



## PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development  
Meeting Date: January 8, 2020

**NOTICE** is hereby given that the Cottonwood Heights Planning Commission will hold a Work Session Meeting, beginning at 5:00 p.m. in Room 124 (Council Workroom) and a Business Meeting, beginning at 6:00 p.m. in Room 5 (Council Chambers) located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah on **Wednesday, January 8, 2020.**

### 5:00 p.m. **WORK MEETING**

#### **1.0 Planning Commission Business**

##### **1.1. Review Business Meeting Agenda**

*The Commission will review and discuss agenda items.*

##### **1.2. Additional Discussion Items**

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

### 6:00 p.m. **BUSINESS MEETING**

#### **1.0 Welcome and Acknowledgements**

##### **1.1. Ex Parte Communications or Conflicts of Interest to Disclose**

#### **2.0 General Public Comment**

*(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 that is present 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 Senior Planner prior to noon the day before the meeting.)*

#### **3.0 Business Items**

##### **3.1. (Project CUP-19-019)**

A public hearing and possible action on a request by Castle Valley Properties to approve a site plan and conditional use permit for the remodel and addition to an existing building for a proposed office and bed and breakfast use located at 6970 S. 3000 E. in the NC - Neighborhood Commercial zone.

##### **3.2. (Project ZMA-19-006)**

A public hearing and possible recommendation on a request from Log Enterprises LLC for a zoning map amendment from R-1-8 (Residential Single-Family Zone) to NC (Neighborhood Commercial Zone) on 0.74 acres of property located at 2540 E. Bengal Blvd.

#### **4.0 Consent Agenda**

##### **4.1. Approval of Planning Commission Minutes:**

- November 6, 2019
- December 4, 2019

## 5.0 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. Planning Commission Deliberation
6. Planning Commission Motion and Vote

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 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.

### 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 Tuesday prior to the meeting at noon. Comments should be emailed to [mtaylor@ch.utah.gov](mailto:mtaylor@ch.utah.gov). After the public hearing has been closed, the Planning Commission will not accept any additional written or verbal comments on the application.

### Notice of Participation by Telephonic/Digital Means

Planning Commissioners may participate in the meeting via telephonic communication. If a Commissioner does participate via telephonic communication, the Commissioner will be on speakerphone. The speakerphone will be amplified so that the other Commissioners and 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 Tuesday, December 31, 2019 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 State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 31<sup>st</sup> day of December, 2019, Paula Melgar, City Recorder



# PLANNING COMMISSION STAFF REPORT

Conditional Use Permit: Mixed-Use Office/Bed & Breakfast

Meeting Date: January 8, 2020

Staff Contact: Matt Taylor, Senior Planner

## Summary

### Action Requested

Site plan and conditional use permit approval at 6970 S. 3000 E. for a proposed remodel and addition of an existing structure to be used as an:

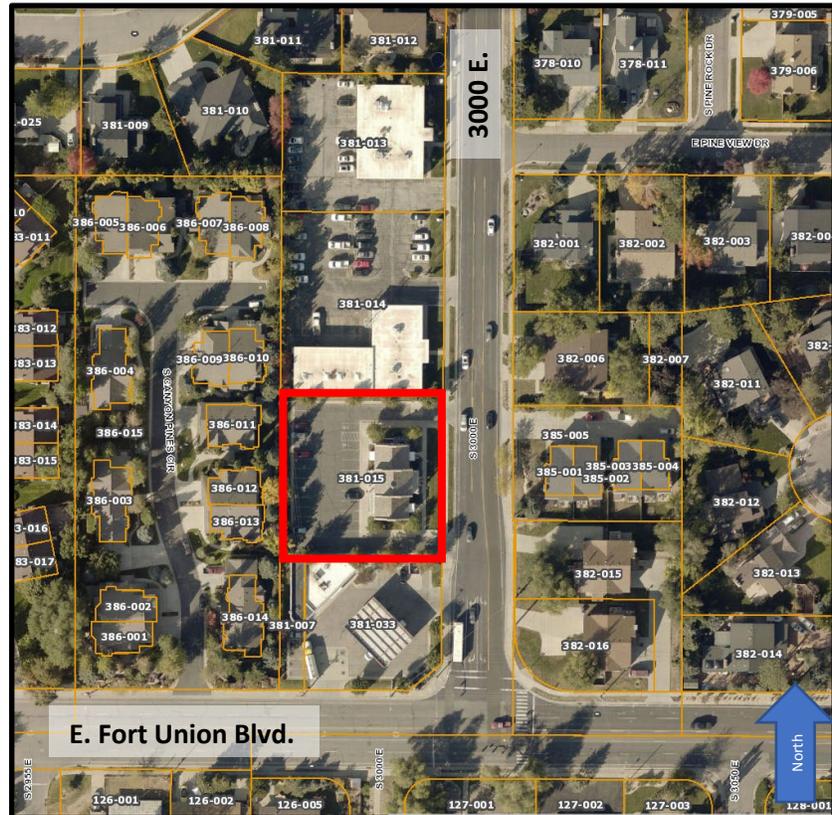
- 1) Office; and
- 2) Bed and Breakfast

### Recommendation

Approve, with conditions.

**Applicant:** Castle Valley Properties

**Project #:** CUP-19-019



## Context

### Subject Property #1

6970 S. 3000 E.

### Property Owner

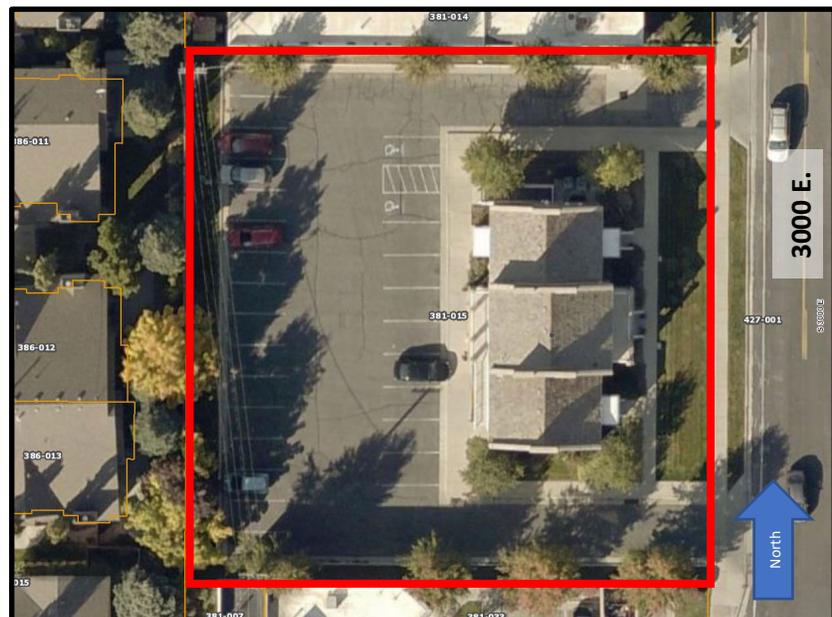
Castle Valley Properties

### Acres

0.50

### Parcel #

22-23-381-015



Site Photos



## Zoning and Land Use

**Zone:** NC – Neighborhood Commercial

**Land Use:** Vacant Retail, previously Elaine’s Quilt Shop

### North

**Zone(s):** NC

**Land Use:** Office

### South

**Zone:** NC

**Land Use:** Gas Station

### East

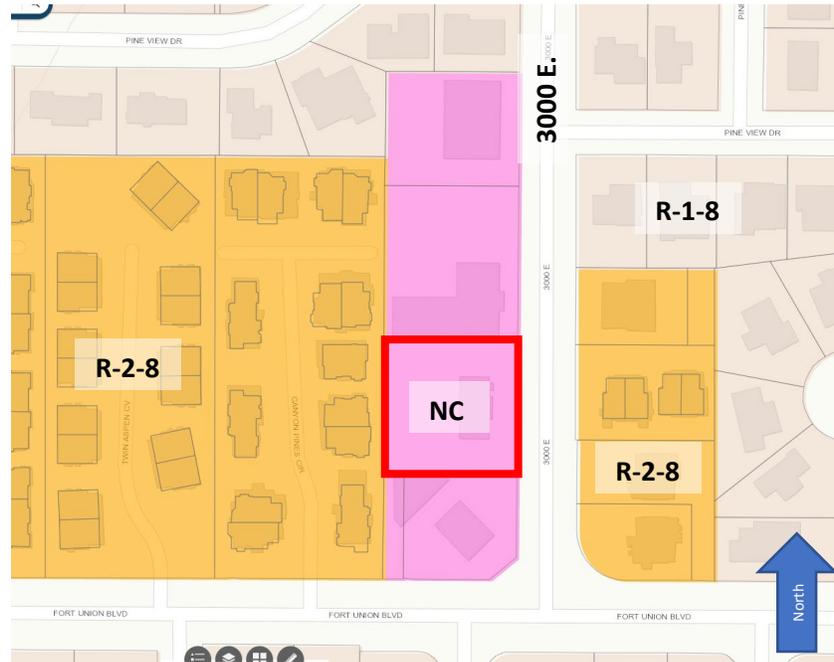
**Zone:** R-2-8 –Multi-Family Res.

**Land Use:** Twin Homes/Single-Family Res.

### West

**Zone:** R-2-8 –Multi-Family Res.

**Land Use:** Twin Homes/Single-Family Res.



## Previous Meeting

The Planning Commission continued this item from the December 4, 2019 Public Hearing meeting for the applicant to address concerns for the proposed double use of the residential units a bed and breakfast and apartments for different periods throughout the year. The Planning Commission was also concerned with the nature of the proposed vehicles associated with the proposed office use.

The applicant has:

1. Eliminated the request to have a mixed-use building office and alternating apartments/bed and breakfast use for the residential suites. They are now proposing that each residential suite be limited to bed and breakfast use only. The applicant explains how this use will be managed in their new narrative (attachment 1).
2. They have provided a illustrative photograph of the type of vehicles associated with the proposed office use, as well as a photo of the vehicles typically parked at the adjacent Forest Service office (see attachment 2).

