

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

4  
5 **Wednesday, July 17, 2019**

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

7 **Cottonwood Heights City Council Room**

8 **2277 East Bengal Boulevard**

9 **Cottonwood Heights, Utah**

10  
11 ***ATTENDANCE***

12  
13 **Members Present:** Vice Chair Chris Coutts, Craig Bevan, Doug Rhodes, Sue Ryser, Bob Wilde

14  
15 **Staff Present:** Deputy Recorder Heather Sundquist, Community and Economic  
16 Development Director Michael Johnson, Senior City Planner Matt Taylor,  
17 Associate City Planner Andrew Hulka, City Attorney Shane Topham

18  
19 **Others Present:** Youth City Council Representative Nicholas Johnson

20  
21 **WORK SESSION**

22  
23 In the absence of Chair Graig Griffin, Vice Chair Chris Coutts called the meeting to order at  
24 5:06 p.m. and welcomed those in attendance.

25  
26 **1.0 Planning Commission Business.**

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

29  
30 Vice Chair Coutts reviewed the Business Meeting agenda.

31  
32 **1.2 Additional Discussion Items.**

33  
34 Associate City Planner, Andy Hulka, reviewed Project CUP-19-005, a request for conditional use  
35 and site plan approval to construct and operate a 7-Eleven convenience store and gas station at  
36 7269 South Union Park Avenue. Access issues were discussed. Mr. Hulka reported that a variance  
37 was approved in April followed by a design review with the Architectural Review Committee  
38 (ARC). The applicant is proposing eight fueling stations with 10 parking stalls. Images of the  
39 proposed building were displayed. The lighting plan includes canopy lights above the gas pumps  
40 and wall lights around the building. Staff recommended approval with the landscaping screen.

41  
42 Project ZMA-19-004 was next reviewed. Mr. Hulka described the request from Eric Corbin for a  
43 General Plan Land Use Map Amendment from Neighborhood Commercial to Residential Low  
44 Density and a Zone Map Amendment from RO (Residential Office) to R-1-8 (Residential Single-  
45 Family) located at 7683 Bengal Bend Cove. A subdivision was recorded in April 2019. Mr. Hulka  
46 reported that the RO Zone allows for a lot to be created because it permits residential as a primary

1 use. The zoning, however, requires new buildings to have a side yard setback of 25 feet or a rear  
2 yard setback of 30 feet when abutting residential. Setback issues were discussed.

3  
4 Community and Economic Development Director, Mike Johnson reported that the impetus behind  
5 the request was property being zoned Residential Office (RO). The owner split the property and  
6 the potential buyer desired to rezone to RO to construct a single-family dwelling. With such  
7 restrictive setbacks, they are proposing to rezone the entire parcel Residential to get more favorable  
8 setbacks. Surrounding properties were discussed. Staff recommended approval.

9  
10 Mr. Hulka reported that staff launched a preliminary survey that was introduced to the Parks Trails  
11 and Open Space Committee. 70 responses were received.

12  
13 Mr. Johnson explained they performed a Google form survey along with a survey conducted by  
14 Y2 Analytics, which is a paid service that collects a random sample of what is representative of  
15 the population. Public open houses will be held as part of the public input process.

16  
17 The benefits of urban forests and trees was discussed.

18  
19 The Commission Members reviewed Business Meeting procedures.

20  
21 **1.3 Adjournment.**

22  
23 *Commissioner Rhodes moved to adjourn the Work Session. Commissioner Bevan seconded the*  
24 *motion. The motion passed with the unanimous consent of the Commission.*

25  
26 The Work Session adjourned at 5:44 p.m.

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

4  
5 **Wednesday, July 17, 2019**

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

7 **Cottonwood Heights City Council Room**

8 **2277 East Bengal Boulevard**

9 **Cottonwood Heights, Utah**

10  
11 ***ATTENDANCE***

12  
13 **Members Present:** Chris Coutts, Craig Bevan, Doug Rhodes, Bob Wilde, Sue Ryser

14  
15 **Staff Present:** Deputy Recorder Heather Sundquist, Community and Economic  
16 Development Director Michael Johnson, Senior City Planner Matt Taylor,  
17 Associate City Planner Andrew Hulka, City Attorney Shane Topham

18  
19 **Others Present:** Youth City Council Representative Nicholas Johnson

20  
21 **BUSINESS MEETING**

22  
23 **1.0 WELCOME/ACKNOWLEDGEMENTS**

24  
25 In the absence of Chair Graig Griffin, Vice Chair Chris Coutts called the Business Meeting to  
26 order at 6:00 p.m. and welcomed those in attendance.

