

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA

June 7, 2023



Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, June 7, 2023** 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 Zoom. **For those who wish to attend virtually, please register in advance** for these meetings by visiting: [www.ch.utah.gov/planningcommission](http://www.ch.utah.gov/planningcommission), and clicking on **“Planning Commission Zoom Links.”** Alternatively, the public can also hear audio of the open portions of the meeting by connecting to the live broadcast at <https://www.youtube.com/@CottonwoodHeights/streams> or <http://mixlr.com/chmeetings>.

## **5.00 p.m. Work Session**

### **1.0 Review Business Session Agenda**

*The Commission will review and discuss agenda items.*

### **2.0 Additional Discussion Items**

*The Commission may discuss the status of pending applications and matters before the Commission, as well as new applications and matters that may be considered by the Commission in the future.*

### **3.0 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 SUB-23-002**

*A public hearing and possible action on a subdivision amendment at 7041 S. 2700 E. The proposal seeks to adjust the property lines of two parcels, representing a change to the existing Sunburst Circle Subdivision.*

### **4.0 Consent Agenda**

- 4.1 Approval of Planning Commission Minutes from April 19, 2023
- 4.2 Approval of Planning Commission Minutes from May 3, 2023

### **5.0 Adjourn**

Next Planning Commission Meetings: July 5, 2023 **and** July 19, 2023

### **Public Comment Policy**

Verbal public comments are accepted during the public hearing components of the 6:00 p.m. Business Session (but not during the 5:00 p.m. Work Session). Please note that public hearings are an opportunity for individuals to share public 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](mailto:planning@ch.utah.gov).

Verbal comments provided during the public hearing 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 submitted to staff via email at [planning@ch.utah.gov](mailto: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, June 6, 2023, 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 heard in the following order:

1. Commission Chair Introduces Item
2. Staff Presentation
3. Applicant Presentation (If applicable)
4. Commission Chair Opens Public Hearing (If item has been noticed for public hearing)
5. Commission Chair Closes Public Hearing
6. Planning Commission Deliberates
7. Planning Commission Motions and Votes on Item

Planning Commission applications may be tabled if: 1. Additional information is needed in order to act on the item; or 2. 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) 944-7021 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, June 2, 2023, 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](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 2<sup>ND</sup> DAY OF JUNE, 2023

Attest: Paula Melgar, City Recorder

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



June 7, 2023

## Summary

**Project Number:**  
SUB-23-002

**Subject Properties:**  
7041 S. 2700 E.  
7059 S. 2700 E.

**Action Requested:**  
Amendment to  
Sunburst Circle  
Subdivision

**Applicant:**  
Spencer Llewelyn

**Recommendation:**  
Approve, with  
conditions



*Subject Property Streetview*

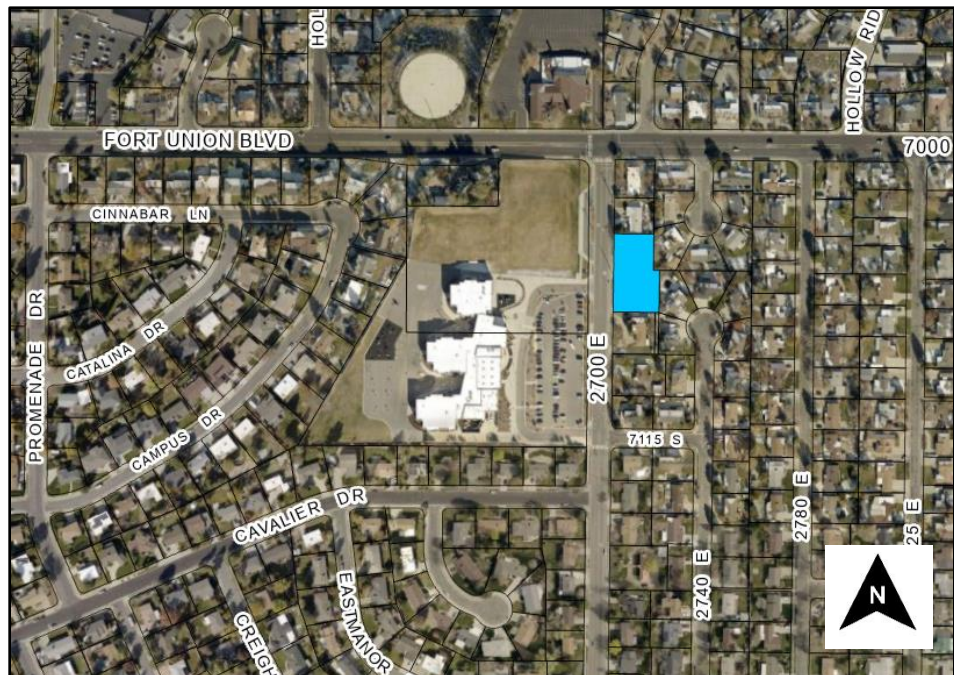
## Context

**Property Owner:**  
John Stout

**Acres:**  
0.23  
0.30

**Parcel:**  
22-26-103-003-0000  
22-26-103-047-0000

**Zoning:**  
Single-Family  
Residential  
(R-1-8)



*Subject Property Aerial*

## Overview

### History

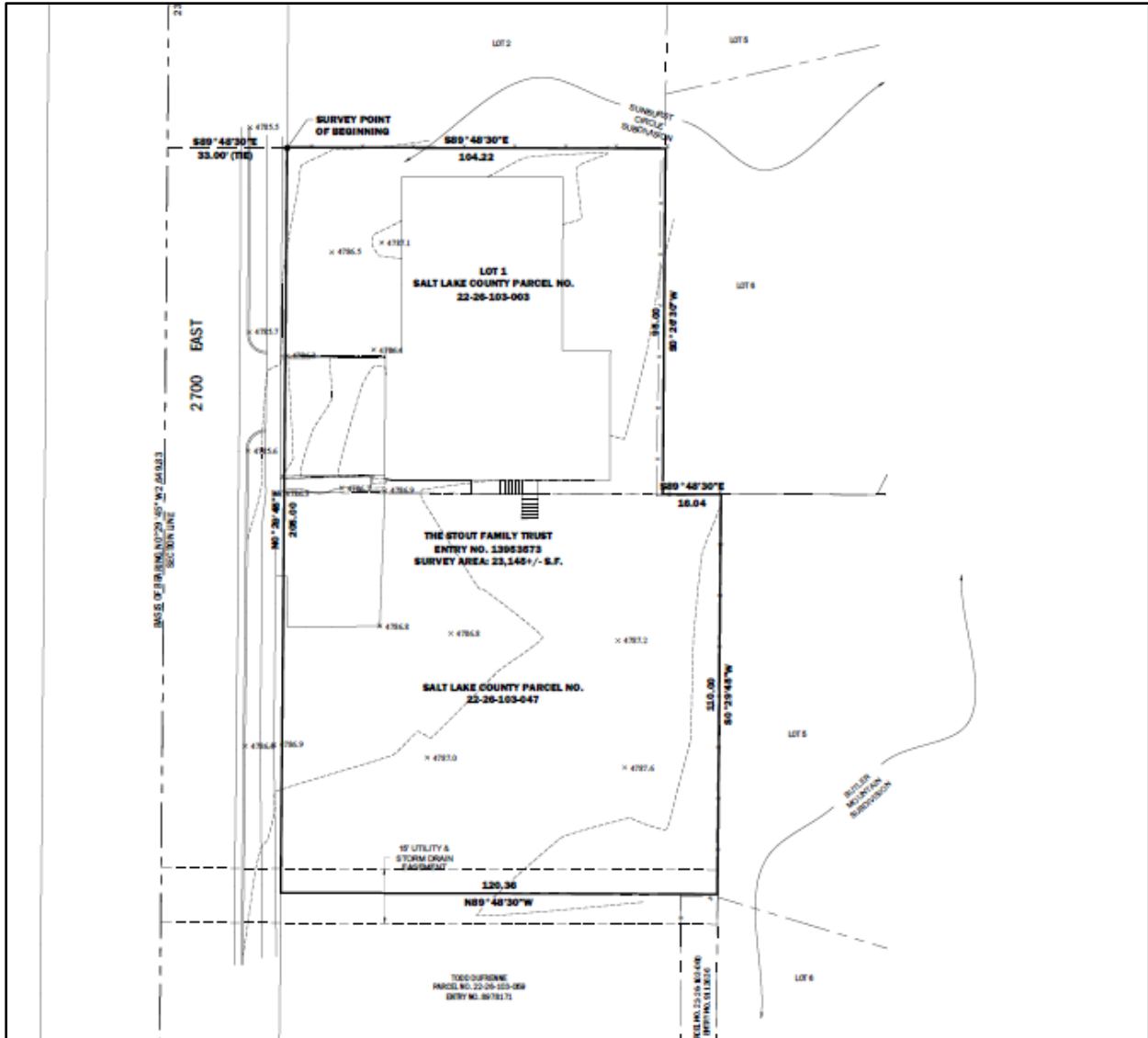
This request pertains to two parcels, both of which were originally created prior to the city's incorporation. 7041 S. 2700 E. is located within the Sunburst Circle subdivision, recorded in 1972. 7059 S. 2700 E. is not located within a recorded subdivision, though both properties are owned by the same owner, the Stout Family Trust (John Stout). 7041 S. 2700 E. contains a single-family home, built in 1973. 7059 S. 2700 E. contains a yard, a small shed, and a trellis fence.



### Request

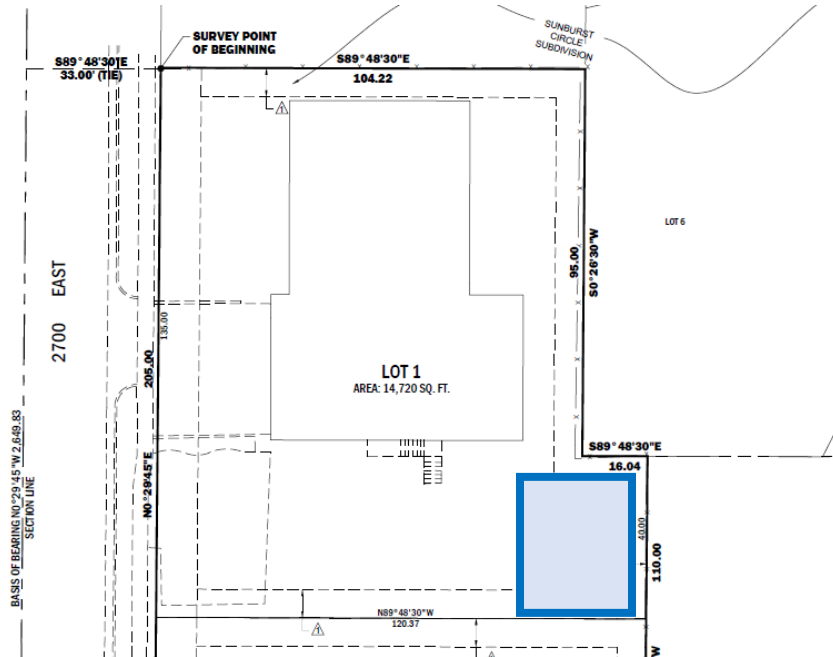
The owner of both properties, John Stout, would like to construct an accessory building for his personal use. However, under the current arrangement of the two parcels, the proposed location of this building would be located on 7059 S. 2700 E., a parcel without a primary dwelling. Accessory buildings must be located on the same parcel as a primary dwelling, in order to be deemed secondary, or “accessory” to a primary dwelling.

Therefore, in order to construct a compliant accessory structure, the applicant is proposing to adjust the shared property line between the two parcels in such a way that allows the accessory structure to fit on the same parcel as the primary dwelling. Due to 7041 S. 2700 E. being a recorded lot within the Sunburst Circle Subdivision, this process requires a subdivision amendment, which is reviewed by the Planning Commission.



*Current configuration of the two subject properties. The property to the north, Lot 1, is located within Sunburst Circle Subdivision, while the parcel to the south is not located in a subdivision.*





*This box denotes the general proposed location of the accessory building the property owner would like to construct, after the amendment is approved. Setbacks, height, and lot coverage will be verified during the building permit process, as this layout is meant to be illustrative of the Subdivision Amendment application's purpose only.*

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## Process

### 12.26.010 of Cottonwood Heights City Code

*The planning commission may, with or without a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.*

### Plat Amendment Process

To amend an existing subdivision, as is proposed with this project, the applicant is required to prepare an updated subdivision plat that reflects the proposed changes. In this project, the applicant is proposing changes to the Sunburst Circle Subdivision, via the creation of the Sunburst Circle 1<sup>st</sup> Amendment. The Planning Commission reviews Subdivision Amendments, which then go through a full technical review by staff.

### Notification

Notices were posted in all required places and were mailed to property owners within 400 feet of the subject properties.

### Neighbor Consent

The property owner for both affected properties (John Stout) is represented by the applicant, Spencer Llewelyn of Red Sands Consulting. Therefore, neighbor consent is not required.

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## Analysis

This application has been preliminarily reviewed for compliance with the zoning standards of the R-1-8 (Single-Family Residential) Zone. No preliminary comments for this application were received from the city's Engineering Department or the Fire Department. All departments will review the application when the final plat is submitted, after preliminary approval by the Planning Commission.

### Minimum Lot Size

The minimum lot size in the R-1-8 Zone is 8,000 sq. ft. Both lots meet this requirement.

### Minimum Lot Width

The minimum lot width in the R-1-8 Zone is 70 ft., measured 20 ft. back from the front lot line. Both lots meet this requirement.

### Setbacks/Yard Requirements

Main Dwellings	
Front	25 Feet
Side (Interior)	Must add up to 20 Feet, No Side less than 8 Feet
Side (Corner)	20 Feet
Rear	20 Feet
Accessory Dwellings	
Front	6 Feet
Side (Interior)	3 Feet
Side (Corner)	20 Feet
Rear	3 Feet

The existing home on Lot 1 does not meet the side or rear setback requirements for this zone. The side setback should be at least 8 feet, but neither side yard appears to meet this. The rear setback should be at least 20 feet, but is only ~12 feet. This home was built in the 1970s and nonconforming setbacks are typical of construction from this era, which predates the city's incorporation and adoption of its own codes. The proposed subdivision application does not make these nonconformities any more nonconforming. In fact, the south side yard would become more conforming if this subdivision amendment were adopted. There is no main structure on the proposed Lot 2, and any future building will be required to meet the setbacks in full.

