



1 Development Director, Brian Berndt explained that a survey was conducted for the Fort Union  
2 corridor. He did not know if the City Council had determined to conduct a City-wide survey.

3  
4 **3.0 ENGINEERING REPORT**

5  
6 (18:07:36) Chair Guymon introduced the Engineering Report and explained that it stemmed from  
7 previous meetings and questions raised about parking on the Highland Drive frontage road near La  
8 Cresta Drive. City Engineer, Brad Gilson, reported that there were concerns about parking in the  
9 La Cresta Drive area and along the frontage road. Staff has visited the site on four different  
10 occasions and did not witness a parking problem. They would, however, continue to observe the  
11 situation and inform the Council if problems continue to be reported at which time the City Council  
12 could entertain the option of restricting parking.

13  
14 **4.0 PUBLIC HEARINGS**

15  
16 **4.1 (Project #SPL-15-001) Public comment on a request from John Park (City of**  
17 **Cottonwood Heights) for site plan approval to construct a municipal building**  
18 **at 2277 East Bengal Boulevard.**

19  
20 Glen Goins, Senior Planner, presented the staff report and stated that it is near the intersection of  
21 Bengal Boulevard and 2300 East. The property is zoned PF (Public Facilities) where a government  
22 or public building is a permitted use. The site plans, however, must still be approved by the Planning  
23 Commission. Mr. Goins stated that it is the duty of the Planning Commission to ensure that the  
24 building meets the lot, building, and setback building requirements of the PF Zone. He reported  
25 that staff has reviewed the site plan and found that it meets the required setbacks. The building also  
26 meets the height requirements and is significantly below the maximum lot coverage in the zone.

27  
28 Chair Guymon opened the public hearing. There were no public comments. Chair Guymon closed  
29 the public hearing.

30  
31 **4.2 (Project #CUP-15-011) Public comment on a request from Tony Baros (Baros**  
32 **Design) for conditional use and site plan approval to construct and operate two**  
33 **administrative office buildings at 7884 South Highland Drive.**

34  
35 Mr. Johnson presented the staff report and explained that the site is located in on the south end of  
36 Highland Drive near Bengal Boulevard. The property was previously used as a veterinarian clinic,  
37 which has since been demolished. The property is zoned RO (Residential Office) although there is  
38 a mix of different types of zones in the area. Mr. Johnson stated that the land use designation is  
39 similar to the Residential Office Zone. Two properties along Highland Drive have been rezoned  
40 RO already and in the future more will likely follow. The site plan is for two office buildings on  
41 slightly less than one acre. The RO Zone requires at least 7,000 square feet per lot and the request  
42 well exceeds that requirement. Mr. Johnson reported that staff completed a preliminary review to  
43 ensure that any site-altering comments are addressed before being reviewed by the Planning  
44 Commission. The buildings are under the 35-foot height requirement. At their maximum point they  
45 are roughly 33 to 34 feet with a pitched roof and are being reviewed by the Architectural Review  
46 Commission (ARC) although final approval will not be granted until a Certificate of Design  
47 Compliance is issued by the Architectural Review Commission.

1  
2 Project Architect, Tony Baros, gave his address as 8478 South Rio Bronco Drive in Sandy and  
3 invited questions from the Commission.

4  
5 Commissioner Jones asked if part of the building will be used for storage and if so, what will be  
6 stored there. Mr. Baros explained that part of the building will be used for the storage of electronic  
7 equipment. Mr. Park also added that the applicant submitted a parking study, which has been  
8 reviewed by the City Engineer.

9  
10 Chair Guymon asked for further comments from Mr. Gilson, particularly addressing the fact that  
11 the lower level of one of the buildings will be used for storage rather than a use that generates  
12 parking demand. Therefore, that level will be eliminated from the parking analysis. Mr. Gilson  
13 responded that it will not be eliminated but will be radically reduced. Chair Guymon clarified that  
14 after conducting the analysis, there is actually more parking provided with the proposal than the  
15 Code requires.

16  
17 Chair Guymon opened the public hearing.

