



PLANNING COMMISSION MEETING AGENDA

Department of Community and Economic Development
Meeting Date: February 5, 2020

NOTICE is hereby given that the Cottonwood Heights Planning Commission will hold a Business Meeting, beginning at 5:00 p.m., and a Work Meeting, beginning at 5:10 p.m., located at Room 124 (Council Workroom), 2277 E. Bengal Blvd., Cottonwood Heights, Utah on **Wednesday, February 5, 2020.**

5:00 p.m. BUSINESS MEETING

1.0 Consent Agenda

2.1. Approval of Planning Commission Minutes:

- October 2, 2019
- December 4, 2019

2.0 Adjournment

5:10 p.m. WORK MEETING

1.0 Planning Commission Discussion

1.1. (Project PDD-19-001)

Staff will provide an update on a proposed Planned Development District preliminary plan and rezone application for the redevelopment of approximately 21.7 acres at 6695 S Wasatch Blvd currently in the F-1-21 (Foothill Residential) zone, and identified in the General Plan for mixed-use development. **Discussion only. The public hearing will be held at a future Planning Commission meeting.**

1.2. (Project ZTA-20-001)

Staff will provide an overview of the purposes and objectives of a city-wide public tree management ordinance. **Discussion only. The public hearing will be held at a future Planning Commission meeting.**

1.3. 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.

2.0 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. 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, February 4, 2020 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 and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 4th day of February, 2020, Paula Melgar, City Recorder



▶ Urban Forestry Benefits

For a Greener Cottonwood Heights

Property Values

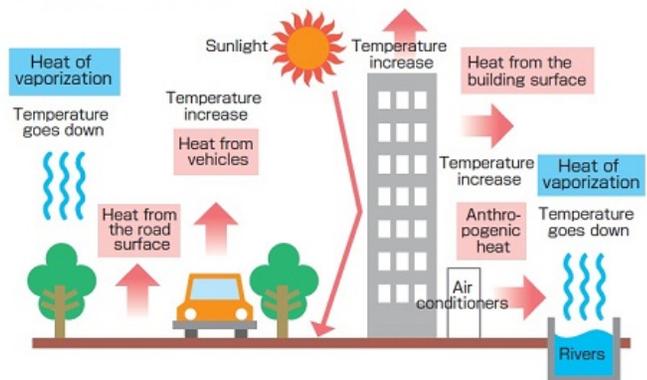


- ▶ Trees have been shown to have a substantial effect on residential and commercial property values
- ▶ Property values can rise from 5-15% with mature street trees



Heat Management

● How the Heat Island Phenomenon occurs



- ▶ Street trees mitigate the Urban Heat Island Effect
- ▶ Air temperatures in suburban areas with mature street trees experience a reduction of air temperatures by 4-6 °F, while temperature reduction of buildings and street surfaces is around 20%
- ▶ Property owners save money on cooling costs
- ▶ Fewer heat related health problems
- ▶ Cooler streets attract pedestrians



Beautification & Community Identity

- ▶ Street trees make a property and roadway more attractive
- ▶ Street trees can aid in fostering a distinct character for a city
- ▶ Trees are culturally important to many communities



Water Quality

- ▶ Groundwater as well as surface water quality can be greatly improved by greater tree presence in our cities
- ▶ Trees near creeks, rivers, and lakes improve the health of aquatic ecosystems by providing nutrients to the microorganisms
- ▶ Additionally tree root systems provide an efficient means to cleaning groundwater

Air Quality

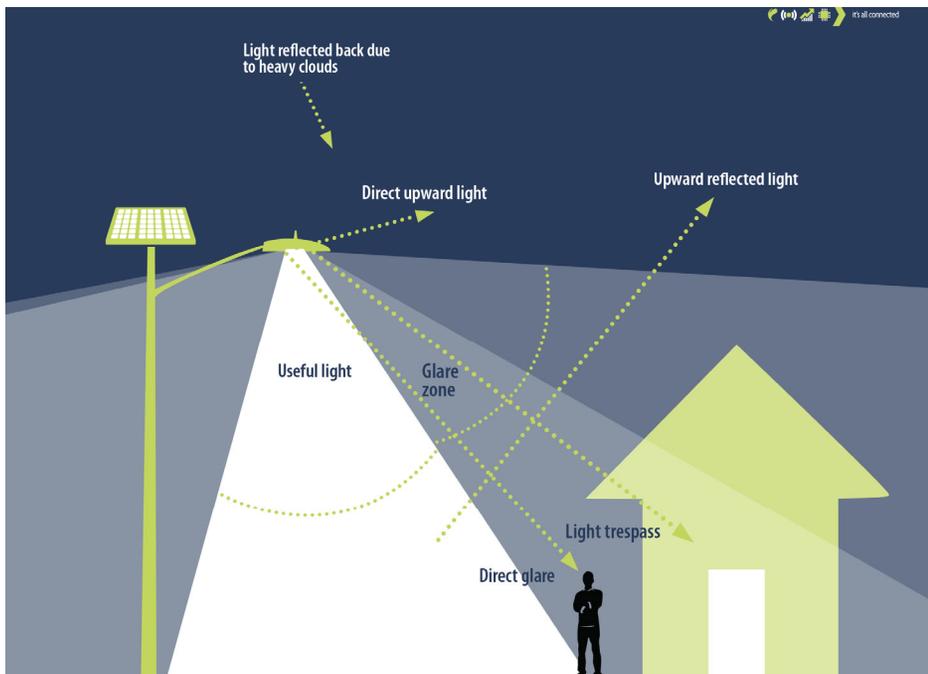
- ▶ Young trees absorb 13 pounds of CO₂ per year
- ▶ Mature trees absorb around 48 pounds of CO₂ per year
- ▶ At full maturity, trees produce on average nearly 260 pounds of oxygen each year or enough oxygen to sustain two human beings
- ▶ Additionally, trees reduce the greenhouse effect by shading homes and offices, saving money and energy

Animal Habitat

- ▶ Every tree hosts a microhabitat that can be home to animals, plants, and fungi
- ▶ While much of the life associated with urban trees goes unnoticed, their impact is beneficial to cities and important to the urban ecosystem



Light and Noise Trespass



- ▶ Placing trees alongside roadways reduces light and noise trespass into homes and businesses
- ▶ Residents can experience difficulty with sleeping, and relaxation, which can have serious health effects



The presence of trees along roadways slows down traffic and makes roadways safer



Drivers are affected by the added visual complexity that trees provide alongside roadways and slow their speed



Trees create a physical barrier between pedestrians and vehicles, making sidewalks safer



Far less than 1% of U.S. annual vehicle crashes involve a tree on an urban street

Driving Speeds



Pedestrian Activity/Health

- ▶ In areas where there are more trees along roadways, there is on average greater pedestrian activity as well as cycling
- ▶ Pedestrians are attracted to tree lined streets because they are more attractive, shaded, and safe
- ▶ As more people walk and use active transportation, they develop healthier lifestyles, reducing health risks and the associated costs
- ▶ In commercial areas, this added pedestrian activity can create more business

Roadway Longevity

- ▶ Shaded streets can have life spans from 40-60% longer than unshaded streets
- ▶ Trees lessen heat associated roadway expansion and contraction as temperatures fluctuate throughout the day
- ▶ This saves a great amount of money in road maintenance costs





Maintenance costs

- ▶ Nationally, 75% of spending on urban forestry goes towards maintenance and management, leaving few funds for planting new trees
- ▶ Other than trimming, street trees need to have their root systems checked to prevent sidewalk damage
- ▶ Trees also require trunk injections to prevent life threatening diseases

Revenue Streams



TREE WORK PERMIT,
DEVELOPMENT, AND
INSPECTION FEES



COMPENSATORY
PAYMENTS AND
ENVIRONMENTAL FEES



UTILITY BILL
DONATIONS



MEMORIAL AND HONOR
TREES



PROMOTION OF
FEDERAL TAX
INCENTIVES TO CITIZENS



CARBON TRADING



SALE OF MUNICIPAL
WOOD PRODUCTS



PRIVATE
DONATIONS / CORPORATE
SPONSORSHIPS

Financing Instruments



GENERAL FUND AND
DEPARTMENTAL FUNDS



FEDERAL, STATE, AND
PRIVATE FOUNDATION
GRANTS



TAXES, SPECIAL
ASSESSMENTS, AND
SPECIAL TAX DISTRICTS



CAPITAL IMPROVEMENT
BUDGETS

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1 and only specifies that breakfast will be served as part of a bed and breakfast use. The applicants
2 intend to provide provisions for breakfast within each unit.

3
4 Mr. Taylor explained that the applicants are required to show photos of a representative vehicle of
5 the one they plan to keep on-site for the office use that will be stored in the garage. They also must
6 provide a photo of the types of equipment or trucks that will be stored at the adjacent Forest Service
7 office.

- 8
9 • **(Project ZMA-19-006) – A Public Hearing and Possible Action on a Request**
10 **from Log Enterprises, LLC for a Zoning Map Amendment from R-1-8**
11 **(Residential Single-Family Zone) to NC (Neighborhood Commercial Zone) on**
12 **0.74 Acres of Property located at 2540 East Bengal Boulevard.**

13
14 Associate City Planner, Andrew Hulka introduced the above item and stated that it is a request for
15 a zone change. The property is currently zoned single-family residential although there is a
16 commercial space there currently. The request was for the zoning to be changed so that it more
17 closely conforms to the current existing use of the property. The surrounding uses were identified.
18 Mr. Hulka stated that no changes are proposed to the land use. The long-range plan calls for
19 Neighborhood Commercial in the area.

20
21 The historical zoning in the area was described. Mr. Hulka explained that for the last decade the
22 property has been zoned and regulated as a non-conforming use in a residential zone. Conditional
23 uses allowed in the zone were included on a list provided to the Commission. New uses will be
24 required to come to the Commission for approval. At that time, conditions can be imposed to
25 mitigate potential negative impacts.

26
27 In response to a question raised, Mr. Hulka stated that the lot is .74-acres in size. The ground floor
28 area is just over 8,000 square feet. It was noted that because it is a conditional use it is difficult to
29 deny unless conditions cannot be imposed to mitigate the negative impacts. Potential detrimental
30 or controversial uses were discussed.

31
32 A Commissioner suggested that the recommendation to the City Council include the four items
33 identified. Mr. Hulka indicated that staff is recommending approval to the City Council with the
34 conditions set forth in the staff report.

35 36 **2.0 Adjournment.**

37
38 ***Commissioner Bevan moved to adjourn the Work Session. Commissioner Rhodes seconded the***
39 ***motion. The motion passed with the unanimous consent of the Commission.***

40
41 The Work Session adjourned at 6:00 p.m.

1 There were issues raised at the last meeting with the proposed parking design and layout. The
2 applicants have since redesigned the parking and it now substantially complies. There are a total of
3 20 stalls with 14 required for both proposed uses. There were several other minor issues that
4 remained to be resolved. Mr. Taylor noted that conditional uses shall be approved if reasonable
5 conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed
6 use. In addition, the Planning Commission shall only approve with conditions or deny a conditional
7 use based on the written findings of fact with regard to each of the standards set forth in the Code.
8 The standards were set forth in the staff report. The proposal was found to substantially comply
9 with the City Code and the recommended conditions of approval.

