COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

NOVEMBER 19, 2008

Cottonwood Heights
City between the canyons

COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at **7:00 p.m. on Wednesday, November 19, 2008**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

5:45 p.m. **WORK SESSION (suite 250)**

7:00 p.m. **BUSINESS MEETING (suite 300)**

1.0 **WELCOME/ACKNOWLEDGEMENTS** – Chairman

2.0 **CITIZEN COMMENTS**
(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)

3.0 **PUBLIC HEARINGS**
3.1 The Planning Commission will receive public comment on a request for a zoning text amendment, as requested by Joshua Pettit. The applicant is proposed to add carwash facilities as a conditional use to the NC (Neighborhood Commercial Zone).

4.0 **ACTION ITEMS**
4.1 The Planning Commission will take action on a request for a conditional use permit for a short term rental, as requested by John and Susanna Forney. The property is located at 8126 S. Clover Springs Lane.

4.2 The Planning Commission will take action on a request for a zone change at 6723, 6753 and 6761 South on 1300 East. The applicant, Jim Kane, is proposing to rezone the properties from NC (Neighborhood Commercial) to MU (Mixed Use).

4.3 The Planning Commission will take action on a request for a Master Development Plan located at 7350 South Wasatch Blvd, as requested by Gary Harrison.

5.0 **DISCUSSION ITEMS**
There are no discussion items on the agenda.

6.0 **PLANNING DIRECTOR'S REPORT**

7.0 **APPROVAL OF MINUTES**
7.1 November 5, 2008

8.0 **ADJOURNMENT**

On Thursday, November 13, 2008, at 4:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at www.cottonwoodheights.utah.gov

Morgan Brim
Planning Technician

Cottonwood Heights
City between the canyons

Item 2 – CITIZEN COMMENT

Issue:_____

Comments:

Issue:_____

Comments:

Issue:_____

Comments:

Cottonwood Heights
City between the canyons

Item 3.1 Public Hearing: Neighborhood Zone Text Amendment Proposal

File Name:	08-052 NC Text Amendment
Application Received:	10-24-2008
Public Hearing Date:	November 19, 2008
Request:	Text amendment to NC zone
Owner/Applicant:	Joshua Pettit
Staff:	Michael Black, Planning Director

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 801-545-4154
Fax 801-545-4150

Memorandum

To: Cottonwood Heights Planning Commission

From: Michael A. Black, AICP – City Planning Director

Date: November 13, 2008

Subject: P-08-052, Neighborhood Commercial Zone Text Amendment Proposal, Joshua Pettit, Applicant

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Joshua Pettit has petitioned the City to add the use of Car Wash as a conditional use in the NC zone. Currently, the use is allowed in the CR zone and there are supplementary regulations specific to the use of car wash in chapter 19.76 (see below).

The question that needs answering is whether or not the use is appropriate for the NC zone. The purpose of the NC zone, as listed in chapter 19.37 of the City's Code of Ordinances, is to:

> [...] protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This zone provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele. Development within this zone should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and properly-sited parking facilities. Additionally, the NC zone encourages residential mixed use to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives and policies of the city's general plan.

The use of a car was does not meet all of the purposes of the zone. The use is not neighborhood scale, pedestrian oriented, nor does it promote walk-ability. However, it would likely be used by local residents, and could provide a smooth transition between it and neighboring residential uses when the regulations for car washes which already exist are used.

If we were to look at the use in a truly neighborhood setting, where a proposed property for a car wash was located on an interior collector street, I don't believe the use would be justified based on the purpose of the chapter. Conversely, when looking at the proposed use in conjunction with a higher traffic area, such as Fort Union Blvd., where some neighborhood commercial zoning exists, then the use may be considered appropriate to its surroundings.

Representing a long-range planning view and keeping in mind the potential impacts from the proposed use of a car wash upon existing land uses, I do not believe car washes will be adverse to the neighborhood commercial zone if the following conditions exist:

1. The use is limited to areas along Fort Union Blvd., 1300 East, Union Park, Highland Drive and Wasatch Blvd; and,

2. The following regulations apply to any new car wash (currently codified as part of chapter 19.76 in the City's Code of Ordinances):

A. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while (1) reducing noise and adverse visual impacts on abutting uses, particularly residential uses; (2) ensuring adequate drainage; (3) promoting safer and more efficient on-site vehicular circulation; (4) promoting an aesthetically pleasing environment for car washes; and (5) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

B. Location and site.

1. The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.

2. The lot proposed for a car wash shall contain at least 10,000 square feet.

3. The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).

4. The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.

5. No car wash shall be located on a corner lot.

C. Additional requirements.

1. General.

(a) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(b) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

2. Access, circulation and on-site parking.

(a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four (4) feet wide.

(c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(d) The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than thirty-five (35) feet.

(e) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(f) In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (i) three (3) stacking spaces for each bay in a self-service car wash; and (ii) six (6) stacking spaces for each in-bay automatic or conveyor car wash.

3. Building and equipment setbacks.

(a) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(b) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(c) Car washes shall meet the side and rear setbacks required by the underlying zone.

4. Architectural design.

(a) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(b) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(c) Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(d) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

5. Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

6. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

(a) Exterior building materials and colors;

(b) Architectural features and style; and

(c) Lighting and lighting fixtures.

7. Lighting Requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

(a) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

(b) Full cut-off lighting is required.

(c) Site lighting photometric plans are required.

(d) The following lighting is prohibited on car wash sites: (i) exposed strip lighting used to illuminate building facades or outline buildings; (ii) neon tubing; and (iii) blinking or flashing lights.

8. Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

D. Operational requirements. The following operational requirements apply to all car washes:

1. Water recycling.

(a) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash.

(b) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

2. Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

I think the conditions above adequately address any the issues that surround the use of car washes. Staff is not opposed to the use so long as the above mentioned conditions are met. The meeting on the 19th of November is intended to be an information gathering meeting and public hearing. The applicants are requesting a zone change which will affect the entire City's neighborhood commercial zoning. We suggest that rather than allowing the use anywhere in the neighborhood commercial zone within the City, we only allow it on the arterial streets as listed in the proposed conditions.

Attachments: Josh Pettit letter requested a code amendment for the use of car washes in the NC zone

October 22, 2008

Cottonwood Heights City
Cottonwood Heights, UT

Re: Requesting a text change to section 19.37.030 adding Car Wash as a conditional use.

Dear City Officials:

We are requesting this text change to the subject property located at 2228 East Fort Union. The purpose of this text amendment is to facilitate a Car Wash facility for use by the community at large. The present use of the property is residential, which is no longer conducive to the surrounding uses.

A Car Wash facility is a perfect match for this location. As noted in a recent Salt Lake Tribune article reporting on a Salt Lake City Council meeting, it is becoming increasingly apparent that water shortages will become commonplace in our future. It was also noted in the article that public Car Wash facilities aid in the conservation of water and keeping the environment clean.

This location has the appropriate water, sewer and electrical utilities available and is in a location, which services a community presently in need of a Car Wash facility of this type. The text amendment we are requesting can only positively affect the adjacent properties.

The positive impacts to the City include increased property value and tax base. The ecological and water conservation benefits of a car wash at this location can be documented to include a recently delivered notice from the EPA, calling Car Wash Developers in the Western U.S. environmental heroes.

We have reviewed and feel we can comply with section 19.76 of the City Code, and have retained the premiere wash designer in the Western U.S. in order to design a facility pleasing to the Community.

Thank you for your consideration,

Josh Pettit

Item 4.1 Public Hearing: Conditional Use Request for a Short Term Rental – 8126 S. Clover Springs Lane

File Name:	07-071 Short Term Rental - Conditional Use Permit
Application Received:	December 14, 2007
Public Hearing Date:	November 5, 2008
Action Item Date:	November 19,2008
Zoning:	R-2-8
Subdivision:	The Oaks at Wasatch
Location:	8126 S. Clover Springs Lane
Request:	Conditional Use Permit for a Short Term Rental
Owner/Applicant:	Susanna and John Forney
Staff:	Morgan Brim, Planning Technician

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any conditional use permit request application for a Short Term Rental. This report provides preliminary information regarding the conditional use for a Short Term Rental being applied for by this applicant. Further information will provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in Title 19, Section (19.89) Short Term Rentals in the Cottonwood Heights Code of Ordinances.

Applicant's Request

The applicant is requesting a Conditional Use Permit for a Short Term Rental for up to 2 adults and 2 related children per bedroom of up to 4 bedrooms or up to 12 persons which ever is less 19.89.120.

Neighborhood/Public Position on the Request

Staff had not received any comment with regard to the conditional use request.

Staff Recommendation

On October 8, 2008 staff inspected the applicant's property and finds that the requirements of Short Term Rentals 19.89 have been followed. Staff recommends approval of this application with the following condition:

1. That the approved short term rental property is required to maintain compliance with all sections and sub-sections of chapter 19.89 of the Cottonwood Heights Municipal Code and all other legal requirements and all other applicable laws.

Staff Contact

Morgan Brim Planning Technician
Phone: (801) 944-7065
Email: mbrim@cottonwoodheights.utah.gov

Cottonwood Heights
City between the canyons

8126 S. Clover Spring Lane Applicant is requesting a Conditional Use Permit for a Short Term Rental

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 944-7065

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Published:
October 08, 2008

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 901-545-4150

Memorandum

To: Planning Commission

From: Greg Platt, Planner

Date: November 13, 2008

Subject: Item 4.2: Cubes Storage Neighborhood Meeting update

At the public hearing on the project on November 5, 2008, several neighbors expressed concern at the prospect of having a storage facility in their neighborhood, which is the expressed intent of the developer, if the rezone is granted. The developer held a meeting with the concerned citizens and presented to them the project, addressing the concerns they heard and answering questions that neighbors brought up.

The issues covered at the meeting included many topics that had been presented to the City staff, Planning Commission and Council in earlier meetings dealing with the code amendment to allow self-storage units. These topics included traffic counts and usage, after-hours access, property maintenance, open space and use buffering, massing of buildings, security systems and door alarms, on-site management, the mixed uses of the buildings, noise, and ownership issues. The developer also addressed several questions brought to them by neighbors, including pest control problems, existing ditches, fencing and types of landscaping.

Two of the neighbors, Marilyn and Dirk Hooiman, toured a similar facility owned by one of the developers in the Ogden area. Their comments at the neighborhood meeting were very positive about the development, generally, though they did have a few lingering issues that they indicated could be solved in working with the developer.

The meeting was attended by Councilman Gordon Thomas and staff planner Greg Platt. At the close of the meeting, it seemed to staff that most of the neighbors had their concerns resolved, though at least one still seemed opposed to the project entirely. Some neighbors expressed a desire to be part of the architecture review process, and staff informed them that the ARC meetings are open to the public. Staff also informed those interested of the date and time of the ARC meeting in which the project will be reviewed.

Cottonwood Heights
City between the canyons

Item 4.2 Public Hearing: Zone Change Request – 6723, 6753, and 6761 S. 1300 East.

