

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

3
4 **Wednesday, December 1, 2021**

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

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

9 **ATTENDANCE**

10
11 **Members Present:** Chair Christine Coutts, Commissioner Bob Wilde, Commissioner Jessica
12 Chappel, Commissioner Jesse Allen, Commissioner Dan Mills,
13 Commissioner Jonathan Ebbeler, Commissioner Lucy Anderson
14

15 **Staff Present:** City Attorney Shane Topham, Community and Economic Development
16 Director Michael Johnson, Deputy City Recorder Heather Sundquist, Senior
17 City Planner Andrew Hulka, Associate City Planner Samantha DeSeelhorst
18

19 **WORK MEETING**
20

21 Chair Christine Coutts called the Work Meeting to order at 5:00 p.m.
22

23 **1.0 Review Business Meeting Agenda.**
24

25 Chair Coutts reviewed the Business Meeting agenda.
26

27 Senior City Planner, Andrew Hulka, reviewed the request for a subdivision amendment for
28 proposed changes to the “Murray No. 7 Condominiums” Plat located at 7280 South Ponderosa
29 Drive in the Residential Multi-Family (R-2-8) Zone. The proposal would convert two
30 condominium lots to two standard lots. A property rendering was displayed. Staff believed the
31 proposal meets the requirements of the ordinance and recommended approval.
32

33 Associate City Planner, Samantha DeSeelhorst presented the Conditional Use request for property
34 at 1441 East Fort Union Boulevard. A City map was displayed. The applicant has requested
35 conditional use approval of an audio retail store with anticipated operating hours from 9:00 a.m.
36 to 6:00 p.m. She indicated that the bulk of the business is in-home installation with the on-site
37 location being used for consultation with one employee. The Ordinance requires eight parking
38 stalls with one ADA accessible stall. The site is currently striped right in and right out and Staff
39 requested that be maintained. Staff recommended approval with the condition that no portion of
40 the neighboring East Jordan Canal Trail be used for parking or business uses and the right in/right
41 out is maintained. The surrounding retail uses were discussed. She acknowledged that the
42 proposed use involves fewer pick-ups and drops off than the previous business.
43

44 Parking issues were discussed. The Commission discussed options for mitigating parking
45 concerns.
46

1 Community and Development Director, Michael Johnson reviewed the request from Ivory Homes
2 for Preliminary Subdivision Plat and Conditional Use approval of a Planned Unit Development
3 (“PUD”) on Property located at 3425 East Doverhill Drive in the Residential Single-Family (R-1-
4 8) Zone. The 6.17-acre property is currently owned by the Church of Jesus Christ of Latter-day
5 Saints with the existing building having experienced arson in 2018. A preliminary plat rendering
6 was displayed. Mr. Johnson reported that Ivory Homes is proposing a 17-lot, single-family
7 subdivision on 4.17 acres of the parcel with two acres being owned and maintained by the City as
8 a public park. The City felt that retaining open space is critical for this neighborhood. At the time
9 the property was listed, there was no agreement in place with regard to what would be offered to
10 the City or what would be retained as open space. The City was invited to submit an offer. After
11 numerous meetings, the owner made the final decision to offer the eastern two acres of land for
12 sale to the City and four acres to Ivory Development. There were concerns with the two-acre
13 layout, which does not provide walkable access. The desire was to ensure access from Doverhill
14 Drive to maximize the property frontage.

15
16 Mr. Johnson reported that numerous meetings have been held with Ivory Homes in an effort to
17 cater a design around the City’s requests to optimize the City park portion of the property. An
18 agreement was drafted to ensure that items are addressed that are not part of the Code subdivision
19 process. The request included maximizing park frontage, preserving the pavilion, and providing
20 for pedestrian access to be contemplated in the agreement. Mr. Johnson stated that the
21 Development Agreement will go to the City Council for discussion and potential consideration on
22 December 14, 2021. Staff felt that the terms of a preliminary submittal on the application
23 addresses many of the concerns raised by the City.