### Maximum Lot Coverage

The maximum lot coverage in the R-1-8 Zone is 50%. Lot 1 exceeds this limit currently but will be brought into conformance if the subdivision amendment is approved, as Lot 1 will increase in size. Any new structure built on either lot will be required to comply with lot coverage limits.

### Utilities

Prior to approval of the final plat, the applicant will be required to make minor technical corrections to utility information and provide will serve letters from utility providers. The applicant will also need to coordinate with utility providers to accommodate the adjustment of the utility easement that exists between Lot 1 and proposed Lot 2.



## Recommendation & Conditions of Approval

Staff recommends **approval** of the project, with the following conditions:

1. The project must comply with all review comments provided by staff during the technical review of the final plat.
  2. The final plat shall be recorded with Salt Lake County.
- 

## Model Motions

### **Approval**

I move to approve project SUB-23-002 based on the findings and subject to the conditions outlined in the staff report dated June 7, 2023.

- Add any additional conditions...

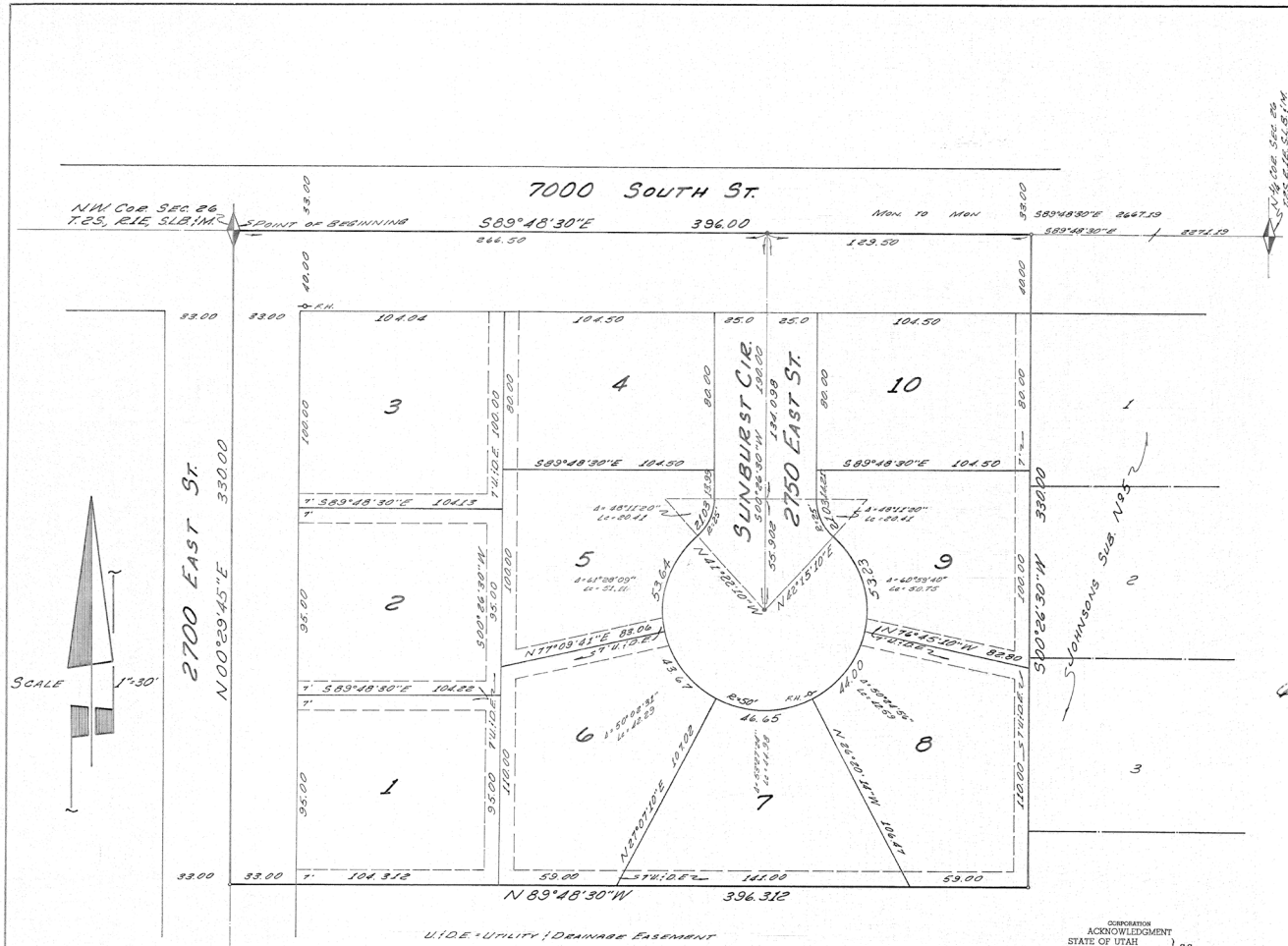
### **Denial**

I move to deny project SUB-23-002 based on the following findings:

- List reasons for denial...
- 

## Attachments

1. Sunburst Circle Subdivision Plat (Recorded 1972)
2. Boundary Survey
3. Proposed Amended Plat



**SURVEYOR'S CERTIFICATE**

I, DAVID B. GARDNER, do hereby certify that I am a Registered Civil Engineer, and or Land Surveyor, and that I hold certificate No. 2598, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as SUNBURST CIRCLE and that same has been correctly surveyed and staked on the ground as shown on this plat.

COURSE	DIST.	REMARKS
		BEGINNING AT THE NW COR. SEC. 26 T. 25, R. 2S, R. 1E, SLB. 11M
		RUN SLABING AND BEGINNING THENCE
589°48'30"E	396.00	WEST, THENCE
589°48'30"E	396.00	" "
N00°29'45"E	330.00	" "
N00°29'45"E	330.00	WEST, TO THE POINT OF BEGINNING.

DATE: JUNE 26, 1972

**GARDNER ENGINEERING  
OWNER'S DEDICATION**

Know all men by these presents that, the undersigned owner ( ) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the **SUNBURST CIRCLE** do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. In witness whereof, we have hereunto set our hand this 23rd day of July, A.D., 1972.

*David B. Gardner*  
*Kenneth Irving*

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
 County of Salt Lake }  
 On the 23rd day of July, A.D., 1972, personally appeared before me, the undersigned (Notary Public, in and for said County of Salt Lake in said State of Utah, the signor(s) of the above Owner's dedication, in number, who duly acknowledged to me that they signed it freely and voluntarily and for the uses and purposes therein mentioned.  
 MY COMMISSION EXPIRES Nov 14, 1972

**SUNBURST CIRCLE**  
 LOCATED IN SECTION 26 T. 25, R. 1E

PLANNING COMMISSION  
 APPROVED THIS 11th DAY OF July, A.D., 1972, THE SALT LAKE COUNTY PLANNING COMMISSION.  
*Graham W. DeWitt*  
 CHAIRMAN SALT LAKE COUNTY PLANNING COMMISSION

BOARD OF HEALTH  
 APPROVED THIS 11th DAY OF July, A.D., 1972.  
*G. Land & Westerman*  
 DIRECTOR S. L. CO. BOARD OF HEALTH

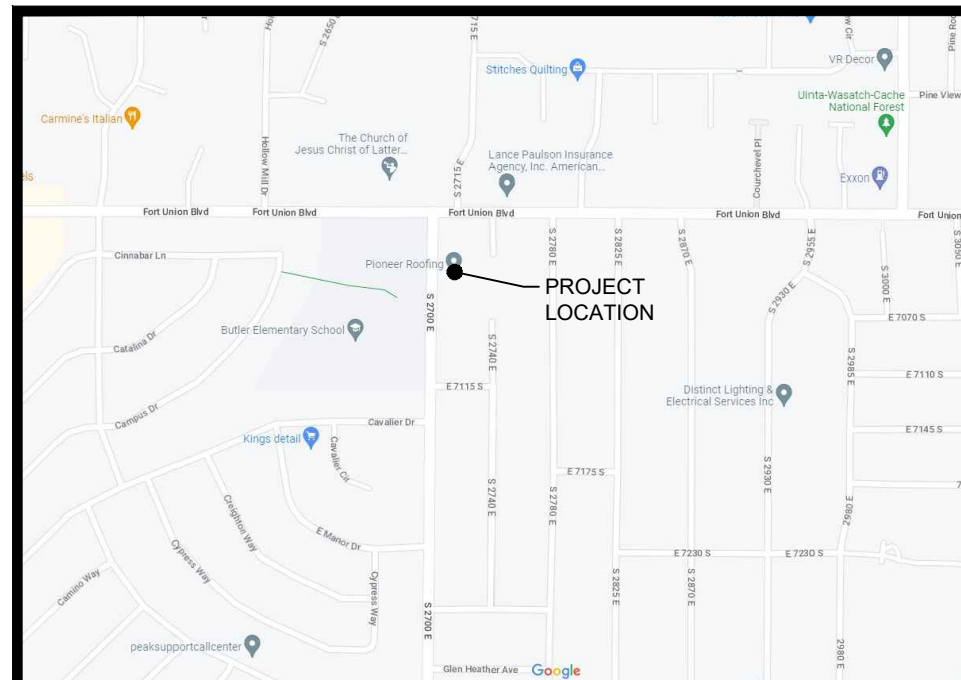
FLOOD CONTROL DEPT.  
 APPROVED THIS 12th DAY OF July, A.D., 1972.  
*M. M. Kasornratt*  
 FLOOD CONTROL COORDINATOR

SURVEYOR'S CERTIFICATE  
 I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
 DATE: 9/13/72  
*David B. Gardner*  
 SALT LAKE COUNTY SURVEYOR

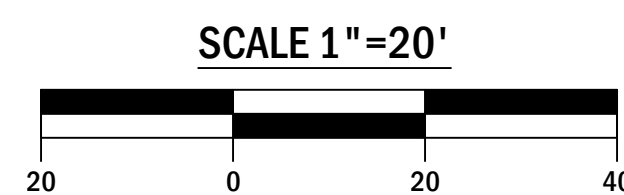
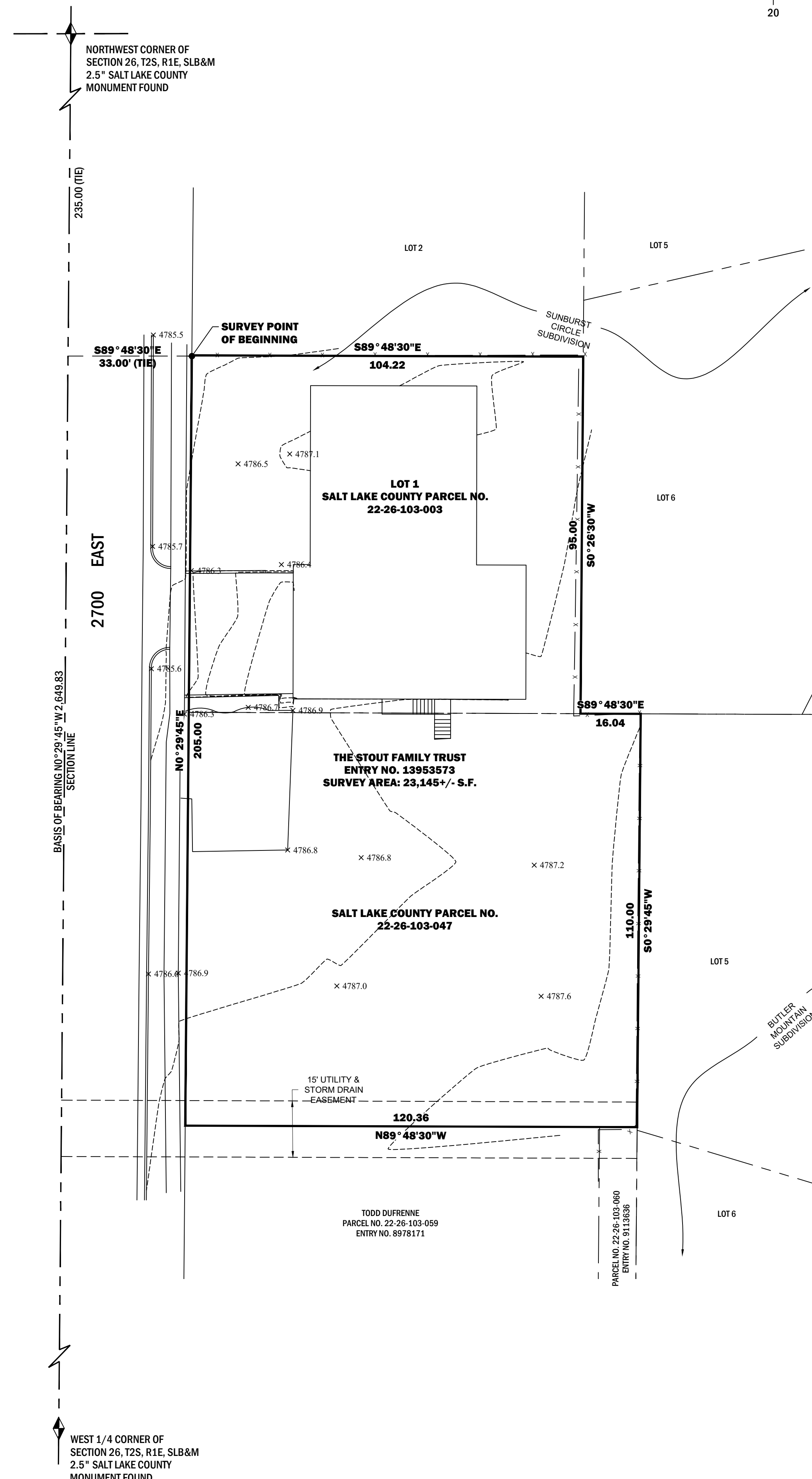
APPROVAL AS TO FORM  
 APPROVED AS TO FORM THIS 12th DAY OF September, A.D., 1972.  
*F. J. ...*  
 SALT LAKE COUNTY ATTORNEY

COUNTY COMMISSION  
 PRESENTED TO THE BOARD OF SALT LAKE COUNTY COMMISSIONERS THIS 12th DAY OF September, A.D., 1972, WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
 ATTORNEY: ... CLERK: ... CHAIRMAN, BD. OF CO. COMM: ...

