

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 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.

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: February 5, 2020
11