24
25 Mr. Johnson commented that the park configuration has been proposed differently than what was
26 offered to both parties for sale. A map depicting the two parcels was displayed. With over six
27 acres, the density is 2.75 units per acre with 17 lots. Two acres of open space with 12 lots accessed
28 from Summerhill Drive and five lots accessed from Doverhill Drive. A PUD must demonstrate
29 creative use of land that is distinct and different from what can be provided with a standard
30 subdivision. Use of the land must be efficient and utilize the smaller network of utilities and streets
31 and allow a greater amount of open lands. Staff found that the primary purpose of the PUD request
32 was to enhance the City park portion of the property beyond what was offered to the City. It also
33 helps preserve and make accessible fully public open space. Ivory requested a modification of lot
34 width and side setbacks to provide the proposed 17 housing units with no proposed variation to
35 reduce lot sizes below 8,000 square feet. The applicant requested a total of 10 feet in total or five-
36 yard side setbacks where 20 feet between both side yards is normally required

37
38 Commissioner Mills shared concern with the proposed layout and side setbacks. Mr. Johnson
39 stated that the project is required to go through the Architectural Review Commission (“ARC”)
40 for design compliance and receive a Certificate of Design Compliance prior to final approval. He
41 confirmed that ARC’s job is to ensure that the design goals of the PUD are met.

42
43 Mr. Johnson reported that the application has no proposed zoning change or lots smaller than 8,000
44 square feet in size and it is consistent with neighboring developments. A recommendation was
45 made to survey all existing trees and identify those that are healthy and not impacted by the actual
46 private development to be preserved. Because the property is located within the Sensitive Lands

1 Overlay Zone with a potential fault line or hazard, the City will review the entire site and require
2 all hazards to be screened. He explained preliminary and PUD approval at the preliminary plat
3 level is essentially proof of concept. Preparation of final plat and final construction plans will
4 include complete site plans, civil site plans, grading plans, drainage, erosion control, utilities,
5 traffic study, review and approval by all City departments, a complete sensitive lands analysis, and
6 final plat recordation.

7
8 The Council Members expressed concern with the urgency of the approval. Mr. Johnson
9 confirmed that the process includes multiple public meetings. Deadlines were fast approaching to
10 close on properties as well as the change in City leadership. Staff recommended approval of the
11 preliminary plat subject to the conditions set forth in the Staff Report.

12
13 **2.0 Additional Discussion Items.**

14
15 **3.0 Adjournment.**

16
17 ***Commissioner Wilde moved to adjourn. Commissioner Ebbeler seconded the motion. The***
18 ***motion passed with the unanimous consent of the Commission.***

19
20 The Work Meeting adjourned at 6:00 p.m.

1 units with no common area and meet the minimum request of the zoning and requirements of the
2 subdivision plat. No changes had been proposed to the site. The request was for a change in
3 ownership. Staff recommended approval.

4
5 Commissioner Chappel asked if there was language in the Ordinance pertaining to modifications
6 to the existing structure. Mr. Hulka stated that any changes would have to meet all building height,
7 setbacks, and Building Code requirements.

8
9 Chair Coutts opened the public hearing.

10
11 *Julian Findlayson* was present representing a potential buyer. The reason for the request was that
12 a buyer cannot obtain a conventional loan on an entire Homeowners Association (“HOA”). He
13 explained that the parcel, as configured, includes three tax parcels and the purchase of the HOA.
14 The intent was to eliminate the single-owner HOA with two limits so that it meets standard lending
15 guidelines.

16
17 There were no further public comments. The public hearing was closed.

18
19 Chair Coutts understood that the maintenance issue previously discussed is not within the City’s
20 purview.

21
22 ***Commissioner Bevan moved to approve Project SUB-21-006 with the following condition:***

- 23
24 ***1. Access to Lot 2 shall be approved by City Staff prior to final completion of***
25 ***recordation of the lots.***

26
27 ***Commissioner Wilde seconded the motion. Vote on motion: Commissioner Wilde-Aye,***
28 ***Commissioner Chappel-Aye, Commissioner Allen-Aye, Commissioner Bevan-Aye,***
29 ***Commissioner Mills-Aye, Commissioner Anderson-Aye, and Chair Coutts-Aye. The motion***
30 ***passed unanimously. Commissioner Ebbeler did not participate in the vote.***

- 31
32 **3.2 (Project CUP-21-016) A Public Hearing to Receive Comments and Take**
33 **Possible Action on a Request from Bryan Bone for a Conditional Use Permit**
34 **to Operate an Audio Retail Store within an Existing Commercial Building at**
35 **1441 East Fort Union Boulevard in the Neighborhood Commercial (NC) Zone.**
36