SALT LAKE BASE & MERIDIAN  
 RECORDED # 2485001  
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF  
Kenneth Irving  
 DATE 15 September 1972 TIME 11:01 A.M. BOOK M.M. PAGE 47  
8:15:00  
 FEE \$  
 Deputy, SALT LAKE COUNTY RECORDER

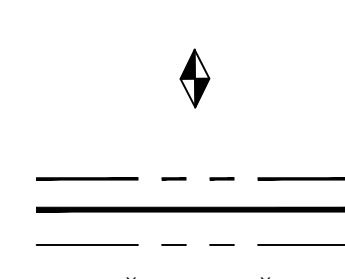


VICINITY MAP



**LEGEND**

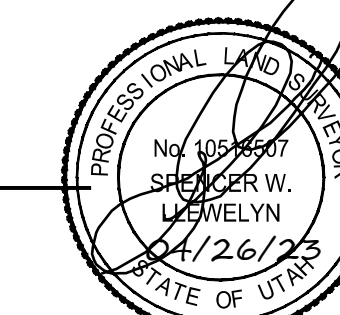
- SECTION MONUMENT
- SECTION LINE
- BOUNDARY LINE
- EXISTING LOT LINE
- EXISTING FENCE



**SURVEYOR'S CERTIFICATE**

I, Spencer W. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and that it correctly represents the existing conditions as shown. This plan does not represent a certification to the title or ownership of the lands shown thereon.

Spencer W. Llewellyn  
Professional Land Surveyor  
Certificate No. 10516507



04/26/2023  
Date

**BOUNDARY DESCRIPTION**

RECORD DESCRIPTIONS  
(DEED ENTRY NO. 13953573)

ALL OF LOT 1, SUNBURST CIRCLE, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, STATE OF UTAH.

BEGINNING AT A POINT SOUTH 0°29'45" WEST 330 FEET FROM THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°48'30" EAST 153.36 FEET; THENCE SOUTH 0°29'45" WEST 110 FEET; THENCE NORTH 89°48'30" EAST 153.36 FEET; THENCE NORTH 0°29'45" EAST 110 FEET TO THE POINT OF BEGINNING. LESS STREET.

**SURVEY DESCRIPTION**

ALL OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 13953573 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, LOCATED IN THE NW1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, SUNBURST CIRCLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 15, 1972 AS ENTRY NO. 2485001 IN BOOK MM AT PAGE 47 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID CORNER BEING LOCATED S0°29'45" W ALONG THE SECTION LINE 235.00 FEET AND S89°48'30" E 33.00 FEET FROM THE NORTHWEST CORNER OF SECTION 26, T2S, R1W, SLB&M; THENCE S89°48'30" E 104.22 FEET ALONG THE NORTH LINE OF SAID LOT TO THE NORTHEAST CORNER OF SAID LOT; THENCE S0°26'30" W ALONG THE EAST LINE OF SAID LOT 95.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 6 OF SAID SUNBURST CIRCLE SUBDIVISION; THENCE S89°48'30" E 16.04 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO THE NORTHWEST CORNER OF LOT 5, BUTLER MOUNTAIN SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED JULY 12, 1989 AS ENTRY NO. 4798663 IN BOOK 89-7 AT PAGE 64 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE S0°29'45" W ALONG THE WEST LINE OF SAID LOT 110.00 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 8978171 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY; THENCE N89°48'30" W ALONG SAID DEED 120.36 TO THE EAST RIGHT-OF-WAY OF 2700 EAST STREET; THENCE N0°29'45" E ALONG SAID RIGHT OF WAY 205.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 23,145 +/- SQ. FT.

**NOTES**

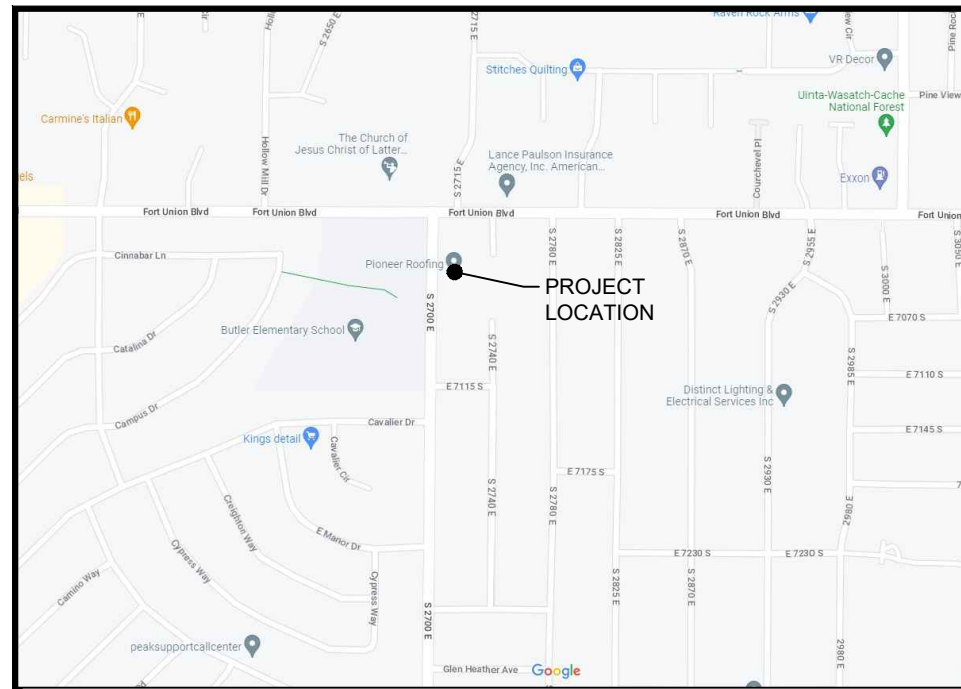
1. THE PURPOSE OF THIS SURVEY IS TO PERFORM A BOUNDARY SURVEY OF THE PARCEL DESCRIBED ABOVE TO PREPARE A TWO LOT SUBDIVISION PLAT.
2. THE BASIS OF BEARING FOR THIS SURVEY IS S0°29'45" W ALONG THE SECTION LINE BETWEEN THE NORTHWEST CORNER AND WEST 1/4 CORNER OF SECTION 26, T2S, R1E, SLB&M.
3. PROPERTY CORNERS HAVE BEEN EITHER RECOVERED OR SET AS SHOWN HEREON.
4. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS DRAWING, NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, CONTACT THE APPROPRIATE AGENCY.
5. NO TITLE COMMITMENT WAS PROVIDED BY THE CLIENT TO THE SURVEYOR.
6. EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO RESEARCH OR IDENTIFY ANY EASEMENTS, RIGHTS OF WAY OR OTHER ENCUMBRANCES AS PART OF THIS SURVEY.

**BOUNDARY SURVEY**

LOCATION: NW1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
COTTONWOOD HEIGHTS, UTAH  
PREPARED FOR: JOHN STOUT  
PROPERTY OF: THE STOUT FAMILY TRUST

SCALE: 1"=20'  
DRAWN BY: SWL  
DATE: 4/15/2023  
JOB #: 23-005  
SHEET 1 OF 1

1079 W. COYOTE GULCH WAY  
BLUFFDALE, UT 84065  
801-654-8391



VICINITY MAP

LEGEND

- SECTION MONUMENT
- SECTION LINE
- BOUNDARY LINE
- PROPOSED LOT LINE
- EASEMENT LINE
- EXISTING LOT LINE
- 7' DRAINAGE EASEMENT

SCALE 1"=20'



NOTES

1. #5 REBAR AND CAP TO BE SET AT ALL REAR LOT CORNERS. NAIL TO BE SET IN CURB AT FRONT EXTENSIONS OF SIDE LOT LINES IN LIEU OF SETTING FRONT LOT CORNERS.
2. CURRENT ZONING R. 1-8.
3. SOIL REPORT WILL BE REQUIRED AT TIME OF BUILDING PERMIT.
4. UTILITY PLAN, DRAINAGE AND EROSION CONTROL PLAN AND GRADING PLAN WILL BE PROVIDED AT TIME OF SITE PLAN APPLICATION FOR LOT 2.
5. PROJECT LIES WITHIN FEMA FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 49035C0452G EFFECTIVE SEPTEMBER 25, 2009.

PROJECT SUMMARY

PROJECT AREA: 23,145 SQ. FT.  
TOTAL NUMBER OF LOTS: 2

SETBACKS

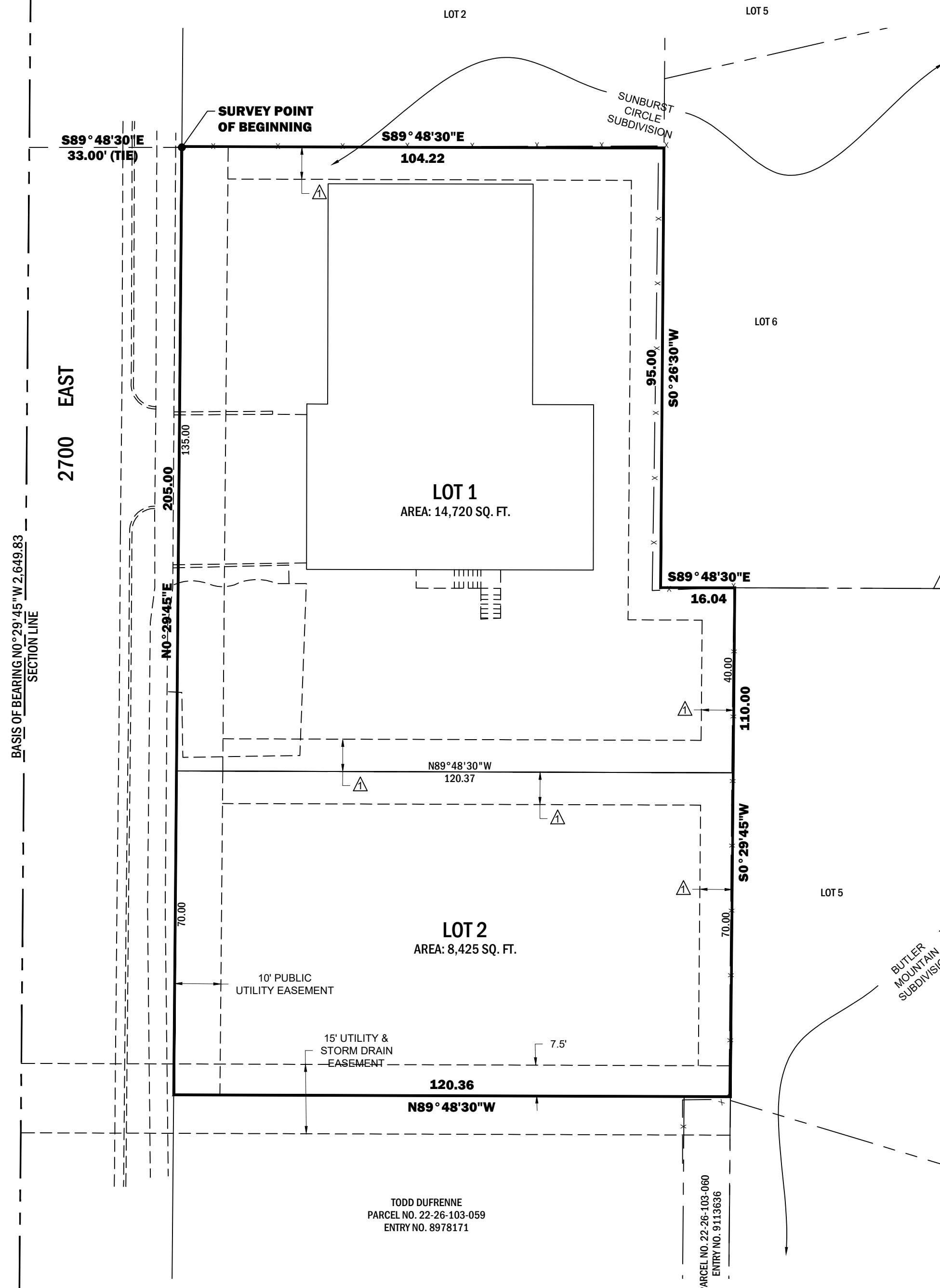
FRONT: 25'  
REAR: 20'  
SIDE: 20' BETWEEN THE TWO SIDE YARDS WITH NO SIDE YARD LESS THAN 8'

NORTHWEST CORNER OF SECTION 26, T2S, R1E, SLB&M 2.5" SALT LAKE COUNTY MONUMENT FOUND

235.00 (N)

2700 EAST  
SECTION LINE  
BASIS OF BEARING N0°29'45"W 2.648,83

WEST 1/4 CORNER OF SECTION 26, T2S, R1E, SLB&M 2.5" SALT LAKE COUNTY MONUMENT FOUND



TODD DUFRENNE  
PARCEL NO. 22-26-103-059  
ENTRY NO. 8978171

PARCEL NO. 22-26-103-090  
ENTRY NO. 8118336

SURVEYOR'S CERTIFICATE

I, Spencer W. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, streets and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this plat, and that this plat is true and correct.

PRELIMINARY FOR REVIEW ONLY

Spencer W. Llewellyn  
Professional Land Surveyor  
Certificate No. 10516507

Date \_\_\_\_\_

BOUNDARY DESCRIPTION

ALL OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 13953573 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, LOCATED IN THE NW1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, SUNBURST CIRCLE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 15, 1972 AS ENTRY NO. 2485001 IN BOOK MM AT PAGE 47 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID CORNER BEING LOCATED S0°29'45"W ALONG THE SECTION LINE 235.00 FEET AND S89°48'30"E 33.00 FEET FROM THE NORTHWEST CORNER OF SECTION 26, T2S, R1W, SLB&M; THENCE S89°48'30"E 104.22 FEET ALONG THE NORTH LINE OF SAID LOT TO THE NORTHEAST CORNER OF SAID LOT; THENCE S0°26'30"W ALONG THE EAST LINE OF SAID LOT 95.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 6 OF SAID SUNBURST CIRCLE SUBDIVISION; THENCE S89°48'30"E 16.04 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO THE NORTHWEST CORNER OF LOT 5, BUTLER MOUNTAIN SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED JULY 12, 1989 AS ENTRY NO. 4798663 IN BOOK 89-7 AT PAGE 64 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE S0°29'45"W ALONG THE WEST LINE OF SAID LOT 110.00 FEET TO THE NORTH LINE OF THAT REAL PROPERTY DESCRIBED IN DEED ENTRY NO. 8978171 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY; THENCE N89°48'30"W ALONG SAID DEED 120.36 TO THE EAST RIGHT-OF-WAY OF 2700 EAST STREET; THENCE N0°29'45"E ALONG SAID RIGHT OF WAY 205.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 23,145 +/- SQ. FT.  
2 Lots

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREET, AND EASEMENTS, AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR THE PERPETUAL USE OF THE PUBLIC. IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022.