10
11 Mr. Taylor explained that per the Code definition, a full-time Manager will reside in Unit #4.
12 Breakfast items will be supplied and served to guests in each of their own private dining areas or in
13 the Manager's residential unit. A photo of the site was displayed and the surrounding zoning was
14 described. It was noted that the rear elevation is proposed to remain the same. Changes made since
15 the previous meeting were described.

16
17 The applicant, Perry Pardoe, reported that they have made a number of changes in an effort to
18 comply with the issues identified at the previous meeting. The proposed changes were identified.
19 They also redefined the area identified as shop space in the parking area as parking. They eliminated
20 the apartment use from the application and designated all of the units as bed and breakfast units.
21 Mr. Pardoe met with the HOA of the neighbors to the west and those in attendance at the previous
22 meeting to address any remaining concerns. The issues identified by the neighbors at the last
23 meeting were lighting and having someone on-site in the event of noise or other issues. To his
24 knowledge, they have met all of the requirements.

25
26 In response to a question raised, Mr. Pardoe stated that the office will be open during normal
27 business hours. Currently, the business is open four days per week from 7:00 a.m. to 6:00 p.m. No
28 compressors will be used on the premises. The business is a remodeling company with all of the
29 work taking place at the homes of customers. Four company vehicles will be dispatched each
30 morning with the employees parking their own cars on workdays.

31
32 With regard to the storage of materials on the site, Mr. Pardoe stated that only small materials will
33 be stored on the site. Lumber will be delivered directly to the worksite and will not be stored on the
34 property. There will be no paint or chemical storage on the site.

35
36 Chair Coutts opened the public hearing. There was no public comment. The public hearing was
37 closed.

38
39 **MOTION:** Commissioner Bevan moved to approve Project CUP-19-019 based on the findings
40 outlined in the staff report and subject to the following:

41
42 Findings of Fact:

- 43
44 1. That the proposed use is one of the conditional uses specifically listed in the zoning
45 district in which it is to be located;

1 **Finding of Fact:** The property located at 6970 S. 3000 E. is located in the NC –
2 Neighborhood Commercial zone and office, mixed-use residential, and bed and
3 breakfast uses are a conditional use within that zone.
4

- 5 2. That such use will not, under the circumstances of the particular case, be detrimental
6 to the health, safety, comfort, order or general welfare of persons residing or working
7 in the vicinity;
8

9 **Finding of Fact:** The proposed use, if compliant with the proposed conditions of
10 approval meet, and often exceed the zoning requirements meant to protect the health,
11 safety, comfort, order or general welfare of persons residing or working in the
12 vicinity. With 22 to 24 on-site parking spaces, and restricted parking on 3000 East,
13 Fort Union and the adjacent properties, parking is not anticipated to be a detriment.
14

- 15 3. That the use will comply with the intent, spirit, and regulations of this title and will
16 be compatible with and implement the planning goals and objectives of the city;
17

18 **Findings of Fact:** The use is a residential and commercial service that is fitting
19 within the intent of the NC zone. These uses are compatible with the planning goals
20 and objectives of the city as it provides services to residents, promotes business and
21 economic activity, and puts a vacant retail building into productive utilization, and
22 increases the tax base.
23

- 24 4. That the use will be harmonious with the neighboring uses in the zoning district in
25 which it is to be located;
26

27 **Findings of Fact:** Neighboring uses are of commercial character with patrons
28 coming and going for brief periods throughout the day. These uses are also largely
29 conducted within buildings with patrons solely utilizing adjacent parking areas to
30 arrive and depart from the premises. The design of the addition is harmonious with
31 the existing building and compatible with adjacent residential uses in scale, form,
32 and design.
33

- 34 5. That nuisances which would not be in harmony with the neighboring uses will be
35 abated by the conditions imposed;
36

37 **Findings of Fact:** The conditions imposed are meant to ensure that all zoning code
38 requirements (that exist for the purpose of creating harmony with neighboring uses)
39 are adhered to prior to any final approvals, building permits, or business licenses are
40 issued.
41

- 42 6. That protection of property values, the environment, and the tax base for the city will
43 be assured; Planning Commission Staff Report for CUP-19-019;
44

45 **Findings of Fact:** Productive economic utilization of the property with mitigated
46 detriments will increase onsite and adjacent use property values. No degradation of
47 the environment is anticipated. Increase utilization of commercial property increases

1 the tax base is greatly anticipated with the number of residential uses planned for this
2 site.

- 3
4 7. That the use will comply with the city’s general plan;

5
6 **Findings of Fact:** Commercial and mixed uses are within the goal of the City’s
7 general plan for this planning area.

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

11
12 **Findings of Fact:** The city licenses and regulates all business activity within the city.
13 Conditional use permit conditions are required by city staff to be installed and
14 inspected prior to the issuance of the business permit.

- 15
16 9. That the internal circulation system of the proposed development is properly
17 designed;

18
19 **Findings of Fact:** The internal circulation system has been proposed for redesign
20 according to City parking standards determined by Chapter 19.80 CH code as a
21 condition of approval.

- 22
23 10. That existing and proposed utility services will be adequate for the proposed
24 development;

25
26 **Findings of Fact:** Confirmation of adequate utility service will be required as part
27 of the final site plan approval.

28
29 **Potential Mitigating Condition of Approval:** It is recommended that the final site
30 plan approval, building permits or business license are not issued if utility providers
31 indicate there are inadequate services.

- 32
33 11. That appropriate buffering will be provided to protect adjacent land uses from light,
34 noise and visual impacts;

35
36 **Findings of Fact:** The site is currently buffered by on-site and off-site landscaping
37 and parking lots. The proposed use is not anticipated to increase light, noise and/or
38 visual impacts.

- 39
40 12. That architecture and building materials are consistent with the development and
41 surrounding uses, and otherwise compatible with the city’s general plan, subdivision
42 ordinance, land use ordinance, and any applicable design standards;

43
44 **Findings of Fact:** The use will be housed on an existing site already developed to
45 conform with the city’s land use ordinance and applicable design standards in force
46 when the development occurred.

- 1 13. That landscaping appropriate for the scale of the development and surrounding uses
2 will be installed in compliance with all applicable ordinances;
3

4 **Findings of Fact:** The landscaping is typical for that which currently exists within
5 the NC zone. It currently meets minimum standards and is not proposed to be
6 increased.
7

- 8 14. That the proposed use preserves historical, architectural and environmental features
9 of the property; and
10

11 **Findings of Fact:** No change to the site is proposed.
12

- 13 15. That operating and delivery hours will compatible with adjacent land uses.
14

15 **Findings of Fact:** The hours of use are typical to those existing to each side of the
16 property.
17

- 18 16. The foregoing approval standards shall be subject to any contrary requirements of
19 Utah Code Ann. § 10-9a- 507, as amended.
20

21 **Findings of Fact:** There is no conflict Utah Code Ann. § 10-9a-507, which governs
22 how municipalities regulate conditional uses.
23

24 Conditions of Approval:
25

- 26 1. That one of the units is permanently occupied by an owner or renter who will care for
27 the tenants and provide the required “breakfast” service as defined by the zoning use
28 definitions.
29
- 30 2. That the lighting plan shall be approved by staff as part of the final site plan approval
31 prior to the issuance of a building permit.
32
- 33 3. That details be provided demonstrating compliance with the screening requirements
34 outlined in Section 19.37.120 and 19.37130.B CH code prior to final site plan
35 approval prior to or the issuance of a building permit.
36
- 37 4. That the site plan is reconfigured to meet all parking design requirements for a one-
38 way driveway system and 45-degree angled parking resulting in a total of 20 parking
39 stalls.
40
- 41 5. That the final site plan approval, building permits or business license are not issued if
42 utility service is found to be inadequate.
43
- 44 6. That any conditions of approval will be represented on the final approved plans prior
45 to the issuance of a building permit.
46
- 47 7. That any conditions of approval will be completed, installed and/or inspected prior to
48 the issuance of a business license.

1
2 Findings:
3

- 4 1. The proposed uses described in the report are a conditional use within the NC –
5 Neighborhood Commercial zone.
6
7 2. A public hearing was held in accordance with local and state requirements.
8
9 3. That the Planning Commission adopts the written *Findings of Fact* outlined in the
10 analysis of this report as demonstrating that the proposed animal daycare use is
11 compliance with the conditional use permit standards and that reasonable conditions
12 are proposed to mitigate the reasonably anticipated detrimental effects of the
13 proposed use.
14
15 4. That the Planning Commission adopt the recommended conditions of approval in
16 this report as reasonable conditions to mitigate the anticipated detrimental effects of
17 the proposed use.
18

19 Commissioner Mills seconded the motion. Dan Mills-Aye, Sue Ryser-Aye, Doug Rhodes-Aye,
20 Craig Bevan-Aye, Jesse Allen-Aye, Chair Coutts-Aye. The motion passed unanimously. Alternate
21 Planning Commission Member Bob Wilde did not participate in the vote.
22

23 **3.2 (Project ZMA-19-006) – A Public Hearing and Possible Recommendation on a**
24 **Request from Log Enterprises, LLC for a Zoning Map Amendment from R-1-**
25 **8 (Residential Single-Family Zone) to NC (Neighborhood Commercial Zone) on**
26 **0.74 Acres of Property located at 2450 East Bengal Boulevard.**
27

28 Mr. Hulka presented the staff report and stated that the request is for a zone map amendment for a
29 rezone from R-1-8 (Residential Single-Family) to NC (Neighborhood Commercial). The location
30 of the property was identified on a map displayed. It is existing commercial property and the current
31 zoning makes the current use Commercial Office with the property being non-conforming. The
32 request is to change the zoning to make the existing use conforming and allow for additional new
33 businesses of different types to operate from the site. The surrounding uses were identified.
34

35 Mr. Hulka explained that the request is in line with the City’s long-range vision and seeks to address
36 an issue that staff discovered after researching the property. The building was constructed in the
37 1980s with the previous zoning being Light Commercial. Neighborhood commercial-style uses
38 would have been allowed at the time of construction. Since then, the City has approved several
39 businesses that were identified. Previous maps dating back to 2005 showed the property was zoned
40 as NC and R-1-8. Staff would continue to research the matter and indicated that the issue impacts
41 other properties as well.
42

43 A list of conditional uses allowed in the zone was displayed. There are no permitted uses in the
44 zone. Staff recommended that the Planning Commission forward a recommendation of approval to
45 the City Council. As this is a legislative change, it goes to the City Council for final approval.
46

1 Sue Ryser questioned whether a recommendation should be postponed until staff completes their
2 research. Mr. Hulka’s preference was to go through the zone map amendment process. Mr. Taylor
3 did not expect to find much more information clarifying what happened previously. Because of the
4 ambiguity, the best option was to formally make a change back to what it was originally rather than
5 simply correct the map.
6

7 Possible exclusions were identified as tattoo parlors, vaping and tobacco shops, marijuana CBD,
8 and quick cash uses. City Attorney, Shane Topham stated that Section 19.90.060 provides for
9 zoning conditions in non-residential zones to limit potential uses. Specifying exclusions is avoided
10 and he instead suggested that the Commission specify why they are concerned about certain uses
11 and include those comments in the motion.
12

13 The applicant, Perry Pardoe stated that when they recently purchased the property, their
14 understanding was that it was zoned Commercial. He noted that the three business owners will
15 obtain business licenses from the City. He was happy to stipulate that specific uses will not be
16 allowed to locate in the building. He has received requests for a bridal shop and an optometry shop
17 to occupy the space among others. When the sale was finalized, the owners envisioned developing
18 a small community commercial building.
19

20 Mr. Taylor explained that the proposed rezone would authorize all of the listed conditional uses. If
21 someone would like to take advantage of one of the conditional uses, they could make application
22 and revisit the Planning Commission.
23

24 Chair Coutts opened the public hearing.
25

26 Jen Yue expressed concerns with safety, property values, and the potential impact on the neighbors.
27

28 There were no further public comments. The public hearing was closed.
29

30 In response to a question raised, Mr. Topham stated that the proximity to a church and school will
31 impact whether an alcohol license can be obtained at the proposed location. Potential uses were
32 identified.
33

34 **MOTION:** Commissioner Bevan to moved to forward a recommendation of approval to the City
35 Council for Project ZMA-19-006 based on the following:
36

37 Findings:
38

- 39 1. The proposed zoning is compatible with the goals of the General Plan.
- 40 2. A public hearing was held in accordance with local and state requirements.
- 41 3. The proposed uses described in the report are conditional uses within the NC
42 (Neighborhood Commercial) zone.
43
44
45

1 Exclusions:

- 2
- 3 1. Vaping;
- 4
- 5 2. Tobacco;
- 6
- 7 3. Marijuana;
- 8
- 9 4. CBD;
- 10
- 11 5. Tattoo;
- 12
- 13 6. Quick Cash; and
- 14
- 15 7. Private Club.