37 Associate City Planner, Samantha DeSeelhorst presented the Staff Report and displayed a property
38 rendering. The proposal is for a Conditional Use in the underlying zone for an audio retail store
39 within an existing commercial building. The proposed business hours were from 9:00 a.m. to
40 6:00 p.m. Monday through Friday. The applicant anticipates using the space for office and
41 customer consultation with the bulk of business activities being conducted off-site with in-home
42 installations. One employee will be on-site to perform administrative duties. The applicant has
43 had existing operations in Sandy City for 17 years and anticipates no more than five clients per
44 day. No alterations to the site or building were proposed and the proposed use will be lower in
45 intensity than the previous business. The parking was determined to meet the City’s requirements.
46 Staff recommended approval with conditions listed in the Staff Report.

1
2 The applicant, Bryan Bone, reported that he has operated The Home Audio Store for 17 years in
3 Sandy City. The business involves primarily consultations with very little retail as the product is
4 brought in and installed in the customer's home. There was to be one employee on-site with one
5 company vehicle and 1,000 square feet of unfinished area to house the equipment. Mr. Bone
6 agreed to maintain the entryway striping.

7
8 Chair Coutts opened the public hearing. There were no public comments. The public hearing was
9 closed.

10
11 Commissioner Bevan stated that the proposed request will have significantly lower traffic than the
12 previous occupant. He supported maintaining the current signage and recommended that those
13 exiting the property make a right-hand turn.

14
15 ***Commissioner Mills moved to approve Project CUP-21-06 subject to the following:***

16
17 ***Conditions:***

- 18
19 ***1. The applicant may not use any portion of the East Jordan Canal Trail for parking***
20 ***or other business uses.***
21
22 ***2. The right-in/right-out parking lot striping be maintained unless otherwise***
23 ***required by the City.***

24
25 ***Findings:***

- 26
27 ***1. The proposed use described in the Staff Report is a Conditional Use within the***
28 ***Neighborhood Commercial zone.***
29
30 ***2. A public hearing was held in accordance with local and State requirements.***

31
32 ***Commissioner Wilde seconded the motion. Vote on motion: Commissioner Wilde-Aye,***
33 ***Commissioner Chappel-Aye, Commissioner Allen-Aye, Commissioner Bevan-Aye,***
34 ***Commissioner Mills-Aye, Commissioner Anderson-Aye, and Chair Coutts-Aye. The motion***
35 ***passed unanimously. Commissioner Ebbeler did not participate in the vote.***

- 36
37 ***3.3 (Project SUB-21-007) A Public Hearing to Receive Comments and Take***
38 ***Possible Action on a Request from Ivory Homes for Preliminary Subdivision***
39 ***Plat and Conditional Use Approval of a Planned Unit Development ("PUD")***
40 ***on Property located at 3425 East Doverhill Drive in the Residential Single-***
41 ***Family (R-1-8) Zone.***

42
43 Community and Development Director, Michael Johnson presented the Staff Report and stated
44 that the current property is 6.17 acres in size. It had been divided into two parcels but is one
45 cohesive property that is owned by The Church of Jesus Christ of Latter-day Saints. The property
46 had been surplused with two acres being sold, pending City Council approval, to the City to be

1 retained as open space. The remaining four acres were being sold to Ivory Homes for private
2 development where no zone change is proposed. A property rendering was displayed.
3 Mr. Johnson reported that the proposed subdivision configuration includes 17 single-family lots,
4 including five that front directly onto Doverhill Drive and the remaining being accessed from
5 Summerhill Drive. Under the PUD proposal, Parcels A and B would become the two acres
6 purchased by the City. Parcel A would become the park with Parcel B to be used as a 10-foot
7 pedestrian pathway to provide a sidewalk or trail connection for pedestrians from Doverhill Drive
8 into the park area.

9
10 Mr. Johnson reviewed the property acquisition and stated that they went to great lengths to ensure
11 that the local desire was heard. The two acres were offered to the City with the remaining four
12 acres offered to a private developer. The design was maximized to provide pedestrian access,
13 maximum frontage for the City park, and preservation of the pavilion. Because the configuration
14 differs from what was offered, a draft Development Agreement was to be presented to the City
15 Council. It was to be entered into between the City and Ivory Homes to ensure the optimal interface
16 between the private development and City park design.