27  
28 **1.1 Ex-Parte Communications or Conflicts of Interest to Disclose.**

29  
30 Vice Chair Coutts reviewed the Business Meeting procedures.

31  
32 **2.0 Public Comment**

33  
34 Nancy Hardy commented that Rockworth held their second City meeting and presented their plan,  
35 which includes tall buildings and high density to the north of the gravel pit. She asked that the  
36 developer be provided with direction regarding height to avoid conflict later.

37  
38 **3.0 BUSINESS ITEMS**

39  
40 **3.1 (Project CUP-19-005) - A Public Hearing and Possible Action on a Request by**  
41 **Stephen Selu (Kimley-Horn) for Conditional Use and Site Plan Approval to**  
42 **Construct and Operate a 7-Eleven Convenience Store and Gas Station on**  
43 **Property located at 7269 South Union Park Avenue.**

44  
45 Associate City Planner, Andy Hulka presented the staff report and stated that the request is for  
46 conditional use and site plan approval to construct and operate a 7-Eleven at 7269 South Union

1 Park Avenue. The proposed property is currently vacant and within the Regional Commercial  
2 zone where gas stations are a conditional use. A variance for setbacks was proposed in April 2019.

3  
4 Mr. Hulka reported that six parking stalls are required and the applicant has provided 10. The  
5 maximum building height is 24 feet. Lighting issues was discussed. One of the requirements of  
6 the Regional Commercial zone is for commercial development adjacent to residential to build a  
7 seven-foot masonry wall or fence, however, the Planning Commission may approve a landscape  
8 screen in its place. The applicant has proposed to retain the existing landscape as a screen. Staff  
9 recommended the applicant preserve the existing vegetation along the ditch to the extent possible  
10 and any vegetation removed be replaced with the equivalent.

11  
12 The proposed lighting over the rear door shall be full cutoff and parking lot lighting must be moved  
13 or an easement obtained from the neighboring property owner. Mr. Hulka indicated that any  
14 technical corrections will be addressed. A Construction Mitigation Plan shall be submitted and all  
15 relevant portions of the City Code must be met. He confirmed that notice was sent to all property  
16 owners within 1,000 feet of the subject property.

17  
18 Commissioner Ryser asked for clarification regarding why and who approved the variances at the  
19 April meeting. Mr. Hulka explained that variances are heard by the Appeals Hearing Officer and  
20 the full text was provided in the packet.

21  
22 Vice Chair Coutts expressed concern with the proposed access and asked if the information is  
23 related to the single point of entry. Mr. Hulka reported that the access was analyzed based on the  
24 proposed use and plans.

25  
26 Project Engineer, Stephen Selu reported that the property owner has struggled for nearly two years  
27 to find a proper tenant due to the natural features of the site. Due to the property layout, 7-Eleven  
28 had to design an odd-shaped building. They also upgraded the elevations due to the proximity to  
29 the road. Mr. Selu confirmed that any vegetation removed from the ditch will be replaced with  
30 something adequate to provide screening. He explained that the traffic study analyzed both  
31 accesses and accounted for traffic from both Union Park Avenue and Creek Road.

32  
33 Commissioner Ryser expressed concern with the narrow access, the appropriateness of a gas  
34 station in the proposed location, and a store being open 24 hours a day that abuts residences.

35  
36 Vice Chair Coutts opened the public hearing.