18  
19 Matthew Holmes gave his address as 10214 Calla Lily Way in Sandy and was present representing  
20 his father who owns property adjacent to the proposed development. Mr. Holmes commented on a  
21 letter he submitted to the Commission. His family was particularly concerned about a fence on the  
22 property. There are bushes along the fence line and the family wants it to remain. Mr. Holmes  
23 asked that a privacy or soundproofing fence be built around the perimeter while maintaining the  
24 current fence.

25  
26 The location of the Holmes property was identified on a map displayed. Mr. Holmes explained that  
27 the family understands that the value of their property will decrease with the construction of the new  
28 office building. In order to limit noise pollution, Mr. Holmes asked that the parking lot not be built  
29 adjacent to any fence lines. Mr. Holmes also asked that the air conditioning units be placed away  
30 from the fence line on the opposite side of the building and that they be required to have a low noise  
31 rating. Mr. Holmes also asked that lights be carefully considered so that they do not trespass onto  
32 his property. He asked that the lights be shut off at a reasonable hour and to keep the lights off on  
33 weekends. He expressed support for the trees proposed in the plan to be planted along the fence  
34 line. He asked that parking not be allowed in front of their home, in front of the entrance, or to the  
35 north of their home.

36  
37 Mr. Baros responded to Mr. Holmes' comments and stated that the property line is past the fence  
38 line because the Holmes built the fence incorrectly on the property in question. He explained that  
39 they will have to work with the Holmes on the actual property line and the fence that is constructed.  
40 He stated that a light study was also conducted and they will be sensitive to keeping light away from  
41 their property. With regard to the air conditioning units, Mr. Baros stated that there is already a  
42 requirement for a Concrete Masonry Unit (CMU) wall to be placed around the condensers. Chair  
43 Guymon asked how many units will be installed. Mr. Baros responded that engineering has not yet  
44 made that determination but he expects it will be at least two per building.

45  
46 Bob Meyer reported that he lives around the corner on Regal Stream Cove and is sensitive to the  
47 needs of the neighbors. When he purchased the property he tried to speak with the Holmes family

1 about a fence. He recalled speaking with the Holmes' daughter who informed him that they were  
2 not interested in a fence or speaking with Mr. Meyer about it. Mr. Meyer stated that he has made  
3 an effort to speak with them and has completed two surveys that showed a discrepancy in the current  
4 fence line. Because an eight-foot buffer is required, Mr. Meyer explained that it was not his intent  
5 to commandeer the space. His intent is to be a good neighbor but clarified that he cannot construct  
6 a fence on the inside of their fence because it does not make sense to do so and will essentially  
7 require him to donate a section of property. He would like to at some point reach an agreement with  
8 the neighbors. He reported that he only has a few employees and the other space will not be used  
9 for retail or anything that will create a significant amount of traffic.

10  
11 There were no further public comments. Chair Guymon closed the public hearing.

12  
13 **4.3 (Project #ZMA-15-003) Public comment on a request from Grant Kesler for a**  
14 **General Plan and Zone Map Amendment on approximately 15 acres of land**  
15 **located at 9361 South North Little Cottonwood Canyon Road.**  
16

17 Mr. Goins presented the staff report and explained that the proposal was to amend the General Plan  
18 to rezone the 15-acre Kesler property from F-20 to R-1-21. The annexation of property into the City  
19 took effect on January 1. Temporary zoning was applied that was similar to the County zoning for  
20 the parcel and it was made permanent in June, as required. Mr. Goins reported that it opened the  
21 door to additional zone change requests. Given that the City has not had its own plan done, it was  
22 requested that the General Plan be examined at the same time and consideration be given.

23  
24 Mr. Goins displayed images of the property that were provided by the applicant. It was noted that  
25 the property was under the jurisdiction of Salt Lake County prior to January. The land use plan with  
26 Salt Lake County showed that the property is bisected by two land use designations. The line was  
27 likely drawn along the steep slope. The west portion was designated as low density residential,  
28 which included a stipulation for up to two units per acre. To the east was open space with a  
29 stipulation for possible limited residential. That weighed the consideration of a proposal for the  
30 zone map and General Plan amendments. Some of the residents heard that the proposed amendment  
31 was for one-third acre zoning. Mr. Goins clarified that that is not the case. What is being considered  
32 is an RR, Rural Residential 1-21, which is one-half acre. There was an initial request for R-1-15  
33 but the applicant felt they could achieve their desired goals for the property.