16
17 Commissioner Mills seconded the motion.

18
19 Mr. Topham explained that the State may have preempted the City in terms of marijuana and CBD
20 oil uses.

21
22 A friendly amendment was made to specify that the exclusions are based on the proximity to the
23 adjacent R-1-8 properties as well as adjacent churches and schools. Commissioner Mills accepted
24 the friendly amendment. Commissioner Mills seconded the amended motion.

25
26 Vote on motion: Dan Mills-Aye, Sue Ryser-Aye, Doug Rhodes-Aye, Craig Bevan-Aye, Jesse
27 Allen-Aye, Chair Coutts-Aye. The motion passed unanimously. Alternate Planning Commission
28 Member Bob Wilde did not participate in the vote.

29
30 **4.0 CONSENT AGENDA**

31
32 **4.1 Approval of Planning Commission Meeting Minutes:**

33
34 * **November 6, 2019.**

35
36 Commissioner Mills moved to approve the minutes of the November 6, 2019, Planning Commission
37 Meeting. Commissioner Bevan seconded the amended motion. The motion passed with the
38 unanimous consent of the Commission. Alternate Planning Commission Member Bob Wilde did
39 not participate in the vote.

40
41 **5.0 ADJOURNMENT**

42
43 *Commissioner Rhodes moved to adjourn. The motion was seconded by Commissioner Ryser.*
44 *The motion passed with the unanimous consent of the Commission. Alternate Planning*
45 *Commission Member, Bob Wilde did not participate in the vote.*

46
47 The Planning Commission Meeting adjourned at approximately 6:52 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, January 8, 2020.*
3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary
9

10 Minutes Approved: _____
11

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

3
4 **Wednesday, October 2, 2019**

5 **5:30 p.m.**

6 **Cottonwood Heights City Council Chambers**

7 **2277 East Bengal Boulevard**

8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Members Present:** Chair Graig Griffin, Commissioner Craig Bevan, Commissioner Jesse
13 Allen, Commissioner Sue Ryser, Commissioner Christine Coutts,
14 Commissioner Dan Mills, Commissioner Douglas Rhodes, Commissioner
15 Bob Wilde-Alternate
16

17 **Staff Present:** Community and Economic Development Director Michael Johnson,
18 Deputy City Recorder/HR Manager Heather Sundquist, Youth Council
19 Representative Nicholas Johnson
20

21 **WORK SESSION**

22
23 Chair Graig Griffin called the meeting to order at 5:07 p.m. and welcomed those in attendance.
24

25 **1.0 Planning Commission Business.**

26
27 **1.1 Review Business Meeting Agenda.**
28

29 The agenda items were reviewed and discussed. It was reported that agenda item 3.3 was removed
30 from the agenda and tabled to the November 6 meeting at the request of the applicant.
31

32 Project CUP-19-012 was reviewed and discussed. Community and Economic Development
33 Director, Michael Johnson, reported that the request is for animal daycare services at an existing
34 pet grooming facility located at 1873 East Fort Union Boulevard. The applicants would like to
35 expand the use to include pet daycare between the hours of 8:00 a.m. and 6:00 p.m. It is a
36 conditional use in the Regional Commercial zone where the property is located. Dogs will be
37 kenneled indoors with the capacity to board 10 to 15 animals per day. Dogs will be walked
38 individually by staff twice throughout the day.
39

40 There is an agreement in the lease with the landowner allowing the applicants to utilize the two
41 grass areas on the east side of the shopping mall. Because it is an interior use, the outdoor impact
42 will be minimal and there is no outdoor play area. Staff determined that the conditional use meets
43 the Code and recommended approval with two conditions set forth in the staff report. It was
44 suggested that verification be provided that there is a legal right from the landowner to proceed
45 with the use. A question was raised regarding ventilation. It was noted that with kenneling and
46 boarding, negative air pressure is needed to circulate air throughout the facility.

1
2 Project SPL-19-007 was next addressed. The request is for 23 mixed-use live-work townhomes
3 at 1650 East Fort Union Boulevard. Public comment was taken at the last meeting and the matter
4 was continued to allow for collaboration with the Architectural Review Commission (ARC). The
5 intent would be to provide a response to requests made previously. The floor plans were displayed.
6 The maximum height in the zone is 45 feet. The Mixed-Use Ordinance allows a maximum height
7 of 35 feet. An applicant may request a third story as a conditional use with Planning Commission
8 approval. The proposed heights range from 33.5 to 35 feet with a third story requested, which is
9 subject to conditional use review. Mr. Johnson explained that the conditional use shall be granted
10 unless there are perceived negative impacts that cannot be mitigated with reasonable conditions.

11
12 The maximum lot coverage is 65% with the current request being 31%. The permitted density is
13 35 units per acre with 21 units per acre proposed. The standard setback is 20 feet but the
14 Commission may reduce that at its discretion. The minimum front setback is 7.75 feet. The
15 average setback along the entire frontage of the development is 26 feet but reduces to 18 feet as a
16 result of the road dedication. A rear setback of 25 feet is required.

17
18 The parking requirement was calculated by adding the square footage of the live-work space in the
19 units plus the standard multi-family requirements. It was determined that 31 parking stalls are
20 required. The applicant is proposing 56 stalls including the two-car tandem parking stalls and
21 additional site parking. A question was raised as to whether the office parking spaces can be shared
22 with residential spaces. Mr. Johnson confirmed that they can. After business hours the office
23 parking lot would be available to residential use. The site and circulation details were described.

24
25 Setback issues were discussed. Mr. Johnson reported that the request was reviewed by the ARC
26 who found from a design perspective that a setback reduction makes sense. The Lighting Plan was
27 next presented with all of the lights being proposed to be full cutoff. With regard to fencing, the
28 proposed fencing was previously chain link. The ARC recommended the fencing be constructed
29 of the same material used as an accent on the units.

30
31 A diagram was shown of the mechanical screening. The most recent Landscaping Plan showed a
32 landscape buffer proposed around the back units. The trees will be planted at the grade of the site,
33 which is lower than the property. There will be a retaining wall as well with a six-foot fence on
34 top. Two parking stalls were proposed per unit. The site details were addressed.

35
36 Key findings from the traffic study were that the proposed development is estimated to generate
37 168 new vehicle trips per day. It was expected to require 38 parking spaces with 46 proposed. All
38 intersections were determined to be operating at an acceptable level of service so no mitigation
39 was required. It was reported that few quantifiable traffic impacts will be created by the project.

40
41 With regard to site grading and the possibility of lowering the property, the Project Engineer
42 concerns with emergency vehicles being able to access the site as well as the impact on the
43 steepness of the driveway. The ARC considered the matter in detail and their suggestions resulted
44 in architectural features on the west side in addition to other site improvements. The ARC
45 recommended the Certificate of Design Compliance be issued with conditions.

46

1 In response to a question raised, Mr. Johnson reported that the units will all be rentals. Concern
2 was expressed about ADA accessibility from Main Street. Mr. Johnson stated that the intent is for
3 it to be an elevated site to accommodate grade. He estimated the distance from the intersection to
4 the entrance as approximately 65 feet. A remark was made that the project does not further the
5 walkable feel of the Main Street area. There was some objection and a comparison was made to a
6 brownstone, which is very similar. Potential issues were identified such as visibility, privacy,
7 grading, ADA compliance, and sidewalk issues.

8
9 **1.2 Additional Discussion Items.**

10
11 **1.3 Adjournment.**

12
13 *Commissioner Bevan moved to adjourn the Work Session. Commissioner Mills seconded the*
14 *motion. The motion passed with the unanimous consent of the Commission.*

15
16 The Work Session adjourned at 6:02 p.m.

1 Forrest Campbell commented on parking for high-density developments. Salt Lake City recently
2 announced that they were reversing an ordinance that allowed developers to build 80-unit
3 apartment buildings with only 40 parking spaces. This created a parking issue for the residents
4 who were left with no parking within a reasonable distance of their home. In addition, parking
5 tickets increased 400% for the City and vehicles were impounded. The developers and the City
6 thought that because they live next to a Trax station or are in a walkable community that it was
7 acceptable to build an 80-unit apartment complex with only 40 stalls. Mr. Campbell suggested
8 that Cottonwood Heights consider future development and providing adequate parking.

9
10 Nicki Selfridge commented that the property on the corner of Brookhill Drive and Fort Union
11 Boulevard has a chain-link fence but limited visibility makes it difficult to pull onto Fort Union
12 Boulevard. She asked that the situation be addressed and that there be limited parking on the street
13 to better allow people to get in and out of their driveways.

14
15 Eric Kraan commented on the vision of the Fort Union Master Plan and stated that Conditional
16 Use Permits are a tool used to bring the values referenced in the plan to fruition. For that reason,
17 he was compelled to grant them sparingly and only when they improve the character of the
18 community, which is a stated goal.

19 20 **3.0 BUSINESS ITEMS**

21 22 **3.1 (Project CUP-19-012) – A Public Hearing and Possible Action on a Request** 23 **from Doggy Pet Grooming for a Conditional Use Permit to Operate an Animal** 24 **Daycare at 1873 East Fort Union Boulevard in the CR – Regional Commercial** 25 **Zone.**

26
27 Community and Economic Development Director, Michael Johnson presented the staff report and
28 stated that the request involves a current tenant in the shopping center just west of Whole Foods.
29 The license for San Doggy currently allows the applicant to operate a dog grooming business,
30 which is a permitted use. The request is to expand the use to include daytime dog boarding
31 services. The property is zoned Regional Commercial and is adjacent to Neighborhood
32 Commercial. The proposed hours of operation are 8:00 a.m. to 6:00 p.m. Dogs will be kenneled
33 indoors and walked individually twice per day in designated areas. The applicant, Tony Serrano,
34 was requesting to board up to 16 dogs per day. The animals were to be kept inside as there are no
35 outdoor care areas.

36
37 Because the daycare use is allowed in the CR zone as a conditional use and because most of the
38 impacts are mitigated by the fact that the proposed use takes place indoors and is managed by staff,
39 staff recommended approval with two conditions set forth in the staff report.