37  
38 Robyn Taylor-Granda reported that she lives near the subject property and expressed opposition  
39 to a 7-Eleven being located so close to residential and being open 24 hours per day. She  
40 commented that gas stations that are open all night tend to attract undesirable people and generate  
41 high traffic. She emphasized that the current vegetation does not provide adequate screening. She  
42 asked if the applicant has the right to remove vegetation from the ditch. She believed the proposal  
43 was a disservice and will create negative impacts. Staff confirmed that the vegetation cannot be  
44 removed but if damaged during construction, it must be replaced.

1 The property owner, Sue Jagodzinski clarified that any damaged vegetation will be replaced. She  
2 explained that it has been challenging to get someone to take on the site as it is very tight and  
3 narrow. 7-Eleven has made concessions to recreate the proposed building and make the site work.  
4 Ms. Jagodzinski believed the property will generate less traffic than the previous restaurant. She  
5 expressed her desire to be a good neighbor.

6  
7 Mr. Selu reviewed the proposed Landscaping Plan and noted that after the Architectural Review  
8 Commission expressed their desire to have disturbed vegetation replaced, the site was more fully  
9 surveyed and the vegetation on the applicant's side of the ditch was identified. Trip generation  
10 issues were discussed.

11  
12 Nancy Hardy asked if the Commission had walked the site. She suggested that be done prior to  
13 approval be granted.

14  
15 Jim Colross reported that he lived in the area when the proposed building was a Wingers. He  
16 estimated that fewer than 40 cars patronized the restaurant each day. He expressed concern with  
17 increased traffic and the safety of the downhill access. With all of the surrounding businesses, he  
18 believed the proposal will only exacerbate the existing traffic and safety issues.

19  
20 There were no further public comments. The public hearing was closed.

21  
22 Vice Chair Coutts commented that the surrounding vegetation that acts as a buffer needs further  
23 discussion. Commissioner Bevan stated that the existing landscape buffer is more acceptable than  
24 a seven-foot wall. He believed it was a reasonable solution and stated that the empty building is a  
25 blight on the neighborhood.

26  
27 Commissioner Wilde remarked that the issue pertains to what currently exists on the property  
28 compared to if the project is approved. He stated that a successful 7-Eleven is better than an  
29 unsuccessful Wingers Restaurant and point out that the subject property has been a commercial  
30 use for years.

31  
32 City Attorney, Shane Topham reported that a gas station is a conditional use in the zone and the  
33 legal standard guides the decision set forth in Utah Law. The law states that a land use authority  
34 shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate  
35 the reasonably anticipated detrimental effects of the proposed use in accordance with applicable  
36 standards. He emphasized that the determination has already been made that a gas station is  
37 appropriate in the zone unless there are detrimental impacts that cannot be mitigated through the  
38 imposition of conditions.

39  
40 Mr. Johnson emphasized that the request was originally noticed when the variance was completed  
41 and reviewed by the ARC, who suggested additional vegetation be planted in the rear of the site.  
42 Proper notice was provided to residents within 1,000 feet and the plans have been made available  
43 to the public. The Landscape Plan was reviewed and discussed.

44  
45 ***Commissioner Bevan moved to approve Project CUP-19-005 subject to the following:***  
46

1 **Conditions:**

- 2
- 3 1. *Preserve the existing vegetation along the Cahoon & Maxfield ditch to the*
- 4 *greatest extent possible.*
- 5
- 6 2. *Any vegetation to be removed in the landscape screen area shall be replaced with*
- 7 *equivalent vegetation.*
- 8
- 9 3. *Applicant shall verify that an access agreement or easement exists across the*
- 10 *portion of property to the south used for access from Creek Road (Parcel #22-29-*
- 11 *276-022).*
- 12
- 13 4. *The proposed light over the rear door shall be a full cut-off light fixture.*
- 14
- 15 5. *All parking lot lights must be located on the property or the applicant must obtain*
- 16 *an easement from the neighboring property owner.*
- 17
- 18 6. *The applicant shall work with City staff to address all technical corrections to the*
- 19 *proposed plans.*
- 20
- 21 7. *A Construction Mitigation Plan shall be submitted prior to construction*
- 22 *addressing construction hours, construction vehicle parking, deliveries,*
- 23 *stockpiling and staging, trash management and recycling of materials, dust and*
- 24 *mud control, noise, grading and excavation, temporary lighting, and*
- 25 *construction signage.*
- 26
- 27 8. *The applicant shall meet all relevant portions of Chapter 14 (Highways,*
- 28 *Sidewalks a Public Places), chapter 19.40 (Regional Commercial), chapter 19.87*
- 29 *(Site Plan Review Process), chapter 19.84 (Conditional Uses), chapter 19.80 (Off*
- 30 *Street Parking Requirements), and all other applicable laws, ordinances and*
- 31 *regulations pertaining to the proposed use.*
- 32