XXXXXXXX

ACKNOWLEDGMENT

STATE OF UTAH  
SS.  
COUNTY OF \_\_\_\_\_

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, KEVIN C. JEFFERY, THE PERSON SIGNING THE FOREGOING OWNER'S DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN DESCRIBED.

MY COMMISSION EXPIRES: \_\_\_\_\_

A NOTARY PUBLIC COMMISSIONED IN UTAH  
RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION NO. \_\_\_\_\_

PRINTED FULL NAME OF NOTARY

COMMUNITY DEVELOPMENT

APPROVAL AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR

SALT LAKE COUNTY HEALTH DEPARTMENT

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE  
SALT LAKE COUNTY HEALTH DEPARTMENT.

CHAIRPERSON

PLANNING COMMISSION

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE  
COTTONWOOD HEIGHTS CITY PLANNING COMMISSION.

CHAIRPERSON

CITY ATTORNEY

APPROVAL AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

CITY ATTORNEY

CITY ENGINEER

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

MATTHEW F. SHIPP, P.E., CITY ENGINEER

CITY COUNCIL

PRESENTED TO THE COTTONWOOD HEIGHTS CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

MIKE WEICHERS, MAYOR

ATTEST: MARIA DEVEREUX, DEPUTY CITY RECORDER

RECORDED NO. \_\_\_\_\_

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT REQUEST OF:

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

FEES\$

SALT LAKE COUNTY RECORDER DEPUTY

SUNBURST CIRCLE 1ST AMENDMENT

AMENDING AND EXTENDING LOT 1, SUNBURST CIRCLE SUBDIVISION  
LOCATION: NW1/4 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
COTTONWOOD HEIGHTS, UTAH

1079 W. COYOTE GULCH WAY  
BLUFFDALE, UT 84065  
801-654-8391

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

3  
4 **Wednesday, April 19, 2023**  
5 **5:00 p.m.**  
6 **2277 East Bengal Boulevard**  
7 **City Council Work Room**  
8

9 ***ATTENDANCE***

10  
11 **Members Present:** Chair Dan Mills (via Zoom), Commissioner Lucy Anderson, Commissioner  
12 Jessica Chappell, Commissioner Jonathan Ebbeler (via Zoom),  
13 Commissioner Mike Shelton, Commissioner Mike Smith, Commissioner  
14 Sean Steinman  
15

16 **Staff Present:** Community and Economic Development Director Michael Johnson, Senior  
17 City Planner Samantha DeSeelhorst, Deputy City Recorder Maria Devereux  
18

19 **Excused:** Commissioner Jesse Allen  
20

21 **WORK SESSION**

22  
23 Chair Mills called the Work Session to order at 5:00 p.m.  
24

25 **1.0 Review Business Session Agenda.**

26  
27 Senior City Planner, Samantha DeSeelhorst shared updates with the Planning Commission. She  
28 reminded those present that at the last Planning Commission Meeting, the Commission reviewed  
29 a daycare application. The applicant contacted Staff and asked to put the application on hold  
30 indefinitely. The applicant was given six months to move forward or formally withdraw. The six-  
31 month window will expire in September and the Commission will know more then. For that  
32 reason, the application was not on tonight's Planning Commission Meeting agenda.  
33

34 The Planning Commission Business Session will focus largely on internal maintenance of the City  
35 Code. Ms. DeSeelhorst explained that there will be two separate text amendment discussions.  
36 During the Work Session, there will be discussions about yard elements and during the Business  
37 Session, the focus will be on Title 5, Title 11, Title 12, Title 14, and Title 19. She first reviewed  
38 the Business Session item, which was Project ZTA-21-001. It was a City-initiated zoning text  
39 amendment that will make minor clarifying updates to a few different titles throughout the City  
40 Code. Ms. DeSeelhorst stated that as part of standard procedure, zoning interpretations were used.  
41 It allows Staff to coordinate with the Executive Staff and make reasonable technical clarifications  
42 or interpretations about areas of the Code that are unclear. It does not allow Staff to rewrite the  
43 Code or subjectively waive a Code requirement. It simply allows Staff to state that certain areas  
44 of the City Code are unclear and reference other resources for clarification. Essentially, it is an  
45 administrative tool that is used to provide more clarity.  
46

1 Zoning interpretations were not meant to be permanent measures. Ms. DeSeelhorst explained that  
2 they are intended to be temporary in nature until more formal action was taken. There is a backlog  
3 of zoning interpretations that need to be brought through a formal review and codification process.  
4 Separate from the zoning interpretations, some parts of the City Code were lacking in clarity. Staff  
5 planned to bring different elements to the Planning Commission to review over the next year or so  
6 in order to address the various issues bit by bit.

7  
8 **2.0 Yard Elements Code Update Introduction.**  
9

10 Ms. DeSeelhorst shared information about a future Code update. She clarified that there was no  
11 verbiage prepared and direction was needed. The City Code lacks clarity in several passages. One  
12 area where it generally lacks clarification was in the regulation of yard elements. Examples of  
13 yard elements include arbors, trellises, pergolas, hot tubs, and swimming pools. To accurately  
14 inform community members of the requirements for yard elements, Staff was asking for  
15 clarification from the Planning Commission on the following two questions:

- 16
- 17 • Which yard elements should be regulated by the City Code?
- 18 • For those that are regulated, what should the regulations be?
- 19

20 Ms. DeSeelhorst explained that this would be an informal discussion with the Planning  
21 Commission. Nothing was drafted for the Commission to vote on. The intention was to discuss  
22 the best direction to take and then something would be brought forward in the future. The intent  
23 was to be clear and consistent. However, there was no desire to overregulate or have excessive  
24 oversight. It was important to have a balance in terms of the yard elements updates. She shared a  
25 list of items that Staff receives questions about on a regular basis, which included:

- 26
- 27 • Arbors;
- 28 • Planters;
- 29 • Basketball hoops;
- 30 • Playgrounds;
- 31 • Carports;
- 32 • Splash pads;
- 33 • Flagpoles;
- 34 • Sports courts;
- 35 • Fountains;
- 36 • Swimming pools;
- 37 • Gazebos;
- 38 • Treehouses;
- 39 • Hot tubs and spas;
- 40 • Trellises; and
- 41 • Pergolas.
- 42

43 Staff proposed that the following items not be regulated by City Code but defined for clarification  
44 include:

- 45
- 46 • Arbors;

- 1 • Basketball hoops;
- 2 • Flagpoles;
- 3 • Fountains;
- 4 • Planters, and
- 5 • Trellises.

6

7 Staff proposed that the following items be regulated by City Code, each with an appropriate level  
8 of regulation:

9

- 10 • Carports;
- 11 • Gazebos;
- 12 • Hot tubs;
- 13 • Pergolas;
- 14 • Playgrounds;
- 15 • Pools;
- 16 • Splash pads;
- 17 • Sports courts; and
- 18 • Treehouses.

19

20 Ms. DeSeelhorst shared preliminary Staff recommendations with the Planning Commission. For  
21 carports, gazebos, and pergolas, the proposed approach was to have them regulated the same as an  
22 attached structure or accessory structure depending on whether the item is attached or detached  
23 from the main home. A Building Permit would be required for an attached item and for a detached  
24 item that is over 200 square feet. For carports, gazebos, and pergolas that are attached to the main  
25 home, there would be the same setback and height regulations as the main home as they would be  
26 an addition to the structure. For carports, gazebos, and pergolas detached from the main home,  
27 there would be the same setback and height regulations as any accessory structure in the underlying  
28 zone, as a freestanding structure. Ms. DeSeelhorst explained that based on City Code, that was  
29 how the items were regulated in practice currently but additional details would provide clarity.

30

31 Commissioner Anderson believed there was some carport-related language in the Business Session  
32 item. Ms. DeSeelhorst confirmed this. There was overlapping language between the two but the  
33 Business Session item would define residential and non-residential carports and provide some  
34 development standards. If the redlines proposed for the Business Session item were ultimately  
35 approved by the City Council, any subsequent efforts would be consistent with those.  
36 Commissioner Anderson asked if residential and non-residential needs to be distinguished during  
37 the yard elements discussions. Ms. DeSeelhorst explained that it is less common for yard elements  
38 to be proposed in non-residential projects but it was possible. There could be the same approach  
39 taken where the same commercial building setbacks need to be met.

40

41 There was discussion regarding legal non-conforming uses in the community as well as  
42 enforcement measures for yard elements. Ms. DeSeelhorst hoped that the text amendments would  
43 provide additional clarity for residents. Providing more details would make the language easier  
44 for everyone to understand. Commissioners asked about the current definitions in the Code for  
45 yard elements. Ms. DeSeelhorst clarified that there is no definition for gazebos or pergolas. As

1 for carports, a definition was proposed to be added as part of the Business Session item. For all of  
2 the terms listed, it was proposed that there be a definition included for clarity.

3  
4 Commissioner Ebbeler asked about stores that sell pre-built structures that are ready to assemble.  
5 Those would be under the 200 square feet proposed. Ms. DeSeelhorst explained that Staff receives  
6 a lot of questions about those types of structures. When that happens, the residents were instructed  
7 that a Building Permit is not needed if it is under 200 square feet, however, the setbacks still need  
8 to be met. Commissioner Ebbeler asked if a structure that currently exists in the City would be a  
9 grandfathered non-conforming use. Ms. DeSeelhorst clarified that the answer would depend on  
10 whether the structure was built legally.

11  
12 Commissioner Anderson pointed out that ornamental features were mentioned in the Meeting  
13 Materials Packet for the Business Session item. She asked about the difference between  
14 ornamental features and yard elements. Ms. DeSeelhorst clarified that ornamental features are  
15 items that are directly attached to a building. That definition could be added for more clarity.

16  
17 Ms. DeSeelhorst shared additional information with the Commission. For hot tubs, pools, and  
18 splash pads, the proposed approach was that they be located in the rear yard at least six feet from  
19 the main home and at least three feet from the rear and side property lines. A Building Permit is  
20 required for all three uses unless the hot tub is using an existing gas line. The City Code currently  
21 provides only vague language on pools and no language on hot tubs or splash pads.

22  
23 Commissioner Anderson wondered if the size of the splash pad needs to be defined.  
24 Ms. DeSeelhorst felt that was a good idea. In a future draft, there would be definitions provided  
25 for all of the yard elements mentioned. There was discussion regarding a Building Permit for a  
26 hot tub. It was noted that a gas hot tub that is six feet from the house makes sense but an electric  
27 hot tub would not necessarily need to be that far away. Ms. DeSeelhorst agreed. Chair Mills  
28 shared information about the hot tub electrical that was installed when he purchased his home.  
29 Ms. DeSeelhorst suggested that there be language specifying that if electrical or gas line work is  
30 needed, a Building Permit may be required. There was support for that kind of language.

31  
32 The Commission discussed the kind of splash pad that would require a Building Permit.  
33 Community and Economic Development Director, Michel Johnson explained that typically there  
34 are permanent plumbing fixtures with running water lines involved. Commissioner Ebbeler  
35 suggested adding swim spas to this area of discussion. They are a hybrid of a hot tub and a  
36 swimming pool. There are large ones that could be bigger than a lot of standard swimming pools.  
37 It was reiterated that there should be different requirements for gas and electric hot tubs.  
38 Commissioner Chappell pointed out that some people might want a hot tub on their deck. She  
39 wondered if the six-foot regulation was too strict. It was noted that there were safety concerns,  
40 but if the hot tub was electric instead of gas, there might be more flexibility.

41  
42 Chair Mills pointed out that a lot of pools now require outbuildings. He wondered if those would  
43 be treated as sheds. Some people are building pool houses, almost like Accessory Dwelling Units  
44 ("ADU") in other cities. It would be ideal to have language to address what was happening  
45 elsewhere. Ms. DeSeelhorst suggested that there be a requirement that the accessory building  
46 setbacks be met. On interior lots, that would be three feet for rear and side property lines and a



1 maximum height of 14 feet. Chair Mills was concerned about the setbacks but Ms. DeSeelhorst  
2 explained that it is allowed in the City Code for all accessory buildings. Without doing a full Code  
3 revision to every zoning section, that was what is permitted. If there is a corner lot, the accessory  
4 building needs to be 20 feet from the corner side. Chair Mills asked about limitations to the size  
5 of the structure. Ms. DeSeelhorst reported that there would be a future Code update about that as  
6 there is currently a lack of clarity. The only verbiage states that it has to be “significantly smaller”  
7 than the main home, which was vague.

8  
9 Ms. DeSeelhorst shared suggestions related to playgrounds. The proposed approach for  
10 playgrounds was that they should be placed in the rear yard six feet from the main building and at  
11 least three feet from the side and rear property lines. No Building Permit would be required for a  
12 playground. City Code does not currently provide any information on playgrounds. She noted  
13 that there is a distinction between a playhouse, which is more of a structure, and a playground.  
14 There would need to be a Building Permit for a playhouse, which would need to be considered  
15 under the Accessory Building Standards. Commissioner Anderson felt that needed to be clearly  
16 defined within the language that comes back to the Commission.

17  
18 There was discussion regarding the definition of playground. Ms. DeSeelhorst described it as  
19 open-air recreational equipment. It differs from an enclosed or more structural item. With  
20 playhouses, there would likely be language to state that if it was over a certain amount of square  
21 feet or there was electricity, water, or gas that runs to the structure, a Building Permit would be  
22 needed. Some of the Commissioners felt that the easiest way to distinguish between a playground  
23 and a playhouse would be square footage. Commissioner Anderson believed there was a  
24 difference between a large swing set and something that is enclosed on the property. Ms.  
25 DeSeelhorst explained that if someone could potentially occupy the structure, that is when there  
26 are additional standards. For playgrounds, the approach was to have setbacks from property lines  
27 for buffering.

28  
29 Ms. DeSeelhorst reported that the rear yard is defined as anything behind the back wall of the  
30 home. Commissioner Anderson asked what would happen if someone had a large side yard rather  
31 than a large rear yard. Ms. DeSeelhorst explained that the language could reference a side yard as  
32 well, but the intention was to keep the playground use out of the front yard. The Commissioners  
33 agreed with playgrounds being allowed in both rear and side yards. Commissioner Ebbeler asked  
34 whether the setback was different for structures on a side yard rather than a rear yard.  
35 Ms. DeSeelhorst reported that it was three feet from both. It would still need to be six feet from  
36 the main building. She did not suggest there be exceptions for the front yard but side yards could  
37 be explored. She suggested that accessory buildings outside of the yard elements still be in the  
38 rear yard only.