40
41 Mr. Serrano reported that the request was due to demand from their clients. For dog grooming
42 services, appointments take place throughout the day. Many clients may have a morning
43 appointment for example and drop their dog off before they go to work. Many would like to be
44 able to pick their pet up after work in the evening. It was noted that the business is 1,700 square
45 feet in size. The dogs will be kenneled the majority of the day and the daycare clients will be
46 grooming clients.

1
2 Chair Griffin opened the public hearing.

3
4 Dorathy Hart reported that she has been a dog trainer for nearly 50 years and stated that it is not
5 appropriate to leave a dog in a kennel for eight hours per day. She considered the request to be
6 unreasonable.

7
8 Eric Kraan suggested that there be a cap on the number of dogs.

9
10 There were no further public comments. The public hearing was closed.

11
12 Commissioner Ryser agreed that keeping an animal in a kennel all day is not good but she was not
13 sure that was something the Commission can legislate. It was clarified that the applicant is not
14 trying to operate a daycare facility and simply wishes to provide a service to his clients.
15 Commissioner Ryser suggested the number of dogs be limited.

16
17 Chair Griffin was of the opinion that 16 dogs is plenty and he doubted they would have that many
18 on a given day. To limit the applicant to one dog per kennel could be problematic. Mr. Serrano
19 did not think it was unreasonable to impose a cap. However, some owners are concerned about
20 their pets being split up and like them to be in the same kennel. He felt that a limit of 22 was
21 reasonable. He clarified that they are not a dog daycare facility and the service is simply to fill a
22 need that their customers have.

23
24 Mr. Johnson reminded the Commission Members that any condition needs to be based on a
25 perceived negative impact. Mr. Serrano stated that there will always be two staff members present
26 to care for the dogs. They strive to treat the pets they serve like they would their own animals. He
27 noted that any concern with the number of dogs and the noise is mitigated by the fact that they
28 have someone there with them. In response to a question raised, Mr. Serrano indicated that they
29 currently have approximately 30 kennels. The request is to add up to 16 more. Dog daycare would
30 be separated from the grooming area.

31
32 It was reported that Cottonwood Heights has the highest concentration of animal services in the
33 State. It was recommended that a letter from the applicant's landlord be submitted. In response
34 to a question raised, Mr. Serrano stated that the adjoining space on one side is vacant and on the
35 other side is a smoke shop. An air filtration system was also recommended.

36
37 ***Commissioner Bevan moved to recommend approval of CUP-19-012 subject to the following:***

38
39 ***Conditions:***

- 40
41 ***1. Install one 12- x 18-inch sign near the entrance requesting animals to be***
42 ***restrained.***
43
44 ***2. The animal daycare use shall be limited to receiving patrons during the regular***
45 ***daytime hours of 8:00 a.m. to 6:00 p.m.***
46

- 1 3. *A letter from the landlord shall be submitted to staff indicating that they are*
2 *aware of the proposal and approve of it.*

3
4 ***Findings:***

- 5
6 • *The proposed animal daycare use is a conditional use within the CR – Regional*
7 *Commercial zone.*
8
9 • *Proper notice was given in accordance with local and state requirements.*
10
11 • *A public hearing was held in accordance with local and state requirements.*
12
13 • *That the Planning Commission adopts the written Findings of Fact outlined in*
14 *the analysis of this report as demonstrating that the proposed animal daycare use*
15 *is compliance with the conditional use permit standards and that reasonable*
16 *conditions are proposed to mitigate the reasonably anticipated detrimental effects*
17 *of the proposed use.*
18
19 • *That the Planning Commission adopt the recommended conditions of approval*
20 *in this report as reasonable conditions to mitigate the anticipated detrimental*
21 *effects of the proposed use.*

22
23 *Commissioner Ryser seconded the motion. Vote on motion: Commissioner Mills-Aye,*
24 *Commissioner Rhodes-Aye, Commissioner Bevan-Aye, Commissioner Ryser-Aye,*
25 *Commissioner Coutts-Aye, Commissioner Allen-Aye, Chair Griffin-Aye. The motion passed*
26 *unanimously. Alternate Planning Commission Member Bob Wilde did not participate in the*
27 *vote.*

28
29 3.2 **(Project SPL-19-007) – A Public Hearing and Possible Action on a Request by**
30 **John Prince for Approval of 24 Mixed-Use Live-Work Townhomes, Including**
31 **a Conditional Use Permit for an Increase in Height and a Decrease in Setbacks,**
32 **at Approximately 1650 East Fort Union Boulevard in the MU – Mixed-Use**
33 **Zone.**
34

35 Chair Bevan reported that three pieces of written communication were submitted to the City and
36 made part of the public record.

37
38 Mr. Johnson presented the staff report and stated that the project includes a 24-unit live-work
39 mixed-use townhome development. A graphic was displayed of the area showing properties that
40 have been rezoned over the past few years to mixed-use. The site is currently zoned mixed-use as
41 is the land use designation. The surrounding uses were described. The current properties have
42 two driveways along Fort Union Boulevard and one along 1700 East. The driveways along Fort
43 Union Boulevard are proposed to be eliminated with one access to be utilized off of 1700 East.
44 The intent along the Fort Union corridor is to create a more vertical development.
45

1 Mr. Johnson explained that 22 of the 23 units are to be the same floor plan. The parking proposal
2 includes tandem parking. Staff reviewed the request and discovered that there is nothing in the
3 City's off-street parking ordinance prohibiting a developer from proposing tandem parking and
4 counting it as two parking stalls. One unit is proposed with a standard two-car width garage.
5

6 Mr. Johnson explained that as a general use, residential live-work mixed-use is a permitted use in
7 the Mixed-Use zone. There are, however, certain standards that must be met and components of
8 the project that the Commission is required to review as a conditional use. The first is building
9 height. In the Mixed-Use Zone, the permitted building height is two stories or 35 feet. The current
10 proposal consists of three-story buildings ranging in height from 33.5 to 35 feet. While they do
11 not exceed the maximum height generally permitted in the Mixed-Use Zone, they do exceed the
12 maximum number of stories. Therefore, the additional third story is before the Commission as a
13 conditional use request.
14

15 With regard to lot coverage, the maximum permitted is 65% with the proposed being 31%. The
16 density allowed in a Mixed-Use Zone is 35 residential units per acre. This proposal is for 21 units
17 per acre. Setback reductions also require conditional use consideration. It is an option in the
18 Mixed-Use Zone that grants the Commission the authority to approve modified setbacks beyond
19 what is normally required if it is determined to benefit the project. The standard permitted front
20 setback is 20 feet. The minimum proposed setback reduction, in this case, would reduce the
21 setback to 7.75 feet, which is the distance from the property line. The average without any
22 additional land dedication along Fort Union Boulevard would be 18 feet. Any setback of less than
23 20 feet must be approved by the Planning Commission as a conditional use.
24

25 The rear setback to the south allows for a permitted setback of 25 feet, which is being met. The
26 side setback on the east side requires 20 feet. The applicant is proposing 14 feet. Any side that is
27 adjacent to a single-family residential zone or use has a required setback of 25 feet, which is being
28 met with this proposal.
29

30 The parking requirements were derived from the Institute of Traffic Engineers Parking Generation
31 Manual. Adding the limited potential commercial space to each unit in addition to the multi-family
32 townhome use, the ratio is 1.34 spaces per unit plus 10 office spaces. In all, 56 stalls are proposed,
33 which exceeds the minimum required parking allocation.
34

35 Mr. Johnson explained that conditional use requests must be approved unless there are perceived
36 negative impacts that cannot be mitigated. A cross-section from the Fort Union Master Plan was
37 displayed that showed the total cross-section of the future improvements of 96 feet. On major
38 redevelopment projects, they can require additional property dedication to obtain the 48 feet of
39 half-width.
40

41 Mr. Johnson described the frontage improvements required as a result of the Fort Union Master
42 Plan. They are constrained with regard to what can be done with the curb location because of the
43 major transmission power lines in the area. It is not feasible to relocate them but additional
44 dedication is required behind the curb. It will consist of a four to five-foot park strip area consisting
45 of low-maintenance treatment with amenities.
46

1 The Fort Union Master Plan and the City’s Bicycle Master Plan contemplate a bike trail on Fort
2 Union, which is difficult to make work in a constrained roadway. What is proposed is an asphalt
3 path that will accommodate one-way bicycle traffic. It will serve as a bike lane separate from the
4 eight-foot sidewalk. It was noted that the applicant is dedicating 20 feet of property behind the
5 curb to provide the improvements. The City’s intent is to require that the improvements be
6 installed immediately.

7
8 Mr. Johnson explained that the applicant will develop the property and deposit a bond to ensure
9 that it is done to plan. Once the work is complete, the funds will be returned. Any public
10 improvements are required to be installed at the developer’s expense.

11
12 An elevation profile was displayed showing the massing of the project in relation to the grade and
13 the adjacent homes. Proposed lighting materials and screening were discussed. Mr. Johnson
14 reported that the fencing was changed to a six-foot IPE wood material along the south property
15 line that matches the front yard fences and the siding material on the homes. The trash enclosure
16 will also be constructed of the same material and match the architecture.

17
18 With regard to the landscaping plan, in the areas adjacent to the single-family residential there is
19 a 25-foot buffer and setback proposed. The area is recessed six to eight feet into the ground. The
20 ARC also requested that trees be planted along Fort Union Boulevard. As part of the live-work
21 units, there will be a signage plan submitted that will be reviewed by staff.

22
23 Key findings of the traffic study, which was conducted by licensed transportation engineers, was
24 described and reviewed by the City Engineer. The proposed project is estimated to generate
25 approximately 168 new external trips daily with 11 trips during the a.m. peak and 13 trips during
26 the p.m. peak. The number of parking stalls proposed exceeds what was recommended in the
27 traffic study. It was determined that the level of service will not be substantially impacted by the
28 proposed development.

29
30 Mr. Johnson reported that at the last meeting the Planning Commission asked the applicant to
31 consider lowering the entire site down to the level of Fort Union Boulevard. Potential problems
32 were described. Any projects in the main corridors go through the ARC who is charged with
33 reviewing the landscaping, architecture and overall design against the City’s design guidelines to
34 ensure compliance. The ARC meetings where this issue was discussed were held on June 27, July
35 28, and September 24. Changes were requested at each meeting. Renderings of the original versus
36 the current proposal were displayed.

37
38 It was noted that the landscaping along the frontage has been increased substantially. On 1700
39 East frontage improvements will be made including a sidewalk, a stamped treated crosswalk across
40 the driveway, and an ADA ramp. Per the ARC recommendation, additional trees will be planted
41 to the Fort Union corridor that comply with Rocky Mountain Power standards. The concrete
42 retaining wall along Fort Union Boulevard will be treated with a color that is complementary to
43 the architecture on the site. Staff recommended approval subject to the findings and conditions
44 set forth in the staff report.