33 **Findings:**

- 34
- 35 1. *The proposed landscape screen provides an adequate buffer for the adjoining*
- 36 *residential use or zone.*
- 37
- 38 2. *The appearance of the landscape screen will not detract from the residential*
- 39 *and/or commercial use of the property.*
- 40
- 41 3. *The proposed landscape screen will shield the residential use or zone from noise,*
- 42 *storage, traffic, or any other characteristics of the commercial use that are not*
- 43 *compatible with residential uses.*
- 44
- 45 4. *The proposed project meets the applicable provisions of Chapter 19.40, “Regional*
- 46 *Commercial,” of the Cottonwood Heights zoning ordinance.*

- 1
  - 2
  - 3
  - 4
  - 5
  - 6
  - 7
  - 8
  - 9
  - 10
  - 11
  - 12
  - 13
  - 14
  - 15
  - 16
  - 17
  - 18
  - 19
  - 20
  - 21
  - 22
  - 23
  - 24
  - 25
  - 26
  - 27
  - 28
  - 29
  - 30
  - 31
  - 32
  - 33
  - 34
  - 35
  - 36
  - 37
  - 38
  - 39
  - 40
  - 41
  - 42
  - 43
  - 44
  - 45
5. *The proposed project will continually meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the Cottonwood Heights zoning ordinance.*
  6. *The proposed project meets the applicable provisions of Chapters 19.80 and 19.87, “Off-Street Parking Requirements” and “Site Plan Review Process,” respectively.*
  7. *Proper notice of the public hearing was given.*
  8. *The proposed use of the commercial retail building and pump station is a conditional use in the Regional Commercial (CR) zone.*
  9. *The proposed building and pump station will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity.*
  10. *The proposed convenience store and gas station use will comply with the intent, spirit, and regulations of the City zoning ordinance and general plan.*
  11. *The proposal will be harmonious with the neighboring uses in the CR and RM zones.*
  12. *Nuisances related to traffic, parking, lighting, and noise will be abated by the conditions imposed.*
  13. *The protection of property values, the environment, and the tax base for the City will be assured.*
  14. *The use will comply with the City’s General Plan.*
  15. *The applicant will be required to comply with all imposed conditions.*
  16. *The proposed use preserves historical, architectural, and environmental features of the property.*
  17. *Operating and delivery hours will be compatible with adjacent land uses.*

*Commissioner Wilde seconded the motion. Vote on motion: Commissioner Rhodes-Aye, Commissioner Wilde-Aye, Commissioner Bevan-Aye, Vice Chair Coutts-Nay, Commissioner Ryser-Nay. The motion failed 3-to-2.*

*Commissioner Ryser moved to continue Project CUP-19-005 to the next meeting and requested an updated plan and any consideration of the landscaping, as discussed. Vice Chair Coutts seconded the motion. Vote on motion: Commissioner Rhodes-Nay, Commissioner Wilde-Nay,*

1 *Commissioner Bevan-Nay, Commissioner Ryser-Aye, Vice Chair Coutts-Aye. The motion failed*  
2 *2-to-3.*

3  
4 Staff suggested a motion may be made recommending additional conditions.

