



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

APPEALS HEARING OFFICER MEETING AGENDA
December 12, 2019

Notice is hereby given that the Cottonwood Heights Appeals Hearing Officer will hold a Business Meeting (Room 124, Council Conference Room) beginning at **5:00 p.m. on Thursday, December 12, 2019**, located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah.

5:00 p.m. BUSINESS MEETING

1. Welcome and Acknowledgements

2. Action Items

2.1. (Project AHO-19-004)

Action on a request from Praxair, Inc. for the relocation of a non-conforming structure at 6880 S. 2300 E., within the CR (Regional Commercial) zone.

3. Consent Agenda

3.1. Approval of December 12, 2019 Minutes

(The Appeals Hearing Officer will approve the minutes of the December 12, 2019 meeting after the following process is met. The recorder will prepare the minutes and email them to the hearing officer. The hearing officer will have five days to review the minutes and provide any changes to the recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

Adjournment

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Appeals Hearing Officer Deliberation
6. Appeals Hearing Officer Decision

*Appeals Hearing Officer applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Appeals Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. **NO agenda item will begin after 9 pm** without approval from the Appeals Hearing Officer. The Appeals Hearing Officer may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than the day prior to the meeting at noon. Comments should be emailed to ahulka@ch.utah.gov. After the public hearing has been closed, the Appeals Hearing Officer will not accept any additional written or verbal comments on the application.

Notice of Participation by Telephonic/Digital Means

The Appeals Hearing Officer may participate in the meeting via telephonic communication. If the Appeals Hearing Officer does participate via telephonic communication, the Officer will be on speakerphone. The speakerphone will be amplified so that the all other persons present in the room will be able to hear all discussions.

Notice of Compliance with the American 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 December 10th, 2019 by 5:00 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. The agenda was also posted on the City's website at www.ch.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 10th DAY OF DECEMBER 2019
Paula Melgar, City Recorder

Appeals Hearing Officer Staff Report



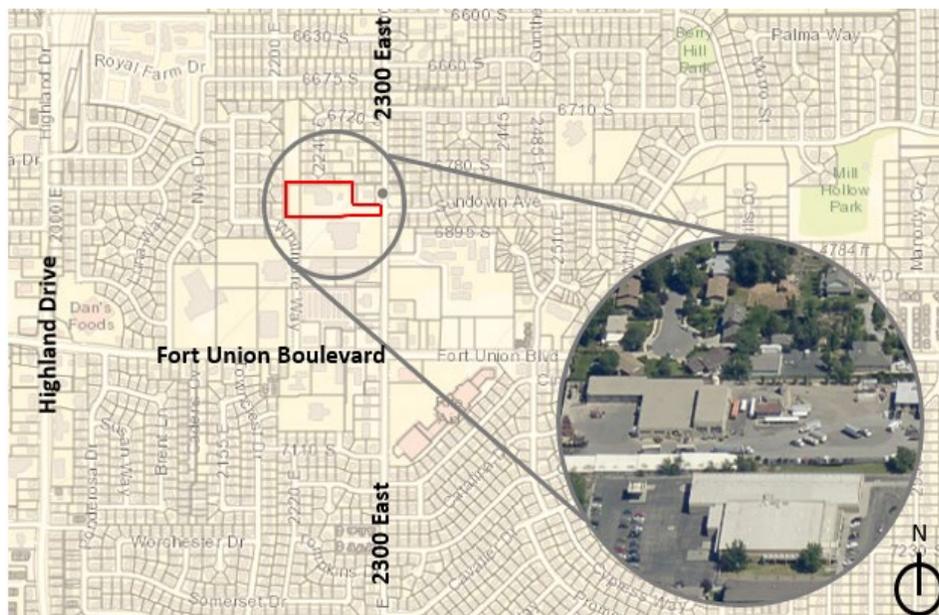
MEETING DATE: December 12, 2019
PROJECT NAME: AHO-19-005
LOCATION: 6880 S 2300 E
REQUEST: Relocation of a Non-Conforming Structure
APPLICANT: Praxair, Inc.
RECOMMENDATION: APPROVAL

SUMMARY

Request

The applicant is proposing to move a non-conforming structure located on its site by relocating existing tank equipment from the north side of the property to the property's interior. This tank equipment is used for the storage of oxygen, nitrogen, and argon. While relocating this equipment, the applicant is also proposing to replace the existing tanks with newer models featuring better insulation. The new tanks will be slightly larger, effectively reducing the number of trips made by the delivery truck. (See attached site plan demonstrating this size difference). The new tanks will also feature different pumps, which are quieter and require less electricity than those currently used.

The existing equipment is located approximately 16 feet from the north property line, and the proposed relocation places it approximately 87 feet from this boundary, and nearly 126 feet from the south property line, on top of a newly engineered concrete pad. There is a minimum depth of 15 feet required for side yards in the CR zone, when the commercial parcel is adjacent to a residential one. This proposed relocation meets that minimum standard. Chapters 19.88 & 19.92 of the Cottonwood Heights Zoning Ordinance allows for the moving of non-conforming structures upon approval from the city's Appeals Hearing Officer.