1 The applicant/property owner, John Prince was proud of the development and identified ways they
2 have tried to make it a prominent pedestrian-friendly streetscape that is also acceptable to their
3 neighbors. Mr. Prince reported that the maximum density in the Mixed-Use Zone is 35 units per
4 acre. The project includes 23 units on 1.2 acres or 20 units per acre, which is substantially less
5 than is allowed. In the Mixed-Use Zone, the maximum lot coverage for buildings is 65%. Their
6 buildings only occupy 33.4% of the lot area or half of what is allowed. The landscape minimum
7 is 15% of the lot area. This includes sidewalks, walkways, and sitting areas. Grass and plantings
8 occupy 22.5% of the project. Their open space is 42.5% of the project, which is nearly double the
9 minimum. In the Mixed-Use Zone, the maximum height is 35 feet. Their buildings are 32 feet.
10 Due to the grade of the property and, because they have already lowered the site to function with
11 existing roads, they appear even lower than that to the neighbors. The minimum setback from
12 abutting residential properties is 25 feet and they are at least 25 feet in all areas where they neighbor
13 residential and on average are 30 feet from property lines. They are substantially further than that
14 from homes.

15
16 Per the traffic study, they are providing substantially more parking than required. Mr. Prince stated
17 that they have exceeded all requirements even though a denser project is probably more appropriate
18 for the zone. Walkability issues were discussed. Mr. Prince stated that they are dedicating a very
19 large portion of the project to the City to help further the goals of the Fort Union Master Plan. The
20 primary concern that has been raised is traffic. Their goal is to enhance the walkability. To
21 maintain the main street feel, he preferred fewer setbacks in front. It was clarified that the two
22 issues under consideration tonight are the setbacks and the number of stories.

23
24 Chair Griffin reopened the public hearing.

25
26 Sydnee Quigley stated that her husband was a double amputee so she was very aware of ADA
27 guidelines. It appeared that the developer was only going to place a ramp on the one side near
28 1700 East. With regard to the businesses, she asked where patrons will enter and how the ADA
29 guidelines will be met. Mrs. Quigley also asked what businesses will locate in the units and about
30 the placement of the dumpsters.

31
32 Debbie Durtschi was present on behalf of the Ridgecrest Elementary School Community Council
33 who represents the safe routes walking routes. While they do not want to stand in the way of
34 progress, they ask that consideration be given to the children. She noted that if all of the walkways
35 and bike paths being discussed are constructed, it will be necessary for children to walk exclusively
36 on the north side of Fort Union Boulevard and cross at 1700 East at the single entrance and exit
37 into the development. She considered the project to be an investment for the developer and as a
38 result, the community should receive a benefit. The Community Council's main concern was the
39 safety of children. For a motorist turning right at the entrance to the development, it is necessary
40 to slow down or stop to turn a second time. The result will be cars backing up onto Fort Union
41 Boulevard. When cars exit the development there is a double yellow line. She asked that that be
42 addressed as well. Traffic will be forced to turn right and find a place to make a U-turn. It was
43 suggested that a change be made to the grade at 1700 East to protect the safety of children.
44 Ms. Durtschi suggested the development be lowered to provide noise, light, and view abatement.
45 A Safe Route to School grant was being considered for 1700 East that will help provide

1 improvements such as a retaining wall. A grant was received to complete work near Butler Middle
2 School on the east side of the road to provide retaining areas.

3
4 Chair Griffin asked about the trigger that would require students to cross over. Ms. Durtschi stated
5 that it is based on the walkability of Fort Union Boulevard. The Canyons School District
6 conducted a Walkability Hazard Study that looked at various factors. Once they go to a modified
7 streetscape, Fort Union Boulevard will be deemed less of a risk and they will lose assistance.
8 Specifically, there will be a crosswalk to bring children across Fort Union Boulevard.
9 Ms. Durtschi assumed it would go directly in front of this project but there is no sidewalk on that
10 side of the street. Ms. Durtschi stated that it is a modified sidewalk currently. The Council
11 determined that children should not cross 1700 East and instead go to the east side.

12
13 Mr. Johnson described how a determination is made once a crosswalk is triggered. In terms of
14 walking and hazard routes, staff meets with Canyons School District representatives quarterly to
15 discuss these types of issues. They identify their process and hazard routes and ask for feedback.
16 He stressed that it is not a mandate. He could not speak to the school district's process for
17 determining or lifting hazard routes but stated that recently one was lifted and there was concern.
18 Ultimately, the bus route was reinstated.

19
20 Ms. Durtschi clarified that she was representing the School Community Council that is involved
21 with the School Land Trust Fund and establish the Safe Walking Routes. They are given \$120,000
22 per year that they decide how to spend. Chair Griffin stated that the Commission wants to be sure
23 that their decisions are based on facts and clarified that there is no guarantee that the crosswalk
24 will go in front of the project.

25
26 Ben Briggs reported that at the conclusion of the last meeting, he drove past Pinnacle Highland
27 and noticed that it has three floors. It is very large and can be seen from far away. He considered
28 it to be a blight on the hill. Mr. Briggs would not want to something similar to be built on the
29 subject property. He questioned why it is necessary for developers to always build to the maximum
30 height and density. He also did not feel that the number of proposed parking stalls was adequate.

31
32 Alan Blank read a written statement indicating that the developer's application does not comply
33 with the height and setback limits. The height must not exceed two stories or 35 feet, whichever
34 comes first. After receiving a favorable recommendation from the DRC, the Planning Commission
35 *may* increase the maximum height of the structure in a Mixed-Use Zone to no more than three
36 stories upon finding that such increased height will not adversely impact the public health, safety,
37 or welfare. Mr. Blank remarked that many citizens have spoken against violating the height
38 provisions. He considered three stories to be inappropriate and jeopardize the safety, privacy, and
39 property values of citizens. The project will forever change the character of the surrounding area.
40 Mr. Blank asked that the impact it will cause be carefully considered. He pointed out that safety,
41 privacy, and property values are protected by the Building Code and the City should protect the
42 rights of citizens rather than the developer. Mr. Blank contended that the developer does not have
43 the right to use the land any way he chooses. A long wall of units all reaching the same maximum
44 height does not comply with the Code requirements and will not be aesthetically pleasing.

1 Richard Hanson, a 30-year resident, stated that he walks this route nearly every day and the
2 intersection is already difficult. To add 32 more units will only make it more unsafe. He asked
3 where visitors will park when there is an event. He considered the parking that is provided to be
4 woefully inadequate.

5
6 Paul Ellingson commented that when the Planning Commission met originally to consider making
7 the property on Fort Union Boulevard and 1700 East mixed use, many of the neighbors showed
8 up to voice their concerns. Despite those concerns the recommendation was made to proceed with
9 mixed-use zoning. The current request is for an increase in height and a decrease in setbacks. The
10 Planning Commission was also being asked to approve a third story. Mr. Ellingson was concerned
11 that the developer will likely not be a long-term partner in the community and was aware of the
12 zoning when the property was purchased. With regard to the traffic study, Mr. Ellingson applauded
13 those who have expressed concern with the traffic study. The intersection is dangerous and during
14 a snowstorm the hill poses problems for motorists. He hoped that a traffic study would be
15 conducted in the wintertime with real life situations. There had been discussion about the safety
16 of children who he sees walk to school every day. Mr. Ellingson was concerned that the neighbors
17 were not listened to but hoped the Planning Commission would consider his concerns.

18
19 Eric Kraan commented that the developers are seeking to maximize revenue. There are guidelines
20 concerning what constitutes a main street and one aspect is walkability. He pointed out that the
21 proposed long wall does not promote a pedestrian-friendly environment. He suggested there be
22 terracing or gradual steps up to create a linear park. The current request does not address the goals
23 set forth in the Master Plan. Noise issue were also identified as a concern.

24
25 Marshall Stevens reported that he lives near the proposed development and moved to Cottonwood
26 Heights eight or nine years ago. While walking by the property recently, they were nearly hit by
27 a car. It was suggested that improvements be made to address traffic safety concerns. He stressed
28 that where the road and the access meet is extremely dangerous. He urged the Commission
29 Members to walk it personally. He had no objection to any other part of the proposal and expected
30 what is developed to be an improvement.

31
32 Russ Lightel commented that the proposed building is beautiful but does not belong in the
33 proposed location. He asked that the Planning Commission consider designating an overflow
34 parking area. He hoped the concerns of the residents will be considered rather than a developer
35 who is not part of the community. Mr. Lightel commented that he walks the neighborhood and
36 there are potential dangers for children. Traffic circulation issues were identified. He lives south
37 of the proposed project and was concerned about the additional traffic that will be generated and
38 potential safety issues.

39
40 Parys Lightel stated that in reality the plan is for multi-family rental housing rather than mixed-
41 use and there is no guarantee that there will be businesses there. She had tried unsuccessfully to
42 access information on the City's website and explained that the Mixed-Use Zone is intended to
43 achieve the cohabitation of use while ensuring that the impacts on residents are minimized. She
44 was opposed to allowing for three stories, which does not fit the vision for the area. The Planning
45 Commission can make an exception if the use does not adversely affect the public health, safety,
46 or welfare. Ms. Lightel stated that it is already negatively impacting the safety and welfare of her

1 and her family. With regard to height, Ms. Lightel was informed by Mr. Johnson that the
2 developers will only be able to build halfway up the grade, which is where the current garage is
3 being built. She was concerned that the renderings do not match what the residents are being told.
4 She was also worried about the proposed buildings looking down into her property.
5

6 Rodger Fullmer commented that he loves the neighborhood and was worried about the impact and
7 disruption that will take place during construction. Their neighborhood is friendly and inviting
8 but the new development will have a negative impact. He was opposed to the proposed project
9 coming into the neighborhood and changing the dynamics of the area.
10

11 Leonard Gundersen stated that his home is directly behind the proposed project on two sides. He
12 did not object to the development but was concerned about the safety of children. He referenced
13 the Code, which specifies that a permit shall not be approved unless it will not be detrimental to
14 the safety, comfort, or general welfare of the persons residing in the vicinity. The preservation of
15 existing property values was also to be assured. There should be protection against light, noise,
16 and visual impacts as well. Mr. Gundersen's main concern pertained to property values and he
17 asked how his property value can be assured. He was relieved to learn that the units will not be as
18 high and graded down.
19

20 Liliana Casale echoed the previous comments made and urged the Commission to be the voice of
21 the citizens. She pointed out that the job of the Planning Commission is to defend the community.
22 She was not opposed to the development but objected to the developer being in violation of the
23 Code. The developer is asking for a reduction to the setback and an increase in the height. She
24 was also concerned about the buildings looking down into the adjoining residences. She saw no
25 benefit to the community of having such large buildings. The building will also not increase the
26 walkability of the area. She did not support allowing the developer to do whatever he wishes.
27

28 Susan Meyer had strong feelings about the request and has lived in the area for 75 years. She loves
29 her neighbors and can see that they are hurting. She was concerned about traffic and the safety of
30 children. She commented that the entrance and exit look like an accident waiting to happen.
31 Ms. Meyer urged the Commission to respect the wishes of the neighbors rather than the developer.
32 She also was opposed to allowing three stories and tandem parking.
33

34 Forrest Campbell commented that the 1700 East ingress and egress seems to be located in a poor
35 spot. Any type of slowing in front of the entrance will result in delay on Fort Union Boulevard.
36 He took a photo earlier in the morning and reported that from 7:30 a.m. and 8:30 a.m. traffic is
37 backed up all the way to house that is to be demolished. He did not understand how the residents
38 of the proposed development will be able to turn left across the double line, which conflicts with
39 traffic laws. The result will be to force traffic into the neighborhood. He pointed out that three of
40 the six pathways into the neighborhood run in front of Ridgecrest Elementary School.
41 Mr. Campbell stated that the development will invite increased traffic in front of the school. There
42 are dedicated bus routes in the area for the school that are deemed a priority for snow removal
43 crews. He suggested the City consider requiring all parking to be contained within the facility.
44 Tandem parking will simply allow for storage in front of the parking.
45

1 Ernie Cummings gave his address as 7180 South 1700 East where there is no sidewalk. He watches
2 children walk in front of his home every day and there is a similar problem all the way down 1700
3 East. He was deeply concerned about the safety of children and the traffic problems the
4 development will generate. A few weeks prior he met with the Mayor, a Council Member, and
5 the City Planner and asked if a traffic study had been conducted. He was told that there had not
6 been. Mr. Cummings questioned why the project was approved without it.

