

1 Robert Jacobs, a Sugarloaf Drive resident, supported Mr. Wirth's comments and requested more information.
2 He noted that information in a monthly newsletter would be welcome.

3
4 Chair Guymon recommended that each issue of the newsletter include the Planning Commission Meeting
5 schedule. Commissioner Lapin asked if an electronic service could provide information to residents. It was
6 noted that there is an employee who handles public information and provides meeting dates.

7
8 Commissioner Ryser asked staff how residents can sign up to receive alerts. She was informed that residents
9 can sign up through the City Recorder. It was noted that alerts are currently available online. Commissioner
10 Peters asked how often information goes out. Staff responded that anytime there is a meeting where a resident
11 requests information, it is sent out automatically. Commissioner Peters felt that was a good solution.

12
13 Lynn Kraus, who resides at 2407 East 7745 South, suggested that the City utilize electronic billboards to
14 communicate with residents. She expressed frustration with the emails sent out by the City because they are
15 delivered only one day in advance of meetings.

16
17 Donna Kramer, a Huntingwood Hills Lane resident, indicated that she uses the internet but does not think it
18 is fair to require residents to search for information on the internet.

19
20 Robert Jacobs asked the Planning Commission if they considered the zoning change under consideration to
21 be significant. Chair Guymon assured him that the Commission considers it important. Mr. Jacobs felt that
22 with an important agenda item the public should be made aware of it and providing the information on the
23 internet is not enough. Commissioner Lapin suggested that the matter be discussed further at the next Work
24 Session.

25
26 There were no further public comments. The public hearing was closed.

27 28 **3.0 ACTION ITEMS**

29 30 **3.1 (Project #CUP-15-011) Action on a request from Tony Baros (Baros Design) for** 31 **conditional use and site plan approval to construct and operate two administrative** 32 **office buildings at 7884 South Highland Drive.**

33
34 (18:17:04) Mr. Goins presented the staff report and stated that the project was presented previously. He
35 noted that the Architectural Review Committee reviewed the project and recommended approval with
36 conditions. The applicant was first required to increase the overall landscaping by 20% percent, which was
37 done. Second, on the west lot line they were allowed to modify the trees from larger trees to smaller
38 decorative trees to comply with Code. Third, in the front, the applicants were required to add three trees.
39 Mr. Goins noted that that was done. Fourth, with regard to the parking lot, the applicants were allowed to
40 use a zig-zag pattern and allow juts in the landscaping to stick out slightly more. All of the other architectural
41 changes were accepted and made part of the recommendation.

42
43 Chair Guymon asked if anything was done to address the concern with the proposed air conditioning units.
44 Mr. Goins explained that Mr. Meyer agreed to limit the number of air conditioning units and place them as
45 far away as possible from the northern property line.

46
47 *Commissioner Orr moved to approve Project #CUP-15-011, a request from Tony Baros (Baros Design)*
48 *for conditional use permit and site plan approval to construct and operate two administrative office*
49 *buildings at 7884 South Highland Drive, including approval of a Master Development Plan and approval*
50 *of an alternate parking plan subject to the conditions of approval and the findings listed in the staff report*

1 *dated September 2, 2015, and the conditions of the issued Certificate of Design including the three*
2 *conditions referred to by Mr. Goins.*

3
4 The applicant, Tony Baros, stated that the zig-zag parking design will allow for better parking but will
5 encroach on the western buffer zone and require a variance, which he did not want to pursue. He indicated
6 that he could leave the parking as-is. Mr. Goins concluded that it was an option if they want to pursue it.
7 Chair Guymon believed it was reflected in the third item of the report regarding the Certificate of Design
8 Compliance where it states that the landscape buffer will never be less than six feet wide.

9
10 Mr. Goins agreed and stated that if the parking buffer changed from six feet to eight feet, it was still not less
11 than six feet and in compliance.

12
13 *Mr. Lapin seconded the motion. Vote on motion: Commissioner Joseph Demma – Aye, Commissioner*
14 *Dennis Peters – Aye, Commissioner Sue Ryser – Aye, Commissioner Craig Bevan – Aye, Commissioner*
15 *Allen Orr – Aye, Commissioner Jeremy Lapin – Aye, Chair Paxton Guymon – Aye. The motion passed*
16 *unanimously.*

17
18 **3.2 (Project #ZMA-15-003) Action on a request from Grant Kesler for a General Plan and**
19 **Zone Map Amendment on approximately 15 acres of land located at 9361 South North**
20 **Little Cottonwood Canyon Road.**

21
22 Chair Guymon stated that the Planning Commission does not have the final say on the next two action items.
23 He explained that they are action items for recommendation, which will then be forwarded on to the City
24 Council. Chair Guymon stated that regardless of the Planning Commission’s decision, the residents will still
25 have the opportunity to address the City Council, who will make the final decision.