17
18 The subdivision is zoned R-1-8 with no zone change proposed with a density of 2.75 units per
19 acre. Mr. Johnson identified the eastern two-acre configuration compared to what is being
20 proposed, which coincides with the City's priorities. Staff felt it was merited to include the open
21 space as one of the benefits being provided by the proposed PUD, which may be granted
22 exceptions to the normal massing requirements. Ivory Homes requested the exception with a slight
23 reduction in lot width and a reduction of side setback requirements of homes within the
24 subdivision. The lot frontage was reduced only necessary to accommodate the maximum design
25 or benefit of the open space. Mr. Johnson noted that the conditions include that the ARC
26 thoroughly reviewed the design criteria in a public meeting to ensure that the proposal complies
27 with all of the design criteria requirements in the PUD Ordinance. Access standards require review
28 prior to any final plat recordation or final approval. The conditions of approval were reviewed.
29 Staff recommended approval of both the preliminary plat and PUD subject to the findings and
30 conditions set forth in the Staff Report. Recommending approval with extensive findings and
31 conditions will allow the City time to review and vet every aspect of the proposal to ensure that it
32 complies with the Code, present it to the ARC, and ensure design compliance.

33
34 Brian Prince from Ivory Development gave a brief overview of the proposal and stated that they
35 became involved after the property owner decided to sell four acres for private development and
36 two acres to the City. The Church representatives and their brokers reached out to Ivory
37 Development in an effort to market the property. Ivory Development made an offer and entered
38 into an agreement to purchase the western four acres. A meeting was held with the City where
39 details of the proposed subdivision were discussed. The City shared their design, foundry of the
40 proposed park, and vision and asked Ivory Development to return with a subdivision that would
41 accommodate that property. Mr. Prince encouraged the Commissioners to visit the Watson
42 Hollow development to architecture and finishes of the homes, which are similar in design to what
43 is proposed. Retention issues were discussed. Mr. Prince reported that a Landscaping Plan was
44 provided but was just an example of the scale. He confirmed that a stormwater facility is planned.

1 Chair Coutts asked for clarification of the trash services and guest parking. Mr. Prince expected
2 the subdivision will require a private waste management service. Covenants, Conditions &
3 Restrictions (“CC&Rs) within the subdivision will restrict garbage receptacle placement and
4 screening elements. The parking would include a pull-in driveway with a two or three-car garage.
5 Signage will be posted to restrict parking to a maximum of one side of the street. The layout will
6 include 13 to 14 lots. Mr. Prince stated that the curb and gutter will be consistent with the elevation
7 of the homes. There will be a 10-foot pedestrian access with an eight-foot asphalt trail that will be
8 dedicated to the City. Fencing will be installed upon completion of the front four homes.

9
10 Commissioner Allen referenced the request for a decrease in setbacks from a combined 20-foot
11 setback to 20 feet. He believed that a 10-foot setback between the two homes could become an
12 issue and blend into the character of the adjacent neighborhood.

13
14 Mr. Prince stated that Ivory Development was encouraged not to pursue a rezone and designed the
15 project with the intent of delivering a site plan and vision for streetscapes to fit in to the extent
16 possible with the existing neighborhood while keeping the lots at a minimum of 8,000 square feet
17 in size. In exchange, relief was needed along the setbacks as the depths are acceptable with
18 challenging widths. He confirmed that the reduction of side setbacks is something they would
19 need to make the subdivision work.

20
21 Chair Coutts opened the public hearing.

22
23 *Laura Williams* asked for clarification regarding the red dotted line across her back property line
24 on the proposed property plan. Mr. Johnson offered to investigate and meet with her after the
25 meeting.