5  
6 *Commissioner Bevan moved to approve Project CUP-19-005 subject to the following previous*  
7 *conditions and findings and the addition of a 9<sup>th</sup> condition as follows:*

8  
9 *Conditions:*

- 10  
11 1. *Preserve the existing vegetation along the Cahoon & Maxfield ditch to the*  
12 *greatest extent possible.*
- 13  
14 2. *Any vegetation to be removed in the landscape screen area shall be replaced with*  
15 *equivalent vegetation.*
- 16  
17 3. *Applicant shall verify that an access agreement or easement exists across the*  
18 *portion of property to the south used for access from Creek Road (Parcel #22-29-*  
19 *276-022).*
- 20  
21 4. *The proposed light over the rear door shall be a full cut-off light fixture.*
- 22  
23 5. *All parking lot lights must be located on the property or the applicant must obtain*  
24 *an easement from the neighboring property owner.*
- 25  
26 6. *The applicant shall work with City staff to address all technical corrections to the*  
27 *proposed plans.*
- 28  
29 7. *A Construction Mitigation Plan shall be submitted prior to construction*  
30 *addressing construction hours, construction vehicle parking, deliveries,*  
31 *stockpiling and staging, trash management and recycling of materials, dust and*  
32 *mud control, noise, grading and excavation, temporary lighting, and*  
33 *construction signage.*
- 34  
35 8. *The applicant shall meet all relevant portions of Chapter 14 (Highways,*  
36 *Sidewalks a Public Places), chapter 19.40 (Regional Commercial), chapter 19.87*  
37 *(Site Plan Review Process), chapter 19.84 (Conditional Uses), chapter 19.80 (Off*  
38 *Street Parking Requirements), and all other applicable laws, ordinances and*  
39 *regulations pertaining to the proposed use.*
- 40  
41 9. *The applicant shall provide an updated Landscaping Plan that staff will approve*  
42 *before construction.*
- 43

1 **Findings:**

- 2
- 3 1. *The proposed landscape screen provides an adequate buffer for the adjoining*
- 4 *residential use or zone.*
- 5
- 6 2. *The appearance of the landscape screen will not detract from the residential*
- 7 *and/or commercial use of the property.*
- 8
- 9 3. *The proposed landscape screen will shield the residential use or zone from noise,*
- 10 *storage, traffic, or any other characteristics of the commercial use that are not*
- 11 *compatible with residential uses.*
- 12
- 13 4. *The proposed project meets the applicable provisions of Chapter 19.40, “Regional*
- 14 *Commercial,” of the Cottonwood Heights zoning ordinance.*
- 15
- 16 5. *The proposed project will continually meet the applicable provisions of Chapter*
- 17 *19.84, “Conditional Uses,” of the Cottonwood Heights zoning ordinance.*
- 18
- 19 6. *The proposed project meets the applicable provisions of Chapters 19.80 and*
- 20 *19.87, “Off-Street Parking Requirements” and “Site Plan Review Process,”*
- 21 *respectively.*
- 22
- 23 7. *Proper notice of the public hearing was given.*
- 24
- 25 8. *The proposed use of the commercial retail building and pump station is a*
- 26 *conditional use in the Regional Commercial (CR) zone.*
- 27
- 28 9. *The proposed building and pump station will not be detrimental to the health,*
- 29 *safety, comfort, order, or general welfare of persons residing or working in the*
- 30 *vicinity.*
- 31
- 32 10. *The proposed convenience store and gas station use will comply with the intent,*
- 33 *spirit, and regulations of the City zoning ordinance and general plan.*
- 34
- 35 11. *The proposal will be harmonious with the neighboring uses in the CR and RM*
- 36 *zones.*
- 37
- 38 12. *Nuisances related to traffic, parking, lighting, and noise will be abated by the*
- 39 *conditions imposed.*
- 40
- 41 13. *The protection of property values, the environment, and the tax base for the City*
- 42 *will be assured.*
- 43
- 44 14. *The use will comply with the City’s General Plan.*
- 45
- 46 15. *The applicant will be required to comply with all imposed conditions.*

1  
2       16.     *The proposed use preserves historical, architectural, and environmental features*  
3       *of the property.*

4  
5       17.     *Operating and delivery hours will be compatible with adjacent land uses.*  
6

7     *Commissioner Wilde seconded the motion. Vote on motion: Commissioner Rhodes-Aye,*  
8     *Commissioner Wilde-Aye, Commissioner Bevan-Aye, Commissioner Ryser-Nay, Vice Chair*  
9     *Coutts-Aye. The motion passed 4-to-1.*