34  
35 Mr. Goins stated that the County's General Plan, which no longer governs this property, is  
36 applicable in that it was the only land use study to be considered. Staff also found that the R-1-21  
37 designation was generally compatible because the Granite Oaks subdivision to the west is zoned R-  
38 1-15 with surrounding areas being one-half acre. Given the limited amount of developable property,  
39 Mr. Goins stated that it is unlikely that the City would see a large scale development on the site.  
40 Staff recommended approval.

41  
42 Commissioner Ryser asked how density was calculated considering the slope of the property and  
43 what the buildable number of units would be for the property. Mr. Goins responded that the potential  
44 buildable units relate to the type of subdivision. After examining the property, Mr. Kesler provided  
45 detailed slope information, which allowed staff to determine that there are approximately 4.3 acres  
46 of area that could be developed if approval is granted. The City, however, is not comfortable

1 proceeding without input from the Engineering Department. The property is large enough for a PUD  
2 designation but would still need to be reviewed by the City Engineer.

3  
4 Grant Kesler gave his address as 3739 Brighton Point Drive and reported that the property has been  
5 studied since 2003 when they purchased it from the Despain Family. Remediation was required  
6 because the property was declared a superfund site by the Environmental Protection Agency due to  
7 smelters that operated in the 1880s. About 30 acres were contaminated and 80,000 cubic tons of  
8 lead and arsenic bearing materials were removed from the property. The studies took years to  
9 complete. For example, a geotechnical study that was requested was the largest conducted in Salt  
10 Lake County. Mr. Kesler indicated that there are no faults on the 15 acres. They also studied traffic  
11 control and access and met with UDOT, who confirmed that there will be one access for the two  
12 properties. They also completed sewer, water, and storm drain studies. They would like the area to  
13 now be developed. Mr. Kesler admitted that just over four acres are developable. The remaining  
14 property has been included in the application because it has value. The upper portion of the property  
15 has been designated as a potential location for the Bonneville Shoreline Trail. It is their intent to  
16 cooperate with the responsible party to ensure that it is included.

17  
18 In response to a question raised by Commissioner Ryser, Mr. Kesler reported that the project will  
19 be similar to Granite Oaks. He noted that they want it to be compatible with what is across the  
20 street.

21  
22 Chair Guymon opened the public hearing.

23  
24 Carl Fisher, Executive Director of Save Our Canyons, spoke against rezoning the property. He  
25 stated that the Bonneville Shoreline Trail will come in low and closer to Wasatch Boulevard where  
26 there is also a planned trailhead. They would like to work with the property owner to see how the  
27 trail will fall on the property to ensure that it is located in an appropriate area. He stated that the  
28 property serves as a critical wildlife habitat for animals that live in the area. Since the foothills have  
29 been developed, Mr. Fisher stated that the wildlife habitat has been lost and this property is the last  
30 of this type of habitat remaining in the county and should be protected. He mentioned that climbing  
31 access to the boulders up above the property would be lost and the public should continue to have  
32 access to them. He also stated that Little Cottonwood Canyon is a State Scenic Byway. Mr. Fisher  
33 questioned whether there should be a high density development in the proposed location. He  
34 preferred a natural setting as a gateway to the canyon. He stated that there should be a sensitive  
35 lands review in this area. He voiced his support for open space and preservation and felt that this  
36 property would be a prime candidate. He expressed a willingness to work with the landowner to  
37 conserve the property and protect it. He noted that he has not seen any transportation studies and  
38 more homes would add to the traffic problem in the area. In conclusion, he stated that it is a  
39 significant up zone, which is inappropriate in this location. He expressed his desire for the property  
40 owners to preserve the property.

41  
42 Commissioner Ryser asked if the fact that development will only occur on the lower portion of the  
43 property would help mitigate the loss of wildlife habitat. Mr. Fisher responded that it would help  
44 but keeping the area open would be best. He explained that as the land slopes downward, there are  
45 feeding grounds at the bottom and development will lead to significant displacement. Additional  
46 human activity will also discourage wildlife.

