone. What the Planning Commission has to do with a Conditional Use Permit application is decide if there are conditions that can be imposed that meet the code. The nearby intersection has issues, but that is not a factor when it comes to the right of the applicant to build what is permitted by code. As long as the applicant complies with the standards that are codified, the applicant must be granted approval.

Ms. DeSeelhorst shared the State Code on conditions for conditional uses. As the Planning Commission thinks about reasonable conditions, she asked them to remember that conditions imposed need to mitigate reasonably anticipated detrimental effects of a proposed use. The conditions do not require the elimination of the detrimental effect. State Code states that a Land Use Authority shall approve a conditional use if reasonable conditions are proposed. She informed the Commission that the next Planning Commission Meeting is scheduled for February 5, 2025.

Commissioner Steinman believed deed restrictions for commercial components are needed as well as a requirement for a Business License for the space within six months. ADA is also important to abide by, as is restricting the development to on-site trash removal to ensure it is contained. The Commission needs to make sure the Conditions of Approval are in alignment with the NC Zone. Some other cities require higher ceilings in ground levels for the commercial component of a live-work development. Right now, the City is working on a Form-Based Code, where ground-level commercial requires a higher ceiling than residential. He would like the Commission to think about those kinds of conditions and work with Staff to refine some of the condition language.

Commissioner Shelton noted that it is difficult to set standards when the code does not have them. The code does not have a standard for ceiling height. It is not appropriate to state that a ceiling height has a detrimental impact, because there is no standard on which to base that. Commissioner Steinman noted that this is a Conditional Use Permit, and guidelines can be set to ensure that there is compatibility with the zoning. Chair Anderson referenced the language read earlier by Ms. DeSeelhorst. She does not believe higher ceilings will mitigate a detrimental effect. Commissioner Steinman explained that he does not want to promote non-compliance with live-work. Commissioner Shelton pointed out that live-work does not have a definition in the code, so it is not possible to state there is non-compliance. There is language the Director can adopt as the standard in the absence of a definition in the code. However, that standard is somewhat vague. Commissioner Steinman explained that the current proposal is a multi-family development. That kind of development is required to be above three acres in the current code.

Commissioner Mills commented that there is some difficulty because the Planning Commission is not a legislative body. The Commission can only create Conditions of Approval that address detrimental effects. He believes the Commission can make an argument relative to the ADA needs the requirement of a Business License, and on-site trash removal. Chair Anderson feels there should be Conditions of Approval to address ADA compliance, signage in the LDS Church related to parking, and a requirement for fencing on the west side. Ms. DeSeelhorst suggested that the Commission discuss a minimum height for the fence. The clear view triangle at an intersection of the

roadway is 30 feet, so there would need to be compliance to not create visibility issues. Commissioner Poulson noted that a chain link fence would increase the visibility of the intersection.

Community and Economic Development Director, Michael Johnson, noted that the Commission needs to determine what will be mitigated with the fence. For example, whether it is privacy, visual, or access from Oak Shadow Circle. Commissioner Poulson believed it would be to discourage parking in the cul-de-sac. Mr. Johnson reported that access management is one fencing type whereas privacy and visual buffering might have different requirements. Commissioner Steinman believes the Commission should focus on the commercial component. Putting a 300-foot minimum requirement for ground-level commercial mitigates potential non-compliance.

Commissioner Shelton stated that in his view, live-work can be defined as a desk in an office. Someone who works in that way is not out of compliance with the code, based on how he reads the language. He agrees that there are contradictions in having live-work on the list of conditional uses, but it is currently on that list. Commissioner Steinman pointed out that the applicant is applying for a conditional use. There need to be appropriate conditions. There is a difference between the NC Zone and multi-family uses. Commissioner Mills wanted to understand why 300 feet would be more compliant than 100 feet. Commissioner Steinman reported that 300 feet is the commercial regulation within the Utah Land Institute's ("ULI") definition of commercial space.

Chair Anderson shared possible conditions related to internal trash management on-site, increased space for snow storage, and a requirement for a Business License. As for the 300-foot requirement on the first floor, she is struggling to understand how that is mitigating anything negative. She understands the argument from Commissioner Steinman but wants to better understand what is being mitigated with that condition. Commissioner Steinman reiterated that it would mitigate non-compliance and ensure that each of these are actually live-work units. Activating the ground level allows for better integration in the neighborhood and better integration with the NC component. Commissioner Mills asked that ADA-compliant visitor parking be added to the list. In addition, there was the proposed condition related to fencing on the west side of the property.