File Name:	08-036 Cubes Self Storage Rezone
Application Received:	October 16, 2008
Meeting Date:	November 5, 2008
Public Hearing Date:	November 5, 2008
County parcel Number:	2220430005, 2220430006, 2220430007
Location:	6723, 6753, and 6761 S. 1300 East
Development Area:	1.62 Acres
Request:	Zone change from NC to MU
Owner/Applicant:	Surety Title & Russell Smith
Agent:	James Kane
Staff:	Greg Platt, Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcels of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: MU (19.36), NC (19.37), Amendments and Rezoning (19.90), Gateway Overlay District (19.49), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a zone change for three properties located at approximately 6753 S. 1300 East from NC or Neighborhood Commercial to MU Mixed Use. The general plan designation for the property is MU or Mixed Use which allows for zoning designations of Mixed Use, Neighborhood Commercial, or Residential Office.

Neighborhood/Public Position on the Request

At the time of this report, staff has received no comments with regard to the requested zone change. Any communications received between the time of this report and the public hearing will be compiled and presented to the planning commission at the time of the meeting. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 500 feet of the applicant's property at least 10 days

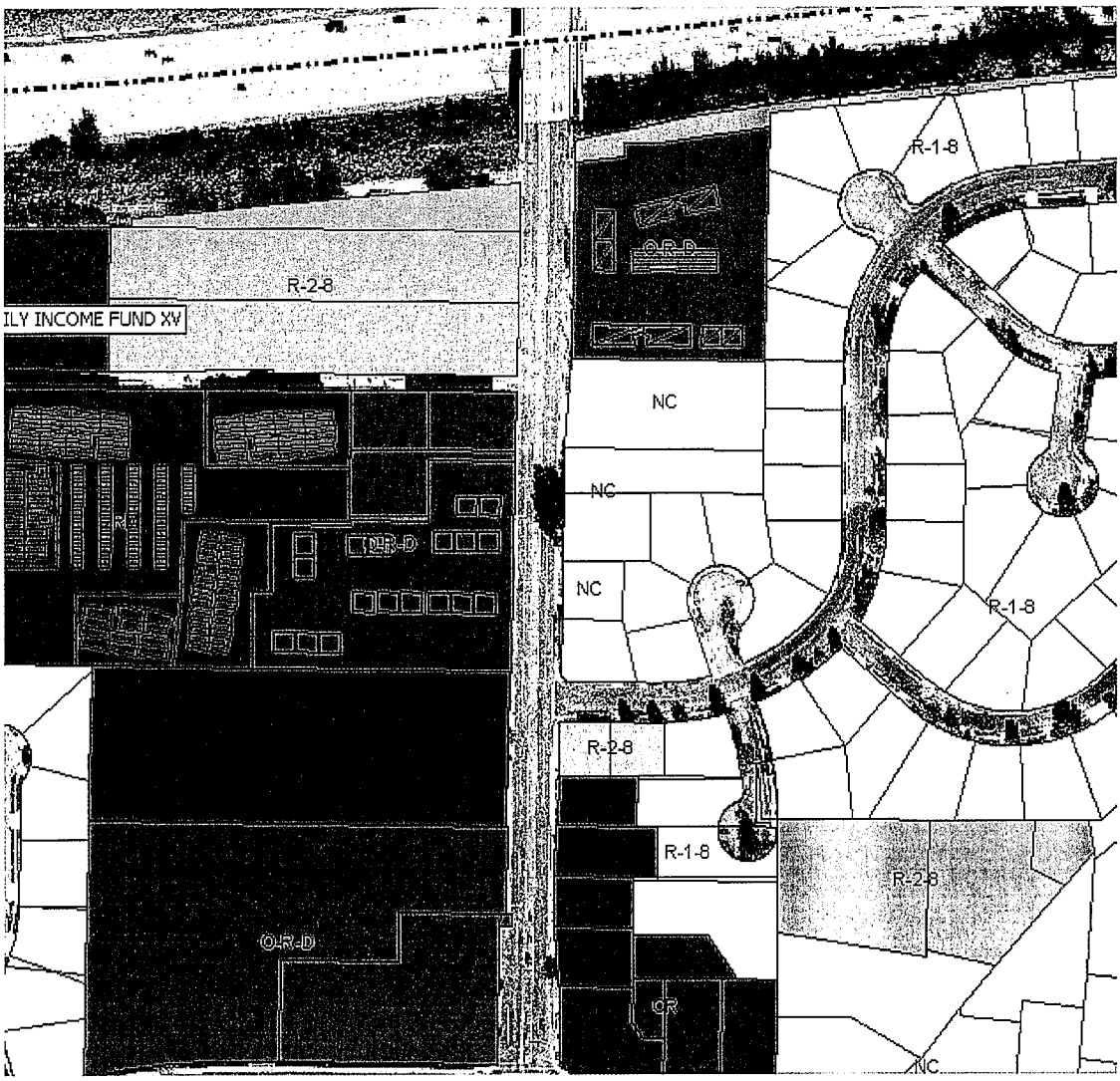
prior to the public hearing. A sign was also posted on the property 6 days before the public hearing.

Staff Observations and Position on the Request

Staff has made the following observations:

Application
The applicant has submitted a complete application and paid the applicable fees.