Recommendation

Based on the findings and analysis in this report, staff recommends that the Appeals Hearing Officer approve the request for the moving of this non-conforming site equipment.

CONTEXT & ANALYSIS

Context

The subject property is zoned CR (Regional Commercial), but the existing use is industrial in nature. The property is used by Praxair, Inc. for the storage, management, and processing of industrial gases, supply, equipment, and services. Per Section 19.40, this land use is not one allowed in the underlying zone, neither as a permitted nor conditional use. This use was established in 1951, prior to the incorporation of Cottonwood Heights as a city. Thus its site aspects are considered a non-conforming use which “legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance governing the land changed; and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.” (Section 19.04.1810). Further, Praxair has maintained an active business license with the city since incorporation in 2005.

Analysis

Staff finds that the proposed equipment relocation introduces no significant impact, given that the existing equipment is already nonconforming, and is simply being upgraded and relocated. The proposed relocation will not increase the degree of nonconformity of the property.

Section 19.88.070 governs proposals to add, enlarge, move, or reconstruction noncomplying buildings:

19.88.070 Additions, enlargements, moving and reconstruction of building.

B. A building occupied by a nonconforming use or a building noncomplying as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the Appeals Hearing Officer provided that the Appeals Hearing Officer, after the hearing, shall find:

- 1. The addition to, enlargement of, moving of, or reconstruction of the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title;*
- 2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building.*

Section 19.02.020, referred to in the previous section, is the purpose statement of the zoning ordinance:

19.02.020 Purpose of provisions.

This title is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, and securing economy in

governmental expenditures, fostering the city's industries, and the protection of both urban and non-urban development.

Staff finds that permitting the proposed relocation will not violate or negatively affect the provisions of Section 19.02.020. Staff finds that the proposed change does not impose any unreasonable burden on adjacent property, as it allows the equipment to be placed farther from adjacent residential homes. Additionally, the new proposed equipment is merely an upgraded version of the existing models, albeit slightly larger in size. A building permit will be required prior to construction to ensure safe building standards are followed, and approval of the relocation allows the outdated equipment to be replaced with more efficient alternatives which produce less noise and require less electricity.