Commissioner Steinman noted that based on the current proposal, the owner is not necessarily allowed to operate a company that an employee can work at. He wondered whether there was a desire to regulate that in some manner. Currently, it is simply a home office component and the CC&Rs do not allow for employees to be working there. Ms. DeSeelhorst referenced Condition of Approval #1 which was recommended by Staff. Not allowing additional employees could mitigate a negative parking impact. If the Commission wants to make edits to the Conditions of Approval that were recommended by Staff, she asked that this be clearly stated for the record.

Commissioner Mills wondered whether improved walkability on the frontage would better allow for a walk-up type of use, such as a hair salon. Commissioner Steinman expressed support for that kind of condition. Mr. Johnson reported that there is a requirement for a sidewalk connection to the public sidewalks, both from the south elevation and the west elevation. There will be full connectivity between the units and the pedestrian path. Commissioner Mills feels it makes sense to leave some discretion to Staff and the property owner so they can determine what walkability improvements look like. For example, there could be wider sidewalks or a protected bicycle lane. He referenced the pedestrians in the area and the safety concerns expressed. It is possible to mitigate some of the issues with creative solutions. There could be a fairly broad condition written.

Commissioner Mills stated that he is comfortable with all five of the Staff recommended Conditions of Approval. It is possible to add that similar signage be placed at the front of the LDS Church parking, per their approval. Commissioner Shelton has an issue with stating that parking is permitted on a public street, except for residents or visitors of the development. He does not feel that is fair or makes sense. If Oak Shadow Circle is not compatible with public parking, then a change should be made, but there should not be discrimination against one set of residents. Several Commissioners agreed with that statement. Commissioner Steinman asked whether the Commission feels the proposed development is underparked. Commissioner Shelton noted that it is not under-parked based on the standards. Commissioner Mike Smith wondered how a review of those standards could be initiated. Ms. DeSeelhorst reported that zoning text amendments will continue to come to the Planning Commission over time. It is also appropriate for the Planning Commission to let the City Council know if certain priorities should be considered.

Mr. Johnson pointed out that some of the potential Conditions of Approval mentioned by the Commission could result in substantial changes to the development layout. It might be best to continue the item. This way, the applicant can review the list and bring a concept back. Chair Anderson agreed that it makes sense to continue the item to a future Planning Commission Meeting. Ms. DeSeelhorst suggested continuing to a date certain. If the applicant needs more time than that meeting date allows, the item could be continued again to a future meeting.

Chair Anderson summarized some of the items the Commission would like to see addressed:

- ADA-compliant visitor parking space;
- Signage in the LDS Church parking lot to the east of the proposed development;
- Addition of fencing on the west side of the development to meet City requirements;
- Internal trash management;
- Adequate/increased space for snow storage;
- Business License requirement for each unit; and
- 300 square foot requirement for each commercial unit.

Chair Anderson noted that while there is some uncertainty about the 300-square-foot requirement, she feels it is worth listing at this point. As for the recommended Conditions of Approval from Staff, the Commission would suggest that Condition of Approval #4 be updated to remove the signage requirement on Oak Shadow Circle and add a signage requirement for the church east of the proposed development. Chair Anderson is not certain overnight parking can be prohibited, as there are residents who may park on Oak Shadow Circle overnight. Mr. Johnson offered to ask the City Engineer for additional input on the area based on the road width and other factors. Commissioner Mills asked that the list of items include improved walkability to encourage pedestrian safety. Discussions were had about the agenda items scheduled for the next meeting.

Commissioner Mills moved to CONTINUE Project CUP-24-019 and SUB-24-008 to the February 5, 2025, Planning Commission Meeting. Commissioner Steinman seconded the motion. Vote on Motion: Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Steinman-Yes; Commissioner Mills-Yes; Commissioner Shelton-Yes; Chair Anderson-Yes. The motion passed unanimously.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from January 8, 2025.

Commissioner Mills moved to APPROVE the Consent Agenda. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

Commissioner Shelton moved to ADJOURN the Business Session. Commissioner Steinman seconded the motion. The motion passed with the unanimous consent of the Commission.

The Business Session adjourned at approximately 8:42 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Business Session held on Wednesday, January 22, 2025.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

DRAFT