Site Layout
The properties is located on the east side of 1300 East just to the south of I-215. The properties comprise 1.62 acres. To the north of the site is a complex of office buildings in an Office, Research, and Development zone. The properties across the street to the west are also zoned O-R-D. The property to the south is zoned Neighborhood Commercial, and the adjoining properties to the east are R-1-8 Residential. Other zones in the immediate vicinity include Residential Multi-Family, R-2-8 Residential, and Regional Commercial. The only access to these properties is from 1300 East.



Zoning
The current zone for the properties is NC or Neighborhood Commercial. The applicant has requested a zone change from NC to MU or Mixed Use. The NC zone is designed for smaller retail and office commercial complexes with a maximum size of 15,000 square feet split between two floors. The Mixed Use zone allows for larger buildings with no specific limit, where anything over 10,000 square feet is a conditional use. Both zones allow for residential uses to be included with commercial uses.

The ordinance states, relative to the Mixed Use zone: "Unlike the NC zone, which is intended for smaller mixed-use developments potentially within established communities, the MU one does not have a maximum allowed floor area for most uses. Such deregulation is intended to encourage those proposing larger commercial and residential developments to consider creating a mixed-use development rather than a regional commercial type development."

Formerly, until August of 2007, the properties were zoned Office, Research and Development, or O-R-D. An application at that time was granted to down-zone the property to Neighborhood Commercial, which also brought the zoning on the property in line with the general plan. Staff reported at that time that the properties, being smaller in size, would more reasonably be zoned NC than O-R-D. Planning Commission member Amy Rosevear expressed a concern of larger-scale uses such as grocery stores in close proximity to the neighborhood to the east. However, the request passed unanimously with one abstention.

The properties in question also fall under the Gateway Overlay District, and any project will fall under the regulations which apply therein.

General Plan
The general plan designation for the subject property is MU or Mixed Use. Under the MU land use designation, an applicant can apply for the Mixed Use, Neighborhood Commercial or Residential Office zones. A change of zoning from Neighborhood Commercial to Mixed Use on these properties is consistent with the general plan designation.

Potential Future Uses
At the time of the staff report, staff understands that the applicant wishes to build a self-storage facility on the site. The applicant has recently presented to the Planning Commission and City Council an amendment to City code which adds self-storage units to the list of conditional uses in the Mixed Use zone. The amendment to code passed with a list of corresponding regulations as to the operation and appearance of such units. This application is the next step in the creation of the applicant's storage facility within the City.

Other possible uses in the Mixed Use zone include the following. Permitted Uses: Mixed Use residential buildings; Bed and Breakfast; Commercial Recreation; Convenience store without gasoline; Community recreation services; Government services; Retail; Public libraries and cultural exhibits; Office building professional with a maximum of two stories and a maximum of 10,000 gross square feet; and Grocery store, food stuffs, retailing, or

delicatessen with a maximum gross floor area of 10,000 square feet. Conditional Uses: Churches; Home occupations; Home pre-schools; Child daycare/preschool; Parks, playgrounds or community recreation; Planned Unit Developments; Public and private utility buildings or facilities; Facilities for persons with disabilities; Residential facilities for elderly persons; Schools; Hotels; Class D private clubs; Retail with gross square footage greater than 10,000 square feet; Commercial schools; Supermarkets (groceries, meats and baked goods); Hardware, lawn and garden supply stores; Administration or professional offices with a floor area greater than 10,000 square feet; Restaurant; Indoor theatre; Shop for making articles sold primarily at retail on the premises; Commercial recreation; Banks, savings, loan, and finance offices; Department stores, furniture and variety stores; Open stands or markets; and Garages (public).

Recommendation

Based on the above review, the compliance with the underlying general plan designation, and the de facto mixed-use nature of the uses surrounding the applicant's properties, staff recommends the rezoning of the properties located at 6723, 6753, and 6761 S. 1300 East from NC – Neighborhood Commercial to MU – Mixed Use.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – MU: Chapter 19.36
Zoning – NC: Chapter 19.37
Zoning—Gateway: Chapter 19.49
Amendments and Rezoning: Chapter 19.90
Cottonwood Heights General Plan Land Use Map

Staff Contact:

Greg Platt	Planner
Telephone:	944-7067
Fax:	545-4150
Cell:	502-5004
E-mail	gplatt@cottonwoodheights.utah.gov

List of Attachments:

1. Notice Sent to Property Owners within 500'

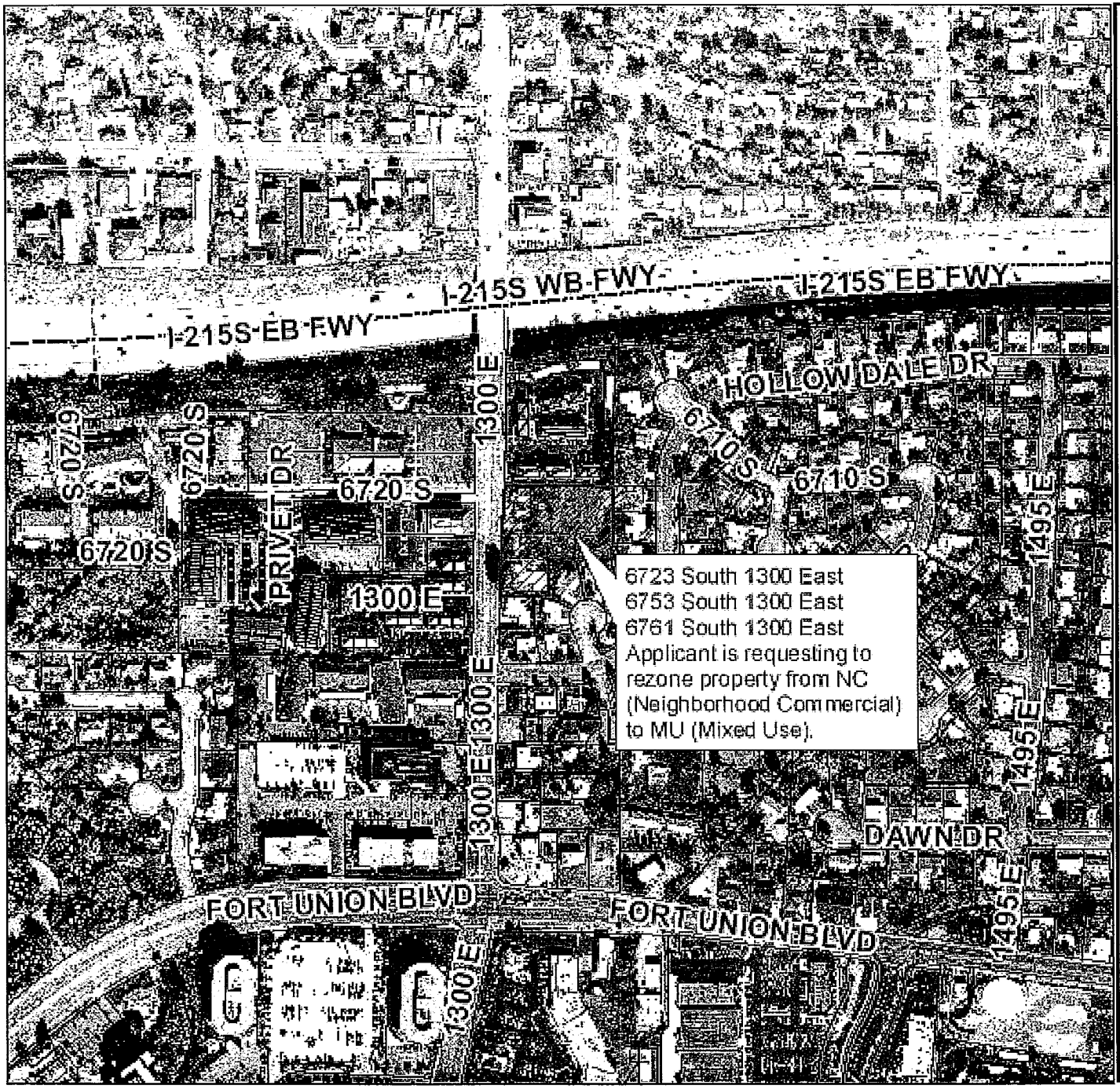
Cottonwood Heights
City between the canyons

COTTONWOOD HEIGHTS
NOTICE OF PUBLIC HEARING
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on November 5, 2008, to receive public comment on a request by Surety Title and Russell Smith to rezone approximately 1.65 acres of property located at 6723 South 1300 East, 6753 South 1300 East and 6761 South 1300 East, Cottonwood Heights, Utah, from NC (Neighborhood Commercial) to MU (Mixed Use).

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Greg Platt at 944-7000.

Attest: Linda Dunlavy
City Recorder



Cottonwood Heights
City honors the unique

6723 South 1300 East
6753 South 1300 East
6761 South 1300 East
Applicant is requesting to rezone property from NC (Neighborhood Commercial) to MU (Mixed Use).

Legend

- City Boundary
- Parcels
- Street Names

Neighbor Cities

City

- Holladay
- Midvale
- Murray
- Sandy

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
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Published:
October 22, 2009

Cottonwood Heights Planning Department
1265 East Fort Union Blvd. Ste. 250
Cottonwood Heights, UT 84047
Telephone 901-545-4150