7
8 Larry Jewkes, a 50-year resident, was concerned about the proposal to increase from two stories
9 to three. He was concerned that the development will only benefit the builder and not the
10 community. He referenced a project in Millcreek City that has totally blocked the views of the
11 neighbors and had a very detrimental impact.

12
13 Jenna Ellingson thought she lived in the suburbs and was surprised to hear the Commission refer
14 to the area as urban. The neighbors prefer to preserve the area as a place where children can play.
15 Ms. Ellingson acknowledged how dangerous the road is near the entrance to the proposed project
16 and found it contradictory for the City to state that they want the community to be more walkable
17 while allowing more businesses and density in the area.

18
19 Larry Selfridge suggested that the site plan be submitted with the zone change request. He
20 commented that there seems to be a disconnect. If the citizens were on board with the request, the
21 rest of the process would be much easier. He questioned whether the conditional use should be
22 approved tonight.

23
24 Tom Barnes, a 40-year resident, stated that his son lives just south of the proposed project. He had
25 noticed that as the road has been widened along Fort Union Boulevard, it has changed the grade
26 on both sides. When Big O Tires was constructed on 2250 East it was set back but blocks the
27 views because it so tall. He was concerned that the proposed project is going to be a “monstrosity”.
28 He was concerned that such a large structure being set up so high will block the neighboring
29 residents.

30
31 There were no further public comments. The public hearing was closed.

32
33 Commissioner Ryser disclosed a potential conflict and stated that she is endorsing a City Council
34 candidate for whom this project has been a political issue.

35
36 Chair Griffin reported that one of the goals is to educate the public. The Commission represents
37 38,000 residents and while they are mindful of the future of the City, there are guidelines that they
38 must adhere to. Chair Griffin described the purpose of conditional use permits.

39
40 Commissioner Coutts commented that in the Mixed-Use Zone a developer can request up to 145
41 feet in height. In a Single-Family Zone, the maximum height is 35 feet. The number of stories
42 was a different issue. Chair Griffin clarified that the applicants are well within the height
43 restriction and are simply asking for three stories. A comment was made that increased ceiling
44 heights increase property values. Market factors, however, were not within the purview of the
45 Commission. The Commission must approve the request if they cannot show how the difference

1 between two and three stories negatively impacts the public welfare or that it has not been
2 mitigated by the developer. The issue of property values was discussed.

3
4 Commissioner Mills considered three stories to be inappropriate and will jeopardize safety,
5 privacy, and property values. Commissioner Ryser did some research on property values in
6 Sugarhouse and saw no change in the values of homes placed next to developments that would
7 seemingly cause a decrease. A comment was made that if \$10 million is invested into a state-of-
8 the-art building next to a single-family home, it was not expected that the property value would
9 decrease. When the proposed change was first proposed, there was concern that the height was
10 being increased. When it was discovered that the change pertained to the number of stories, that
11 concern was resolved.

12
13 Setback issues were discussed. Chair Griffin stated that the elevation decided on was largely
14 driven by ensuring that the driveway is as flat as possible so that children that cross there will be
15 visible to motorists. The more the elevation is dropped, the less safe the driveway becomes.

16
17 Commissioner Ryser was concerned about having 23 units share one egress and potential safety
18 issues. Mr. Johnson commented that the Fire Department signed off on the site plan in terms of
19 turnaround and access. There are tiered requirements in the Fire Code. If no fire sprinklers or fire
20 rating is proposed, the project would be limited to a certain number of units. That number can be
21 increased based on additional fire mitigation practices. He noted that the Walsh project consists
22 of 200 units on one egress.

23
24 Commissioner Allen was most concerned about the sidewalk and the safety of pedestrians. The
25 applicant modified the site plan to include stamped concrete. He was not sure that goes far enough
26 to adequately address the walkway. A raised crossing was considered previously but
27 Commissioner Allen was of the understanding that that can pose issues with drainage. It seemed
28 like a raised crossing there would be preferable. Commissioner Allen's concern from the previous
29 meeting regarding clearance and visibility had been resolved. It was clarified that there is 30 feet
30 of visibility at each point.

31
32 Commissioner Allen commented that the proposed setbacks are away from the single-family
33 residences. In all cases, they are in compliance with the Code with respect to property lines
34 bordering or next to single-family residences. Chair Griffin explained that Fort Union Boulevard
35 has a streetscape with a bike lane, an eight-foot sidewalk, and a park strip that in this case
36 accommodates the existing power poles. The developer is dedicating over one-half acre of
37 property valued at over \$500,000 and building it to the City's specifications. It will provide a
38 physical example of what they would like Fort Union Boulevard to look like. When looking at
39 setbacks, much of the reduction being sought at the two points is covered by the eight feet the
40 developer is dedicating. Ultimately, the developer is dedicating a significant amount of property
41 to the City and improving it. In turn, they are asking for some setback reduction. In most cases,
42 the setback is more than is needed.

43
44 Commissioner Coutts commented that the public right-of-way will get built out and there will be
45 a few feet left where there is an opportunity for a street-side amenity. It was noted that the ARC

1 recommended the retaining wall be rearranged to be more inviting. Specific guidelines were given
2 to help accomplish that.

3
4 Commissioner Wilde commented that he drives by the project several times per day and he agreed
5 with the gentlemen who described it as blighted. He believed it was appropriate for the property
6 to be developed. He estimated that 40 to 50 property owners have expressed interest or concern
7 with this project and its impact on them. He pointed out that the Commission is very restricted in
8 terms of the action they can take.

9
10 Due to the meeting extending beyond 9:00 p.m., a motion was needed to continue the discussion.

11
12 ***Commissioner Allen moved to continue the meeting beyond 9:00 p.m. Commissioner Rhodes***
13 ***seconded the motion. The motion passed with the unanimous consent of the Commission.***
14 ***Alternate Planning Commissioner Bob Wilde did not participate in the vote.***

15
16 Chair Griffin acknowledged that the City is experiencing change. Cottonwood Heights differs
17 from many cities because they do not have a lot of vacant land. In many cases, projects that come
18 forward involve redevelopment. He asked that the public have faith in staff, the Commission, and
19 their elected officials and understand that there are rules to be applied. They listen and take public
20 comment into account. Chair Griffin explained that land planning changes constantly. When they
21 negotiate, the public can be assured that they are being listened to. He encouraged the public to
22 continue to be engaged. Driveway grade issues were discussed.

23
24 Ingress and egress issues were addressed. Commissioner Coutts pointed out that many of the
25 negative comments expressed pertained to congestion. She believed that removing driveways
26 from Fort Union Boulevard will be very helpful. The impacted area studied in the traffic report
27 showed that the net increase in congestion is minimal.

28
29 ***Commissioner Bevan moved to approve Project SPL-19-007 subject to the following:***

30
31 ***Conditions:***

- 32
33 1. ***That provisions be incorporated into the development CC&Rs and condominium***
34 ***plat limiting signage to the development sign plan or seek specific modification***
35 ***of sign plan by architectural review committee approval.***
36
37 2. ***That the exterior parking stalls be sufficiently signed to indicate that parking is***
38 ***for business patrons and visitors only between the hours of 8:00 am and 5:00 pm***
39 ***and that this regulation is incorporated into the development CC&Rs and***
40 ***condominium plat and also explicitly detail the agreement among condominium***
41 ***owners on use of parking spaces in common areas.***
42
43 3. ***That all conditions of the Architectural Review Commission's Certificate of***
44 ***Design Compliance be adhered to in the final plan.***
45
46 4. ***An ADA sidewalk ramp will be constructed from Fort Union Boulevard into the***
47 ***project.***

- 1
2 5. *The applicant shall work with staff and the City Engineer to improve any*
3 *crosswalk across the driveway, if feasible.*
4

5 ***Findings:***
6

- 7 • *The proposed use is in compliance with the standards of the MU – Mixed-Use zone.*
8
9 • *Proper notice was given in accordance with local and state requirements.*
10
11 • *A public hearing was held in accordance with local and state requirements.*
12
13 • *That the Planning Commission adopts the written Findings of Fact outlined in the*
14 *analysis of this report as demonstrating that the proposed third story and decreased*
15 *street-side setbacks is compliance with the conditional use permit standards and that*
16 *reasonable conditions are proposed to mitigate the reasonably anticipated detrimental*
17 *effects of the proposed use.*
18
19 • *That the Planning Commission adopt the recommended conditions of approval in this*
20 *report as reasonable conditions to mitigate the anticipated detrimental effects of the*
21 *proposed use.*
22

23 ***Commissioner Coutts seconded the motion.***
24

25 Commissioner Allen commented that the proposed development has a lower density than is
26 allowed, meets the setback requirements on all sides facing single-family residences, has a lower
27 lot coverage by 50% than what is allowed by Code, meets the height requirements, eliminates
28 driveways on Fort Union Boulevard, the southern units are recessed down six feet and reduces the
29 impact to the properties to the south, has substantial landscape screening and fencing along the
30 south property line, exceeds the ITE standard number of parking stalls, has no bearing on the
31 jaywalking issue, and there is no evidence that the project will negatively impact traffic.
32

33 Chair Griffin stated that the developer has tried to accommodate all that the City has asked for and
34 believed the project will be viable.
35

36 ***Vote on motion: Commissioner Mills-Nay, Commissioner Rhodes-Aye, Commissioner Bevan-***
37 ***Aye, Commissioner Coutts-Aye, Commissioner Allen-Aye, Commissioner Ryser-Nay, Chair***
38 ***Griffin-Aye. The motion passed 5-to-2. Alternate Commission Member Bob Wilde did not***
39 ***participate in the vote.***
40

41 Commissioner Ryser voted against the motion due to concerns with parking and mass and the
42 impact on surrounding neighborhoods.
43

44 **3.3 (Project CUP-19-008) – A Public Hearing and Possible Action on a Request by**
45 **Nathan Anderson for Approval of 13 Mixed-Use Live-Work Townhomes,**
46 **Including a Conditional Use Permit for an Increase in Height and a Decrease**

1 **in Setbacks, at 1810 East Fort Union Boulevard in the MU – Mixed-Use Zone.**
2

3 The above matter was continued to the next Planning Commission Meeting. Based on feedback
4 from the Architectural Review Commission (ARC) the project was being redesigned by the
5 applicant.
6

7 *Commissioner Coutts moved to table agenda item 3.3 to the November 6, 2019 meeting.*
8 *Commissioner Rhodes seconded the motion. The motion passed with the unanimous consent*
9 *of the Commission. Alternate Planning Commissioner Bob Wilde did not participate in the vote.*
10

11 **4.0 CONSENT AGENDA**
12

13 **4.1 Approval of Planning Commission Minutes.**
14

15 **4.1.1 Approval of Minutes for September 4, 2019.**
16

17 *Commissioner Mills moved to approve the minutes of September 4, 2019, as written.*
18 *Commissioner Bevan seconded the motion. The motion passed with the unanimous consent of*
19 *the Commission. Alternate Planning Commissioner Bob Wilde did not participate in the vote.*
20

21 **5.0 ADJOURNMENT**
22

23 *Commissioner Ryser moved to adjourn. Commissioner Rhodes seconded the motion. The*
24 *motion passed with the unanimous consent of the Commission.*
25

26 The Planning Commission Meeting adjourned at approximately 9:10 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, October 2, 2019.*

3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary

9
10 Minutes Approved: _____

1 bedroom apartments. An addition was to be added to the rear of the building, which would
2 incorporate a ground floor garage, and a shop. Above, there will be additional apartments and an
3 extension of the shop office.