39  
40 Information about treehouses was shared. Ms. DeSeelhorst reported that there was no specification  
41 proposed for treehouses being in the front, rear, or side yard because trees are not limited to a rear  
42 yard. However, the proposed approach was to have treehouses be at least three to nine feet away  
43 from property lines, not more than 14 to 20 feet tall, less than 100 square feet, electricity and water  
44 could not run to them, and the treehouses could not be used as an occupiable space. No Building  
45 Permit was recommended. She noted that City Code does not currently provide information on  
46 treehouses. The intention was to provide both flexibility and safety. Mr. Johnson clarified that

1 the 14 to 20-foot-tall language referred to the measurement from the ground. Commissioner  
2 Anderson felt that should be better defined to provide additional clarity.

3  
4 As for sports courts, the proposed approach was that if it is placed on the property line, the sports  
5 court netting/enclosure needs to meet fencing standards for the underlying zone. If it is a setback  
6 that is three to nine feet from the rear and side property lines, the netting/enclosure could be  
7 respectively 14 to 20 feet tall. A Building Permit is required for footings and lighting. City Code  
8 does not currently provide any information on sports courts. There was discussion regarding the  
9 maximum permeable surface area on the lot. Ms. DeSeelhorst explained that if a resident is using  
10 an impermeable paver, it would be added to the calculation. Mr. Johnson explained that it only  
11 applies in sensitive lands areas. There was additional discussion regarding fencing.

12  
13 Ms. DeSeelhorst thanked the Planning Commission for sharing comments on the proposals. Staff  
14 would work on the language and bring it back for the Commission to review at a future meeting.

15  
16 **3.0 Additional Discussion Items.**

17  
18 Ms. DeSeelhorst referenced the Planning Commission Meeting Minutes from March 8, 2023, and  
19 stated that a few changes were recommended by Staff. If the Commission moves to approve the  
20 minutes she suggested that the Staff changes be referenced. The proposed changes were described.

21  
22 **2.0 Adjournment.**

23  
24 *Commissioner Ebbeler moved to ADJOURN the Work Session. The motion was seconded by*  
25 *Commissioner Chappell. The motion passed with the unanimous consent of the Commission.*

26  
27 The Work Session adjourned at 5:57 p.m.



1 **3.0 Business Items.**

2  
3 **3.1 Project ZTA-23-001 –A Public Hearing and Possible Recommendation on a**  
4 **City-Initiated Zoning Text Amendment to Make Minor Updates to Portions**  
5 **of Title 5, Title 11, Title 12, Title 14, and Title 19. (The Purpose of this Text**  
6 **Amendment is to Clarify Ambiguous Definitions and Procedures and Rectify**  
7 **Conflicting Provisions as Part of General Code Maintenance).**  
8

9 Senior City Planner, Samantha DeSeelhorst presented the Staff Report and explained that the  
10 application was a City-initiated request for a zoning text amendment that would make minor  
11 updates to portions of Title 5 (Business Licenses and Regulations), Title 11 (Vehicles and Traffic),  
12 Title 12 (Subdivisions), and Title 19 (Zoning.) The purpose of the amendment was to clarify  
13 ambiguous definitions and procedures and rectify conflicting provisions as part of general Code  
14 maintenance. Ms. DeSeelhorst reviewed the proposed amendments with the Commission.  
15

16 The first changes were to Title 5, which relates to Business Licenses and Regulations. Under  
17 Alcohol Licensing Regulations, there was a requirement that an establishment serving alcohol  
18 needs to be a certain distance from public locations such as schools, churches, libraries,  
19 playgrounds, and parks. This distance was specified as being measured from the nearest entrance  
20 of the proposed outlet, but a definition was not provided. A definition had been added as follows:  
21

- 22 • “Entrance of outlet” means any entrance into the structure or unit space for which the  
23 license is being applied for.  
24

25 Ms. DeSeelhorst explained that the definition was something that had been used procedurally for  
26 many years. The language would provide further clarity and consistency. A question was raised  
27 regarding whether that was straight-line distance or walking distance. Community and Economic  
28 Development Director, Michael Johnson explained that it would depend. The definitions were  
29 included in the alcohol and tobacco ordinances of the State Code. Different things are measured  
30 in different ways. For instance, one type of measurement would be used to measure a community  
31 center or residential area. It was all detailed in the State Code, which the document referred to.  
32 There was discussion regarding whether the “entrance of outlet” had to do with public entrances  
33 or staffing entrances. Ms. DeSeelhorst explained that it was written as any entrance into the  
34 structure or unit space. More specificity could be added if desired by the Commission. Some of  
35 the Commissioners felt there needed to be additional specificity included. Ms. DeSeelhorst  
36 believed the suggestion was to amend the definition to state:  
37

- 38 • "Entrance of outlet" means any public entrance into the structure or unit space for which  
39 the license is being applied for.  
40

41 If the Planning Commission decides to approve the text amendments, Mr. Johnson suggested that  
42 the motion specify that the language be consistent with State Code. The second amendment was  
43 related to paved surfaces. Ms. DeSeelhorst explained that paved surfaces impact Titles 11, 12, and  
44 19. City Code specifies that controlled vehicles aka recreational vehicles, commercial vehicles,  
45 agricultural vehicles, trailers, and so on, must be stored on a paved surface. However, City Code  
46 does not specify whether non-controlled vehicles should also be stored on a paved surface. That

1 means some inconsistencies needed to be considered. It was recommended that the definition be  
2 added to Titles 11, 12, and 19 for “paved surface.”

- 3  
4 • “Paved surface” means an improved surface, generally utilized for parking or access,  
5 covered by asphalt, concrete, or other hard surface materials, as approved by the  
6 Development Review Committee (“DRC”). “Paved surface” specifically excludes dry  
7 gravel and similar materials as a finished product but allows for the use of permeable  
8 pavement as approved by the Development Review Committee (“DRC”).  
9

10 Ms. DeSeelhorst reviewed specific regulations. In Title 11, a proposed Item D was added to state  
11 that “Parking areas shall consist of those paved materials defined under “paved surface” within  
12 City Code.” In Title 12, the definition of “paved surface” was added as well as a regulation in the  
13 Pavement Requirements section to state that “Pavement for parking areas shall consist of those  
14 paved materials defined under “paved surface” within City Code.” In Title 19, the materials for  
15 Parking Areas were amended for consistency to state that “Parking areas shall consist of those  
16 paved materials defined under “paved surface” within City Code.” It was important to have  
17 consistency between Titles 11, 12, and 19.  
18

19 There was discussion regarding the reason for parking controlled vehicles on a paved surface.  
20 Ms. DeSeelhorst was not certain about the rationale but explained that it might have to do with  
21 runoff issues where oil permeated the ground. It might also have to do with durability due to the  
22 heavier vehicle. Mr. Johnson did not know the exact reason the paved surface was necessary but  
23 it came from Code Enforcement many years ago. His understanding was that it had to do with  
24 leaking fluids from vehicles. He did not know if there were specific instances that prompted that  
25 change. Ms. DeSeelhorst referenced the “permeable pavement as approved by the DRC” portion  
26 of the language. It made sense to allow for permeable pavers where they were a good solution.  
27 Mr. Johnson believed the currently drafted language would create more flexibility. Chair Mills  
28 noted that there are more vehicles in Cottonwood Heights than ever. He was grateful that the  
29 Planning Commission was discussing how the surfaces are managed.  
30

31 The next amendment pertained to the Use Declaration removal. Mr. Johnson reported that a few  
32 months ago, there was an application to have illegal sheds deemed legal. He could not think of a  
33 circumstance where Staff would support that. Just because there was no pushback about an illegal  
34 shed did not necessarily mean it should be deemed legal. The recommendation was that 19.88.140  
35 (Application To Have A Use Violation Declared A Non-Conforming Use) be removed.  
36

37 Ms. DeSeelhorst reported that the next amendment was related to carports. Currently, City Code  
38 includes a definition for a carport, which is fairly general in nature. It did not follow up with any  
39 development standards or regulations for where carports need to be. It was proposed that in  
40 Title 19, in the definitions section, there be specificity that the existing definition for carport (“A  
41 structure that is open on a minimum of two sides and designed or used to shelter not more than  
42 three vehicles and not to exceed 24 feet on its longest dimension. Also called “covered parking  
43 area.”) be updated as “carport, residential.” A subsequent definition for “carport, non-residential”  
44 would be added. The added definition would be, "A structure that is open on a minimum of two  
45 sides and is designed or used to shelter vehicles. A minimum length of 20 feet and a minimum  
46 width of 10 feet is required for every parking space being covered by the carport."

1  
2 It was also recommended that language be added to Chapter 19.76 (Supplementary and Qualifying  
3 Rules and Regulation). Ms. DeSeelhorst explained that the added language had to do with  
4 residential carports and non-residential carports. She reported that residential carports are subject  
5 to the same height, setback, placement, and lot coverage standards for attached or accessory  
6 structures. For non-residential carports, more flexibility was proposed because sometimes with  
7 larger non-residential sites the configuration is different. The language stated that the carports  
8 should be architecturally similar to the primary structure on the property and not more than 20 feet  
9 in height. Those that are attached to a non-residential building need to maintain the same setbacks  
10 for the building. Those detached from a non-residential building needed to maintain the setbacks  
11 outlined, which were as follows:

- 12  
13 1. If adjacent land is zoned non-residential, a non-residential carport shall be located  
14 in the rear of the primary building(s), at least six (6) feet away from the primary  
15 building(s), and shall maintain a minimum setback from side and rear property lines  
16 of three (3) feet.
- 17  
18 2. If adjacent land is zoned residential, a non-residential carport shall be located in the  
19 rear of the primary building(s), at least six (6) feet away from the primary  
20 building(s), and shall maintain the minimum setbacks from the side and rear  
21 property lines which is required for detached structures in the adjacent residential  
22 zone.
- 23  
24 3. Any non-residential carport located nearer than five (5) feet to any property line  
25 must install a one-hour rated fire wall.
- 26  
27 4. Detached non-residential carports may be permitted in the side or front yard of non-  
28 residential properties as approved by the ARC following the demonstration by the  
29 applicant that this configuration accomplishes the purposes of the City's Design  
30 Guidelines.

31  
32 Minor changes were made to the rest of the chapter, which included differences in lettering and  
33 the removal of the conflicting carport language. Commissioner Shelton wondered if a carport was  
34 considered different than a garage. Ms. DeSeelhorst confirmed this and explained that a carport  
35 needs to be open on a minimum of two sides.

36  
37 The next amendment had to do with Ordinary Projections. Ms. DeSeelhorst explained that the  
38 language specifies that every structure must meet setbacks with the exception of the list shown.  
39 Some language related to carports was removed and some language was added:

- 40  
41 • The ordinary projections of windows where the projection is at least 18 inches above floor  
42 level, awnings, parapets, relief carvings, roofs, cornices, chimneys, flues, and other  
43 ornamental features that project into a yard not more than three feet.

44  
45 Ms. DeSeelhorst explained that the provision was historically used to allow a roof overhang where  
46 the wall of the home meets the setbacks and there is some overhang permitted. It also allowed for

1 more ornamental features. The changes were made to add more clarity. Additionally, a definition  
2 for Ornamental Features had been added, which was as follows:

- 3  
4 • Ornamental features are those design elements which serve as an ornament or decoration  
5 to the outside of a building. Areas with usable square footage, such as stairwells, decks,  
6 cantilevered rooms, bay windows, etc. do not qualify and must meet the standard setback  
7 requirements outlined in the underlying zone.

8  
9 The intention of that language was to allow for more flexibility with the design elements.  
10 Commissioner Anderson suggested that the ornamental features definition state that it must be  
11 attached to the building. Ms. DeSeelhorst confirmed that this could be done.

12  
13 Amendments to the Non-conforming Uses language were reviewed next. Ms. DeSeelhorst  
14 reported that the current non-conforming use process states that a legally non-conforming building,  
15 which is a building that was considered legal at the time it was constructed but no longer complied  
16 with the current City standards could be modified through a certain process outlined in the code.  
17 The language was specific to a building and did not state anything about sites or other types of  
18 structures. Historically, the City used “building” to also mean sites and structures. Staff felt it  
19 would be beneficial to formally add some clarification. The procedure was the same, but language  
20 had been added to indicate that it applied to a legally non-conforming building, site, or structure.

21  
22 The next amendment related to daycares, pre-schools, and kennels. Ms. DeSeelhorst explained  
23 that City Code contains a definition for indoor animal kennels but it does not specify where indoor  
24 animal kennels are allowed. That had been problematic. Historically, the City has allowed them  
25 as a Conditional Use in the zones that allow daycares and pre-schools as the impact and potential  
26 nuisances are similar. That was not a permanent fix, so it was proposed that it be formalized.  
27 Indoor animal kennel was added as a Conditional Use to the Neighborhood Commercial and  
28 Regional Commercial Zones. In practice, it had also been allowed in the Mixed-Use Zone because  
29 that zone allows daycares and preschools, however, based on the long-range goals for the Mixed-  
30 Use Zone, Staff felt that was not consistent. As a result, it was not recommended that indoor  
31 animal kennels be codified in Mixed-Use Zones. The other redline changes shown in the document  
32 were intended to ensure that all of the language is consistent.

33  
34 Commissioner Anderson wondered if the City needs to define indoor animal kennels as daycare  
35 versus overnight care. Ms. DeSeelhorst located the language and read it aloud:

- 36  
37 • Indoor kennels: an establishment with indoor pens in which more than four dogs or  
38 domesticated animals are housed, groomed, bred, boarded, and trained.

39  
40 Based on that definition, the animals could be boarded. Commissioner Anderson asked if the  
41 animals are allowed to be let out into the backyard. Ms. DeSeelhorst explained that there was a  
42 separate definition for outdoor kennels. The Commission could discuss whether there was a desire  
43 to merge the two uses. As for where the outdoor kennels were allowed, that was also not called  
44 out specifically in the Code. Concerns were expressed about indoor kennel use and not allowing  
45 the animals to be let outdoors. It did not make sense to confine the animals indoors as the animals

1 would need to be let outside at times. Commissioner Steinman wondered if the use would make  
2 more sense in a commercial zone as there would be more of an impact.