10  
11       3.2     **(Project ZMA-19-004) – A public hearing and possible action on a request by**  
12       **Eric Corbin for a General Plan Land Use Map amendment from**  
13       **Neighborhood Commercial to Residential Low Density and a Zone Map**  
14       **Amendment from RO (Residential Office) to R-1-8 (Residential Single Family)**  
15       **located at 7683 Bengal Bend Cove.**  
16

17     Senior City Planner, Matt Taylor presented the staff report and displayed a map of the subject  
18     property. He reported that the RO zone has increased setbacks. He explained that the applicant  
19     was not satisfied with the impact of the increased setback as he intends to utilize the full side yard.  
20     The applicant requested a change to the General Plan to low-density residential in anticipation of  
21     a change to the zoning map. If approved, it would support a single-family zoning designation and  
22     allow the applicant to construct a home similar to those to the south. Staff recommended the  
23     Planning Commission provide a positive recommendation to the City Council as requested.

24  
25     The applicant, Eric Corbin, stated that the proposed RO zoned property is very restrictive for what  
26     he hopes to develop on the property. Changing the zoning to R-1-8 would allow the construction  
27     of a primary residence.

28  
29     Vice Chair Coutts opened the public hearing.

30  
31     Lynne Kraus stated she lives in the neighborhood and expressed support for the proposed change.

32  
33     There were no further comments. The public hearing was closed.

34  
35     Commissioner Bevan was opposed to changing the zoning of a single piece of property in the  
36     Master Plan but believed the request made sense. He expressed support for the proposed zone  
37     change.

38  
39     *Commissioner Rhodes moved to forward a recommendation of approval to the City Council for*  
40     *Project ZMA-19-004 based on the following:*

41  
42     ***Findings:***

- 43  
44       1.     *The proposed General Plan Land Use and Zoning Map amendment, and the*  
45       *purposes of the R-1-8 zone, are consistent with the principles, goals, and*  
46       *objectives of the General Plan.*

- 1
- 2       2.     *The proposed amendment fits in context with the land use and zoning in the area.*
- 3
- 4       3.     *The proposed zoning map amendment will be completed in accordance with the*
- 5       *procedure as outlined in 19.90.010 “Amendment Procedure” of the Cottonwood*
- 6       *Heights Municipal Code.*
- 7
- 8       4.     *Proper notice was given in accordance with all local and state noticing*
- 9       *requirements.*
- 10
- 11      5.     *Future development impacts of the proposed zone will be appropriately mitigated*
- 12      *through requisite site plan and permit review, including sensitive lands ordinance*
- 13      *provisions.*
- 14
- 15      6.     *The zone map amendment is done in accordance with the procedure outlined in*
- 16      *19.90.010 “Amendment Procedure” of the Cottonwood Heights Municipal Code.*
- 17
- 18      7.     *Proper notice was given in accordance with all local and state noticing*
- 19      *requirements.*
- 20

21 *Commissioner Bevan seconded the motion. Vote on motion: Commissioner Rhodes-Aye,*  
22 *Commissioner Wilde-Aye, Commissioner Bevan-Aye, Commissioner Ryser-Aye, Vice Chair*  
23 *Coutts-Aye. The motion passed unanimously.*

#### 24

25 **4.0 CONSENT AGENDA**

##### 26

27 **4.1 Approval of Planning Commission Minutes.**

##### 28

29 **4.1.1 Approval of Minutes for May 1, 2019.**

30

31 *Commissioner Ryser moved to approve the minutes of May 1, 2019. Commissioner Bevan*  
32 *seconded the motion. The motion passed with the unanimous consent of the Commission.*

#### 33

34 **5.0 ADJOURNMENT**

35

36 *Commissioner Bevan moved to adjourn. The motion was seconded by Vice Chair Coutts. The*  
37 *motion passed with the unanimous consent of the Commission.*

38

39 The Planning Commission Meeting adjourned at approximately 7:02 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, July 17, 2019*

3

4

5 Teri Forbes

6 Teri Forbes

7 T Forbes Group

8 Minutes Secretary

9

10 Minutes Approved: September 4, 2019