## Applicant Proposal

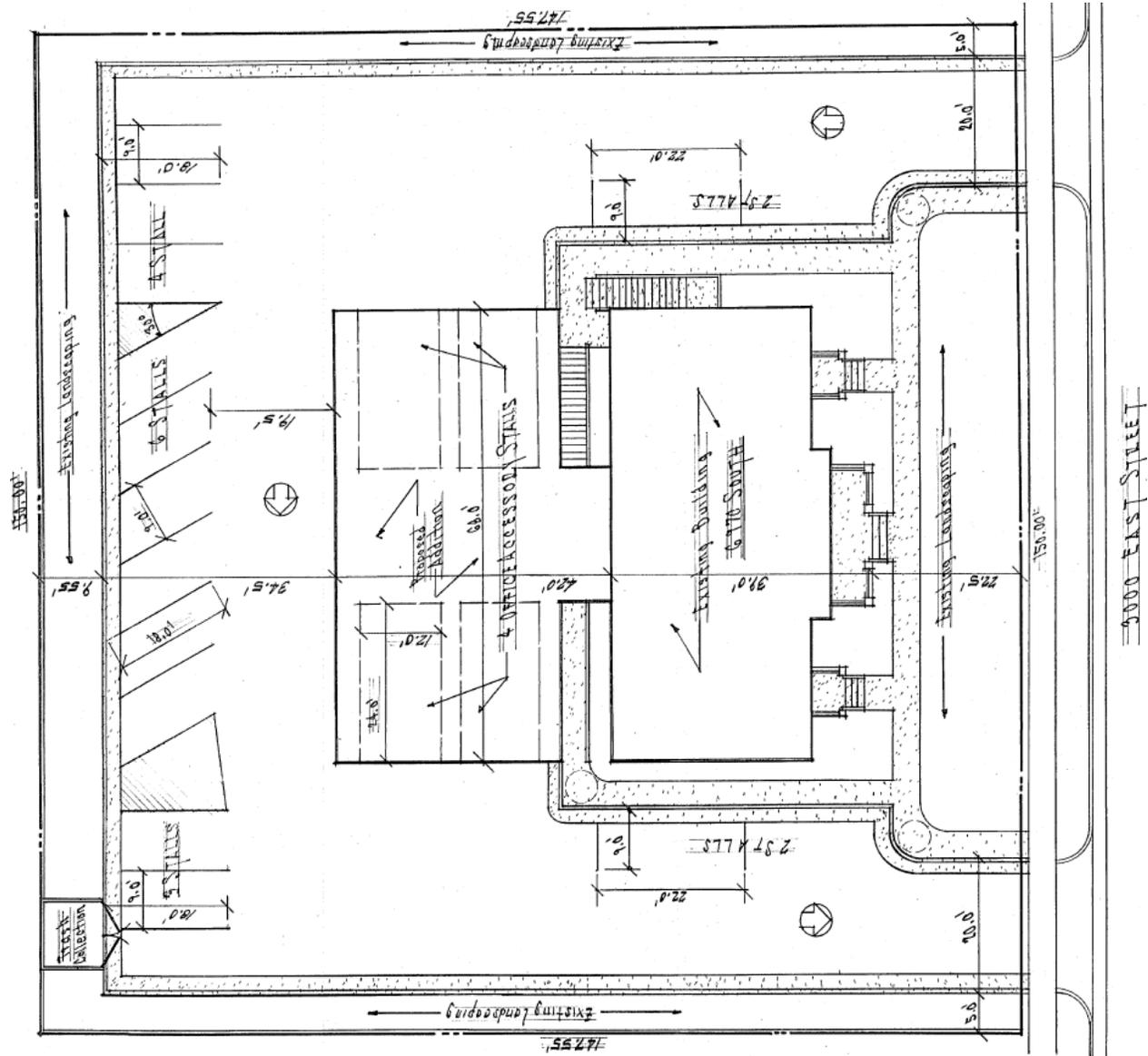
The applicant is proposing a remodel and addition to an existing commercial building at 6970 S. 3000 E. in the NC - Neighborhood Commercial zone. All uses within the zone are conditional uses. The building and addition is proposed to accommodate:

- Seven two-bedroom suites for a bed and breakfast use.
- A 1,191 ft<sup>2</sup> commercial office space.

## Analysis

### Site Plan Review

The applicant has provided the following proposed site plan for the building addition:



Proposed building elevations and floor layouts are provided in Attachment 2.

## Ordinance Review

### Summary

	PERMITTED	PROPOSED
<b>HEIGHT</b>	35' max.	30'
<b>STORIES</b>	2	2
<b>LOT COVERAGE</b>	50% max.	22%
<b>SETBACKS</b>	Front and Sides: 25 min Rear: 25	25 min 44
<b>PARKING</b>	7 Apartments: 1.23 per unit / 9 stalls Office: 2.84 per 1,000 ft <sup>2</sup> 1780 ft <sup>2</sup> in project = 5 Total Req: 14 total stalls	20 stalls

#### Staff Analysis

It appears that the minimum zoning criteria outlined has been satisfied. However, there are site plan design criteria that are not satisfied that will be addressed in the next sections of this report.

#### Lighting

A lighting plan has not been submitted. All building and site lighting must comply with the city's outdoor lighting ordinance.

#### Staff Analysis

It is proposed as a condition of approval that the lighting plan be approved by staff as part of the final site plan approval prior to the issuance of a building permit.

#### Screening and Fencing

Although an existing dumpster exists on site and is appropriately screened, no plans have been submitted for proper screening of condensing units or other mechanical equipment. Additionally, additional landscaping buffering is required per Chapter 19.80 – Parking for uses adjacent to residential uses.

#### Staff Analysis

It is proposed as a condition of approval that details be provided demonstrating compliance with the screening requirements outlined in Section 19.37.120 and 19.37130.B prior to final site plan approval prior or the issuance of a building permit.

#### Parking Design and Layout

The current site plan does not demonstrate full compliance with city parking design standards. However, staff is confident that the site can be designed with a one-way driveway system and 45 degree angled parking resulting in a total of 20 parking stalls and still provide 20 parking stalls, six more than minimum code required.

#### Staff Analysis

As proposed, it is proposed as a condition of approval that the final site plan represent a one-way driveway system and 45 degree angled parking resulting in a total of 20 parking stalls.

## Conditional Use Permits

Conditional use of the NC zone include:

- *“Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter.”*
  - *“A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.” (see 19.37.040 CH code).*
- *Bed and breakfast*
  - *Bed and breakfast is defined as “a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations.” (see 19.04.340 CH code).*
    - *Dwelling is defined as “any building or portion thereof, which is designed or used as living quarters for one or more families.” (see 19.04.840 Ch code).*
- *Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;*
  - *This is defined as: “A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.” (see 19.04.1850 CH code).*

## Staff Analysis

The proposed uses as described by the applicant, are all allowed conditional uses of the zone, with one exception. The definition for a Bed and Breakfast states that it is a dwelling used for multiple families, but must be “occupied as a permanent residence by an owner or renter.” If the Planning Commission determines to approve the proposal, a condition of approval is recommended that one of the units is permanently occupied by an owner or renter who will care for the tenants and provide the required “breakfast” service as defined by the zoning use definitions.

## Criteria for Granting the Conditional Use permit

The city code establishes the criteria by which a conditional use permit may be issued:

*A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied (see 19.84.020.B CH Code).*

## Determination

The planning commission is required to approve or deny a conditional use based upon written findings of fact with regard to a set of standard (*italicized type below*) (see 19.84.080 CH Code). Staff has prepared findings of fact that the commission can consider adopting for each standard (*unitalicized type below*):

Per 19.84.080.B, CH Code, *“The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:*

1. *That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;*

**Finding of Fact:** The property located at 6970 S. 3000 E. is located in the NC – Neighborhood Commercial zone and office, mixed-use residential, and bed and breakfast uses are a conditional use within that zone.

2. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;*

**Finding of Fact:** The proposed use, if compliant with the proposed conditions of approval, meet and often exceed the zoning requirements meant to protect the *health, safety, comfort, order or general welfare of persons residing or working in the vicinity*. With 22 to 24 on-site parking spaces, and restricted parking on 3000 East, Fort Union and the adjacent properties, parking is not anticipated to be a detriment.

3. *That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;*

**Findings of Fact:** The use is a residential and commercial service that is fitting within the intent of the NC zone. These uses are compatible with the planning goals and objectives of the city as it provides services to residents, promotes business and economic activity, and puts a vacant retail building into productive utilization, and increases the tax base.

4. *That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;*

**Findings of Fact:** Neighboring uses are of commercial character with patrons coming and going for brief periods throughout the day. These uses are also largely conducted within buildings with patrons solely utilizing adjacent parking areas to arrive and depart from the premises. The design of the addition is harmonious with the existing building and compatible with adjacent residential uses in scale, form, and design.

5. *That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;*

**Findings of Fact:** The conditions imposed are meant to ensure that all zoning code requirements (that exist for the purpose of creating harmony with neighboring uses) are adhered to prior to any final approvals, building permits, or business licenses are issued.

6. *That protection of property values, the environment, and the tax base for the city will be assured;*

**Findings of Fact:** Productive economic utilization of the property with mitigated detriments will increase on-site and adjacent use property values. No degradation to the environment is anticipated. Increase utilization of commercial property increases the tax base is greatly anticipated with the number of residential uses planned for this site.

7. *That the use will comply with the city's general plan;*

**Findings of Fact:** Commercial and mixed-uses are within the goal of the City's general plan for this planning area.

8. *That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;*

**Findings of Fact:** The city licenses and regulates all business activity within the city. Conditional use permit conditions are required by city staff to be installed and inspected prior to the issuance of the business permit.

9. *That the internal circulation system of the proposed development is properly designed;*

**Findings of Fact:** The internal circulation system has been proposed for redesign according to City parking standards determined by Chapter 19.80 CH code as a condition of approval.

10. *That existing and proposed utility services will be adequate for the proposed development;*

**Findings of Fact:** Confirmation of adequate utility service will be required as part of the final site plan approval.

**Potential Mitigating Condition of Approval:** It is recommended that the final site plan approval, building permits or business license are not issued if utility providers indicate there is inadequate services.

11. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;*

**Findings of Fact:** The site is currently buffered by on-site and off-site landscaping and parking lots. The proposed use is not anticipated to increase light, noise and/or visual impacts.

12. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;*

**Findings of Fact:** The use will be housed on an existing site already developed to conform with the city's land use ordinance and applicable design standards in force when the development occurred.

13. *That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;*

**Findings of Fact:** The landscaping is typical for that which currently exists within the NC zone. It currently meets minimum standards and is not proposed to be increased.

14. *That the proposed use preserves historical, architectural and environmental features of the property; and*

**Findings of Fact:** No change to the site is proposed.

15. *That operating and delivery hours will compatible with adjacent land uses.*

**Findings of Fact:** The hours of use are typical to those existing to each side of the property.

16. *The foregoing approval standards shall be subject to any contrary requirements of Utah Code Ann. § 10-9a-507, as amended.*

**Findings of Fact:** There is no conflict Utah Code Ann. [§ 10-9a-507](#), which governs how municipalities regulate conditional uses.

## Recommendation

Staff recommends approval, with conditions as outlined below:

### Recommended Conditions of Approval

Already stated as potential mitigating conditions of approval in this report, staff recommends that the Planning Commission impose the following conditions as part of the conditional use permit:

- That one of the units is permanently occupied by an owner or renter who will care for the tenants and provide the required “breakfast” service as defined by the zoning use definitions.
- That the lighting plan be approved by staff as part of the final site plan approval prior to the issuance of a building permit.
- That details be provided demonstrating compliance with the screening requirements outlined in Section 19.37.120 and 19.37130.B CH code prior to final site plan approval prior to the issuance of a building permit.
- That the site plan is reconfigured to meet all parking design requirements for a one-way driveway system and 45 degree angled parking resulting in a total of 20 parking stalls.
- That the final site plan approval, building permits or business license are not issued if utility service is found to be inadequate.
- That any conditions of approval will be represented on the final approved plans prior to the issuance of a building permit.
- That any conditions of approval will be completed, installed and/or inspected prior to the issuance of a business license.

## Conclusions - Findings for Approval

- The proposed uses described in the report are a conditional use within the NC – Neighborhood Commercial zone.
- A public hearing was held in accordance with local and state requirements.
- That the Planning Commission adopts the written *Findings of Fact* outlined in the analysis of this report as demonstrating that the proposed animal day care use is compliance with the conditional use permit standards and that reasonable conditions are proposed to mitigate the reasonably anticipated detrimental effects of the proposed use.
- That the Planning Commission adopt the recommended conditions of approval in this report as reasonable conditions to mitigate the anticipated detrimental effects of the proposed use.

## Model Motions

### Approval

I move that we approve project CUP-19-019, with the recommended conditions, based upon the findings for approval outlined in the staff report:

- List additional conditions...
- List findings for additional conditions...