4
5 Mr. Taylor explained that because the project will require a substantial remodel, the new (as of
6 October 2019) lighting ordinance will apply. A major concern of the project is parking/design. The
7 City Code bases the parking standards on the International Traffic Engineers Parking Generation
8 Rate, which requires the apartment units have 1¼ spaces per unit or 9 stalls and the office use 2.85
9 spaces per 1,000 square feet for a total of 14 stalls. The applicants are proposing 24 stalls. The
10 current plans do not meet established requirements and require a redesign in order to meet the current
11 standards.

12
13 Mr. Taylor described the difference between a bed and breakfast and a short-term rental. Short-
14 term rentals are required to be rented for 3 to 30 days while a bed and breakfast can be rented nightly.
15 Concern was expressed about the long-term rental period, which would need to be defined. There
16 was also concern about whether the planned project can be classified as a true bed and breakfast.
17 One Commission member considered the proposed use to be an ingenious use of the property.

18
19 As part of the Conditional Use Permit, the Commission can impose conditions to mitigate the
20 detrimental impacts of the project. One option was rather than address the specific use, to have a
21 broader discussion on residential parking standards and whether the City-wide standard should be
22 amended to address certain cases. Other developments where the parking standard is working were
23 identified. Concern was expressed that a bed and breakfast will be similar to a short-term rental
24 where the parking demand will be greater than the standards call for. It was suggested that
25 Architectural Review Commission be consulted for further consideration on the use of the space
26 before committing to the proposed mixed-use project.

- 27
28 • **(Project ZMA-19-005) – A Public Hearing and Possible Action on a Request**
29 **from Mohammad Pourkazemi for a Zoning Map Amendment from RR-1-43**
30 **(Rural Residential – One Acre Lot Minimum) to RR-1-21 (Rural Residential –**
31 **½ Acre Lot Minimum) on 1.19 Acres of Property located at 8120 South Royal**
32 **Lane.**

33
34 Mr. Taylor reported that a request was made to rezone a property from RR-1-43 to RR-1-21 in order
35 to facilitate the development of a new subdivision. The General Plan requires the area in question
36 be of rural residential density, which is defined as one-third, one-half, and one-acre lots. Most of
37 the lots in the area that fall within the one-acre zone are more comparable to those in the one-half
38 acre zone. For this reason, the recommendation was for the Commission to recommend acceptance
39 of the request to the Council.

- 40
41 • **(Project SUB-19-012) – A Public Hearing and Possible Action on a Request by**
42 **Mo Vedadi for a Reduction to the Flag Lot Side Yard Setback Requirement at**
43 **Property located at 8564 South Little Willow Circle in the R-1-87 – Residential**
44 **Single-Family Zone.**

1 **1.2 A Presentation by Landmark Design on an Amendment to the Planned**
2 **Development District (PDD) Zone.**
3

4 Community Development Director, Michael Johnson, reported that four or five months ago, the
5 process began to initiate an amendment to the Planned Development District (“PDD”) Ordinance.
6 They signed a contract with the consultant, Landmark Design to look at the ordinance and provide
7 assistance on revising it. Due to the number of changes required, it was determined to be advisable
8 to contract with a consultant to perform an analysis to determine standard practices, interview
9 stakeholders, and ensure that all processes are clear to all.

10
11 Mark Vlastic, President and Owner of Landmark Design, reported that the Salt Lake City-based
12 landscape architecture and community planning firm has been consulting on the review of the
13 Ordinance for the past three months. They have reached the point of beginning to draft changes to
14 the Code. By January 2020, they plan to develop two drafts for review, followed by a final draft for
15 adoption.

16
17 So far, key findings indicate that the Ordinance in its present state lacks clarity and purpose. The
18 current model of addressing three tiers of development under a single code is challenging and can
19 lead to a politicized decision-making process. Landmark Design feels that the Code should cover
20 Tiers 1 and 2 only, rather than the smaller Tier 3 sites.

21
22 Further clarification of the changes suggested with respect to Tier 3 was requested. Options include
23 either removing Tier 3 entirely and covering it under an alternate segment of the Ordinance; or
24 completely overhauling the Tier 3 standards in the PDD. In addition, updated and more specific
25 language to define affordable housing classification will be needed. Affordability issues were
26 discussed.

27
28 City Attorney, Shane Topham stressed the importance of the City Council ensuring that they retain
29 their ability to guide the process legislatively. He stated that there were some problems with the
30 verbiage in the PDD ordinance but although difficult, they ended up with a better project than they
31 would have otherwise.

32
33 Mr. Johnson stated that the same information will be relayed to the Council in two weeks. Once
34 their feedback has been received, a revised draft will be developed. The draft ordinance will be
35 provided for the committee’s review in early 2020.

36
37 **1.3 Additional Discussion Items.**
38

39 **1.4 Adjournment.**
40

41 *Commissioner Allen moved to adjourn the Work Session. Commissioner Rhodes seconded the*
42 *motion. The motion passed with the unanimous consent of the Commission.*
43

44 The Work Session adjourned at 6:00 p.m.

1 Mr. Taylor described the proposed layout of the office/apartment/bed and breakfast, as outlined by
2 the applicant. The proposed addition meets the requirements for height, maximum lot coverage,
3 front/rear/side setbacks, and number of parking spaces. There are, however, design issues with the
4 current parking stalls. The stalls, at 15 feet in length, are three feet shorter than the required 18 feet.
5 The drive aisle is required to have a depth of 24 feet but is only 21 feet deep. Staff feels that the
6 issues can be addressed by redesigning the lot as angled parking spaces. A condition of approval
7 would require Castle Valley Properties to work with staff to redesign the parking area to meet
8 required standards.

9
10 The Neighborhood Commercial Zone requires all uses obtain a Conditional Use Permits. Mixed
11 residential housing, such as the proposed office/apartment/bed and breakfast, qualifies as a
12 conditional use. The 16 criteria for granting conditional use permits were outlined in the staff report.
13 Staff recommended approval subject to the conditions set forth in the staff report.

14
15 A question was raised about verbiage in relation to an apartment (defined in Code as a multi-family
16 dwelling) compared to a bed and breakfast. It was note that further distinction may be needed
17 between a “dwelling” and “unit”. Mr. Taylor acknowledged that the existing language may leave
18 room for interpretation but he was confident that the proposal satisfies the definitions.

19
20 The applicant further outlined Castle Valley Properties’ plans for the space. He stated that many of
21 the surrounding buildings do not meet the zoning standards. The goal was to be granted both an
22 apartment or long-term designation, as well as a bed and breakfast designation. A question was
23 raised about kitchen facilities in the planned space. The applicant indicated that a kitchen area will
24 be included in the office. An additional request was made for more information about the office
25 use, number of employees, etc. Per the applicant, the space will house a full-time employee who
26 is an architect, as well as an administrative staff member.

27
28 Chair Griffin opened the public hearing.

29
30 Kenneth King stated that he lives behind the 6970 South 3000 East space and inquired as to whether
31 staff will be onsite to mitigate the potential for parties or excessive alcohol consumption that might
32 prove disruptive to neighbors.

33
34 Shane Anders asked if Castle Valley Properties can guarantee that the building will not be rented
35 out as an Airbnb or through VRBO.

36
37 Kay Roberts, who lives across from the property, expressed concerns about construction noise. She
38 felt that the property should be deemed either an apartment or a bed and breakfast but not both.

39
40 Kathy Carter, a neighbor, inquired about the type of lighting that will be used. She was concerned
41 that bright lighting may impact neighbors. Mr. Taylor informed her that a new ordinance is in place
42 to require lighting that does not trespass across property lines or into neighboring windows. The
43 proposed project would need to adhere to these standards.

44
45 There were no further public comments. The public hearing was closed.

1 There was continued discussion about whether the building can truly be deemed a bed and breakfast,
2 because it is comprised of seven independent units. It was agreed that the definition is open to
3 interpretation, but that there are existing bed and breakfasts that are designed in a similar fashion.
4 A further concern related to the mixed-use function of the space, which may result in too much
5 latitude and may not meet the definition of a bed and breakfast.

6
7 A Commission member asked if the proposed construction office with a garage would be considered
8 an office or a manufacturing space. Mr. Taylor stated that although not clearly defined in the Code,
9 the proposed construction office seems to meet the standard for office space.

10
11 *Commissioner Wilde moved to deny the application based on the fact that the planned project*
12 *does not meet the requirements for a bed and breakfast as contained in the Ordinance.*
13 *Commissioner Ryser seconded the motion.*

14
15 *Commissioner Wilde amended the motion to continue the application and consider it based on*
16 *the tonight's discussion on how they would like to proceed. The motion was seconded by*
17 *Commissioner Allen. Vote on motion: Douglas Rhodes-Aye, Christine Coutts-Aye, Bob Wilde-*
18 *Aye, Sue Ryser-Aye, Jesse Allen-Aye, Chair Graig Griffin-Aye. The motion passed unanimously.*

19
20 **3.2 (Project ZMA-19-005) – A Public Hearing and Possible Action on a Request**
21 **from Mohammad Pourkazemi for a Zoning Map Amendment from RR-1-43**
22 **(Rural Residential – One Acre Lot Minimum) to RR-1-21 (Rural Residential –**
23 **½ Acre Lot Minimum) on 1.19 Acres of Property located at 8120 South Royal**
24 **Lane.**

25
26 Mr. Taylor reported that a request was received pertaining to property located at 8120 South Royal
27 Lane. The property is approximately 1.19 acres in size. The application is to amend the zoning
28 from RR-1-43 (one-acre lot minimum) to RR-1-21 (one-half acre minimum). Per the General Plan,
29 the area must be comprised completely of rural residential density lots. To be classified as rural
30 residential, lots must be one-acre, half-acre, or one-third acre in size. On average, the lots in the
31 area are non-conforming, with most of the lots in the one-acre zone falling short of the required
32 minimum acreage. Thus, the request to amend the zoning of 8120 South Royal Lane is not
33 inconsistent with the sizing of area properties.

34
35 There are two buildings on the property, including a large home and a pool house. Although not a
36 component of the application, the property owner does intend to subdivide and renovate the pool
37 house as a single-family home.

38
39 Mr. Taylor stated that the proposed amendment meets the goals of the General Plan and is consistent
40 with the zoning and usage of the area. Staff recommended that the Planning Commission consider
41 a recommendation to the Council for approval of the request.

