

COTTONWOOD HEIGHTS

ORDINANCE NO. 318-D

AN ORDINANCE DENYING A GENERAL PLAN AMENDMENT FOR PROPERTIES AT 7559-7571 SOUTH PROSPECTOR DRIVE FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL MEDIUM DENSITY

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 shall prepare and adopt a comprehensive, long-range general plan; and

WHEREAS, the Act requires the municipality’s planning commission to prepare the general plan and submit it to the municipality’s legislative body; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt and amend the general plan; and

WHEREAS, on 26 July 2005, following full compliance with the procedures for formulation, public hearing and recommendation specified in UTAH CODE ANN. §§10-9a-401 through -404, the city council (the “Council”) of the city of Cottonwood Heights (the “City”) enacted its Ordinance No. 24 adopting a general plan (with all previous amendments, the “Plan”) for the City; and

WHEREAS, as authorized by statute, the Plan includes a land use element and an official map (collectively, the “*Land Use Element*”) allocating to each parcel of land in the City a specific land use designation authorized by the Plan; and

WHEREAS, in response to an application by Breen Homes (the “*Application*”) to amend (the “*Amendment*”) the Land Use Element affecting two properties located at 7559-7571 South Prospector Drive from Residential Low Density to Residential Medium Density, on 9 January 2019, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Amendment, where citizens were given the opportunity to provide written or oral comment concerning the Amendment; and

WHEREAS, a photocopy of the Amendment to the Land Use Element of the Plan proposed by the Application is attached as an exhibit to this ordinance and is incorporated herein by this reference; and

WHEREAS, on 9 January 2019 the Planning Commission voted to recommend that the Council deny the Amendment, and thereafter recommended that the Council deny the Amendment; and

WHEREAS, after taking additional public input concerning the proposed Amendment on 5 February 2019, the Council met in regular meeting on 19 March 2019 to consider, among other things, approving and adopting the Amendment to the Land Use Element of the Plan; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, the comments at the public hearings and public meetings, and other pertinent

information, and otherwise being fully advised, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny the proposed amendment to the Plan proposed by the Application;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial of Amendment.** The Council hereby denies the Amendment to the Land Use Element proposed by the Application based on the findings expressed in the Council's 19 March 2019 public meeting, as well as a finding that the proposed Amendment to the Land Use Element as to the subject properties is incompatible with the land uses of the surrounding properties under the current General Plan.

Section 2. **Future Amendment of General Plan.** Pursuant to the authority granted in the Act, the Council shall have, and hereby expressly reserves, the right to hereafter amend the Plan at any time or from time to time hereafter for any purpose upon recommendation by the Planning Commission following all appropriate public notices and hearings required by the Act.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 318-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 19th day of March 2019.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 

Paula Melgar, Recorder



By: 

Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael L. Shelton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. Scott Bracken	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Tali C. Bruce	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Christine Watson Mikell	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

DEPOSITED in the Recorder's office this 19th day of March 2019.

POSTED this 19 day of March 2019.

Land Use Map

Current: Residential Low Density



Proposed: Residential Medium Density