1 Commissioner Jones asked if Save Our Canyons would be willing to purchase the property.  
2 Mr. Fisher responded that his organization and other conservation groups would be interested in  
3 acquiring the property.  
4

5 Michael Braun, a member of the Granite Community Council, expressed opposition to the  
6 development. He commented that they appreciate Cottonwood Heights utilizing County materials  
7 but did not believe that a property owner has an unfettered right to apply for and receive a zoning  
8 change because it will increase the property value. He stated that Master Plans were developed for  
9 the community but there tends to be zoning creep. This area was not intended to be residential  
10 because it serves as the gateway to the canyon. He explained that there are many who are concerned  
11 about the proposed zoning. He also stated that the original Master Plan was intended to allow for  
12 recreation and other uses that are compatible with the protection of the natural and scenic resources  
13 of the area for the continued benefit of future generations. Mr. Braun expressed his hope that the  
14 area will be preserved.  
15

16 Lois Peterson gave her address as 3228 Regan Court and stated that she owns a lot in the Granite  
17 Oaks subdivision. She agreed that the property in question is inhabited by a great deal of wildlife  
18 and the terrain is very steep. She felt that the best use of the property would be recreational and  
19 stated that open space as part of the Bonneville Shoreline Trail. In 2007 or 2008, Mr. Kesler asked  
20 that the same parcel be rezoned. The request was declined twice by the County. After it was  
21 declined the second time, Mr. Kesler asked to be annexed into Cottonwood Heights. Ms. Peterson  
22 had concerns with traffic. She expressed concern with the steepness and stability of the slope.  
23

24 (19:00:48) Mary Goode gave her address as 9336 South Granite Vista Drive and expressed concern  
25 with the traffic problems that already exist. She stated that it is impossible to turn right out of the  
26 entrance to Granite Oaks. Adding additional cars will create a serious problem, especially in the  
27 winter. Ms. Goode also expressed concern with the potential loss of wildlife. Deer, coyotes and  
28 mountain goats are already gone and additional development will be devastating. She also reported  
29 that there is a liquefaction problem near the property.  
30

31 Richard Shutt gave his address as 3634 Granite Bench Lane and expressed concern that the staff  
32 report made it sound like this was a done deal. He did not believe the area should be populated and  
33 was strongly opposed to any type of credit being given for undevelopable land. He considered this  
34 tantamount to granting the property owner a conditional use permit. He stated that when Granite  
35 Oaks was developed it was walled off. He asked if something similar would be done for the new  
36 development.  
37

38 Steve Luzak gave his address as 3750 East North Little Cottonwood Road. As a developer he was  
39 concerned about contamination on the hill, which will have to be scraped. He disagreed that there  
40 should be a wall because it would look like a huge fortress coming around the corner. If credit for  
41 the property is given it would make the area essentially R-1-10. He commented that across the street  
42 is one-acre zoning. He also asked if there would be townhomes or condo units developed with a  
43 PUD.  
44

45 Gray Smith gave his address as 9216 South Wasatch Boulevard and expressed concern with the  
46 annexation application and the possibility of a conditional use permit on the property. He stated  
47 that wildlife will be displaced as a result of the proposed development. He currently sees on his

1 property deer, coyote, and hawks. He felt like the City was not listening to what the residents want,  
2 which is preservation. The preservation of open space brings visitors and development will ruin the  
3 area and the City.

4  
5 Nancy Hardy reiterated her desire for a City-side survey to determine what the citizens want.

6  
7 Jill McGee gave her address as 3502 East Big Rock Lane and expressed opposition to the new  
8 development. She was gravely concerned about the possibility of giving credit for non-buildable  
9 acreage. She expressed a desire for the City to uphold its standard within the Code that a PUD must  
10 be served by a road that does not exceed capacity at the time of approval. She recommended the  
11 Code specify that no application shall be accepted unless it is met by a road that is prepared to handle  
12 the associated traffic. She stated that the current traffic on Wasatch is already overwhelming and  
13 the wildlife are leaving. She believed the City should uphold, preserve, protect, and make certain  
14 that development is reasonable while preserving natural beauty.