3  
4 Mr. Johnson noted that the kennels are Conditional Uses, which means that any application would  
5 need to come through the Planning Commission for approval. In the past, outdoor spaces had been  
6 proposed and the Commission crafted Conditions of Approval to mitigate the concerns. For  
7 instance, building a taller fence or moving the use away from adjacent neighbors. The Commission  
8 would have a role in reviewing the setup of any outdoor element of a kennel. Commissioner  
9 Chappell pointed out that a kennel would be worthwhile for residents in the City. As long as the  
10 application comes through the Planning Commission before the use was granted she did not  
11 believe there was a need to provide additional guidelines. It would still be reviewed by the  
12 Commission.

13  
14 There was discussion regarding appropriate zones for the use. Commissioner Steinman stated that  
15 Neighborhood Commercial has a different impact than Regional Commercial. Ms. DeSeelhorst  
16 explained that it would be a Conditional Use in both zones and would run through an impact  
17 analysis where the Commission could impose reasonable conditions to mitigate issues. She  
18 reiterated that Staff did not believe it was appropriate for Mixed-Use Zones. A zoning map was  
19 shared with the Commission. She pointed out where Neighborhood Commercial and Regional  
20 Commercial are located. The zoning for Creek Road was shared. Mr. Johnson explained that the  
21 existing veterinary clinic there was a grandfathered use from Salt Lake County in a residential  
22 zone. Commissioner Steinman felt it would make more sense to allow the indoor animal kennel  
23 use in Regional Commercial rather than the Neighborhood Commercial. Ms. DeSeelhorst noted  
24 that there was a lot of interest from kennel companies about the Neighborhood Commercial Zone.

25  
26 Commissioner Anderson believed there was a difference between daycare, kennels, and overnight  
27 boarding. She felt there should be separate definitions for each. Commissioner Shelton explained  
28 that the major difference between the daycares and the kennels was that the daycares have an upper  
29 limit that is defined by the City Code and by the State. There was no upper limit for the kennel  
30 use, which he thought was problematic. Chair Mills agreed that these kinds of services are needed,  
31 but since there was not a natural limit through State Laws, additional guidelines might need to be  
32 drafted by the City. Ms. DeSeelhorst suggested that the Commission consider implementing a  
33 ratio. For instance, animals to square footage o  
34 r animals to employees. Having some flexibility in the amount allowed could be helpful and a  
35 ratio would allow for that.

36  
37 Commissioner Chappell pointed out that a Business License would be required for the use.  
38 Ms. DeSeelhorst confirmed that both a Business License and a Conditional Use Permit would be  
39 needed for the indoor animal kennel. Commissioner Chappell noted that some other cities have a  
40 cap on the number of animals. She would not be opposed to that. With it being a Conditional Use  
41 Permit, she felt there was already an appropriate process in place. Any inappropriate applications  
42 would be addressed during that process. Commissioner Anderson wondered how a cap would be  
43 set. Ms. DeSeelhorst explained that Staff could look into that and come back to the Commission.

44  
45 Mr. Johnson suggested that everything else move ahead and the animal kennel item be separated  
46 and explored further. That way, all of the other amendments could be forwarded to the City



1 Council for consideration. Ms. DeSeelhorst explained that even though this was a City-initiated  
2 text amendment, it would still follow the same process as if it were initiated by a private developer.  
3 Any action the Planning Commission took would be a recommendation to the City Council.  
4 Ultimately, the City Council would make the final legislative decision. If the Commission wanted  
5 to recommend the text amendments, it could be done without the animal kennel item.

6  
7 The sample motion was shared.

8  
9 ***Commissioner Shelton moved to recommend APPROVAL with the removal of the indoor animal***  
10 ***kennel item. Commissioner Chappell seconded the motion.***

11  
12 There was discussion on the motion. Commissioner Anderson noted that other changes had been  
13 discussed as well. She wondered if there needed to be a mention that those would also be  
14 incorporated into the recommendation. Ms. DeSeelhorst asked that those be referenced.  
15 Commissioner Anderson mentioned the suggestion that the ornamental features definition clearly  
16 state that it must be attached to the building. Commissioner Ebbeler offered to amend his motion.  
17 Mr. Johnson noted that there had been discussion about the entrance of outlet language being  
18 consistent with State Code. However, all of that was defined in the State Code and that was  
19 referenced. As a result, he believed that was covered appropriately within the current language.  
20 Ms. DeSeelhorst reviewed the proposed text amendments with the Commission one more time.

21  
22 ***Commissioner Ebbeler moved that the Planning Commission forward a recommendation of***  
23 ***APPROVAL to the City Council for Project ZTA-23-001, based on the findings listed in the Staff***  
24 ***Memo and attachments dated April 19, 2023, subject to the following conditions:***

- 25  
26 1. ***That the indoor animal kennel item be removed for additional consideration.***  
27  
28 2. ***That the ornamental features definition state that it must be attached to the***  
29 ***building.***  
30

31 ***The motion was seconded by Commissioner Chappell. Vote on Motion: Commissioner***  
32 ***Anderson-Aye; Commissioner Chappell-Aye; Commissioner Ebbeler-Aye; Commissioner***  
33 ***Shelton-Aye; Commissioner Smith-Aye; Commissioner Steinman-Aye; Chair Mills-Aye. The***  
34 ***motion passed unanimously.***

35  
36 **4.0 Consent Agenda.**

37  
38 **4.1 Approval of Planning Commission Minutes from March 8, 2023.**

39  
40 Ms. DeSeelhorst shared the previous Planning Commission Meeting Minutes. She explained that  
41 the draft shown did not have the suggested amendments discussed during the Work Session.

42  
43 ***Commissioner Shelton moved to APPROVE the Planning Commission Minutes from March 8,***  
44 ***2023, with the changes referenced during the Work Session. The motion was seconded by***  
45 ***Commissioner Smith. The motion passed with the unanimous consent of the Commission.***  
46

1 **5.0 Adjourn.**

2

3 *Commissioner Ebbeler moved to ADJOURN. The motion was seconded by Commissioner*  
4 *Chappell. The motion passed with the unanimous consent of the Commission.*

5

6 The Planning Commission Meeting adjourned at 6:50 p.m.

7

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, April 19, 2023.*  
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: \_\_\_\_\_

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

3  
4 **Wednesday, May 3, 2023**  
5 **5:00 p.m.**  
6 **2277 East Bengal Boulevard**  
7 **City Council Work Room**  
8

9 ***ATTENDANCE***

10  
11 **Members Present:** Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Jessica  
12 Chappell, Commissioner Jonathan Ebbeler, Commissioner Mike Shelton,  
13 Commissioner Sean Steinman, Commissioner Mike Smith  
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson, Senior  
16 City Planner Samantha DeSeelhorst, Deputy City Recorder Maria  
17 Devereux, System Administrator Alex Earl  
18

19 **WORK SESSION**

20  
21 Chair Mills called the Work Meeting to order at 5:01 p.m.  
22

23 **1.0 Review Business Session Agenda.**

24  
25 The Planning Commission Business Session agenda was reviewed. Community and Economic  
26 Development Director, Michael Johnson reported that the main item on the Business Session  
27 Agenda was Project SUB-23-001, which was a public hearing and possible recommendation on a  
28 Subdivision Exception at 3457 East Magic View Drive. Mr. Johnson referenced the Staff Report  
29 and explained that a 1.27-acre property was requesting two exceptions to Title 14, which related  
30 to the private street front setback requirements and the private street lot sizes. Staff recommended  
31 approval. The details of that recommendation would be outlined further during the Business  
32 Session. Mr. Johnson reported that the entire area is zoned R-1-8 (Residential Single-Family).  
33 Typically, when there is development in R-1-8, only single-family homes are permitted and every  
34 lot needs to be 8,000 square feet, in addition to meeting other standards. Mr. Johnson identified  
35 the Sensitive Lands Overlay Zone on a map of the area. The north and west portions of the property  
36 have fairly steep hillsides, so there were some sensitive lands on the property.  
37

38 Mr. Johnson read from 14.12.150 (Exceptions) which stated that:  
39

40 'In cases where unusual topographic, aesthetic, or other exceptional conditions or  
41 circumstances exist, variations or exceptions to the requirements of this chapter  
42 may be approved by the City Council after receiving recommendations from the  
43 City's Planning Commission and Department provided that the variation or  
44 exceptions are not detrimental to the public safety or welfare.'  
45

1 The Planning Commission needed to consider whether the unusual conditions exist and if  
2 providing the exception would be a detriment to public safety or welfare. He explained that the  
3 Planning Commission would ultimately make a recommendation to the City Council. The  
4 exceptions were:

- 5
- 6 • Exception 1: Any lot (regardless of zoning designation) that fronts on a private roadway  
7 must be at least one-half acre in size.
- 8 • Exception 2: Any building which fronts on a private roadway must have a front setback  
9 of at least 50 feet from the center of the private street

10

11 The requested exceptions came out of the same Code provision in Title 14, which stated:

12

13 ‘Any building lot that is located outside a Planned Unit Development, which fronts  
14 on a private roadway with at least 25 feet of paved surface, shall have a minimum  
15 lot area of one-half acre. The minimum distance from the center of such roadway  
16 to the front building line on such a lot shall be 50 feet.’

17

18 Mr. Johnson explained that this was only triggered when development occurs outside of an  
19 established Planned Unit Development on a private roadway. He noted that approval of any  
20 exceptions did not grant any building entitlement or approve a subdivision of property. The reason  
21 the applicant requested the exceptions had to do with the unusual topographic conditions that  
22 existed on the site. A lot of the property was a steep hillside. Mr. Johnson reported that the  
23 subdivision of lots requires renaming the private roadway for addressing, which would be better  
24 for public safety. Additionally, the shape and layout of the lot made it difficult to comply with  
25 Title 14 standards, even though there is adequate acreage. It was also noted that other homes in  
26 the area do not comply with the 50-foot setback requirement.

27

28 The Staff analysis was shared with the Planning Commission. It noted that the lot is irregularly  
29 shaped and located at the end of a legal non-conforming private driveway. The current subdivision  
30 does not meet the current ordinances but was created in the 1970s. It was all done legally at the  
31 time. As a result, it is a legal non-conforming situation. Six lots use the same private driveway.  
32 The driveway shares the same name as the parallel public street to the south and no addresses  
33 remained in numerical order for the proposed new lot, which was a consideration.

34

35 If the exceptions are granted, the applicant proposed a two-lot subdivision. Mr. Johnson explained  
36 that there was a proposal to rebuild the existing home in roughly the same location. That would  
37 be subject to City review. The southeast portion of the site would be used for a second lot on the  
38 property where a single-family residential structure was proposed. Additional information about  
39 addressing was shared. Mr. Johnson reported that all of the Magic View Drive addresses are  
40 derived from Magic View Drive to the south. They generally fit in numerical sequence moving  
41 west to east. Any time a subdivision is developed, the City looks at addressing any of the new lots  
42 that would be created. The addresses need to fit a sequence for Public Safety and Emergency  
43 services. There was no numerical address to assign to the proposed Lot 2. As a result, the private  
44 driveway would need to be renamed. It would be easier for emergency dispatch if there were not  
45 two roads with the same name. Mr. Johnson explained that the City maintains Magic View Drive

1 to the south but the Magic View Drive being discussed as part of the exception application is a  
2 private driveway that is not maintained by the City.

3  
4 For the subdivision to be approved, there would either need to be a turnaround for emergency  
5 vehicles or the homes would need to be fire sprinkled. Mr. Johnson reported that the applicant is  
6 requesting a 25-foot setback from the private roadway instead of the 50-foot setback in the Title 14  
7 requirement. He noted that the private roadway and the lot lines are fairly unique because the road  
8 does not continue past the lot. It is not a conventional private roadway. As a result, it is difficult  
9 to measure setbacks. Commissioner Anderson wondered if the measurement would be done from  
10 the cul-de-sac area. Mr. Johnson explained that there is essentially a double front setback along  
11 the north and west sides. An R-1-8 front setback is 25 feet, which would be required. The Code  
12 provision of 50 feet from the middle of the private road was difficult and there was some confusion  
13 regarding how to implement that given the design.

14  
15 With Lot 2 to the southeast, it was requested that there be an exception made for the lot size. There  
16 was a provision stating that lots along a private road need to be one-half acre in size. Mr. Johnson  
17 did not have good evidence for why that Code provision existed even though Staff had looked into  
18 the matter. The private road setback exception had also been requested. He reiterated that the  
19 property lines were irregular due to the shape of the lot but the proposal would meet the minimum  
20 R-1-8 setbacks. Commissioner Anderson wondered if the second lot backs the public Magic View  
21 Drive. Mr. Johnson clarified that it backs against a home there. He also pointed out that the  
22 hillside issues apply to Lot 1 rather than Lot 2. A sensitive lands analysis would need to be done  
23 before anything is approved. The Commission further reviewed the example images shared and  
24 discussed the requirements for a private road.

25  
26 Mr. Johnson read the Staff findings included in the Staff Report. He explained that there was  
27 enough reasonable evidence to conclude that there was an unusual topographic aesthetic or  
28 exceptional condition. Neither requested exception would result in a violation of standard R-1-8  
29 zoning requirements. He clarified that any future subdivision application would still be subject to  
30 full review and compliance with other aspects of City Code. The other findings were reviewed.  
31 There was discussion regarding what would happen if an Accessory Dwelling Unit (“ADU”) was  
32 constructed instead. Mr. Johnson explained that an ADU could not be built in the front yard. He  
33 noted that Staff was recommending approval of the exceptions. Model motions were included in  
34 the Staff Report. The recommendation would be forwarded to the City Council.

## 35 36 **2.0 Form-Based Code Introduction.**

37  
38 Mr. Johnson reported that Cottonwood Heights received a grant a few years earlier for a General  
39 Plan update. Part of the grant included Form-Based Code Development. The Form-Based Code  
40 would help implement some of the recommendations of the General Plan. Mark Morris identified  
41 himself as the Founding Partner of VODA Landscape + Planning. He was present to share  
42 information about Form-Based Code updates in Cottonwood Heights. This would be the first  
43 conversation on the matter and would look at what Form-Based Code is, why cities are interested  
44 in it, and other places it has been implemented. Mr. Morris explained that this is an additional  
45 piece of the General Plan Update that has taken place in the City. The intention of the Form-Based  
46 Code was to implement some of the City’s visions and goals and to see better results. Every city

1 along the Wasatch Front is experiencing growth pressures and the Form-Based Code gives cities  
2 additional tools to implement the vision those cities have for growth.