### Denial

I move that we deny project CUP-19-019, based on the following findings:

- List findings for denial...
- 

## Attachments

- Applicant statement
- Proposed project site plan, elevations and floor plans.

**To: Cottonwood Heights Planning Commission**

**From: Castle Valley Properties**

**Date: December 24, 2019**

**RE: 6970 S. 3000 E. – Conditional Use: Bed and Breakfast Application – Continuance**

Thank you for taking the time to consider this proposal. This request is for the approval for conditional use at the property located at 6970 S. 3000 E.

**As the owners of Castle Valley Properties, our vested interest in this property is based on the proposed uses as they relate to the city's written Codes of Ordinances.**

Location:

Castle Valley Properties recently purchased the property that was previously used as retail/commercial space and sits within a Neighborhood Commercial (NC) Zone. This zone consists of four properties along 3000 East. To the immediate south is a gas station (Dino Mart). To the immediate north of the property is the US Forest Service Station. Residential homes line the rear of the property.

Gas Station – It is worth noting that the building on this property almost has no setback and limited parking.

Forest Service – It is worth noting that the building on this property has small setbacks on the west and south property lines. Additionally, this property stores a yard full of trucks, equipment and trailers. They also have accessory parking for 4 vehicles inside their building.

As part of a NC zone and per code 19.37.010, it is our plan to develop this location into a residential mixed use property.

***NC - Neighborhood Commercial Zone 19.37.010 Purpose ...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 planting, green space and existing screened dumpster areas will be kept as-is, to minimize the impact to neighbors on any side. The building will sit well within setbacks and will be attractive and well-kept.

Building:

The existing structure on the property will undergo an interior remodel and an addition will be added onto the back of the building. Once the project is completed, the building will be considered a single dwelling as per code 19.04.840 and will contain 7 residential units and a commercial space that will serve as professional offices with parking that is accessory to the office space.

***19.04.840 Dwelling. Any building or portion thereof, which is designed or used as living quarters for one or more families.***

Property Use:

Once the building remodel is complete the property will serve as residential mixed use. The two conditional uses being a bed and breakfast and professional office. This request of conditional use conforms with the allowable uses as found in code 19.37.030.

**19.37.030. Conditional uses.** *Conditional uses in the NC zone are as follows:*

*A. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;*

*B. Bed and breakfast;*

*I. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;*

Bed and Breakfast:

The 7 residential units are planned to operate as a bed and breakfast as per code 19.04.340. A full-time manager will reside in Unit #4. Breakfast items will be supplied and served to guest for consumption in each of their own private dining areas or in the manager's residential unit (see dining area on the plans).

**19.04.340 Bed and breakfast.** *A dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations.*

**19.04.840 Dwelling.** *Any building or portion thereof, which is designed or used as living quarters for one or more families.*

Professional Office:

Commercial space in the building will serve as professional office space with parking that is accessory to the office space. Commercial space will not be used for medical offices, as defined in code 19.04.1850.

**19.04.1850 Offices, professional and general business.** *A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.*

Accessory Use:

A portion of the commercial space on the main level will serve as parking that is accessory to the office space. This interior parking will be used for 4 crew-cab pickup trucks that are "appropriate" to the principle use of the office, as allowed per code 19.04.030.

**19.04.030 Accessory use.** *A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).*

Parking:

Based on the proposed use and square footage of the building, Cottonwood Heights requires 14 parking stalls on the property. We will exceed this requirement by providing 21 parking stalls.

Conclusion:

We are excited to improve the property and add value to the area by providing quality dwelling units for guests and residents of Cottonwood Heights. We see this use as a benefit to the neighborhood, local restaurants, local retailers and to the city.

Thank you,

Castle Valley Properties



 **STEVENS™**  
general contractors

801.523.3833  
www.stevensgc.com

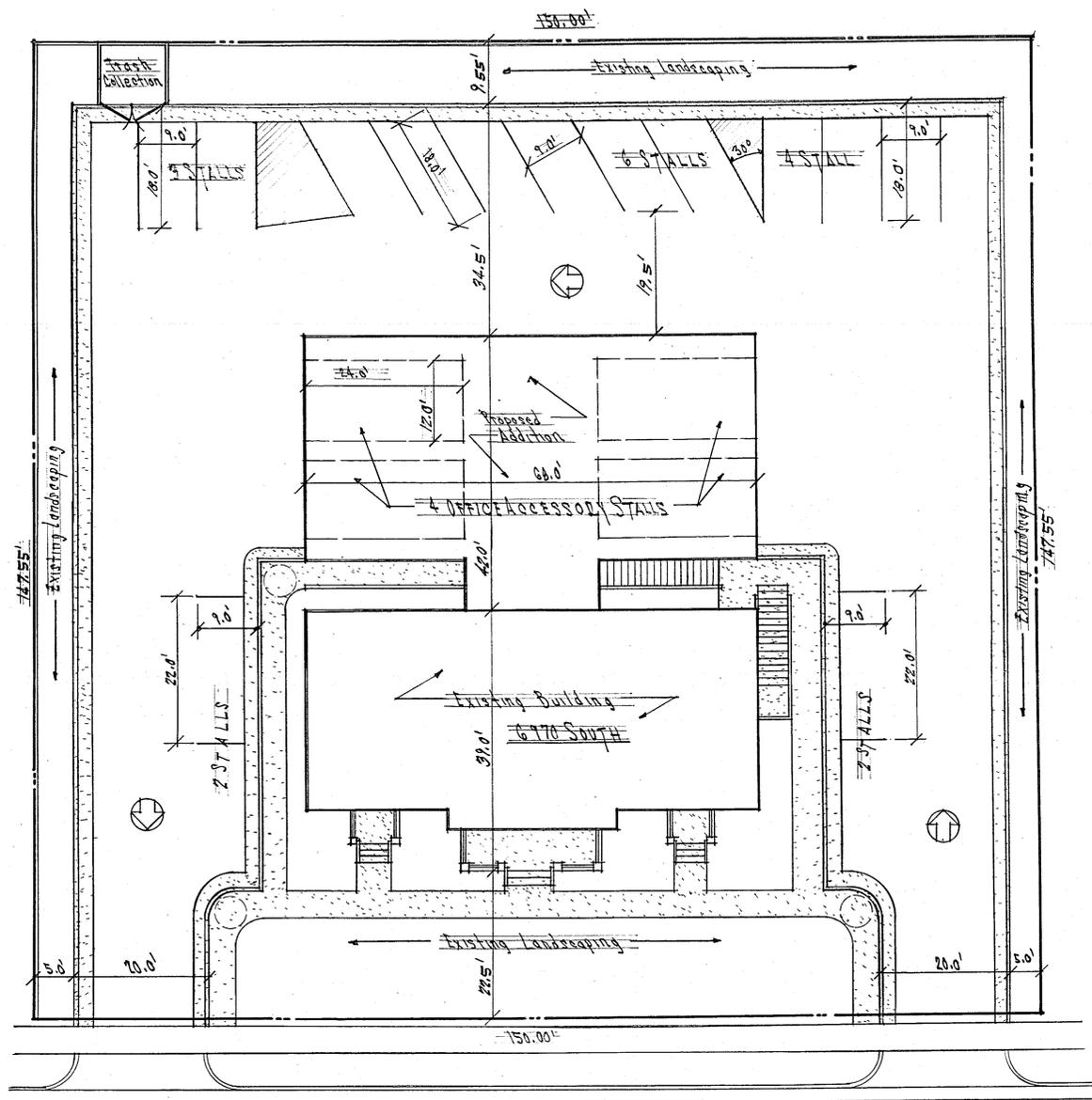
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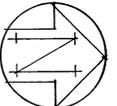
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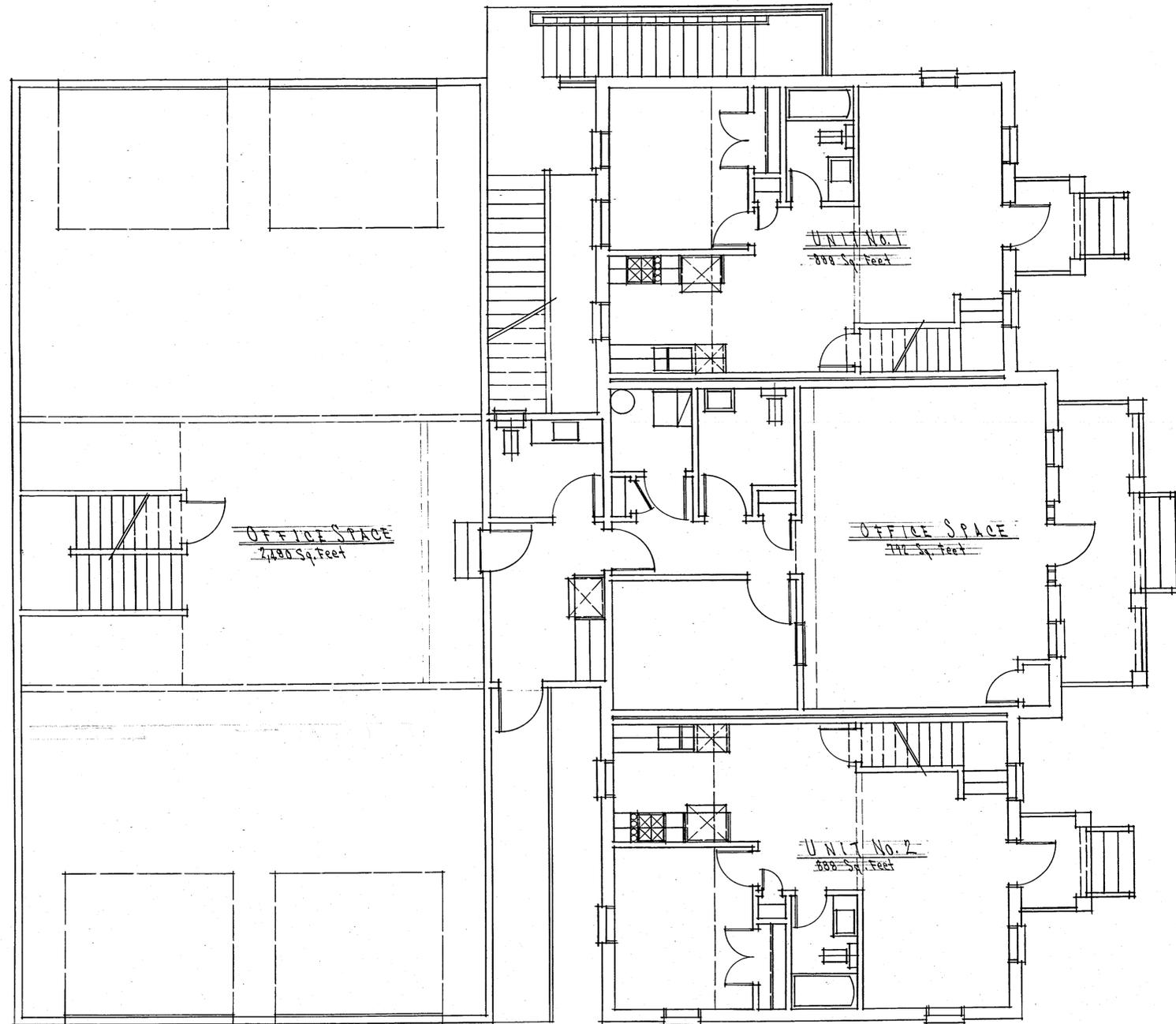
NO PARKING