26
27 *Scott Peters* gave his address as 3589 Avondale Drive and stated that he is a Landscape Architect
28 by profession. He also serves as Chair of the Cottonwood Heights Architectural Review
29 Commission. He believed that both the City and developer have done a good job with the plan
30 with no change in zoning. The lot sizes match those on Doverhill Drive, Summer Hill Drive, and
31 Avondale Drive. He appreciated the preservation of the front and rear setbacks, the pavilion, and
32 lower parking that have been preserved with pedestrian access. He expressed concern with the
33 side yard setbacks, no accommodation for on-street visitor parking, the width of the pedestrian
34 connection and multi-use path, and the proposed retention pond in the park. Five-foot setbacks
35 along the side yards match the character of the neighborhood and it was recommended that they
36 provide five feet on one side and 10 feet on the other. Mr. Peters commented that a 22-foot paving
37 section does not provide enough space for two-way traffic and parking. Parallel stalls along one
38 side of the road with landscape islands were suggested. The standard for a typical multi-use path
39 is 10 to 12 feet with a minimum of 2.5 feet on each side to serve as a buffer. He recommended a
40 20-foot-wide corridor with an eight to 10-foot wide path with five to six feet on each side. With
41 little park space being preserved, he stressed that it is critical that they not create a hole in the park
42 for retention and reserve that space for active recreation.

43
44 *Donald Wilson* disagreed with the request and urged the Commission to recuse themselves if they
45 have already come to a decision. He lives adjacent to Lot 106 and will have his view blocked if
46 the proposed home is more than one story tall. He expressed concern with traffic on Summer Hill

1 Drive and five-foot setbacks. He remarked that if the plan is approved, he will expect Ivory Homes
2 to be prepared to buy him a home at market value.

3
4 Mayor Peterson appreciated the Planning Commission, Mr. Johnson, and Staff for being sensitive
5 to the residents of Doverhill Drive throughout this process. He stated that the City has been
6 approached by hundreds of residents pleading for open space. He expressed appreciation to the
7 community who contributed cash, material, and labor equal to \$1.3 million. It was presented to
8 the Church to show what the City felt was an equity interest in the full three acres of green space.
9 The proposal was rejected but credit was given to the City in the event they agree to purchase the
10 other two acres. He emphasized the importance of preserving open space.

11
12 Mayor Peterson reported that he met with the developer and had four requests:

- 13
14 1. Give the City more of the green space;
15 2. Provide access from the north;
16 3. Save the pavilion; and
17 4. More frontage was needed in addition to the 80 feet provided by the church.

18
19 The developer agreed to the last three requests. Mayor Peterson believed it was doable to provide
20 a quality, neighborhood park. He commented that there are a variety of details to work through
21 and as he leaves office, he believes this is valuable consideration for the Planning Commission
22 and the City Council.

23
24 *Tony Pines* identified himself as a resident of the northern hillside overlooking the park. He raised
25 concern with the hillside and seismic risks that run through the property beneath the proposed
26 housing, through the hillside, and across Wasatch Boulevard. Retention was of concern. He asked
27 if the sensitive lands extend to the hillside and if so if additional restrictions to R-1-8 will be
28 respected.

29
30 *Steve McIntosh* stated that the City has the beginning of a great project but believed there are too
31 many unanswered questions to move forward. He recommended tabling the request for 60 days
32 as he believed residents have not been properly noticed. He works with ski resorts and urged the
33 City to plan for snow storage.

34
35 *Mark Russell* indicated that lives on Summer Hill Drive and has a degree in Parks and Recreation.
36 He stated that giving up any park space does a great disservice to the community.

37
38 *Joseph Daryl* stated that the plan implies that the community is being asked to make concessions
39 so that the City may have the opportunity to purchase the two acres. With the Ivory Homes
40 setbacks as arranged, it equates to three lots to five lots. If the setbacks stand, there could
41 potentially be a lot of structure with more height than what currently exists. He was conflicted
42 with what is shown on the plan.

43
44 *Matt Brown* reported that he has lived in the community for 18 years. He appreciated that the
45 green space will be maintained and utilized properly. He raised concerns with traffic and the speed

1 limit being constantly exceeded. He asked that the plan accommodate traffic throughout the
2 neighborhood and was opposed to Ivory Homes' request.

3
4 *Mark Debry*, an Avondale Drive resident, was of the opinion that the park needs to have off-street
5 parking within the park boundaries. He stated that the existing pavilion should include restrooms
6 and questioned why it wasn't constructed correctly in the beginning.

7
8 *John Goodell*, a Brighton Point Drive resident, was unaware of any other opportunity for public
9 comment before the City. Chair Coutts stated that if there is a motion and the Commission votes,
10 there will not be another opportunity to make public comment. Mr. Goodell encouraged the
11 Commission to reject the proposal with the hope that they will provide additional time for public
12 input.