3  
4 Mr. Morris shared a slideshow presentation that answered several questions including the  
5 following:

- 6  
7 • What is Form-Based Code?
  - 8 ○ A Form-Based Code (“FBC”) is a way to regulate land development. It replaces
  - 9 traditional land use zoning regulations with a code that is organized around specific
  - 10 physical forms. Defining the characteristics of the form for public spaces,
  - 11 buildings, and landscaping provides predictable development results. FBCs are
  - 12 designed to create physical forms that support neighborhood goals to become a
  - 13 thriving and attractive center. This requires physical forms that increase
  - 14 walkability and connectivity, bring more customers to local businesses, attract more
  - 15 businesses, increase housing options, and create useful public spaces. This means
  - 16 that many of the current physical forms in the neighborhood will change over time.
  - 17 These incremental changes will take years to realize and are part of the modern shift
  - 18 in land development patterns. The FBC does not prescribe when these changes will
  - 19 occur, rather it guides future changes so they will collectively contribute to the
  - 20 desired overall form of the neighborhood.
- 21 • Why should the City’s current zoning be updated?
  - 22 ○ Traditional land use zoning regulations often result in detached and unpredictable
  - 23 development patterns. An FBC that addresses the specific goals of a neighborhood
  - 24 and coordinates future changes can provide the type of center that benefits local
  - 25 residents, property and business owners, and the City.

26  
27 Mr. Morris explained that for the most part, Form-Based Code focuses on the physical form of a  
28 development. It is far less regulatory in terms of use. Most City zoning codes are focused on the  
29 use control, but Form-Based Code is focused on the physical design of the development. For  
30 instance, the setback of buildings, the heights of buildings, and the articulation of the architecture  
31 rather than the use that is taking place inside the building. Mr. Morris referenced the purchase of  
32 Hillside Plaza and how that could be a prototype project for the Form-Based Code. As cities  
33 become more comfortable with Form-Based Code, it would be possible to expand and grow that  
34 Code and apply it to additional areas of the City. He clarified that Form-Based Code is not one-  
35 size-fits-all. It is important to consider the context of the area in question.

36  
37 An image was shared that compared conventional zoning and Form-Based Code development.  
38 Mr. Morris reported that the conventional zoning approach has been used by the majority of cities  
39 across the country for the last 80 years with mixed results. Sometimes, developments came along  
40 that did not accomplish what the City had envisioned and there was not a lot that could be done  
41 about that. With Form-Based Code, there can be conversation about how that particular  
42 development would introduce improved public space and architectural elements. Although there  
43 was less consideration of use, he noted that there was still some consideration of use. Form-Based  
44 Code has to do with where those uses are appropriate in a development. There was more flexibility  
45 given to property owners as far as what is in demand in the current market.

1 Mr. Morris explained that the intention was to codify community goals. It is important to  
2 implement more of the goals and visions included in the General Plan. He noted that there were  
3 both public and private aspects to consider when it comes to Form-Based Code:  
4

- 5 • Public Aspects:
  - 6 ○ The public aspects of development under FBC regulations typically encompass all
  - 7 publicly owned land and structures. FBCs require a public street network that
  - 8 connects all public and private land. Public aspects also include street profiles,
  - 9 streetscapes, open spaces, and pedestrian, bicycle, and parking facilities. The
  - 10 objective is to provide these public improvements in a manner that meets the needs
  - 11 of existing and future developments.
- 12 • Private Aspects:
  - 13 ○ The private aspects of development under an FBC typically encompass the
  - 14 construction and use of buildings and structures on private property. An FBC
  - 15 usually requires certain physical configurations for buildings, parking facilities,
  - 16 landscaping, and signage. The objective is to regulate only what is necessary for a
  - 17 town center, which provides increased flexibility for developers. These aspects
  - 18 represent each individual project's contribution to a City's goals.

19  
20 The presentation slides differentiated between form and style. Form of development had to do  
21 with things like setbacks, heights, roof styles, and the form of the development. There is flexibility  
22 in terms of the architectural style, but where the building was located, where the parking was  
23 located, and the heights of the buildings were clearly stated. As for style, that had to do with what  
24 the building looked like. Mr. Morris explained that Form-Based Code defines multiple building  
25 types. The degree of stylistic freedom could vary between those building types. There was  
26 discussion regarding density per acre and whether that was part of Form-Based Code. Mr. Morris  
27 clarified that density per acre was not part of the conversation. It more had to do with the height  
28 of the building and the configuration of that building on the site. For example, if buildings in a  
29 certain area could not be larger than 10,000 square feet, that would limit what could be built.  
30

31 Mr. Morris reported that several cities in Utah use Form-Based Code. Salt Lake City was one of  
32 the first to adopt the Form-Based Code, which was approximately 15 years ago. In that case, Salt  
33 Lake City began with one specific part of the city and added other areas over time. Chair Mills  
34 asked where it started in Salt Lake City. Mr. Morris believed it began in the 400 South Corridor,  
35 where the train goes to the university. Other areas were added later. He noted that South Salt  
36 Lake City used Form-Based Code along the streetcar corridor. Additionally, he stated that  
37 Farmington adopted a Form-Based Code in certain portions of the City in 2008 and Midvale  
38 developed a Form-Based Code for its historic Main Street approximately two years ago. The  
39 Planning Commission discussed other cities in Utah that have adopted Form-Based Code.  
40

41 Mr. Morris explained that most Form-Based Codes are focused on opportunities for redevelopment  
42 and commercial areas. It does not normally touch single-family neighborhoods or neighborhoods  
43 that are stable and unlikely to experience a lot of change. He shared information about non-  
44 conformity. Whenever there is a change in zoning, some existing buildings need to be  
45 grandfathered in. However, there had been work with City Staff over the last few months to



1 discuss certain triggers. For instance, if the building was being expanded or the building was being  
2 changed significantly, it might need to come into conformity with the Form-Based Code.

3  
4 Three nodes had been targeted along Fort Union Boulevard for Form-Based Code, where there  
5 were opportunities for redevelopment. Form-Based Code could potentially expand into other parts  
6 of the City over time. Mr. Morris reported that there are smaller development opportunities on  
7 Bengal Boulevard and larger opportunities with the Gravel Pit. He explained that those areas could  
8 be added in the future when there is more comfort with Form-Based Code.

9  
10 Information about the Form-Based Code process was shared. Mr. Morris explained that Form-  
11 Based Codes are developed with the cooperation of City leaders and Planning Staff, the local  
12 development and business community, and planning consultants. The public would be invited to  
13 participate via public meetings, surveys, social media, blogs, interviews, and mailers. The Form-  
14 Based Code is based on the goals presented in the General Plan and would be informed by both  
15 local and national Form-Based Code standards and examples. With a Form-Based Code, often a  
16 city will set up an Architectural Review Committee (“ARC”). However, there was already one in  
17 Cottonwood Heights. Essentially, the ARC was the first to review any exceptions.

18  
19 As for the structure of a Form-Based Code, the establishment of a Place Type was essential. Some  
20 examples of Place Types were the Metropolitan Center, Urban Center, Town Center, Station  
21 Community, Urban Neighborhood, Transit Neighborhood, Boulevard Community, Main Street,  
22 and Special Use/Campus. Mr. Morris explained that Form-Based Code could apply to a lot of  
23 different types of development. The Place Type was established early on in the process.

24  
25 There was discussion regarding overlay zones and how they would interact with the adoption of  
26 Form-Based Code. The Commissioners wanted to understand if the Form-Based Code or the  
27 overlay zone would take precedence. Mr. Morris explained that there had been discussions with  
28 Staff to understand the current overlays in the City. It was possible to take the intent of the overlay  
29 and replace it with Form-Based Code. Usually with Form-Based Code, the hope was that there  
30 would be a clearer and simpler process rather than a lot of overlays. Those discussions with Staff  
31 were ongoing. Mr. Morris reiterated that Form-Based Code could address the existing overlays.

32  
33 It was noted that the Boulevard Community was an area of interest. The Boulevard Community  
34 Place Type was intended for use along fairly intensive corridors of activity within the region. The  
35 Place Type allowed for fairly intensive buildings with a wide mixture of uses and was typically  
36 served by one or more modes of transit along the corridor. However, directly behind the corridor,  
37 the area often transitioned down fairly quickly to existing urban-scale single-family homes.  
38 Mr. Morris pointed out that the Boulevard Community was a major corridor that connected a large  
39 part of the community. It was not just a neighborhood draw but also a regional draw, as a lot of  
40 people came into Fort Union from all over the valley. He noted that the intention was to implement  
41 a lot of the vision and requirements from the Fort Union Master Plan that was adopted in 2016.  
42 Whenever the corridor was discussed, the plan needed to be considered.

43  
44 The slideshow included information about Union Park Center, Fort Union Boulevard, Town  
45 Center, and Residential Transition. All of those areas had different contexts, so the requirements  
46 might be a little bit different. Mr. Morris further reviewed the areas that were being considered.

1 As an example, Union Park Center was a place where there was already a lot of mixed-use  
2 development and retail. There was an opportunity for redevelopment there over the next few  
3 decades.

4  
5 Mr. Morris explained that once the Place Type had been defined, the Form District needed to be  
6 considered. The Form District was the closest parallel to what someone might think of as a zone.  
7 The Form District drove a lot of the requirements around the Form-Based Code. It was noted that  
8 there would still be use tables but those would be much simpler. For example, the use tables were  
9 either permitted, not permitted, or upper story only. Mr. Morris identified various Form Districts  
10 that were being considered in Cottonwood Heights. He also reviewed the Residential Transition  
11 area. Example images were shared with the Planning Commission for additional context.

12  
13 The Existing Zoning and Form-Based Code Comparison Table was shared. Mr. Morris explained  
14 that it compared the existing zoning with the future Form-Based Code. The intention was to  
15 replace the Mixed-Use Zone in certain areas with Form-Based Code. The table showed what the  
16 Mixed-Use Zone required, what the Gateway District Overlay required, and what could be  
17 addressed in the Form-Based Code. Mr. Morris informed those present that there would be  
18 additional discussions about Form-Based Code in the future but he could answer some  
19 Commissioner questions now.

20  
21 There were questions about the implementation process. Mr. Morris noted that most cities that  
22 move to Form-Based Code have a transition period where development could either occur under  
23 the zone requirements or within the Form-Based Code. There was sometimes an incentive during  
24 that transition period to utilize the Form-Based Code. Having a transition period was always a  
25 good idea. Senior City Planner, Samantha DeSeelhorst explained that there had been Staff  
26 discussions about that. For instance, it was suggested that there be proactive conversations with  
27 property owners in the Union Park Center to receive feedback about the best approach.

28  
29 The Commissioners asked about the feedback received on Form-Based Code implementation.  
30 Mr. Morris noted that he had a conversation recently with the Planning Director in Clearfield.  
31 There had been a Form-Based Code there for approximately four years on Main Street. Based on  
32 that discussion, it would be best to focus on the process. It seemed that streamlining the application  
33 process was something the City could do to make Form-Based Code easier to implement. It was  
34 noted that Form-Based Code benefits developers as the process is streamlined and there is  
35 predictability, however, there were concerns about how constituents would view the process.  
36 Mr. Morris explained that the intent of the Form-Based Code was to provide additional clarity and  
37 predictability.

38  
39 There was discussion regarding the public process and allowing residents to share comments and  
40 concerns. Ms. DeSeelhorst clarified that public feedback would still be a component of the special  
41 exceptions. It was important to design the Code to function well and to achieve the goals that the  
42 Land Use Authority wanted. The Land Use Authority review should ideally be encapsulated in  
43 the Code itself so that code-compliant applications met the Planning Commission's vision.  
44 Ms. DeSeelhorst pointed out that there might be an opportunity to publish Development Activity  
45 Reports. That would allow the information to be publicly available so there was still transparency.

1 There was further discussion regarding the difference between the current zoning and Form-Based  
2 Code. Ms. DeSeelhorst explained that the idea was to fine-tune the Form-Based Code so there  
3 was comfort with what the Code would produce. There would be less variability with the  
4 outcomes. She stressed the importance of talking through different scenarios. Some  
5 Commissioners expressed concerns about moving away from public engagement processes.  
6 Commissioner Shelton did not think the intention of the Form-Based Code was that different but  
7 he believed the public would view the change as significant. The public wanted to have the  
8 opportunity to speak out and share comments. It was noted that conditions had been placed on  
9 projects specifically as the result of public feedback. Chair Mills believed it would be possible to  
10 have Form-Based Code that makes the administrative process smoother but still allow for public  
11 feedback. He thought this was an important first discussion but a lot more consideration was  
12 needed.

13  
14 Ms. DeSeelhorst pointed out that this was an introductory conversation. She hoped that the Form-  
15 Based Code would ultimately function in a way that benefits everyone involved and allow the  
16 Planning Commission to focus on larger projects within the City. There was discussion regarding  
17 the different nodes that have been highlighted for potential Form-Based Code. Ms. DeSeelhorst  
18 reminded the Commissioners that there would be opportunities to apply it elsewhere as time goes  
19 on but it made sense to start with a reasonable scope so implementation was manageable.

20  
21 **3.0 Additional Discussion Items.**

22  
23 There was no additional discussion.

24  
25 **4.0 Adjournment.**

26  
27 *Commissioner Shelton moved to ADJOURN. Commissioner Anderson seconded the motion.*  
28 *The motion passed with the unanimous consent of the Commission.*

29  
30 The Work Meeting adjourned at 6:00 p.m.



1 lot standards on private streets. One had to do with the front setback requirements on private  
2 streets and the other had to do with the minimum lot size required on private streets.