15  
16 Pamela Palmer gave her address as 3523 East 8740 South and asked the Planning Commission to  
17 slow down and look at what is in place in terms of zoning. She believes the City can be an example  
18 but are failing to preserve land for recreation and open space, especially since the City has no zone  
19 defining open space or indication of where wildlife corridors, bicycle lanes, or hiking and walking  
20 paths should be. She recommended a plan be put in place showing how it will connect with other  
21 areas. She explained that the City does not consider water, water retention, water flow, or soil  
22 conditions. The City also does not preserve plants or utilize solar panels. The area is a desert but  
23 nothing in the zoning addresses that. She suggested that the City step back and look at what is  
24 occurring and set an example for other cities who will face similar problems.

25  
26 There were no further public comments. Chair Guymon closed the public hearing.

27  
28 **4.4 (Project #ZMA-15-004) Public comment on a request from Susan Despain for a**  
29 **General Plan and Zone Map Amendment on approximately 11 acres of land**  
30 **located at 3801 East North Little Cottonwood Canyon Road.**  
31

32 Mr. Goins presented the staff report and commented that the biggest difference with this parcel is  
33 that it is south of the other property and is only 11 ½ acres in size. He stated that the City has not  
34 reviewed the sensitive lands for the properties but noted that that does not mean it is dismissed. He  
35 explained that it was still of concern and the City would require sensitive land studies be provided  
36 to determine the develop-ability of the property prior to entertaining any approval. Mr. Goins stated  
37 that the traffic situation was considered and given the number of units, it was determined that it was  
38 not a concern with the potential number of units that could be applied for.

39  
40 Commissioner Orr asked about the net develop-ability of the property. Mr. Goins responded that  
41 they do not have a specific number but expected it to be less than the property to the north. He  
42 believed it would be less than four acres. Commissioner Orr asked if there were slope elevation  
43 studies. Mr. Goins responded that they do not have specific counts at this time. Commissioner Orr  
44 asked if there would be a credit on the property. Mr. Goins stated that the term “credit” would apply  
45 if they were considering a Planned Unit Development, which they do not assume will be requested.  
46 Mr. Goins explained that the PUD Code clarifies that a PUD is not a right and has to be earned.

1 Susan Despain expressed appreciation to the City for the quick response to a recent fire. She stated  
2 that there is a limited amount of buildable space on both parcels due to the slopes and the easement  
3 that runs through the property. She is a proponent of the Bonneville Shoreline Trail and stated that  
4 there are currently homes surrounding the parcels. They are not breaking frontier property with this  
5 development and comply with County zoning and the land use map from the Granite Community  
6 Council. She commented that no one would live in the area without zone creep. The area was all  
7 farms and had to change at some point so she thought it was hypocritical to develop one side of the  
8 canyon and refuse to develop the other. She felt it could be done well and tastefully. She thought  
9 it was easy for people who do not own, maintain, and pay taxes on the property to have grand ideas  
10 about how it should be used. She also rejected landslide concerns and stated that it is strong and  
11 nothing will be developed without proper engineering. She rejected irrational fears about landslides  
12 and stated that it would not prevent the developers from doing things the right way. She also stated  
13 that they would have to figure out how to balance a desire for a wall with the desire to keep migratory  
14 trails open. Ms. Despain stated that there is no contamination because the EPA conducted extensive  
15 studies. She noted that she has letters from the EPA confirming this.

16  
17 Commissioner Orr asked about access to the property and the location of the entrance. Ms. Despain  
18 stated that it will have its own entry and they will construct the entrance as required. With regard  
19 to density Ms. Despain felt she could develop four homes on the property.

20  
21 Chair Guymon opened the public hearing.

22  
23 Karl Fisher asked to incorporate his comments from the previous agenda item. He also added that  
24 the Code addresses sensitive lands and includes a map. In both instances the properties are shown  
25 in the red zone for rock fall hazard and the slope stability for the properties is extremely poor. He  
26 asked that that be taken into consideration and that the property remain as prime open space. He  
27 expressed an interest in working with the property owners to find a way to preserve the property.