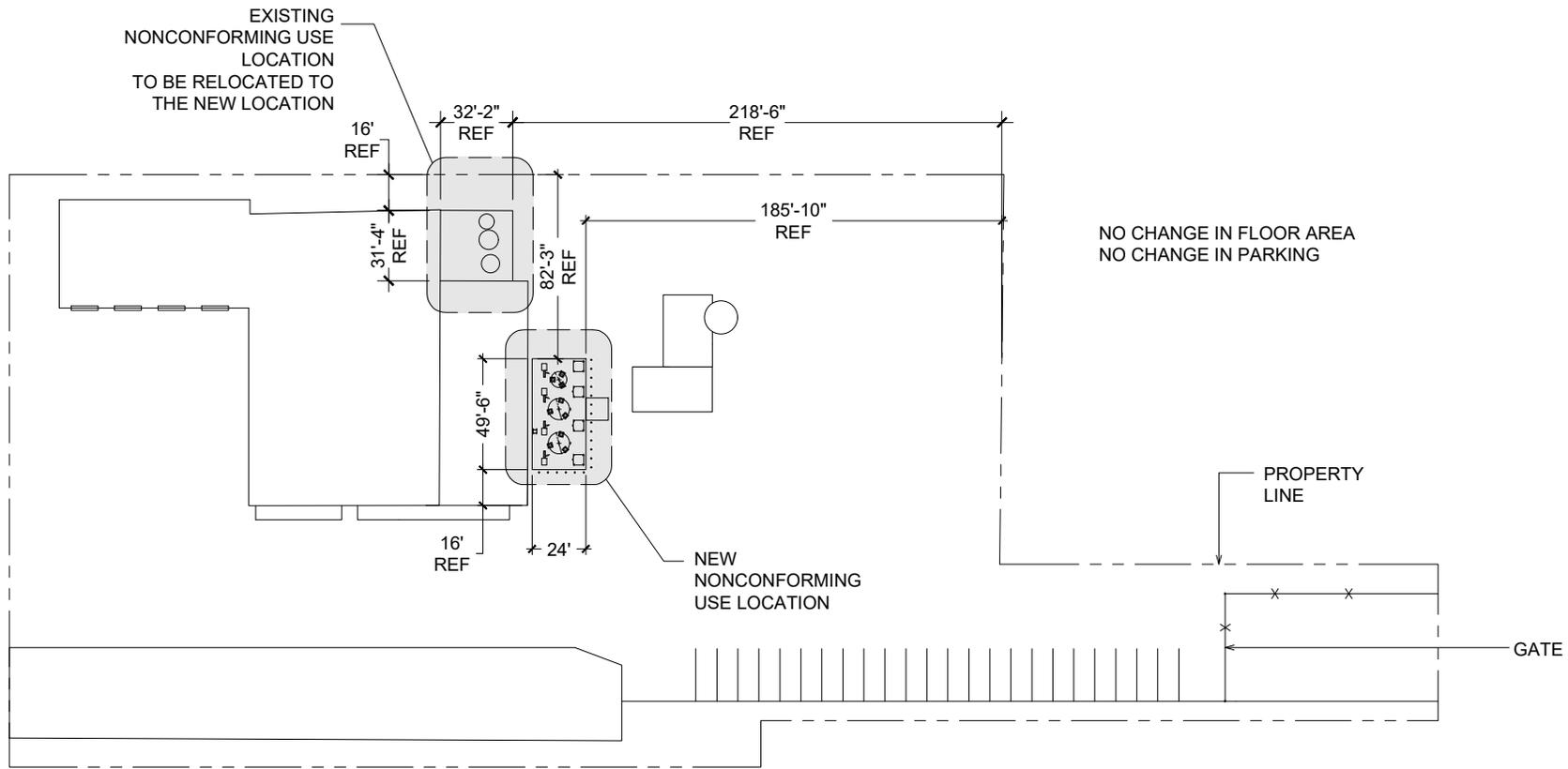
RECOMMENDATION & FINDINGS

Staff recommends APPROVAL of the request for an expansion of a non-conforming structure with the following findings:

1. The proposal will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city because the use is the same as currently exists;
2. The proposal will not create any additional congestion in the streets or roads;
3. The proposal will not create a fire safety issue;
4. The proposal will not affect air flow or block natural light from adjoining properties by conforming with all height regulations;
5. The proposal will have no apparent negative effect on the city's tax base;
6. The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance.
7. The proposal does not impose any unreasonable burden on adjacent property, as it allows the equipment to be placed farther from adjacent residential homes.
8. The proposal does not increase the degree of nonconformity, as the equipment is generally only an upgrade of that which is existing.

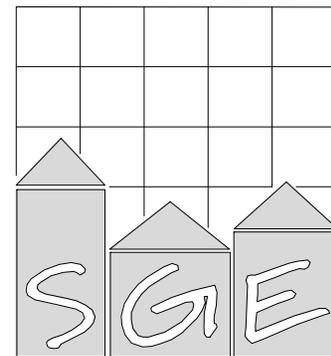
ATTACHMENTS

1. Proposed Site Plan
2. Applicant's Narrative



PLAN FOR APPEALS HEARING OFFICER NONCONFORMING EXPANSION

PROJECT ADDRESS	6880 S 2300 E COTTONWOOD HEIGHTS, UT 84121
PROJECT COORDINATES	40.6273°N, 111.8266°W
ASSESSOR PARCEL NUMBER	22-22-377-007-0000
PROPERTY OWNER	PRAXAIR 6880 S 2300 E COTTONWOOD HEIGHTS, UT 84121 CONTACT: EDDIE DAVIS PHONE: 801-554-9772
STRUCTURAL/PROJECT MANAGEMENT	SGE CONSULTING ENGINEERS 2081 BUSINESS CENTER DR, SUITE 105 IRVINE, CA 92612 CONTACT: RACHEL WU PHONE: 949-299-9817



**S. GORDIN STRUCTURAL DESIGN
& ENGINEERING SERVICES (SGE), INC.**

2081 Business Ctr Dr., Ste. 105, Irvine, CA 92612
TEL. (949) 552-5244 FAX (949) 552-5243



APPEALS HEARING OFFICER NONCONFORMING EXPANSION APPLICATION

Property Owner

Praxair, 6880 S 2300 E, Cottonwood Heights, UT 84121

Praxair Agent

Eddie Davis, phone 801-554-9772

Project

New Foundation and Anchorage for Liquid Oxygen, Nitrogen and Argon Equipment.

Application

Chapter 19.88 NONCOMPLYING BUILDINGS AND NONCONFORMING USES, Section 19.88.070, additions, enlargements, moving and reconstruction of building. This application is for the "moving" request.

The existing Oxygen, Nitrogen and Argon Storage Tanks are outdated and inefficient. The related cryogenic pumps are also obsolete and inefficient.

The proposal is to replace the Oxygen, Nitrogen and Argon Storage Tanks with newer storage tanks with better insulation. The new tanks will be slightly larger, thus minimizes the numbers of Delivery Tanker trips. The obsolete pumps will be replaced with VFD (Variable Frequency Drive) Motor Pumps, thus, use less electricity and quieter.

All the new equipment will be mounted on a newly engineered concrete pad. By relocating the new concrete pad about 70 feet from the existing pad, we are also able to move the equipment further away from the adjunct residence. Good for the residents. Also, the new location has no burden upon the land. Overall, the new location has better traffic flow for the Delivery Tankers.

11/26/2019