13
14 *Lucas Spitman*, a nearby resident, expressed concern with traffic and suggested speed bumps. He
15 stated that his property lost power several times over the summer and he considered infrastructure
16 to be an issue.

17
18 *Steve Haslam* commended Mayor Peterson for his efforts in preserving green space. He stated that
19 the setbacks of five feet are inadequate especially in considering a two-story home. If the
20 developer eliminated a proposed home, the City would not have to change the Code to
21 accommodate the buildings and is a better fit for the surrounding neighborhoods.

22
23 *Mike Bratsi* questioned the flow of construction vehicles through a residential neighborhood.

24
25 *Paul Rich* reported that he moved into Doverhill Drive in 1975 and expressed concern with the
26 setbacks of the five homes. He suggested the developer eliminate the fifth home and spread out
27 the remaining four.

28
29 Chair Coutts stated comments previously sent in will be added to the record.

30
31 *John Porter* was pleased with the plan and commended the Planning Commission for addressing
32 nearly every issue. He believed that the traffic patterns will remain the same and that the proposal
33 is an excellent solution to the problem posed by the property. The existing trees are too large and
34 he was not opposed to their removal.

35
36 *Mark Russell* asked how the residents can get answers to their questions. Chair Coutts responded
37 that they will be addressed as part of the Commission discussion. Because this is a conditional use
38 and plat approval, the decision ultimately lies with the Planning Commission who will take action
39 once all of the outstanding questions have been addressed.

40
41 Commissioner Bevan believed Ivory Development was being made out to be the villain in this
42 proposal while in reality they have submitted a request and gone through the standard application
43 process. The City approached Ivory Development to redesign their plans to make the park better
44 for the residents to which they agreed. There is also a significant pavilion that the City wishes to
45 retain. Ivory Development agreed to change its plan to accommodate the City's request to place
46 the homes closer together with adequate front and rear yard setbacks. They will be responsible for

1 staying within Building Code guidelines. He believed that the open space will be a nice legacy to
2 leave for the City.

3
4 Chair Coutts stated that this is the beginning of a great plan but still had significant concerns. She
5 recommended that the Planning Commission take the time to fully vet the concerns and allow the
6 public to be involved in the process.

7
8 Commissioner Anderson stated that Ivory Homes was in a position to easily develop a subdivision
9 with zero green space but instead made concessions for a smaller side yard. She asked if there was
10 an opportunity, after hearing the concerns of the residents, to adjust the plan. She stressed the
11 importance of maintaining the green space.

12
13 Commissioner Allen stated that the Church is willing to sell two acres as it currently stands or two
14 acres in a different format that may not be as agreeable.

15
16 Commissioner Ebbeler commented that it is the job of the Commission to consider residents'
17 concerns, read the statute, evaluate it with the plan, and determine if it is in conformance. It is
18 their job to interpret the laws rather than their own preference.

19
20 Commissioner Mills was dismayed as he would prefer to have the entire property turned to green
21 space. It is private property and the choice of the private property owner. He was grateful to have
22 the two acres and questioned the willingness of residents to double or triple their property taxes
23 for the City to acquire additional green space. He expressed concern with Ivory Development and
24 hoped that their best efforts will come out in this project. Placing the pedestrian path in another
25 area to provide a buffer was a possible solution. Although he was in favor of a wider pedestrian
26 pathway, they would then narrow the lots even further. He was concerned that Ivory Development
27 could back out of the project and build whatever they want. With a great deal of resident concern,
28 he was curious about the speed the City is going with this project.

29
30 Mr. Johnson stated that the applicant is under contract and their close date is fast approaching. The
31 City has delayed communicating with LDS Church representatives as they would prefer to have
32 additional time to work through their concerns. He confirmed that multiple extensions from the
33 Church have been granted to this point. They are not trying to rush the technical components that
34 will be fully required prior to final approval, but there are timing issues at play.