Memorandum

To: Planning Commission

From: Greg Platt, Planner

Date: November 13, 2008

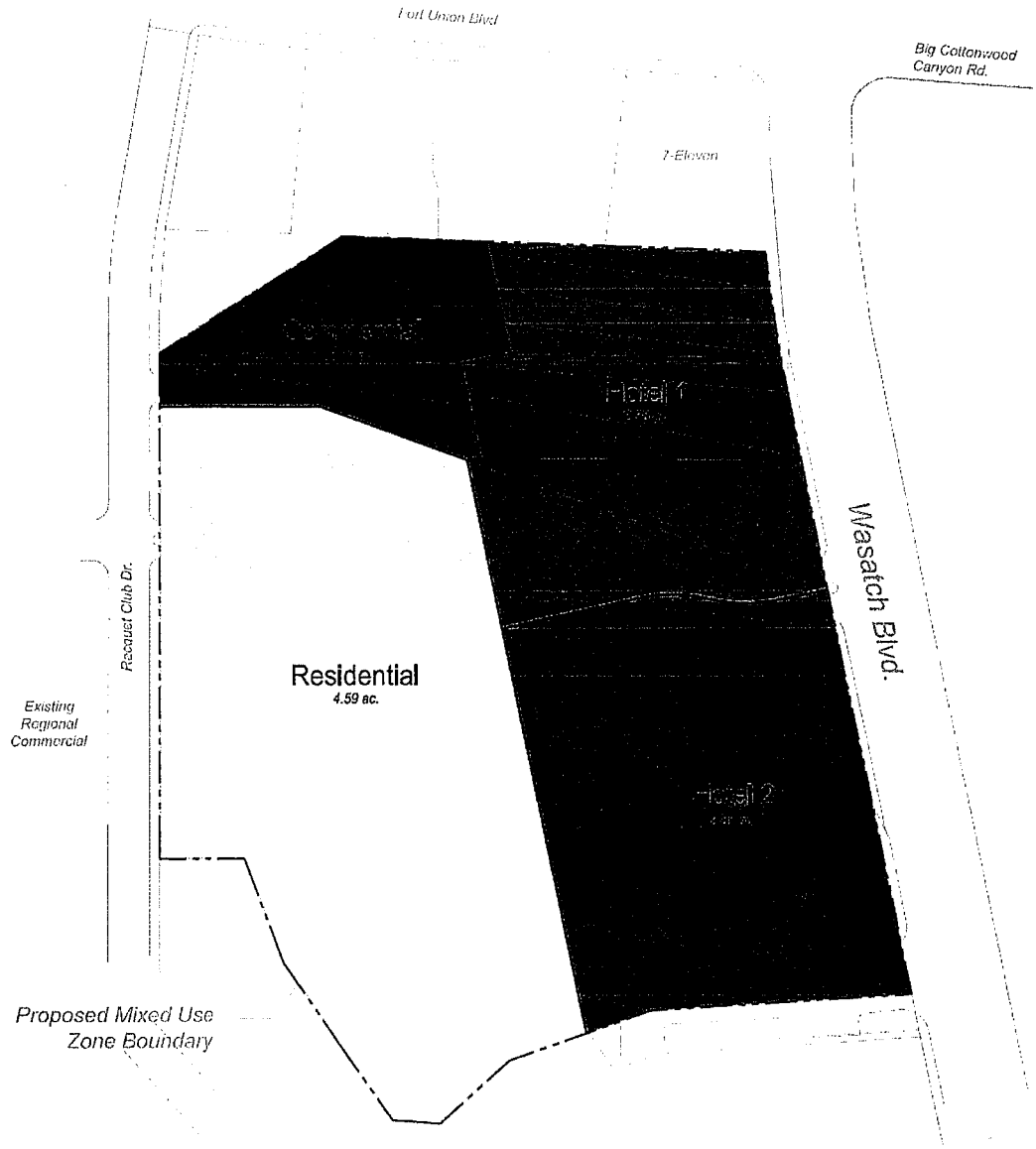
Subject: Item 4.3: Master Development Plan for Wasatch Gates

The owners of the property known as Wasatch Gates have applied for a minor subdivision of the property into two lots. The two lots are of approximately equal size dividing the property roughly in half on the east and west. Because the subdivision is only two lots, it qualifies as a minor subdivision and the approval process takes place on a staff level.

Due to the nature of the divide and the underlying zoning, staff believes that entitlements for the western half of the property could be construed as allowing for all mixed use projects after subdivision, when the original intent of the rezone to Mixed Use was to allow development of commercial projects on the east side of the site and residential projects on the west, with the northwest part of the property being designated for commercial use also. Therefore, staff requested and the applicant provided the attached Master Development Plan, showing the intended use for the development as a whole. We present this plan to the Planning Commission for approval, and should it be approved, any change to the plan would be required to have further approval from the planning commission. This process ensures that the City will maintain some control over the use of the property, so that the City may hold the developer to their original development proposal.

Staff believes that the best course of action is to obtain the approval of the Master Development Plan before approval of the Minor Subdivision, and so presents this plan to the Commission at this time. Staff also believes that the Master Development Plan presented to the City is consistent with the original presentation of the developer regarding the intended use of the property. Staff recommends the adoption of this Master Development Plan for Wasatch Gates.

Residential	*4.59 ac.*
Hotel	*5.25 ac.*
Commercial	*1.06 ac.*
Total	*10.90 ac.*



October 2008

0' 25' 50' 100'

N Scale: 1" = 100'

PSOMAS

Conceptual Development Plan

Wasatch Gates

Cottonwood Heights, Utah

MINUTES OF THE COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING

Wednesday, November 5, 2008
7:00 p.m.
Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah

ATTENDANCE

Planning Commission Members:

Geoff Armstrong
Perry Bolyard
J. Thomas Bowen, Vice Chair
Bradley Jorgensen, Alternate
Amy Rosevear

City Staff:

Michael Black, Planning Director
Greg Platt, City Planner

DRAFT

BUSINESS MEETING

1. WELCOME/ACKNOWLEDGEMENTS – Chairman.

Vice Chair J. Thomas Bowen called the meeting to order at 7:00 p.m. Procedural issues were reviewed.

2. CITIZEN COMMENTS.

There were no citizen comments.

3. PUBLIC HEARINGS:

3.1 The Planning Commission will receive public comment on a request for a conditional use permit for a short-term rental, as requested by John and Susanna Forney. The property is located at 8126 South Clover Springs Lane.

(18:58:49) Planning Director, Michael Black, presented the staff report and stated that the request was for a short-term rental permit that was applied for when the City still allowed short-term rentals. For some reason, this short-term rental conditional use permit was not approved with the others. The request was found to meet all of the conditions set out in the short-term rental ordinance. It was inspected and the Fire Department signed off on it. Staff recommended approval.

Commissioner Bowen opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Bowen stated that the City is obligated to approve the request based on the statutes and what took place previously. The Commission would take the matter under advisement and make a decision at the next meeting.

3.2 The Planning Commission will receive public comment on a request for a zone change at 6723, 6753, and 6761 South on 1300 East. The applicant, Jim Kane, is proposing to rezone the properties from NC (Neighborhood Commercial) to MU (Mixed Use).