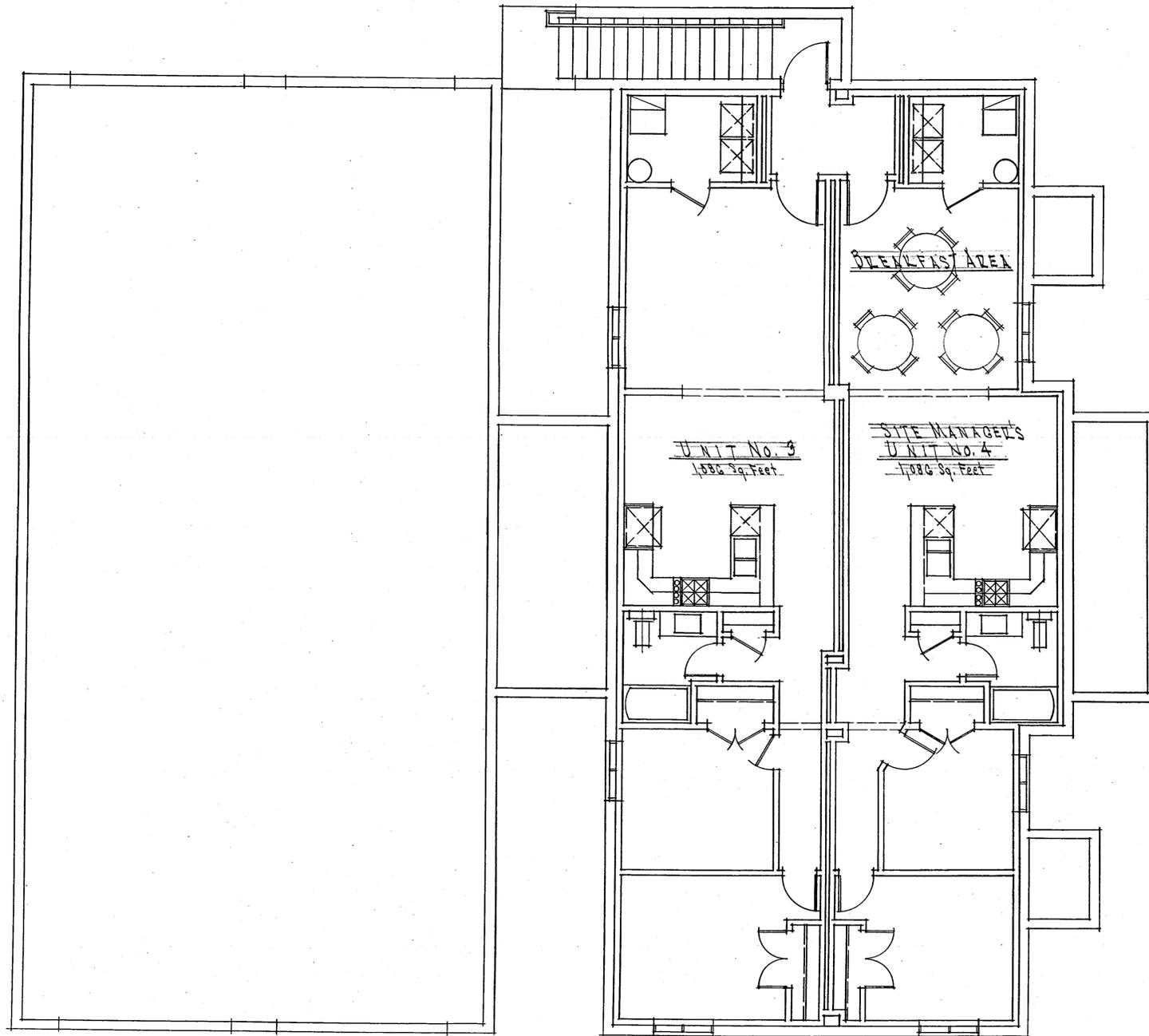
  
 21 TOTAL PARKING STALLS

3000 EAST STREET

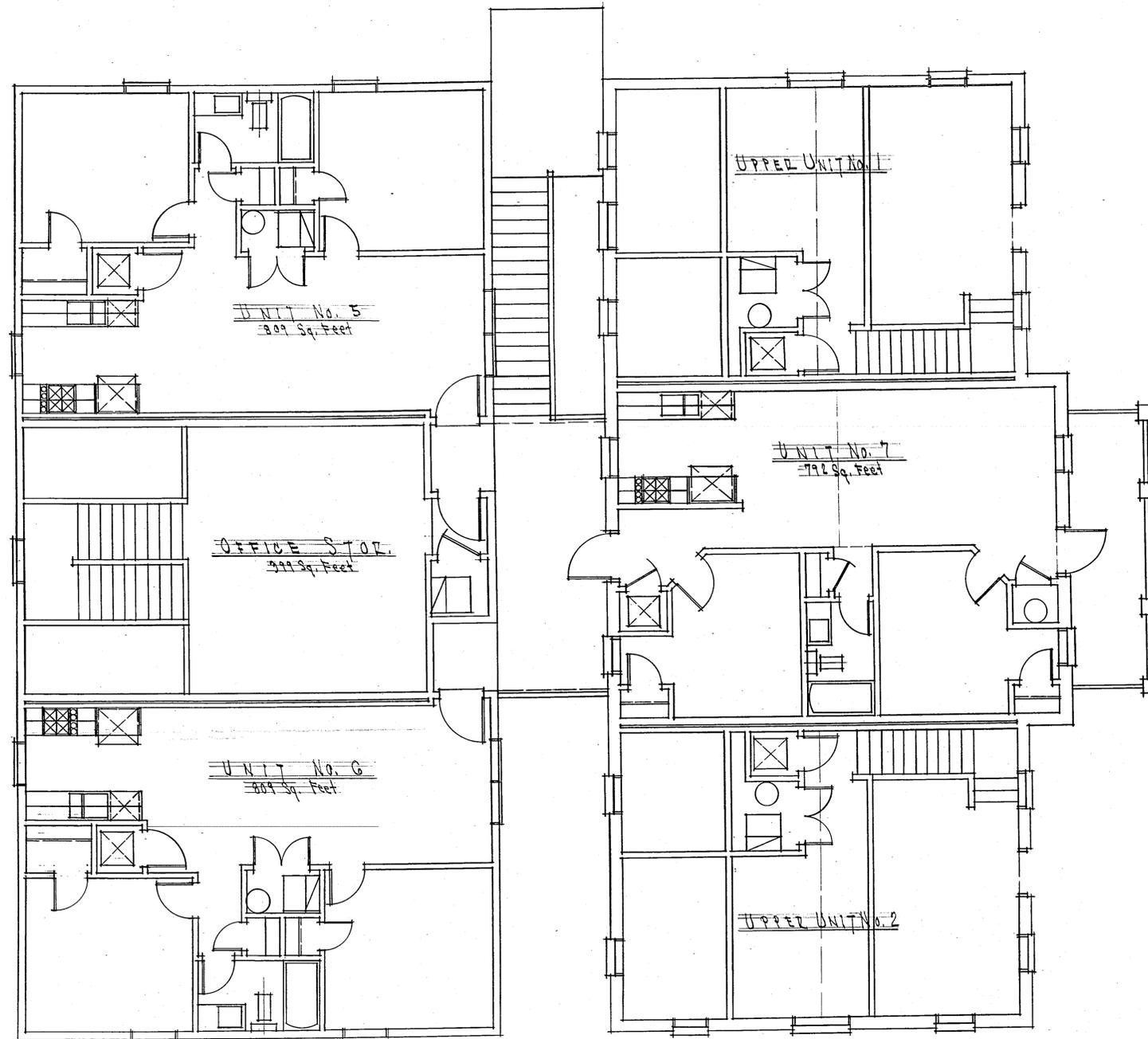
PROPOSED SITE PLAN  
 Scale = 1/8" = 1'-0"



FIRST FLOOR PLAN  
Scale 1/4" = 1'-0"



B A S E M E N T P L A N  
Scale 1/4" = 1'-0"