3  
4 The current zone was R-1-8 (Residential Single-Family), which generally meant that a single-  
5 family residential use was appropriate. In that zone, any lot that is developed needs to be at least  
6 8,000 square feet in size. Mr. Johnson shared information about City Code Title 14 (Highways,  
7 Sidewalks, and Public Places). The exceptions provision, 14.12.150, stated that:

- 8  
9
- In cases where unusual topographic, aesthetic, or other exceptional conditions or  
10 circumstances exist, variations or exceptions to the requirements of this chapter may be  
11 approved by the City Council after receiving recommendations from the City’s Planning  
12 Commission and Department provided that the variation or exceptions are not detrimental  
13 to the public safety or welfare.
- 14

15 The Planning Commission needed to determine whether there were unusual circumstances that  
16 exist on the property and if approval of the exceptions will be detrimental to public safety or  
17 welfare. The Commission would review the request, take public comment, and make a  
18 recommendation of approval or denial that would be forwarded to the City Council. Mr. Johnson  
19 informed those present that the provision that the requested exceptions came from the state:

- 20  
21
- Any building lot that is located outside a Planned Unit Development, which fronts on a  
22 private roadway with at least 25 feet of paved surface, shall have a minimum lot area of  
23 one-half acre. The minimum distance from the center of such roadway to the front building  
24 line on such a lot shall be 50 feet.
- 25

26 It was noted that approval of the exceptions would not approve a subdivision of lots. That was a  
27 separate process that the applicant would need to do, and it would involve Grading Plans, Slope  
28 Analysis, Sensitive Lands Studies, and so on. Additionally, the approval of the exceptions would  
29 not approve any Building Permits or building any structures. The applicant's rationale was shared:

- 30  
31
- The applicant believes there are unusual topographical or exceptional conditions that exist.
  - The applicant believes that approval of the variation will not be detrimental to public safety  
32 and welfare and will instead improve it. Subdivision of the lots will require the entire  
33 private roadway to be renamed, which will make it easier to find the addresses of the  
34 subject lot and adjacent lots because they will be assigned new addresses without a  
35 duplicate road name;
  - The shape and layout of the subject property make it difficult to comply with conventional  
36 zoning standards, even though both lots proposed to comply with R-1-8 zoning standards;
  - The applicant believes that other homes in the area do not comply with the private roadway  
37 provisions (i.e., the 50-foot private roadway setback); and
  - A large portion of the subject property is encumbered by an unbuildable steep slope,  
38 leaving relatively little buildable area.
- 39  
40  
41  
42  
43

44 Staff reviewed the proposed exception request and found that the request met the criteria of the  
45 Title 14 exception provision. As a result, Staff recommended approval of the exceptions requested,  
46 which included a reduction in the minimum front setback required from the center of private

1 roadways and a reduction in the minimum lot size required when adjacent to private roadways. It  
2 was recommended that the Commission forward a recommendation of approval.

3  
4 Additional information about addressing was shared. Mr. Johnson reported that all of the Magic  
5 View Drive addresses were derived from Magic View Drive to the south. Those generally fit in  
6 numerical sequence moving west to east. Any time a subdivision is developed the City looks at  
7 addressing the new lots that would be created. The addresses need to fit a sequence as it is  
8 important for public safety and emergency services. There was no numerical address to assign to  
9 the newly created lot, so the private driveway would need to be renamed. Mr. Johnson noted that  
10 it would be better for emergency vehicles and dispatch not to have two roads with the same name.  
11 He explained that the City maintains Magic View Drive to the south but the Magic View Drive  
12 currently being discussed as part of the application is a private driveway.

13  
14 If the exceptions were granted, the applicant would propose a two-lot subdivision. The proposal  
15 was to develop two single-family homes on the property. Mr. Johnson reported that there is an  
16 existing home on the property and the proposal was to rebuild that home and subdivide a single-  
17 family lot on the southeast corner of the property. The steep hillside portion of the property was  
18 to the north and the west, so the new lot would not be impacted by the substantial slope. Although  
19 there was a subdivision plan shown, it had not been reviewed in any technical manner by the City.

20  
21 Mr. Johnson shared a graphic depicting the existing addressing and road name situation. The  
22 private driveway was named Magic View Drive but so was the public street to the south. All of  
23 the addresses were derived from the public street to the south. Renaming the private driveway  
24 would be beneficial in terms of emergency access and navigability to the lots.

25  
26 Exhibits were shared illustrating how the requested exceptions would apply. Given the current  
27 arrangement of the lot and the proposal for how the lots would be divided, measuring the front  
28 setback was difficult. This was especially true for the larger lot where the existing home is located.  
29 With the proposed second lot, there would essentially be a double front yard, where 25 feet would  
30 be measured from the north side of Lot 2 and the west side of Lot 2. Implementing the 50-foot  
31 setback requirement from the middle of a private road was difficult in this situation because the  
32 private road ends where the lot begins. The exception would make that cleaner.

33  
34 The applicant was proposing to fully comply with the 25-foot setback, which was the minimum  
35 required in the R-1-8 Zone. Lot 2, which was the new lot proposed in the southeast corner of the  
36 property, was requesting two exceptions. One was related to lot size. The proposal was that the  
37 lot be just over 8,000 square feet, which complied with R-1-8 standards but not with the private  
38 roadway requirements. The other exception related to the setback to the middle of the private  
39 street. That was currently at 39 feet. The exception there would be a reduction.

40  
41 Mr. Johnson shared the Staff findings for approval of the exceptions, which were as follows:

- 42
- 43 • The subject property is located in a development that is legal non-conforming and  
44 originally established prior to City incorporation. Its development layout, and the irregular  
45 shape of the subject property, is an unusual topographic, aesthetic, or other exceptional  
46 condition;

- 1 • If approved, neither exception will result in lots that violate standard R-1-8 zoning  
2 requirements. Any subdivision application will be fully reviewed and required to be  
3 compliant with all other applicable city ordinances and requirements;
- 4 • Currently, the private driveway shares a name with the parallel public road to the south,  
5 creating a potentially unsafe condition as it relates to emergency services being able to  
6 quickly find the subject property and the other six adjacent properties. Approval of the  
7 requested exceptions allows for the subdivision of the property, which will require the  
8 existing private driveway to be renamed and assigned unique addresses. Therefore, this  
9 request is not detrimental to public safety or welfare; and
- 10 • Other homes located along the private driveway do not conform to the 50-foot private road  
11 setback requirement. The subject property is not the only property affected by this  
12 ordinance requirement.

13  
14 There was discussion regarding renaming the road. Some felt it was a separate issue that should  
15 be addressed regardless of the application. Mr. Johnson explained that there was no mechanism  
16 to impose that change outside of new development when there was no new address number to  
17 provide. There were a few other areas in the City where the naming was also a concern. For  
18 instance, there was one example off Creek Road. In the past, letters had been sent recommending  
19 that a change be made to improve public safety and visibility. However, it was ultimately on the  
20 residents to initiate that change. The current application made it possible for the City to address  
21 the existing issues on Magic View Drive.

22  
23 Mr. Spainhower identified himself as the Architect working for the property owner. He wanted to  
24 clarify a few items. He identified Lot 2 on a map and explained that the 39 feet shown were from  
25 the center of the road and the 25 feet was to the current property line. There had been questions  
26 about whether the neighboring properties met the 50-foot setback. The first two properties to the  
27 east were approximately 25 feet from the edge of the paving. He explained that the neighboring  
28 properties did not meet the 50-foot from the center of road requirement, but the properties also did  
29 not meet the acreage requirements. Even though the land itself was one-half acre in size, there  
30 was language related to slope and acreage requirements. If the sloped areas were counted, the  
31 neighboring properties fell under the one-half-acre requirement. He explained that both of the  
32 exceptions requested by the property owner were in line with the neighboring properties.

33  
34 Mr. Johnson reported that a number of public comments were received prior to the Planning  
35 Commission Meeting. Those had been distributed to the Commissioners for review. Two  
36 additional comments were received after the deadline, but both were in support of the exceptions.  
37 He noted that those comments would be distributed to the Commission following the meeting.

38  
39 Chair Mills opened the public comment period.

40  
41 *Adam Poulos* reported that he lives directly downhill from the subject property. He wondered why  
42 the road was still private. It would make sense for it to become a public road as that might solve  
43 a number of the problems that had been mentioned. It seemed that should be cleaned up before  
44 any more development occurred. As for the neighboring houses that did not meet the current  
45 requirements, he believed that a number of those houses were grandfathered in. While he  
46 understood the desire to expand further, it was important to be mindful of sensitive lands.

1  
2 *Kevin Langlois* identified himself as the property owner at 3457 East Magic View Drive. He  
3 thanked the Planning Commission for reviewing the application. Mr. Langlois informed the  
4 Commission that he has owned his home since 2006 and it has always been his dream to redevelop  
5 it. The purpose of the proposed second lot was not for resale but for family use. He hoped it  
6 would be possible for family members to stay there at times.

7  
8 *Ruth Winn Fox* stated that the area being discussed is land that was owned post-Depression. It was  
9 not true that the people living on the lots had snuck in and taken over. The people in the area  
10 legitimately settled there and the Winn family held the land for many years.

11  
12 *Jack Forester* has lived in the area for about 40 years. His property borders the subject property  
13 on two sides. Mr. Forester believed the Planning Commission should approve the exceptions  
14 because he knew Mr. Langlois would improve the area and do an excellent job on the property.

15  
16 *Aaron Kreutzjans* identified himself as one of the adjacent landowners. His home is directly to  
17 the west of Mr. Forester. He supported the application and thought that the plans were aesthetically  
18 pleasing and the design would fit in well with the rest of the neighborhood. It would improve the  
19 property for Mr. Langlois and his family but also improve the area in general.

20  
21 There were no further comments. The public comment period was closed.

22  
23 Commissioner Anderson asked what is buildable on Lot 1. Mr. Johnson explained that the current  
24 ordinance states that if any portion of a lot has a natural slope of 30% or greater it is not buildable.  
25 If the property owner wants to build a new home, it would be required that a slope stability analysis  
26 be done. A lot of different technical standards needed to be met. Sometimes, that results in a  
27 recommendation that any structure have an additional setback from a steep slope. He  
28 acknowledged that there are areas of the property that were unbuildable.

29  
30 Commissioner Shelton asked what would happen if there were additional public safety turnaround  
31 requirements. He believed that would push the road even further into Lot 2. He wanted to know  
32 what the result of the exception would be in that case. Mr. Johnson explained that the turnarounds,  
33 especially on private streets, are not part of the private roadway. Those are easements on the  
34 property that were left unobstructed. Sometimes, the Fire Department requires “No Parking: Fire  
35 Turnaround” signs to be placed or for there to be a design done for a two-point turn. An alternative  
36 solution was to have fire sprinkling in any new home. That was regulated by the Fire Code, but  
37 the turnaround itself would not be impacted by the private roadway setback standards.

38  
39 There was discussion regarding Section 14.12.080, which pertains to cul-de-sacs. There was other  
40 language related to turnarounds there. Mr. Johnson clarified that if any part of the remaining  
41 process required Planning Commission approval, it would have to come back to the Commission  
42 for review. Commissioners asked about the unusual topographic conditions on the site.  
43 Mr. Johnson explained that there had only been a handful of applications like this in the history of  
44 the City. All were reviewed within their context. He referenced the findings listed in the Staff  
45 Report. Based on the objective analysis conducted by Staff, there were several reasons that it was  
46 reasonable to conclude that there was an unusual condition that existed on the lot. Additional



1 discussions were had about sensitive lands. Mr. Johnson noted that there had been instances where  
2 the City had not accepted submitted engineering reports as they are deficient for sensitive lands  
3 standards. In the past, exceptions had not been denied or granted based only on the sensitive land  
4 conditions.

5  
6 It was noted that the R-1-8 Zone has certain triggers based on the Sensitive Lands Evaluation and  
7 Development Standards (“SLEDS”) for maximum height, where the height was reduced from 35  
8 feet to 30 feet. Mr. Johnson confirmed that in a Hillside Sensitive Lands Zone, the maximum  
9 height of the structure would be 30 feet as opposed to 35 feet. It was feasible that the height  
10 limitation could apply to the subject property. However, that was not something that needed to be  
11 added as a Condition of Approval, as it was part of the Code.

12  
13 The Commission discussed whether it would be possible to have a variance rather than moving  
14 forward with the exceptions. Some wanted to know if it would be possible to reinterpret the  
15 frontage so it was considered the sideyard. If that was allowed, then there could be an Accessory  
16 Dwelling Unit (“ADU”) instead of a subdivision of the lot. Mr. Johnson explained that this began  
17 as a variance application. The property owner requested a number of different variances. That  
18 went through a different process where there was a Hearing Officer and State mandated criteria  
19 needed to be met. The initial Staff review found there were some concerns about the application  
20 being able to meet the criteria. The Title 14 exceptions would not be covered by the variance  
21 process. The variance was for zoning provisions that were in Title 19, which was a whole different  
22 chapter of the Code. It might be possible to obtain a variance, but that would not resolve the  
23 private street setback issue or the requirement related to lot size. That was the reason the applicant  
24 decided to modify the variance application and there was now an exception request.

25  
26 There was additional discussion regarding the possibility of allowing an ADU. Mr. Johnson noted  
27 that it would make sense to allow an accessory building on the property but there was not a good  
28 zoning mechanism to do so. That was the reason the exceptions had been requested. This seemed  
29 to be the best way to move forward with the application. As for the future of the current structure  
30 on the property, it would be up to the property owner to decide whether he wanted to construct  
31 something new or improve the existing structure. If the exception was granted by the City, the  
32 applicant would be able to start moving forward and making those kinds of decisions.

33  
34 Chair Mills wondered if there had been any communication with the Unified Fire Authority  
35 (“UFA”). Mr. Johnson explained that there had been some Development Review Committee  
36 (“DRC”) meetings. The standard requirements were reviewed. Once there was an actual  
37 subdivision application, then there would be a full review from the UFA. Chair Mills wondered  
38 if the lot assumed responsibility for the turnaround in the neighborhood simply because it was the  
39 last lot. Mr. Johnson noted that the private road itself fell on six or seven different private  
40 properties. The adjacent owners were responsible for making sure it was up to standards for  
41 emergency vehicles. The same would be the case for the turnaround. The property owner would  
42 be responsible for maintaining it and keeping it clear. Chair Mills asked if there was any  
43 documented history of emergency services struggling to access the area. Mr. Johnson was not  
44 aware of any specific issues but explained that it was not ideal to have duplicate roadway names.

1 *Commissioner [REDACTED] moved that the Planning Commission forward a recommendation of*  
2 *APPROVAL to the City Council for Project SUB-23-001. The motion was seconded by*  
3 *Commissioner [REDACTED]. Vote on Motion: Commissioner Smith-Aye; Commissioner Shelton-*  
4 *Aye; Commissioner Steinman-Aye; Commissioner Anderson-Aye; Commissioner Ebbeler-Aye;*  
5 *Commissioner Chappell-Aye; Chair Mills-Aye. The motion passed unanimously.*

6  
7 **4.0 Adjourn.**

8  
9 *Commissioner [REDACTED] moved to ADJOURN the Planning Commission Meeting. There was*  
10 *no second. The motion passed with the unanimous consent of the Commission.*

11  
12 The Planning Commission Meeting adjourned at 6:48 p.m.  
13

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, May 3, 2023.*  
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: \_\_\_\_\_