(19:00:40) City Planner, Greg Platt, presented the staff report and stated that the request was for a zone change. The properties were identified on a site map. The request was for a zone change from the current Neighborhood Commercial designation to Mixed Use. The General Plan designation for the property is MU which allows for Mixed Use, Neighborhood Commercial, or Residential Office zoning. The property is located on the east side of 1300 West and comprises 1.62 acres. The zoning to the north and across the street is Office Research and Development (ORD). The adjoining properties to the east are zoned R-1-8. Other zones in the vicinity include R-2-8 and Regional Commercial.

Mr. Platt reported that the current Neighborhood Commercial zoning is designated for smaller retail and office commercial complexes with a maximum size of 15,000 square feet divided between two floors with a maximum of 7,500 square feet each. The Mixed Use zone allows for larger buildings with no specific limit on the size of the building, however, anything over 10,000 square feet would be considered a conditional use. Both zones allow for residential uses to be included with the commercial uses.

Mr. Platt stated that until August of 2007 the properties were zoned ORD. At that time the subject properties were changed to Neighborhood Commercial. The Planning Commission voted entirely in favor of the down zone which brought the properties into compliance with the designation under the General Plan. The proposed change would be an up zone and increase the intensity of use but still be in line with the Mixed Use designation under the General Plan. The properties fall into the Gateway Overlay District and any project on the properties would fall under the regulations of the zone.

(19:04:05) Mr. Platt stated that the applicant indicated that the use of the property will be a storage facility similar to the one recently passed. He explained that the Mixed Use zone is meant to serve as a buffer between commercial and residential uses. The zone and the allowed uses are designed to provide buffering between other commercial uses such as the ORD and the regional commercial and residential uses in the area.

In compliance with the underlying General Plan designation and the nature of the mixed uses in the area, staff recommended approval of the rezone. Mr. Black understood that the applicants are requesting a zone change. One of the uses available in the MU zone would be the new storage unit use. The use would not be a typical storage unit and would be an urban mixed-use self-storage facility. The concept for the new addition to the MU zone takes into account buffering from the neighborhoods, stepping of the building, landscaping, and different types of architecture that may look like something other than a storage unit. The ordinance is designed so that particular attention is paid to the building architecturally and aesthetically from the street because it is in a gateway zone and from the rear because of the residential zones that MU zones are typically adjacent to. He clarified that the applicants are applying for an MU zone change and not for the storage unit. The storage unit is just one of the uses allowed in the zone. In this instance, staff knows what the applicant's intention is for the property.

(19:07:14) The applicant Jim Kane stated that in his application letter he laid out why he thought the MU zone works well here. The proposed project works well in relation to a busy street and a residential neighborhood in that it serves as a buffer. The use is very quiet and has limited hours of access. It is a distinct use that has worked well in many other developments they have done between residential and commercial uses. With the additional conditions that were placed on the ordinance initially that require working through the Architectural Review Committee and meeting specific conditions of the ordinance, a great deal of effort would have to be put into how the building looks as well as the landscaping and setbacks. Mr. Kane stated that the design was proposed with setbacks that are greater than what is required by the ordinance, landscaping in excess of what is required, and architectural treatments that are in excess of what is required and will fit well with the use in the proposed location next to residential.

(19:08:44) Jerri Harwell stated that her property is immediately adjacent to two of the properties. She had spoken to neighbors and as a group they are opposed to the request. When the zoning was changed in April 2007 none of the neighbors complained because they were not opposed to it. They are opposed to the proposed zone change and do not want a storage unit there. Regardless of how it is described, she viewed a storage unit as a "dump for junk" and they do not want it in their backyard. Ms. Harwell stated that to the south along 1300 East there is a storage unit that the City has had lighting problems with. It seemed evident that the owners don't particularly care about the zoning ordinances. A citizen by the name of Jason Neeley had a storage unit there. He had knowledge that an adjacent storage unit was housing an indigent. Ms. Harwell referred to a storage unit on Whitmore Way. It was made known to the Cottonwood Heights Community Council several years earlier that there was RV storage. At least one RV did not hook the hose up properly and human waste was spilled down the sidewalks and streets. The next morning children had to walk through it to get to school. Ms. Harwell stated that there is no such thing as an upscale storage unit. In the past silence has indicated the neighbors' approval. The neighbors are now strongly voicing their opposition.

Ms. Harwell stated that in inspecting storage units in the area, she found them to be weed-infested junkyards. When the City was still part of the County she complained each year about weeds. One property in particular is surrounded by a six-foot concrete wall and the weeds are now taller than it. Since Cottonwood Heights had become a City, she complained yearly to code enforcement. The weeds remain and have gotten taller. She doubted the City could enforce the codes or conditions on a storage unit and she doubted there would be any policing. She stressed that she and the neighbors do not want a storage facility in their backyards. Ms. Harwell stated that one property is rat infested. The County Health Department sent out letters but nothing has been done. The neighbors want the rats removed and hoped something would be done with the property. She stated that her neighbor's dog was actually bitten by a rat and the citizens want something done to protect their safety. She was concerned that storage units will also affect home values.

(19:14:37) Commissioner Bowen stated that the issue being discussed tonight was on the rezone. In response to a question raised, Ms. Harwell stated that the applicants have not approached the neighbors. Commissioner Bowen stated that the applicant's presentation was well done and the project was well thought out. The facility would not be a dump for junk as characterized. He suggested the neighbors meet with the applicant and listen to what he has to say. It was clarified

that the neighbors want the zoning to remain Neighborhood Commercial. Mr. Black described some of the restrictions that would be placed on the application.