28  
29 Lois Peterson gave her address as 3228 Regan Court and stated that an entrance cannot be placed  
30 across from the entrance to Granite Oaks. She also stated that the Despain family has access into  
31 Granite Oaks, although they are not lot owners, because they reached an agreement with Mr. Kesler.  
32 Ms. Peterson reported that she owns the lot near the access point and expressed frustration that she  
33 was taxed on a road the Despain's use freely. She considered access to be a critical issue.

34  
35 Mary Goode gave her address as 9336 South Granite Vista Drive and reiterated her previous  
36 concerns with emphasis on the second lot because of its proximity to the liquefaction problem.

37  
38 Richard Shutt gave his address as 3634 Granite Bench Lane and stood by his earlier comments. He  
39 commented that the public needs to heed the warnings of people on the opposite side of Wasatch in  
40 terms of their legal problems. His desire was to avoid them.

41  
42 Michael Braun reiterated his previous comments on the second parcel and stated that the property  
43 owners purchased the property knowing what the zoning was. He stressed that high density zoning  
44 is not needed. He asked that the Planning Commission deny a PUD and consider the legal concerns  
45 the community is currently experiencing.

1 Gray Smith reported that two years ago he saw a presentation on what a potential rezoning would  
2 look like. His biggest mistake was commenting that it sounded reasonable because the end product  
3 did not resemble what was presented in the application. With the two parcels they will still have 30  
4 homes with the PUD. Mr. Smith stated that there is zero visibility when a big storm comes through  
5 and no way to get in or out of the neighborhood. He asked the Planning Commission to carefully  
6 consider his concerns. Mr. Smith also asked that his previous comments be carried over.

7  
8 Pamela Palmer gave her address as 3523 East 8740 South and asked that her earlier comments be  
9 carried over. She noted that there is nothing that says that just because homes are built in the  
10 surrounding area that the City cannot stop building and developing alternative land plans. She  
11 commented that the City does not have to continue going in the same direction.

12  
13 Gary McGee expressed appreciation for the Unified Fire Department during a recent wildfire. He  
14 stated that the property is a gateway to the canyon and the aesthetics should be maintained. He felt  
15 that changing the zoning sends a message that protection of the entrance to Little Cottonwood  
16 Canyon is not a priority for the City. He asked that the Planning Commission consider what has  
17 gone on before and what is being requested. He expressed his opposition to the proposed rezone.

18  
19 There were no further public comments. Chair Guymon closed the public hearing.

20  
21 (19:45:30) Mr. Goins reported that written comments were also being received and would be  
22 considered and made part of the record. Mr. Braun's letter was included in the Commissioner's  
23 packet along with a letter from the Schmidt family. Both were received and distributed to the  
24 Commission.

## 25 26 **5.0 ACTION ITEMS**

### 27 28 **5.1 (Project #SPL-15-003) Action on a request from John Park (City of Cottonwood** 29 **Heights) for site plan approval to construct a Municipal Building at 2277 East** 30 **Bengal Boulevard.**

31  
32 *Commissioner Jones moved to approve Project #SPL-15-003, a request from John Park (City of*  
33 *Cottonwood Heights) for site plan approval to construct a Municipal Building at 2277 East*  
34 *Bengal Boulevard. Commissioner Ryser seconded the motion. Vote on motion: Commissioner*  
35 *Sue Ryser-Aye, Commissioner James Jones-Aye, Commissioner Allen Orr-Aye, Chair Paxton*  
36 *Guymon-Aye. The motion passed unanimously.*

## 37 38 **6.0 ADJOURNMENT**

39  
40 (19:47:10) *Commissioner Jones moved to adjourn. Commissioner Orr seconded the motion. The*  
41 *motion passed unanimously on a voice vote.*

42  
43 The Planning Commission meeting adjourned at 7:47 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*  
2 *Heights City Planning Commission Meeting held Wednesday, September 2, 2015.*

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4  
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6  
7  
8  
9



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10 Teri Forbes  
11 T Forbes Group  
12 Minutes Secretary  
13  
14