42
43 A question was raised as to whether the property is part of the Royal Lane homeowner's association
44 ("HOA"). Mr. Taylor explained said that HOA participation does not factor into the decision-
45 making process as they involve private agreements that are civilly enforced between adjacent
46 owners. With regard to how the property will be divided there was concern that once the property
47 is divided, it will not meet the one-half acre minimum requirement. Mr. Taylor stated that he

1 reviewed the subdivision for accuracy and confirmed that the new meander lot line will meet the
2 acreage standards.

3
4 The applicant, Mohammad Pourkazemi reported that he purchased the property more than 16 years
5 ago and now finds it too large for his family. As part of his estate planning, he would like to put the
6 pool house in his daughter's name. His daughter is his only surviving child as his son passed away
7 three years ago.

8
9 Chair Griffin opened the public hearing.

10
11 Robert Crockett, attorney for the Royal Lane HOA, stated that although the property falls within the
12 jurisdiction of the association, it has not been consulted about the proposed zoning change. Mr.
13 Crockett said that the homeowner has had a different family residing in the pool house for some
14 time, which is in violation of City code 19.76030, which prohibits the use of guest houses as
15 permanent residences for second families. The violation has been brought to the attention of
16 enforcement officials with no resolution. In addition, the proposed subdivision may result in a
17 violation of setback requirements. Royal Lane HOA requests that the decision be continued, so that
18 the appropriate process can be followed. Mr. Taylor noted that the proposal refers specifically to
19 rezoning the property and does not affect any existing property lines. The points presented by Mr.
20 Crockett relate to the subdivision process, which falls outside of the scope of the proposal.

21
22 Commissioner Wilde voiced an objection to the receipt of the documents referenced by Mr. Crockett
23 due to a violation of Planning Commission policy requiring documents be received in advance of
24 the hearing.

25
26 Commissioner Wilde asked Mr. Crockett at what point the HOA became aware of the issue of
27 permanent residents in Mr. Pourkazemi's pool house, and what steps have been taken to resolve the
28 issue. Mr. Crockett stated that the HOA has known for years, and that they have had many
29 conversations with Mr. Pourkazemi, informing him of the need to be in compliance with City Code.
30 In addition, Royal Lane's property manager has brought the issue to the attention of various
31 enforcement divisions, but there has been no resolution. Chair Griffin asked if the HOA has
32 confirmed that the residents of the pool house are occupying the space in exchange for financial
33 compensation. Mr. Crockett explained that the HOA has not confirmed, but regardless, City Code
34 states that guest houses cannot be occupied by a second family for longer than 30 days.

35
36 Daniel Godfrey identified himself as the President of the Royal Lane HOA. He commented that the
37 zoning request and subdivision of the property are separate, but closely related issues; public
38 consideration cannot be given for one without the other. In his opinion, to approve the request
39 would deprive the HOA of its rights as the first layer of governance regarding planning and
40 architectural matters within the boundaries of its community. The structure of the pool house does
41 not meet the association's architectural standards and likely would not be approved by the HOA.
42 He reiterated that the HOA is requesting a continuance, so that appropriate processes for such a
43 request can be followed. Chair Griffin noted that the City is not involved in the enforcement of
44 CC&Rs. It remains the responsibility of property owners and HOAs to resolve their differences
45 independent of the City. Commissioner Ryser's opinion was that Mr. Pourkazemi should be
46 required to continue the matter and address the issues presented with his HOA before returning to
47 speak to the Planning Commission.

1
2 Dale Bennett from Benchmark Engineering & Land Surveying indicated that he is the Civil
3 Engineer and Surveyor of record. His firm has been compiling information to ensure compliance.
4 He was confident that Mr. Pourkazemi will take all necessary steps to ensure that requirements for
5 subdivision are satisfied.

6
7 There were no further public comments. The public hearing was closed.

8
9 Commissioner Ryser further expressed her belief that the issue should be continued, allowing
10 Mr. Pourkazemi and the HOA the opportunity to work through their concerns. She felt that
11 Mr. Pourkazemi was aware of the HOA guidelines when he purchased his home. Staff strongly
12 recommended against withholding a Planning Commission decision to allow the applicant and the
13 HOA to work through CC&Rs.

14
15 ***Commissioner Wilde moved to forward a recommendation of approval to the City Council given***
16 ***that the application satisfies the criteria of the General Plan, and that neighboring properties are***
17 ***similarly zoned. Approval was based on the following:***

18
19 ***Findings:***

- 20
21 • ***The proposed zoning is compatible with the goals of the General Plan.***
22 • ***A public hearing was held in accordance with local and State requirements.***

23
24 ***Commissioner Ryser seconded the motion. Vote on motion: Jesse Allen-Aye, Sue Ryser-Nay,***
25 ***Christine Coutts-Aye, Douglas Rhodes-Aye, Bob Wilde-Aye, Chair Graig Griffin-Aye. Motion***
26 ***passed 5-to-1.***

27
28 **3.3 (Project SUB-19-012) – A Public Hearing and Possible Action on a Request by**
29 **Mo Vedadi for a Reduction to the Flag Lot Side Yard Setback Requirement at**
30 **Property located at 8564 South Little Willow Circle in the R-1-87 – Residential**
31 **Single-Family Zone.**

32
33 Associate City Planner, Andrew Hulka presented a request regarding a proposed reduction to the
34 flag lot side yard at the property at 8564 South Little Willow Circle. The property is in the R-1-87
35 zone; however, it is governed by flag lot standards. It is surrounded by single-family homes and
36 duplexes. The house was constructed on an angle and as a result, the north side of the property
37 violates the 20-foot setback requirements in all directions.

38
39 A building permit for the dwelling was received in November 2018. A site plan was submitted to
40 the City and was determined to be in compliance with the flag lot requirements. In December 2018,
41 the footing inspection was passed. In September of 2019, a letter of concern was submitted from
42 the adjacent neighbor, who was developing the lot to the north of 8564 South Little Willow Circle.
43 The neighbor noted the possibility of a setback violation. Following a site visit, a Stop Work Order
44 was issued. One week later, a survey was conducted, and results submitted to staff on September
45 27, 2019. Staff worked closely with both neighbors to identify a resolution to the setback issue.
46 The applicant applied for a variance but was not considered a viable candidate.

1 Upon further review, it was determined that the property was appropriate for a subdivision
2 exception. In order to be granted the exception, the Planning Commission must make a
3 recommendation to the City Council. The Commission must find that the request meets one of the
4 outlined criteria for an exception as outlined in the staff report. The applicant requested approval
5 based on the criteria that "...the welfare, best interests and safety of the general public will be
6 usefully served or protected." Staff noted that there are additional site concerns related to the
7 setback issue, that staff is working with the property owner to address. The property owner and the
8 referenced neighbor to the north were actively working together to find a resolution.

9
10 Staff recommended that the Planning Commission make a recommendation of approval to the City
11 Council with the condition that the applicant work with staff to address all of the necessary technical
12 corrections noted in the staff report. A question was raised about the position of the home. Staff
13 suggested that a mistake may have been made when the footings for the home were poured. The
14 reason for such an error was not conclusively known.

15
16 Craig Hall, from the law firm of Bennett, Tueller, Johnson, & Deere, spoke on behalf of the builder
17 and property owner Mo Vedadi. The footings for the foundation were poured in December 2018
18 and the mistake was discovered in September 2019. He was unsure who was responsible for the
19 error but acknowledged that it was a significant mistake and apologized on behalf of Mr. Vedadi.
20 Mr. Hall stated that the City was very gracious to conduct an inspection and stated that as a condition
21 of the approval of the subdivision exception, he and his client were prepared to finalize and provide
22 the requested documentation. This million-dollar project was mere weeks away from completion.
23 Going forward, every effort will be made to minimize any impact to the neighboring property owner.

24
25 Commissioner Ryser asked how the Commission can be certain that the footing issue was truly a
26 mistake. Mr. Hall stated that he could not provide any guarantee beyond his word and the word of
27 his client. He fully believed it was an innocent error.

28
29 Chair Griffin opened the public hearing.

30
31 Ryan Reid reported that he purchased the adjacent lot to the north on December 28, 2018. He
32 remarked that this has been an emotional process for him as this is his first time building and owning
33 his own residence. He wanted to make it clear that the victim in this situation is Mo Vedadi, the
34 owner of the property at 8564 South Little Willow Circle. In his opinion, the special exception
35 should be granted. There is a drop of approximately seven feet from the post to the grade of Mr.
36 Reid's property. His greatest concern was ensuring that the property is properly retained and
37 overseen and certified by appropriate engineering officials, to mitigate the potential for future
38 problems. He believed that mistakes happen and that tearing down a neighboring house would
39 ultimately result in a hardship for him as a homeowner.

40
41 James Foster resides in a neighboring home. He felt that the setback issue can be overcome but was
42 concerned about drainage. In heavy rain, his property takes on a large amount of washdown from
43 the construction site. There is no retaining wall to catch the drainage, so water, sand, and silt
44 accumulate in Mr. Foster's yard. He would like to see that issue addressed. Mr. Hulka stated that
45 proper installation of retention ponds is a required item on the list of conditions to be addressed prior
46 to a special exception being granted.

1 Bob Clark, the property owner to the southwest, felt that the mistake with the pouring of the footings
2 is the responsibility of the builder. Because of the error, property values for the neighboring homes
3 will be impacted. He did not believe Mr. Vedadi was at fault but stated that the builder was informed
4 early on, multiple times, that there was a possible issue, but the concerns were disregarded. In his
5 opinion, none of the criteria for a subdivision exception apply to this situation.

6
7 There were no further public comments. The public hearing was closed.

8
9 ***Commissioner Wilde moved to forward a recommendation of approval to the City Council subject
10 to the following:***

11
12 ***Findings:***

- 13
14 1. ***The request constitutes a case where unusual topographic, aesthetic or other
15 exceptional conditions exist or the welfare, best interests and safety of the general
16 public will be usefully served or protected, as required by Section 12.08.020
17 (Exceptions – Permitted when) of the Subdivision Ordinance.***
- 18
19 2. ***The requested exception will not be a substantial detriment to the public good and
20 will not substantially impair the intent and purpose of Title 12 (Subdivisions).***
- 21
22 3. ***That perceived negative impacts which would not be in harmony with the
23 neighboring uses will be abated by the conditions imposed.***

24
25 ***Condition:***

- 26
27 1. ***The applicant shall work with City staff to address all technical corrections to the
28 proposed plans.***

29
30 ***The motion was seconded by Commissioner Rhodes. Vote on motion: Jesse Allen-Aye, Sue Ryser-
31 Abstain, Christine Coutts-Aye, Douglas Rhodes-Aye, Bob Wilde-Aye, Chair Graig Griffin-Aye.
32 The motion passed unanimously with one abstention.***

33
34 4.1.1 **Approval of Minutes of October 2, 2019.**

35
36 4.1.2 **Approval of Minutes of November 6, 2019.**

37
38 ***Commissioner Coutts moved to continue approval of the minutes until the January 2020 meeting.
39 Commissioner Ryser seconded the motion. The motion passed with the unanimous consent of
40 the Commission.***

41
42 **5.0 ADJOURNMENT**

43
44 ***Commissioner Griffin moved to adjourn. The motion was seconded by Commissioner Coutts.
45 The motion passed with the unanimous consent of the Commission. Alternate Planning
46 Commission Member, Bob Wilde did not participate in the vote.***

47
48 The Planning Commission Meeting adjourned at approximately 8:01 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, December 4, 2019.*

3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary

9
10 Minutes Approved: _____