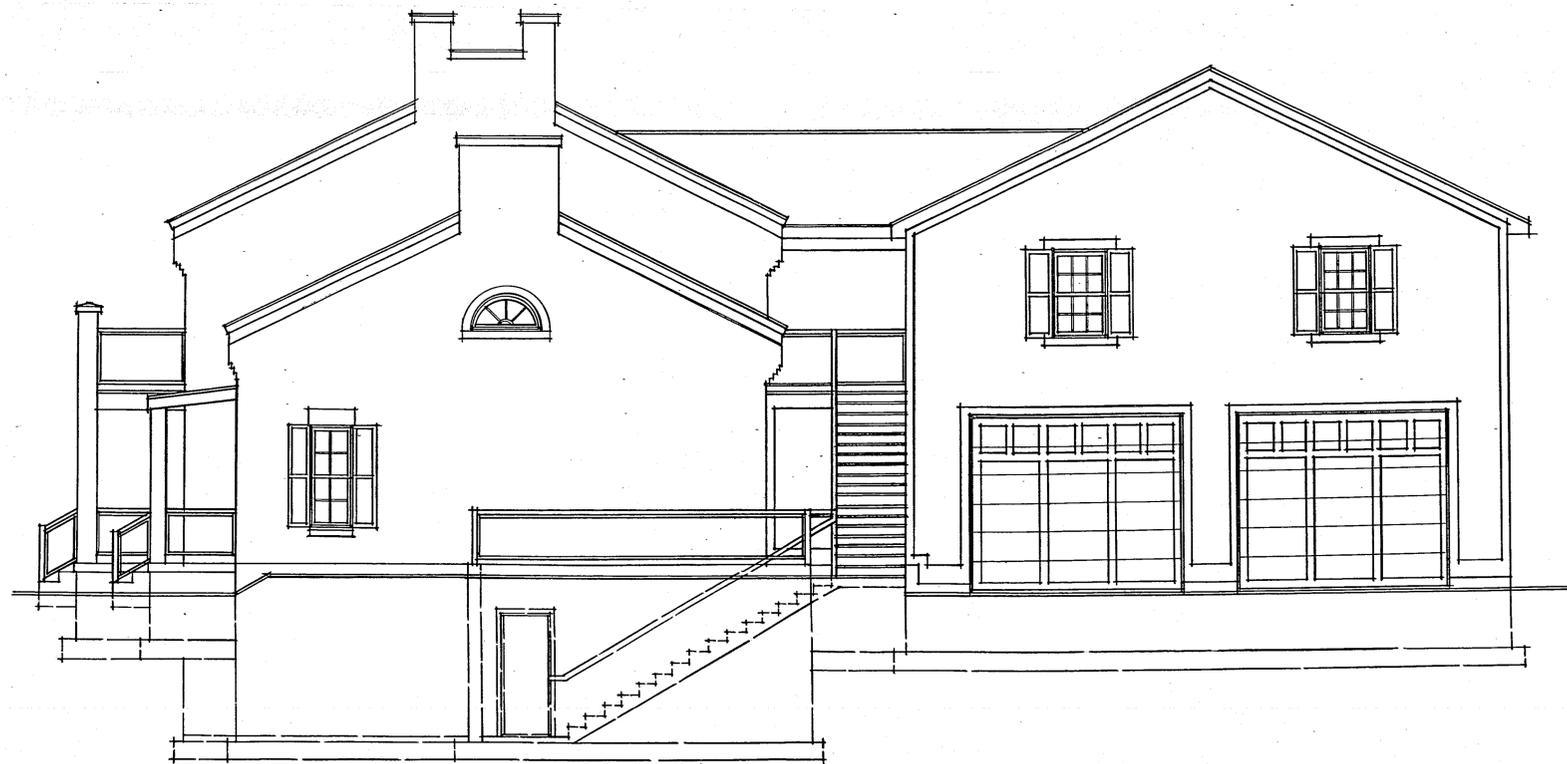
SECOND FLOOR PLAN  
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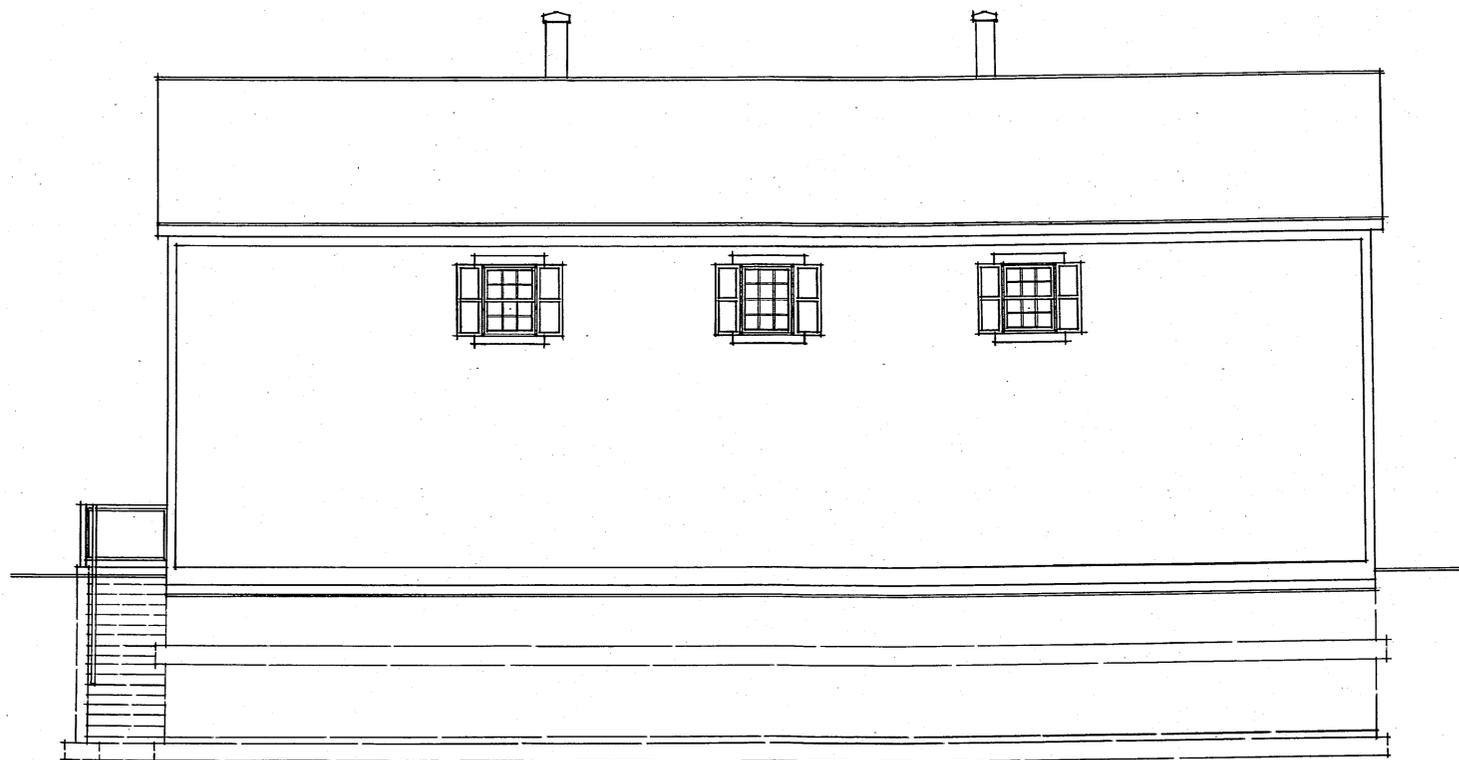
SOUTH ELEVATION  
Scale 1/4" = 1'-0"



EAST ELEVATION  
Scale 1/4" = 1'-0"



NORTH ELEVATION  
Scale 1/4" = 1'-0"



WEST ELEVATION  
Scale 1/4" = 1'-0"



# PLANNING COMMISSION STAFF REPORT

Zone Map Amendment – 2540 E. Bengal Blvd.

Meeting Date: January 8, 2020

Staff Contact: Andy Hulka, Planner

## Summary

**Action Requested:**

Rezone from R-1-8 to NC

**Recommendation:**

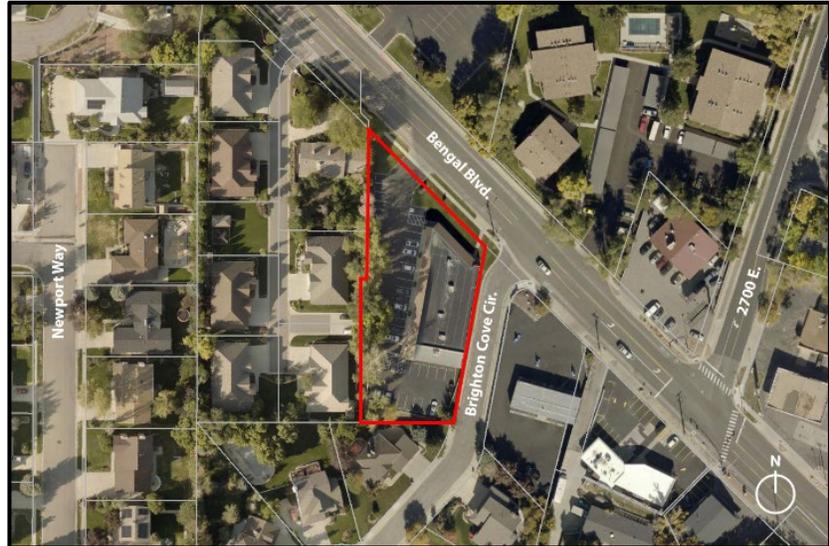
APPROVE

**Applicant:**

Log Enterprises, LLC  
(Perry Pardoe, Manager)

**Project #:**

ZMA-19-006



*Subject Property*

## Context

**Subject Property:**

2540 E. Bengal Blvd.

**Property Owner:**

Log Enterprises, LLC

**Acres:**

0.74

**Parcel #:**

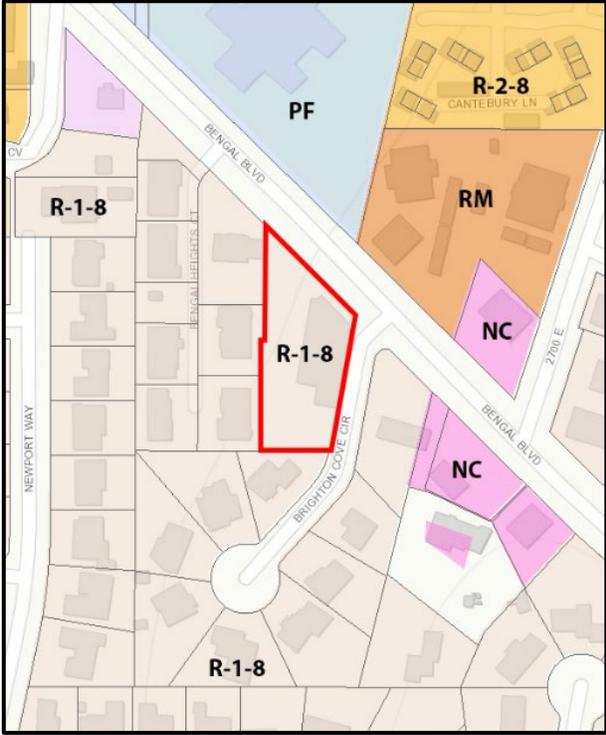
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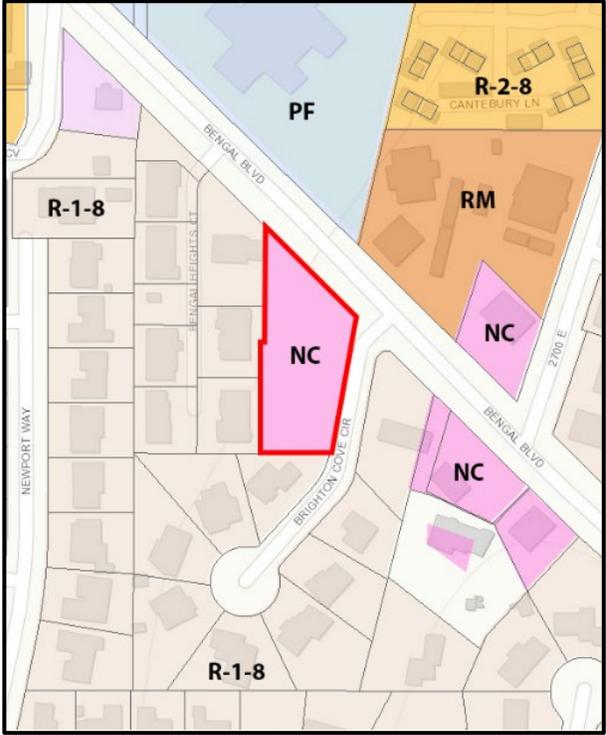
*Street View*

### Zoning & Land Use

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



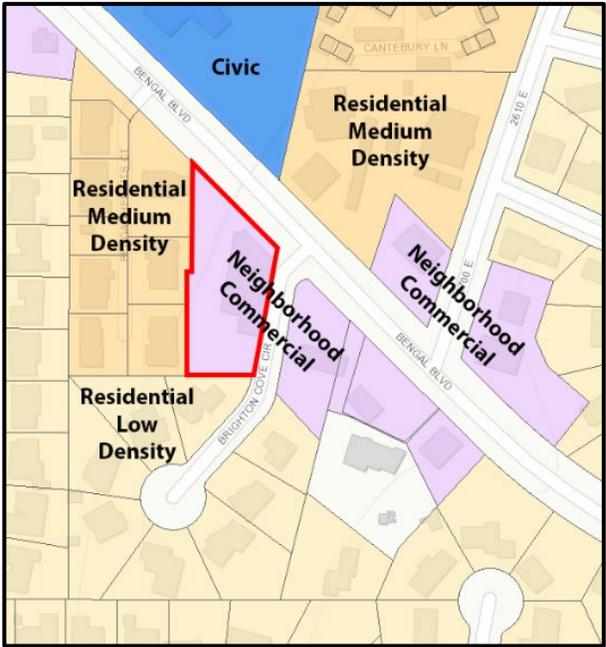
**Proposed Zoning**  
NC (Neighborhood Commercial)



**Adjacent Uses**



**Land Use (No Change Proposed)**  
Neighborhood Commercial



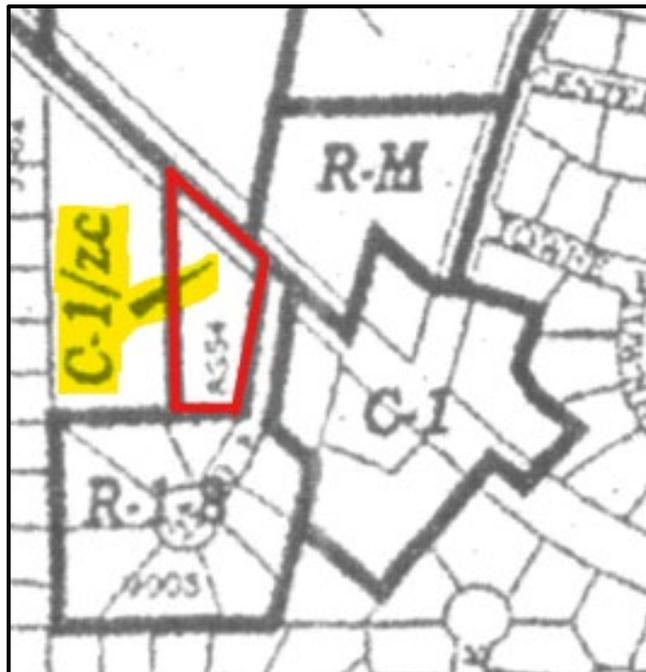
## Analysis

### Request

An application has been made by Perry Pardoe on behalf of Log Enterprises, LLC to rezone 0.74 acres of property at 2540 E. Bengal Blvd. from R-1-8 (Residential Single-Family) to NC (Neighborhood Commercial). The applicant is requesting approval of the rezone to bring the current use of the property into conformity with the zoning ordinance and to allow for new types of businesses to use the building. There are vacancies in the office building that cannot be filled by new businesses until the property is rezoned.