35
36 Mr. Prince confirmed that the property will be a PUD and platted like a traditional subdivision. It
37 will be an HOA community with a private lane. The lots will be platted individually and sold and
38 owned by homeowners. The property will include both single-level and two-story homes with the
39 vast majority of the subdivision being dictated by the existing R-1-8 ordinance. Snow removal
40 along Doverhill and Avondale will be maintained by the City with the private lane being owned
41 and maintained by the HOA and its community management company. Beyond this project, Mr.
42 Prince reported that there is an abundance of local regulation as it relates to how subdivisions like
43 this are built. The subdivision will be subject to all City ordinances regarding traffic and parking.
44 He stressed that the urgency to move the matter forward is not coming from Ivory Development.

1 Commissioner Allen asked if Ivory Development were to achieve the requested five-foot setback
2 on each side if that would lend itself to more single-level homes with wider lots and two-story
3 homes with narrower lots. Mr. Prince stated that the average lot width is 65 feet with a 55-foot
4 average building envelope width. Additional design details will come with the final plat to fine-
5 tune the lot widths to provide more diversity. He stated that the target consumer is an individual
6 who wishes to downsize to a more manageable space, particularly with respect to landscaping.

7
8 Commissioner Wilde commented that the matter will move forward regardless of their vote and
9 will be reviewed by the ARC and City Council who will hopefully take into consideration the
10 comments from residents. He was confident that the City Council understands the issues and
11 recommended moving the matter forward.

12
13 Commissioner Allen stated that overall the plan is well done and achieves the City's goals,
14 however, he was uncomfortable with the proposed setbacks due to views and the character of the
15 adjacent neighborhood. Road width issues were also of concern.

16
17 Commissioner Chappel stated that since the request involves plat approval, issues raised regarding
18 grade, the 10-foot setback, visitor parking, water flow, and overflow onto the City streets were
19 cause for further discussion.

20
21 Chair Coutts agreed that further discussion was needed and reminded the Commission that the
22 City's PUD Ordinance calls for a final approved site plan subsequent to Planning Commission
23 approval of the PUD and Conditional Use. She believed this was a great start and the partnership
24 has been excellent. She recommended the matter be tabled to allow time for the outstanding
25 questions raised to be answered.

26
27 Commissioner Ebbeler noted that one of the key critical elements supporting their point was found
28 in 19.78.100, Design Criteria which states that it shall be used as a principal tool in evaluating the
29 merits of a proposed PUD. The Planning Commission and ARC shall use the listed criteria. He
30 believed they can abdicate the responsibilities only to the ARC and while they may be reviewing
31 and setting the elements they still have some degree of responsibility and oversight over.

32
33 ***Commissioner Mills moved to table the matter and continue the public hearing on Project SUB-***
34 ***21-007 to January 5, 2022.***

35
36 Chair Coutts stated that many of the concerns are covered specifically in the PUD Ordinance with
37 the exception of parking on the street and guest parking within a 25-foot right-of-way of the homes.
38 The park is not part of the approval and parking will be addressed at a later date. Items to be
39 discussed further were identified as follows:

- 40
41 1. Private right-of-way;
42 2. Parking within the development;
43 3. Site elevation;
44 4. Lot coverage;
45 5. Setbacks;
46 6. Snow removal;

7. Trash removal;
8. Referral to the PUD Ordinance which does cover many of these issues; and
9. The difference between the proposed and the overlying zone.

Chair Coutts stated that they have options as a Planning Commission to review conditions that will mitigate concerns within the PUD. Density should also be considered with an Accessory Dwelling Unit (“ADU”).

Commissioner Chappel seconded the motion. Vote on motion: Commissioner Anderson-Aye, Commissioner Allen-Nay, Commissioner Chappel-Aye, Commissioner Mills-Aye, Commissioner Wilde-Nay, Commissioner Bevan-Nay, Chair Coutts-Aye. The motion passed 4-to-3. Commissioner Ebbeler did not participate in the vote.

4.0 Consent Agenda.

4.1 Approval of Planning Commission Minutes.

4.1.1 October 20, 2021, Planning Commission Meeting Minutes.

Commissioner Mills moved to approve the minutes of October 20, 2021. Commissioner Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjournment.

Commissioner Anderson moved to adjourn. Commissioner Bevan seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 8:46 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, December 1, 2021.*
3
4

5 Teri Forbes

6 Teri Forbes

7 T Forbes Group

8 Minutes Secretary

9
10 Minutes Approved: January 5, 2022
11