26
27 Mr. Goins summarized his original presentation and stated that the Planning Commission was entertaining a
28 request for a General Plan Amendment from F-20 to Rural Residential, and a zone amendment from F-20,
29 Forestry 20 Acre, to RR- 121, which is Rural Residential. Mr. Goins provided a slope analysis provided by
30 the applicant. He displayed a rendering of the property and explained that the area shown in red has greater
31 than a 30% slope and is unbuildable. Commissioner Peters asked Mr. Goins if the area shown in red
32 represents slopes of 50% and greater. Mr. Goins clarified that the buildable areas are shown in green. The
33 areas shown in yellow reflect slopes of 30 to 50%. The areas shown in red have slopes greater than 50%.
34 Mr. Goins explained that of the 15 acres, 4.3 acres have been designated as less than 30% and could
35 potentially be developed should a zone change be approved.

36
37 Mr. Goins explained that there were questions about a Planned Unit Development being entertained for the
38 area. He stated that the size is sufficient and the Code allows for 30% of the non-buildable area to be included
39 in the development and the PUD would allow for varying lot sizes. There would be an open-space
40 requirement as well. Mr. Goins clarified that the PUD was not part of the Planning Commission’s
41 consideration tonight, but since the question was posed in the last meeting and some public comments have
42 addressed it, he wanted to provide a response.

43
44 Mr. Goins explained that when the property was annexed by the City in January, it was given a temporary
45 zoning of Forestry. The City did not adopt any specific plan for use. Mr. Goins explained that the designation
46 in the land use plan was up to two units per acre. This shows that it was considered for potential development
47 and even the County plan showed limited residential potential. He explained that the plan was not adopted
48 by the City. He reported that that Planning Commission was now considering all 15 acres for a Rural
49 Residential designation, specifically RR-1-21, even though only 4.3 acres are considered developable.
50 Mr. Goins explained that staff’s recommendation remained unchanged and was for approval.

1 Commissioner Orr asked who had responsibility for SR-210, which runs by the property. Mr. Goins
2 explained that SR-210 was a UDOT road. Commissioner Orr asked how they interface with the development
3 process. Mr. Goins explained that if a development were considered, the City Engineer reviews any new
4 development and recommends an impact on the road. If the City Engineer reviewed this project and it had,
5 in his estimate, an impact on the road, he would recommend that studies be conducted. Mr. Goins explained
6 that UDOT's consideration also takes into account the local recommendations with regard to transportation
7 and the City Engineer's recommendation.

8
9 Commissioner Orr explained that at a recent meeting it was mentioned that Salt Lake County considered a
10 rezone of the property and declined to do so twice. Mr. Goins responded that he had limited background
11 because although information from the County was requested, very little was received prior to tonight's
12 meeting. His understanding was that in 2005 a request for a zone change was entertained and approved by
13 the Planning Commission and the County Council. The subsequent week, however, it was reconsidered
14 because it was considered to not have taken effect, and was overturned. Mr. Goins commented that in
15 November it was scheduled and heard again and died for lack of a motion. He had no reasons or findings
16 behind those decisions. He understands there was also a request entertained for a variance, which he believes
17 was denied.

18
19 Commissioner Orr disclosed a conflict and stated that more than five years ago in his capacity as General
20 Counsel for Alta Ski Area, he had a number of business discussions with Ms. Despain. He found her to be
21 gracious, articulate, and forthright. Those discussions did not relate to either of the properties under
22 discussion now by the Planning Commission. Commissioner Orr did not believe those discussions prevent
23 him from fairly considering the applications but he welcomed comments from the Commissioners or the City
24 Attorney. Chair Guymon asked for clarification that the discussions did not pertain to the parcels under
25 consideration. Commissioner Orr responded that they did not. City Attorney, Shane Topham, stated that the
26 issue was whether Commissioner Orr believes the discussions will impact his ability to make a fair and
27 impartial decision and he indicated that it would not.