(19:19:52) Dirk Hooiman reported that he lives one house south of Jerri Harwell and expressed opposition to the proposed zone change. He was from New York and moved to Cottonwood Heights for the quality of life. He had two main concerns. The first was that his and other neighboring properties are lower in elevation where there is a tendency for flooding. His basement has a sump pump and to now put pavement on the proposed site will make it more susceptible to flooding. Mr. Hooiman's bigger concern was having a storage unit in his backyard. He did some research and referred to various cases regarding storage units. In one case, a 47-year old man had at least 40 pipe bombs stored in a Clearfield storage unit. The storage unit was burglarized and the bombs were later found. The man was arrested and accused of making and storing bombs. Mr. Hooiman remarked that storage units have become magnets for theft. The man arrested in the case cooperated with the police. He admitted to committing 25 burglaries after finding out how easy it was to break into storage units. Other newspaper articles dealing with storage unit related crimes were described. Mr. Hooiman stated that drug activity and activities that take place inside storage units are of such concern that the State of California recently issued a notice to self-storage and mini-storage operators and managers related to crime.

Commissioner Bowen stated that a typical storage unit project would not be considered in the proposed location. Mr. Hooiman disagreed and stated that what goes into the storage unit cannot be monitored effectively whether it be drugs or stolen property. The only thing that would make a difference would be 24-hour security. He expected some people could still break into a secured facility with no problem. Mr. Hooiman has children and grandchildren and did not want to live with the potential of a pipe bomb going off or drug activity taking place near his home.

(19:26:55) Frank Quintana identified his property on the map and stated that he was opposed to the project. He commented that there used to be a ditch behind the properties. Every time there was water in the ditch some of the basements flooded. Some of the owners could not build fences along the boundary lines because of the water.

Mr. Kane thanked the neighbors for coming out and expressed a willingness to meet with them. Between him and his two business partners, they have developed hundreds of facilities in a variety of municipalities across the country and some in Europe. Many have neighbors next door just like this one and often the neighbors have issues. He agreed that he would not want to live next to a "dump for junk". The reason they want to develop in Cottonwood Heights and are doing it elsewhere in the Valley is because there are a lot of undesirable facilities in the area. They were proposing a unique idea that is replicated elsewhere in the County and in areas that are used to horrible looking, terribly run, poorly managed, and poorly built self-storage centers. They saw an opportunity to provide a good one here. They believe they can show the neighbors that this type of use is far better than other conditional uses allowed in the MU and NC zones.

Mr. Hooiman wanted to hear Mr. Kane's rebuttal to the concerns raised. Commissioner Bowen stated that Mr. Kane agreed to meet with the neighbors in a separate meeting.

(19:32:08) Jason Neeley believed that whatever project is developed will cause the rats to scatter to the nearby properties. He asked that the City require the property owners exterminate the rats

and mice before beginning construction. Mr. Black stated that he would make sure that is a condition before moving forward and agreed to look into the situation. Staff could require an in depth vermin analysis of the property and figure out how to best exterminate them.

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

Commissioner Bowen stated that technically the Commission should make a recommendation on the matter at the next meeting. If the applicant plans to meet with the neighbors, perhaps the record should be left open so that the Commission can get input from the developer and neighbors as a result of the meeting. He asked when the meeting would be held. Commissioner Armstrong thought it would be in everyone's best interest to meet as soon as possible.

(19:36:05) Mr. Black thought it was appropriate to encourage the neighborhood to meet as soon as possible but did not want to give the neighbors too much power. Commissioner Bowen wanted them to meet and then give feedback on whether it changed their views. Mr. Black thought they should meet but did not want the neighbors to make the determination as to when the next Planning Commission Meeting is. Commissioner Bowen stated that a meeting was scheduled for November 19. He did not think it was right to make a decision when there is so much opposition. He wanted to allow input that can be considered on the 19th. He clarified that whatever is presented will have to comply with the ordinance. The issue before the Commission was the land use and not the self-storage use. The intent tonight was to discuss whether to change the zone from neighborhood commercial to mixed use. There had been very little discussion about that. Commissioner Bowen stated that he had heard nothing to persuade him not to change the zoning.

A meeting with the neighbors and the developer was scheduled for Wednesday, November 12. Public comment would be accepted until November 17 at 5:00 p.m. and a decision would be made at the November 19 meeting.

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4. ACTION ITEMS.

4.1 The Planning Commission will discuss and take action on establishing regularly scheduled dates for General Plan Amendments.

The above matter was discussed during the pre-meeting.

5. DISCUSSION ITEMS.

There were no discussion items.

6. PLANNING DIRECTOR'S REPORT.

There was no Planning Director's Report.

7. APPROVAL OF MINUTES.

7.1 October 1, 2008

Commissioner Bowen stated that he did not attend the October 1, 2008 Planning Commission Meeting.

(19:41:48) ***Perry Bolyard moved to approve the minutes of October 1, 2008, as presented. Commissioner Armstrong seconded the motion. Vote on motion: Geoff Armstrong-Aye, J. Thomas Bowen-Aye, Perry Bolyard-Aye, Amy Rosevear-Aye, Bradley Jorgensen-Aye. The motion passed unanimously.***

8. ADJOURNMENT.

(19:42:14) ***Commissioner Rosevear moved to adjourn. Commissioner Armstrong seconded the motion. Vote on motion: Geoff Armstrong-Aye, J. Thomas Bowen-Aye, Perry Bolyard-Aye, Amy Rosevear-Aye, Bradley Jorgensen-Aye. The motion passed unanimously.***

The Planning Commission Meeting adjourned at 7:42 p.m.

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I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Planning Commission meeting held Wednesday, November 5, 2008.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved:

DRAFT