### Nonconforming Uses

The property is currently a legal nonconforming office building. Property records show that the office building was constructed in 1986 when the Salt Lake County zoning for the property was C-1 (Neighborhood Commercial). This C-1 zoning designation continued until the City's incorporation in 2005.



*Salt Lake County Zoning Map, 2004*

Because the City's official zoning map currently designates this property as R-1-8 (Residential Single-Family), the commercial and office use of the property is considered legal nonconforming. Business license records show that the following types of businesses have been licensed by the City:

- Music studio
- Financial services/accounting
- Business services/consulting
- Computer services

Nonconforming uses may be continued by the property owner, per section 19.88.010 of the zoning ordinance (Continuation of Use). New business types and different land uses are prohibited in the R-1-8

zone, so a zone map amendment needs to be approved before the property owner can bring in any different businesses.

### General Plan

The General Plan Land Use Map indicates that this area is planned to be Neighborhood Commercial. The General Plan states:

*Neighborhood Commercial:*

*This land use is reserved for smaller scale and intensity commercial developments. These land uses are located in residential areas, along through streets and key neighborhood intersections.*

The request to rezone the property to NC (Neighborhood Commercial) is consistent with the City's General Plan.

### Zoning Ordinance

The NC (Neighborhood Commercial) zone allows the following uses:

**19.37.020. Permitted uses.**

*There are no permitted uses in the NC zone.*

**19.37.030. Conditional uses.**

*Conditional uses in the NC zone are as follows:*

- A. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;*
- B. Bed and breakfast;*
- C. Commercial recreation;*
- D. Reception center;*
- E. Convenience store;*
- F. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;*
- G. Convenience store/fast food combination without gasoline;*
- H. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;*
- I. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;*
- J. Studios for an artist, designer, writer, photographer, sculptor or musician;*
- K. Restaurant;*
- L. Retail commercial;*
- M. Churches;*
- N. Home occupations;*
- O. Home pre-schools;*
- P. Child day-care/preschool;*
- Q. Parks, playgrounds or community recreation;*
- R. Planned unit development;*
- S. Public and private utility buildings or facilities;*

- T. Residential facilities for elderly persons;
- U. Child or adult day care facilities;
- V. Schools;
- W. Live/work spaces;
- X. Class D private clubs; and
- Y. Retail/small commercial.

It is important to note that if the zone map amendment is approved, the zoning ordinance still requires all new uses to receive a conditional use permit. New business types in the conditional use list above will require Planning Commission approval before receiving a business license.

## Zone Map Amendment Procedure

### **19.90.010 Amendment procedure.**

*A. The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. **The city council may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have received the positive recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.***

*B. Zoning amendment applications which receive a recommendation of denial by the planning commission shall thereafter be considered by the city council.... The city council, after review of the recommendation of the planning commission, may affirm, reverse, alter or remand for further review and consideration any recommendation made by the planning commission.*

## Staff Conclusion

The request to amend the zone map from R-1-8 (Residential Single-Family) to NC (Neighborhood Commercial) is consistent with the goals of the General Plan and is consistent with the current use of the property and the surrounding properties.

## Recommendation

Staff recommends that the Planning Commission forward a RECOMMENDATION OF APPROVAL to the City Council.

## Conclusions - Findings for Approval

- The proposed zoning is compatible with the goals of the General Plan.
- A public hearing was held in accordance with local and state requirements.
- The proposed uses described in the report are conditional uses within the NC (Neighborhood Commercial) zone.

## Model Motions

### Approval

I move that we forward a recommendation of approval to the City Council for project ZMA-19-006 based on the findings listed in the staff report dated January 8, 2020:

- List any other findings or conditions for recommendation of approval...

### Denial

I move that we forward a recommendation of denial to the City Council for project ZMA-19-006:

- List findings for negative recommendation...
- 

### Attachments

- Applicant Narrative

The Cottonwood Heights land use map for this property is designated as NC Neighbored Commercial.

There are adjacent properties to the North and East that are zoned Commercial Now and 2 or 3 other properties like this that are zoned R-1-8 Now. All are functioning as Commercial uses and I believe have been that way prior to Cottonwood Heights being Incorporated in 2005.

The building has ample parking with over 4 stalls per each 1,000 feet of building space. The property has had various users over the years all of them have been within the list of Conditional uses the NC Zone allows.

What has changed is that we have a Non Profit Group called Blue Autism that provides services to Autistic Children. They would like to occupy some of the space and that use does not comply with the R-1-8 use, and is different than any of the many Business's that have previously been there.

We feel that since the property has always functioned as Neighbored Commercial that the zoning should be changed to that.

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

3  
4 **Wednesday, November 6, 2019**

5 **5:00 p.m.**

6 **Cottonwood Heights City Council Room**

7 **2277 East Bengal Boulevard**

8 **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Members Present:** Chair Graig Griffin, Craig Bevan, Jesse Allen, Sue Ryser, Christine Coutts,  
13 Dan Mills, Doug Rhodes, Bob Wilde (Alternate)

14  
15 **Staff Present:** Community and Economic Development Director Michael Johnson, City  
16 Attorney W. Shane Topham, Deputy City Recorder/HR Manager Heather  
17 Sundquist, Senior City Planner Matthew Taylor, Associate City Planner  
18 Andrew Hulka, Assistant City Planner/Sustainability Analyst Samantha  
19 DeSeelhorst  
20

21 **WORK SESSION**

22  
23 Chair Graig Griffin called the meeting to order at approximately 5:08 p.m. and welcomed those in  
24 attendance.  
25

26 **1.0 Planning Commission Business.**

27  
28 **1.1 Review Business Meeting Agenda.**  
29

30 Community and Economic Development Director, Michael Johnson introduced Assistant City  
31 Planner/Sustainability Analyst, Samantha DeSeelhorst.  
32

33 Associate City Planner, Andrew Hulka addressed Project CUP 19-008 and reported that the  
34 property is located at 1810 East Fort Union Boulevard. It had been reviewed previously by the  
35 Commission and the proposed changes were identified.  
36

37 Mr. Johnson explained that when the project originally was presented, significant concern was  
38 expressed by the Planning Commission and the Architectural Review Commission (“ARC”).  
39 After the original hearing, the item was continued. The applicant requested additional time to  
40 substantially rework the development. On October 30 the ARC approved the project and issued a  
41 Certificate of Design Compliance with four recommendations, which were described.  
42

43 At the last ARC Meeting, one of the issues addressed was what to do on the rooftop area. The  
44 original request was for a height in excess of 35 feet. Some of the comments were that it seemed  
45 too large, tall, and tight on the site. With regard to the rooftop stairways, the applicant submitted  
46 two options; one with internal stairwells and one with covered stairways above the roof. To the

1 top of the parapet wall is no higher than 35 feet on any of the buildings but the covered stairways  
2 and trellises extend beyond that. The applicant was willing to do either design. The ARC preferred  
3 having the covered stairwells for several reasons including the concern with snow and leaves  
4 creating a maintenance issue. They were also worried that the covered area would provide a  
5 separation between each of the units and create privacy. In addition, having the unified trellis  
6 design would provide a sense of uniformity and prevent the owners from having umbrellas or  
7 temporary structures that may not be uniform. Approval was recommended with the additional  
8 height for the covered stairways.

9  
10 The project was broken up into three buildings. Some of the comments made by the ARC included  
11 a desire to step the units. On the rear unit, the ARC was concerned that it has a flat face and  
12 suggested that some interest be added. Major recent changes were described. Building A is 38.5  
13 feet tall, Building B is 32.5 feet, and Building C is 39.5 as measured from grade to the top of the  
14 stairs. The applicant provided drawings and was willing to remove the stairwells from the front  
15 and back buildings. Staff recommended the Commission consider granting approval with Building  
16 A in front and require the internal stairwells on Building C. It was noted that Building B, regardless  
17 of the stairwells, is only 33 feet in height.

18  
19 A question was raised as to how to prevent the rooftop decks from being enclosed. Mr. Taylor  
20 explained that there are very specific plans that act as an approval. There were concerns that some  
21 of the units have office space on the ground level. The previous design did not provide parking in  
22 front of the businesses and there was no internal pedestrian circulation. The units had since been  
23 divided into separate buildings. There was still the same amount of guest parking, which exceeds  
24 the minimum requirement but there are no pedestrian connections. Previously there were 31 total  
25 parking stalls and that number had since been reduced to 29 as a result of the reduction of one unit.  
26 There was also concern that the traffic study referenced two-story buildings, however, the  
27 proposed buildings are three stories.

28  
29 With regard to landscaping, the original plan included 31 trees. The revised plans include 30.  
30 There is no minimum landscaping requirement because the total site is less than one acre in size.  
31 Street trees will be provided along Fort Union Boulevard. Staff recommended that in areas within  
32 20 feet of the drive approaches, shrubs be maintained to be no taller than three feet in height. Trees  
33 shall be pruned to 10 feet.

34  
35 With regard to the sidewalks, Mr. Hulka reported that the desired width of the Fort Union  
36 Boulevard sidewalk is seven feet with five feet for a bike lane. It was suggested that there be  
37 consistency. It was noted that the half width dedication of the right-of-way is equal for both  
38 projects. Project renderings were reviewed.

39  
40 Staff recommended approval subject to the conditions set forth in the staff report.