28
29 ***Commissioner Lapin moved to forward a negative recommendation to the City Council on the Kesler***
30 ***General Plan and Zone Map Amendment, a request by Grant Kesler, Application #ZMA-15-003, based on***
31 ***the findings listed and the finding that it does not comply with the City's General Plan or the Granite***
32 ***Community Land Use Plan. Commissioner Peters seconded the motion.***

33
34 Commissioner Ryser reported that she reviewed the property personally and noted that the Grant Community
35 Plan shows development along the roadway. She did not object to development along the roadway but was
36 concerned with the potential for a PUD. She stated that if the property is sold, the City would not have any
37 control and requested that the buildable property be separated out.

38
39 Commissioner Lapin echoed Commissioner Ryser's comments and offered to withdraw his motion if the
40 application would include only the buildable area.

41
42 Chair Guymon stated that the Commission has learned from previous experience that once a property is
43 rezoned if an application is later submitted that meets the zoning qualifications, it is very difficult to deny.
44 He noted that he personally would have a difficult time supporting development or rezoning where the
45 undevelopable land, because if its slope, can still be counted toward density. He noted that if the application
46 was only for the buildable 4.3 acres, he may have a different view.

47
48 Commissioner Peters agreed with the Chair Guymon's comments and stated that a new application with just
49 buildable slopes would be a different application.

1 Commissioner Orr commented that the Cottonwood Heights General Plan is the comprehensive guide that
2 the Planning Commission looks to. This guide places a priority on open spaces, view sheds, environmentally
3 sensitive lands, foothills, hillsides, and the natural environment. He noted that residents placed a high
4 emphasis on open lands.

5
6 (6:41:43) *Vote on motion: Commissioner Joseph Demma – Aye, Commissioner Dennis Peters – Aye,
7 Commissioner Sue Ryser – Aye, Commissioner Craig Bevan – Aye, Commissioner Allen Orr – Aye,
8 Commissioner Jeremy Lapin – Aye, Chair Paxton Guymon - Aye. The motion passed unanimously.*

9
10 **3.3 (Project #ZMA-15-004) Action on a request from Susan Despain for a General Plan**
11 **and Zone Map Amendment on approximately 11 acres of land located at 3801 East**
12 **North Little Cottonwood Canyon Road.**

13
14 Mr. Goins reported that his previous staff report would stand and noted that the size of the property is 11
15 acres, instead of 15. The City also received a similar slope analysis from the property owner. On this
16 property, Mr. Goins stated that there are 3.1 acres that are below 30% grade that could be considered
17 buildable. He also stated that the applicant provided a sample site plan, however, the City is not entertaining
18 a site plan with this application. Rather, it is something the landowner has indicated is possible.

19
20 Susan Despain stated that the proposal was for four lots, which are one-half acre in size and would not be a
21 PUD project. Mr. Goins explained that the site plan was a good faith declaration of possibility and not
22 something the City is considering as a zone change or General Plan Amendment. In response to a question
23 raised by Chair Guymon, Mr. Goins reported that the total acreage at issue was 11 acres and 3.1 acres have
24 slopes of 30% or less.

25
26 Commissioner Orr asked for an agreement that they incorporate by reference the comments from the previous
27 application. Chair Guymon asked if that was appropriate and noted that perhaps the Commissioners who
28 spoke on the last project should specify whether they want those comments incorporated into this request.
29 All Members of the Commission asked that their previous comments be incorporated.

30
31 (6:51:40) *Commissioner Lapin moved to forward a negative recommendation to the City Council on the*
32 *#ZMA-15-004 action on a request from Susan Despain for a General Plan and Zone Map Amendment on*
33 *approximately 11 acres of property located at 3801 East North Little Cottonwood Canyon Road based on*
34 *the findings set forth in the staff report and that the requested zone map amendment does not comply with*
35 *the City's General Plan nor does it comply with the Granite Community Land Use map. Commissioner*
36 *Peters seconded the motion. Vote on motion: Commissioner Joseph Demma – Aye, Commissioner Dennis*
37 *Peters – Aye, Commissioner Sue Ryser – Aye, Commissioner Craig Bevan – Aye, Commissioner Allen Orr*
38 *– Aye, Commissioner Jeremy Lapin – Aye, Chair Paxton Guymon - Aye. The motion passed unanimously.*

39
40 **4.0 ADJOURNMENT**

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42 The Planning Commission meeting adjourned at 6:52 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights*
2 *City Planning Commission Meeting held Wednesday, October 7, 2015.*

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Teri Forbes
T Forbes Group
Minutes Secretary