1           **1.2    (Project PDD-19-001) Discussion on a Proposed Planned Development District**  
2           **Preliminary Plan and Rezone Application for the Redevelopment of**  
3           **Approximately 21.7 Acres at 6695 South Wasatch Boulevard Currently in the**  
4           **F-1-21 (Foothill Residential) Zone and Identified in the General Plan for**  
5           **Mixed-Use Development.**  
6

7 Mr. Taylor reported that the above request was presented at the last meeting. The applicant  
8 discussed the issue of the corporate headquarters they are proposing. They are requesting the  
9 City’s support and plan to build an apartment structure that will serve as their corporate  
10 headquarters. The plans include 650 to 800 parking stalls. At a recent meeting with staff it was  
11 reported that UDOT’s goal is 5,000 stalls near the mouth of the canyon. They felt that a shared  
12 parking situation would be advantageous rather than constructing a parking structure that is built  
13 and used exclusively for parking. The various aspects of the project were described. Cottonwood  
14 Heights City asked that the other corporate buildings down the hill make their parking available  
15 outside of office hours to alleviate traffic congestion in the canyons. It was reported that the  
16 Canyon Center is charging a fee for parking.  
17

18 A question was raised about seismic data and the fault. Mr. Taylor explained that the information  
19 that is available is from the last five years. Western Geologic and GeoStrata Engineering were  
20 hired to provide an analysis. An entire chapter in the ordinance is dedicated to how it is to be  
21 studied. The burden is on an applicant to submit the studies, which are reviewed by the contract  
22 geologist against the Code.  
23

24 Mr. Taylor reported that staff was in the process of reviewing the comments received from the  
25 Planning Commission and the Engineering Department. The intent was to have the application  
26 back before the Commission in the next few weeks. Potential options on the site were discussed  
27 in detail as well as constraints that exist.  
28

29 A question was raised about amenities for the condos and apartments. The applicant stated that  
30 there will be several amenities including patio and courtyard areas, a swimming pool, fire pits,  
31 sports courts, and gathering areas. Commissioner Coutts’ understanding was that with the special  
32 zoning, one of the advantages is that the City would get something in return. She asked what the  
33 benefit would be to the City. The applicant explained that there will be trail connections and  
34 landscaped gathering areas along the trail. The condominiums will be 10 stories tall on top of five  
35 stories of parking. The apartments will consist of five stories on top of two stories of parking. It  
36 was noted that the ordinance requires a tremendous amount of detail and the current plans are far  
37 from being fully articulated. It was suggested that 50 feet of parking garage not be shown next to  
38 the trail. While both the apartments and condominiums have above ground parking, it will be  
39 hidden.  
40

41           **1.4    Adjournment.**  
42

43 *Commissioner Coutts moved to adjourn the Work Session. Commissioner Rhodes seconded the*  
44 *motion. The motion passed with the unanimous consent of the Commission.*  
45

46 The Work Session adjourned at 6:27 p.m.

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

3  
4 **Wednesday, November 6, 2019**

5 **6:00 p.m.**

6 **Cottonwood Heights City Council Room**

7 **2277 East Bengal Boulevard**

8 **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Members Present:** Chair Graig Griffin, Craig Bevan, Jesse Allen, Sue Ryser, Christine Coutts,  
13 Dan Mills, Doug Rhodes, Bob Wilde (Alternate)

14  
15 **Staff Present:** Community and Economic Development Director Michael Johnson, City  
16 Attorney W. Shane Topham, Deputy City Recorder/HR Manager Heather  
17 Sundquist, Senior City Planner Matthew Taylor, Associate City Planner  
18 Andrew Hulka, Assistant City Planner Samantha DeSeelhorst, Youth City  
19 Council Representative Nicholas Johnson  
20

21 **BUSINESS MEETING**

22  
23 **1.0 WELCOME/ACKNOWLEDGEMENTS**

24  
25 Chair Graig Griffin called the Business Meeting to order at approximately 6:32 p.m. and welcomed  
26 those in attendance.  
27

28 **1.1 Ex-Parte Communications or Conflicts of Interest to Disclose.**

29  
30 There were no conflicts.  
31

32 **2.0 General Public Comment**

33  
34 Laron Selfridge a Cottonwood Heights resident, thanked the Commission for their efforts in  
35 educating the public. He also appreciated staff and the work they do. He was informed by the  
36 Utah Transit Authority (“UTA”) that there is no intention in the near future of any lines coming  
37 into Cottonwood Heights. If the Planning Commission and City Council wish to create a  
38 sustainable city, the population must increase in a concentrated area. He did not support the  
39 Mixed-Use zone and considered it a mechanism to create community development and mimic  
40 every other city along the Wasatch Front. He suggested taking the existing commercial and  
41 potential high-density multi-family and divert it to the town center. He pointed out that the area  
42 is intended to serve as a gateway to the canyons. To divert it would encourage UTA to consider  
43 coming to Cottonwood Heights.  
44

45 There were no further public comments. The public comment period was closed.  
46

1 **3.0 BUSINESS ITEMS**

2  
3 **3.1 (Project CUP-19-008) – A Public Hearing and Possible Action on a Request by**  
4 **Nathan Anderson for Approval of 12 Mixed-Use Live-Work Townhomes,**  
5 **including a Conditional Use Permit for the Inclusion of a Third Story, at 1810**  
6 **East Fort Union Boulevard in the MU – Mixed-Use Zone.**  
7

8 Associate City Planner, Andrew Hulka presented the staff report and displayed an aerial view of  
9 the site. The property is zoned Mixed-Use and what is proposed is a permitted use in the zone.  
10 The matter was before the Commission to address the site plan approval as well as the conditional  
11 use approval for the third story. The various changes proposed since the project was initially  
12 presented were reviewed.  
13

14 The property is in the Gateway Overlay District, which requires a Certificate of Design  
15 Compliance from the Architectural Review Commission (“ARC”). The certificate was issued on  
16 October 30 by the ARC with conditions of approval. One condition involved addressing the  
17 rooftop area. The ARC preferred a rooftop area with covered stairs as opposed to an open rooftop  
18 deck with internal stairwells. The ARC also addressed the building massing and specifically the  
19 rear elevation.  
20

21 Since the original submittal, the applicant has provided new designs. The comments pertaining to  
22 the original design with one large building and 13 units were primarily that it was too large and  
23 does not fit the site. The revised plans split the one 13-unit building into three buildings with four  
24 units each for a total of 12. The change reduces the overall project density from 24 units per acre  
25 to 22.  
26

27 Mr. Hulka reported that the applicant provided two options for consideration. One with all of the  
28 buildings at 35 feet in height or lower from grade and one with covered stairwells above the roof  
29 that extend above 35 feet on the front and back. With regard to setbacks, initially the applicant  
30 was requesting a conditional use permit for reduced setbacks, however, many felt it was too close  
31 to Brookhill Drive and Fort Union Boulevard. The new site plan meets all required setbacks.  
32

33 With regard to height, Mr. Hulka explained that the measurement to the top of the parapet wall  
34 above the roof is less than 35 feet in every case. A portion of Buildings A and C, however, exceeds  
35 that limit. The applicant submitted another optional design that did not include any structures  
36 above the parapet wall on the roofs of Buildings A and C. the result was to bring the height of the  
37 buildings under 35 feet in all cases to the highest point. In both options, Building B was lower  
38 than 35 feet.  
39

40 Parking was addressed frequently during the last public hearing. Each unit has two parking stalls  
41 with five guest parking spaces available off-street rather than in the garages. The original plan  
42 included 31 parking spaces with the revised plan showing 29. That number was reduced by two  
43 when one unit was lost as part of the redesign. One concern with parking was that Brookhill Drive  
44 is a narrow street and it can be difficult to pass when cars are parked on both sides of the street.  
45 Staff’s recommendation was to post no parking signs and restrict parking to one side of the street  
46 along a portion of Brookhill Drive.

1  
2 With regard to landscaping, the new plan includes 30 trees. The original plan proposed 31. Along  
3 the rear property line, the trees were more closely clustered together. The intent was to provide a  
4 landscape buffer between the project and the adjacent residential properties. Staff recommended  
5 a condition be added that the clear view areas adjacent to the driveway accesses remain open. It  
6 was recommended that trees be pruned that are within 20 feet of the accesses to 10 feet. Shrubs  
7 within 20 feet will be maintained at a height of no greater than three feet.  
8

9 One of the concerns raised during the Work Session pertained to Building C. The Commission  
10 did not want a situation where residents can see over the edge and down into the neighboring  
11 properties. The applicant submitted floor plans showing one-third of the roof dedicated to solar  
12 panels and mechanical equipment. The intent was for the rooftop deck to face away from the  
13 neighboring properties and create an additional buffer.  
14

15 Renderings of the site were displayed. Another option was to have the internal stairwells not  
16 extend above the roof. Staff recommended approval subject to the seven conditions set forth in  
17 the staff report. Mr. Hulka explained that with the redesign, the applicant indicated that just the  
18 four units facing Fort Union Boulevard will be used as live-work units. The impact was expected  
19 to be minimal.  
20

21 The applicant, Nathan Anderson referred to the ARC's recommendation that the stair tower  
22 remains consistent. He explained that the rooftop deck area is highly sought after by the  
23 homeowners who expressed interest in purchasing the units. They also placed solar panels on half  
24 of the roof structure and a rooftop deck on the other half separated by a parapet wall. The stair  
25 tower would be oriented away from the neighbors on the south.  
26

27 With regard to the commercial along the front along Fort Union Boulevard will include offices  
28 that are 9 ½ feet x 12 feet in size. In total, all four combined will be only 455 square feet. Mr.  
29 Anderson noted that the live-work units that have been developed in Salt Lake City have done  
30 quite well and tend not to generate much traffic or customers.  
31

32 On Building C, there are windows facing south on the third level. The windows on the second  
33 level are above the cabinetry, which lets light into the unit without impacting the view. He  
34 commented that the use of the offices will be governed by the CC&Rs as well as what occurs on  
35 the rooftop decks. No advertising will be allowed on the doors and no commerce will take place  
36 in the offices other than those fronting Fort Union Boulevard.  
37

38 Mr. Anderson was commended for proposing the solar panels on the roof as for his response to the  
39 Fort Union Master Plan for the front at the main street level. Support was expressed for the lack  
40 of retaining and the ability to make it accessible from the street level. It was reported that there  
41 will be no dumpsters on the site. All trash and recycling bins will be stored inside the garages. It  
42 was clarified that each unit will have its own garbage bins.  
43

44 Chair Griffin opened the public hearing.  
45

1 Sydnee Quigley a neighboring resident, commented on the garbage cans and stated that there will  
2 be 36 garbage cans lined up along Brookhill Drive on garbage day. With regard to parking, she  
3 asked if the project will be ADA compliant and provide handicapped stalls. She asked how the  
4 sidewalk connects to the existing properties and if the units will be rented or owned. She reported  
5 that she drives 700 East frequently and has noticed flags, banners, and trellises on these types of  
6 buildings. She asked how they will control that. In addition, there are large orange signs that  
7 prevent people from touching the solar panels. She asked if that type of equipment will be on the  
8 rooftops as well. Ms. Quigley asked about parking and who will monitor it and who will be  
9 responsible for maintaining the landscaping. She noted that the area around Fort Union Boulevard  
10 has very limited visibility and she urged the Commission to take into consideration the fact that  
11 Brookhill Drive is very narrow. During a past medical emergency, medical personnel were unable  
12 to navigate the street to reach her now deceased husband.

13  
14 Bill Smelser noted that the Fire/Traffic Study was completed in June when school was not in  
15 session. As the area in question is part of a school bus route, he did not believe the study provided  
16 an accurate picture of the traffic pattern on Brookhill Drive. In addition, the study covered the  
17 mouth of Brookhill Drive and Fort Union Boulevard but did not address the area directly around  
18 the school. Because of congestion on Fort Union Boulevard, most of the traffic is diverted down  
19 Brookhill Drive. Mr. Smelser explained that the traffic the project will generate increased traffic  
20 into the school zone. He understood that development is inevitable, but it should be done  
21 responsibly. Cost-effectiveness for developers results in greater profit; however, Mr. Smelser did  
22 not feel the burden should be placed on the neighborhood to subsidize those profits. He reported  
23 that over 65% of the project is on Brookhill Drive and not on Fort Union Boulevard. For that  
24 reason, he felt it should not be referred to as a Fort Union project. Mr. Smelser requested that an  
25 additional traffic study be undertaken to accurately reflect traffic on school days. Mr. Smelser  
26 indicated that there are portions of the Brookhill Drive that are only 20 feet wide, which is  
27 comparable to an alleyway. Adding additional traffic to such a narrow road would pose a safety  
28 threat to children and others who will be forced to walk in the street due to a lack of sidewalks.

29  
30 Randi Robison reported that she has resided in the Brookhill area since April 2019. She has three  
31 teenaged children, all of whom are licensed drivers with their own vehicles. All three park their  
32 cars on the street in front of the family home. Ms. Robison stated that if parking for the proposed  
33 project is designated to be on the street, residents and their guests will occupy on-street parking  
34 spaces that are needed by the residents of the single-family homes. She reiterated that this will  
35 pose a major safety risk for neighborhood residents, particularly since there is no sidewalk for  
36 pedestrians. She challenged the applicant's statement that mixed-use developments are common,  
37 as she was unaware of any in the Cottonwood Heights area. She asked if the applicant is a resident  
38 of Cottonwood Heights and whether he would appreciate a similar project so close to his home.  
39 She asked that committee members consider visiting the location during school hours to experience  
40 firsthand how congested the area can be, before making a decision.

41 A Commissioner acknowledged that the parking situation is a dichotomy. Ms. Robison was asked  
42 what her parking preference would be. She remarked that any solution that requires on-street  
43 parking would ultimately encroach on spaces currently utilized by her family. Staff was asked if  
44 it is possible to provide parking for residents only. Mr. Hulka confirmed that there is a provision  
45 in the ordinance for permit parking near the Ferguson Canyon Trailhead. Residents and guests  
46 would be required to obtain permits to park there, which can be enforced.

1  
2 The width of the right-of-way was estimated to be 45 feet wide.  
3

4 Mike Jessop brought up the construction process for the project and stated that he has been  
5 involved in the development of similar projects. He felt that the proposed space and road are not  
6 adequate for the project, particularly the road. Once construction begins, truck traffic and  
7 equipment will increase and impede local traffic.  
8

9 Nicki Selfridge identified her property on the map displayed and expressed concern with traffic.  
10 She suggested the Commission visit the area on a Wednesday when school is in session and  
11 garbage cans are out for collection. Between on-street parking and the presence of garbage cans,  
12 she was concerned about school busses having difficulty navigating the road. In addition, she  
13 voiced concern about issues relative to snow removal and blocking available parking spaces. She  
14 expressed a desire to have sidewalks extended for pedestrian safety. Ms. Selfridge was concerned  
15 about people who live on the opposite side of the development and suggested that solar panels be  
16 placed in a manner that will prevent residents of the new development from seeing down into  
17 neighboring properties.  
18

19 Chair Griffin commented that school buses are nine-feet wide but there is 26 feet of asphalt. As a  
20 result, two school buses would be able to pass one another even with garbage cans on the  
21 street. While not ideal, it is possible.  
22

23 Xiaofen Jin identified herself as the new owner of a duplex next to the proposed development. She  
24 was concerned that the presence of high buildings will cast excess shade on her property and  
25 permanently block the sun. A lack of sunlight was raised a health concern for Ms. Jin. In addition,  
26 occupants of the new development would have a clear view into her backyard, which will eliminate  
27 her privacy. Because she shares a driveway with the homeowners of the adjoining unit, it is  
28 necessary to back their vehicles onto Brookhill Drive, because it is not possible to execute a turn.  
29 If there is an increase in cars parked on the street, it will be difficult for her to safely back out. She  
30 expressed a desire for rooftops of the new project not be accessible, as she would not be  
31 comfortable seeing people standing at such a great height. In addition, she was concerned about  
32 24 garbage cans lining the street, and the impact it will have on drivers. She asked where the  
33 transformers will be located. If close to her home, they could pose a health risk for her as well as  
34 result in increased noise pollution. She was also worried that the project will result in additional  
35 lighting, which will make it difficult for her to sleep.  
36

37 Bliss Allen was concerned about the narrow roadway, primarily because when people come into  
38 the neighborhood, they are approaching from Fort Union Boulevard where there the speed limit is  
39 40 miles per hour. Turning drivers approach at speeds so as not to inconvenience drivers behind  
40 them. On a weekly basis, there is a landscaping truck and trailer parked close to this turn, resulting  
41 in a very congested, dangerous situation. The addition of trash cans would exacerbate the situation.  
42 She suggested the possibility of making use of the large parking lot at the fire station.  
43

44 Gary Allen reported that he attended many meetings related to the accessory dwelling unit and  
45 recalled that parking was a concern then as well. The project currently in question involves half  
46 as many units. He asked why the applicant is requesting that an exception be made for him rather

1 than going through appropriate channels. With regard to the applicant maximizing the property  
2 by reducing the total density by one unit, Mr. Allen felt that the reduction was not significant  
3 enough. The addition of living space on the patio rooftops was of particular concern. He noted  
4 that none of the surrounding properties have rooftop living spaces. He agreed that the installation  
5 of solar units will create a buffer for properties to the south but felt that the necessary condenser  
6 will lead to an increase in noise for the surrounding residents. He believed that if “no parking”  
7 signs are placed on the property, people will simply park further down the road, as has happened  
8 at Pinnacle Highland Apartments, where cars are frequently parked bumper to bumper.

9  
10 Laron Selfridge addressed a previous discussion about the CC&Rs. He state that CC&Rs are not  
11 enforceable unless the City is consistent. In his experience, CC&Rs do not typically have a long  
12 duration. He previously recommended to staff that requirements be listed on the plat so that they  
13 are clearly visible to residents. He remained concerned about water and sewer. In past years,  
14 numerous water and sewer lines have broken on Brookhill Drive. He questioned whether water  
15 and sewer authorities have adequately reviewed the development plans. With regard to trees being  
16 planted on the south side of the development, Mr. Selfridge recommended the use of mature trees.  
17 He also felt it would be ideal for the bathrooms in the units be southerly located to provide as much  
18 privacy as possible for both the occupants and the surrounding residents. He questioned whether  
19 the suggestions regarding solar panels are enforceable

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

22  
23 A question was raised about the lighting ordinance and if it addresses rooftop lighting. Mr. Hulka  
24 explained that in a commercial or mixed-use zone, lighting must be full cut off and directly  
25 shielded away from adjacent properties in residential zones. A photometric plan would also need  
26 to be submitted that shows very little or no light trespass at the property lines as measured from  
27 the ground. The conditions of approval also reference the outdoor lighting standards. It was  
28 clarified that any permanent lighting must comply with the ordinance that is in place. The intent  
29 was to eliminate the direct impact of the bright bulbs and the light trespass. Any lighting emanating  
30 from the site will be indirect and minimal.

31  
32 With regard to a question raised regarding signage, Mr. Hulka explained that there is no master  
33 plan so signs will be regulated by what is allowed in the Mixed-Use zone. With regard to the  
34 CC&Rs, staff will make sure that they exist but will not review or enforce them. In response to a  
35 question raised, Mr. Anderson explained that the top of the parapet wall surrounding the  
36 townhomes is approximately 4 ¾ feet tall. The tallest air conditioning unit stands 3 ½ feet.  
37 Mr. Hulka explained that the Mixed-Use zone requires rooftop mechanical equipment to be  
38 completely screened from the public view. A comment was made that if there is to be rooftop  
39 access it should be consistent across all buildings. The CC&Rs will also make it easier to control  
40 what is up there.

41  
42 With regard to parking, a comment was made that to restrict parking on Brookhill Drive will annoy  
43 the residents. If, however, they restrict parking within the project, people will just go up the street  
44 and park in front of private homes. A suggestion was made that they either prohibit the rooftop  
45 access on Building C or request that the building be lowered to match Building B.

1 In response to a comment about the difficulty pulling onto Fort Union Boulevard, Mr. Hulka stated  
2 that there is a clear view requirement that prohibits vertical obstructions within a specific distance  
3 of the intersection. It was noted that the buildings are fully compliant with the setback  
4 requirements.

5  
6 With regard to snow and snow removal, Mr. Hulka explained that it is a private development so  
7 the residents must provide its own snow removal service. Snow cannot be placed on public  
8 property and the minimum parking requirement must be maintained.

9  
10 ***Commissioner Allen moved to approve Project CUP-19-008 subject to the following:***

11  
12 ***Conditions:***

- 13  
14 1. ***The final site plan shall comply with all conditions of the Architectural Review  
15 Commissioner’s Certificate of Design Compliance.***
- 16  
17 2. ***The applicant shall submit an outdoor lighting plan that complies with the  
18 standards of Section 19.77 (Outdoor Lighting) of the zoning ordinance.***
- 19  
20 3. ***The final plan shall include a plan with details for all equipment and dumpster  
21 locations and screening if applicable and a plan for residential waste and  
22 recycling pickup.***
- 23  
24 4. ***No “No Parking” signs shall be required on the west side of Brookhill Drive.***
- 25  
26 5. ***All trees within 20 feet of the driveway approaches shall be pruned to 10 feet and  
27 all shrubs within 20 feet of the driveway approaches shall be maintained at no  
28 more than three feet in height.***
- 29  
30 6. ***The final plan shall include a traffic letter that is updated to remove any  
31 references to two-story buildings.***
- 32  
33 7. ***The applicant shall provide full frontage improvements in accordance with the  
34 Fort Union Corridor Master Plan and City right-of-way standards.***
- 35  
36 8. ***Building C shall not have any rooftop access.***

37  
38 ***Commissioner Rhodes seconded the motion.***

39  
40 ***Commissioner Ryser moved to amend the motion to include a condition that references a  
41 signage master plan. The amendment died for lack of a second.***

42  
43 ***Vote on motion: Jesse Allen-Aye, Sue Ryser-Aye, Christine Coutts-Aye, Doug Rhodes-Aye, Dan  
44 Mills-Aye, Craig Bevan-Aye, Chair Griffin-Aye. The motion passed unanimously. Alternate  
45 Planning Commission Member, Bob Wilde did not participate in the vote.***

1 **4.0 CONSENT AGENDA**

2  
3 **4.1 Approval of Planning Commission Minutes.**

4  
5 **4.1.1 Approval of Minutes of September 4, 2019.**

6  
7 *Commissioner Coutts moved to approve the minutes of September 4, 2019. Commissioner*  
8 *Bevan seconded the motion. The motion passed unanimously. Alternate Planning Commission*  
9 *Member, Bob Wilde did not participate in the vote.*

10  
11 **4.1.2 Approval of Minutes of October 16, 2019.**

12  
13 *Commissioner Coutts moved to approve the minutes of October 16, 2019. Commissioner Allen*  
14 *seconded the motion. The motion passed unanimously with one abstention. Commissioner*  
15 *Bevan abstained from the vote as he was not present at the October 16, 2019 meeting. Alternate*  
16 *Planning Commission Member, Bob Wilde did not participate in the vote.*

17  
18 **5.0 ADJOURNMENT**

19  
20 *Commissioner Bevan moved to adjourn. The motion was seconded by Commissioner Coutts.*  
21 *The motion passed with the unanimous consent of the Commission. Alternate Planning*  
22 *Commission Member, Bob Wilde did not participate in the vote.*

23  
24 The Planning Commission Meeting adjourned at approximately 8:30 p.m.

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, November 6, 2019.*

3  
4

5 Teri Forbes

6 Teri Forbes  
7 T Forbes Group  
8 Minutes Secretary

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