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

4  
5 **Wednesday, April 3, 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:** Chair Graig Griffin, Craig Bevan, Dan Mills, Doug Rhodes

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

18  
19 **Excused:** Chris Coutts, Jesse Allen, Sue Ryser, Alternate Bob Wilde

20  
21 **WORK SESSION**

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

24  
25 **1.0 Planning Commission Business**

26  
27 **1.1 Review Business Meeting Agenda**

28  
29 Chair Griffin reviewed the business meeting agenda.

30  
31 **1.2 Additional Discussion Items**

32  
33 Associate Planner, Andy Hulka, reviewed Project ZMA-19-001 a request from Nathan Anderson for  
34 a zone map amendment from R-1-8 (Residential Single-Family) to MU (Mixed Use) for  
35 approximately 0.54 acre located at 1810 East Fort Union Boulevard. The surrounding properties were  
36 described. He explained that there are constraints on mixed-use but staff felt that anything proposed  
37 will have to follow all requirements including setbacks and buffers between adjacent residential  
38 communities.

39  
40 It was suggested that when they receive the individual requests within the confines of what has already  
41 been passed that they do their best to ensure that everything fits within the long-term plan. Chair  
42 Griffin remarked that the purpose of mixed-use zoning is to empower property owners to be creative  
43 while improving the neighborhood.

44  
45 Mr. Hulka explained that when a property is developed, requirements imposed on the property have  
46 to be tied to the impact. He confirmed that any new power or utility lines are required to be  
47 underground. With mixed uses, there are greater standards when the property is located adjacent to  
48 a residential property.

1  
2 Senior Planner, Matt Taylor, reviewed ZMA-19-002, a request from John Prince, representing Prince  
3 Assets LLC, for a zone map amendment from R-1-8 (Residential Single Family) to MU (Mixed Use)  
4 of approximately 0.44 acres of property located at 1648 and 1680 East Fort Union Boulevard. A  
5 property map was displayed. He confirmed that the developer is working with the adjacent property  
6 owners regarding access. With respect to the Mixed-Use zone, they have expressed interest in  
7 residential. Staff thanked the applicant for taking on more property was rezoned, which would create  
8 a more unified master development for the property. Grading issues were discussed.  
9

10 Mr. Taylor next reviewed Project ZMA-19-003, a request from Eric Despain, representing Robert V  
11 Despain Trust and Rola V LLC, for a General Plan Map Amendment from Residential Rural Density  
12 to Residential Low Density and a zone map amendment from RR-1-43 (Residential Single-Family)  
13 to R-1-15 on approximately 5.2 acres of property located at 3662, 3742, and 3804 East North Little  
14 Cottonwood Road. The property is primarily vacant with just an existing barn and home. Mr. Taylor  
15 reported that the zoning for the 7.3 acres is already R-1-15 and the area is currently Residential Rural  
16 density with a minimum lot size of .50 acre. The applicant was seeking for a General Plan change  
17 and a zone change that are both consistent with the property on the northwest. Staff recommended  
18 approval and determined that the overall impact is minimum and generally in compliance with the  
19 goals and objectives of the General Plan. The various standards were reviewed at length.  
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 5:49 pm.  
27

## 28 **BUSINESS MEETING**

### 29 30 **1.0 WELCOME/ACKNOWLEDGEMENTS**

31  
32 Chair Graig Griffin called the Business Meeting to order at 6:00 p.m. and welcomed those in  
33 attendance.  
34

### 35 **1.1 Ex-Parte Communications or Conflicts of Interest to Disclose.**

36  
37 Chair Griffin reviewed the Business Meeting procedures.  
38

### 39 **2.0 Public Comment**

40  
41 There were no public comments.

1  
2 **3.0 BUSINESS ITEMS**

3  
4 **3.1 Project ZMA-19-001 A Request from Nathan Anderson, Representing City and Resort**  
5 **Properties, for a Zone Map Amendment from R-1-8 (Residential Single-Family) to MU**  
6 **(Mixed Use) of approximately 0.54 acres of Property located at 1810 East Fort Union**  
7 **Boulevard.**  
8

9 Associate Planner, Andy Hulka, presented the staff report and stated that the request is for a rezone  
10 from R-1-8 to MU (Mixed Use) on property located at 1810 East Fort Union Boulevard. The subject  
11 property is adjacent to the Fire Station on Fort Union Boulevard and currently houses a single-family  
12 residence. The proposal was determined to be in compliance with the General Plan and the Fort  
13 Union Area Plan, which recommends the redevelopment of properties along Fort Union east and west  
14 of Highland Drive and encourages a mixture of uses throughout the plan area. Mr. Hulka stated that  
15 the request conforms with the general and area plans and are focused on determining if it is  
16 appropriate for the area. Staff recommended approval.  
17

18 The applicant, Nathan Anderson, stated that they do look forward to rezoning and hope to have the  
19 opportunity to create something that is not readily available. He noted that it is not their intention to  
20 remain at half of the maximum density with a live/work format.  
21

22 Commissioner Mills asked how the request will fit in with the City's Fort Union Area Plan.  
23 Mr. Anderson confirmed that the front will take on more of a commercial rather than residential look.  
24 Due to the overhead power lines, a landscape tree would have to be placed every 13 to 15 feet.  
25

26 Chair Griffin opened the public hearing.  
27

28 Eric Kraan stated he was in favor of the proposal and recommended additional bike infrastructure be  
29 placed along Fort Union.  
30

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

33 *Commissioner Rhodes moved to forward a recommendation of approval to the City Council for*  
34 *Project ZMA-19-001 based on the following:*  
35

36 ***Findings:***  
37

- 38 1. ***The proposed zone map amendment from R-1-8 to MU is consistent with the City's***  
39 ***General Plan Land Use Map.***
- 40 2. ***The proposed zone map amendment better accommodates future reinvestment in and***  
41 ***redevelopment of the subject properties than the current zone.***
- 42 3. ***Future development impacts of the proposed zone will be appropriately mitigated***  
43 ***through requisite site plan and permit review.***
- 44 4. ***The zone map amendment is done in accordance with the procedure outlined in***  
45 ***19.90.010 "Amendment Procedure" of the Cottonwood Heights Municipal Code.***  
46  
47  
48

1  
2 **5. Proper notice was given in accordance with all local and state noticing requirements.**  
3

4 *Commissioner Bevan seconded the motion. Vote on motion: Commissioner Mills-Aye,*  
5 *Commissioner Bevan-Aye, Commissioner Rhodes-Aye, Chair Griffin-Aye. The motion passed*  
6 *unanimously.*  
7

8 **3.2 Project ZMA-19-002 A Request from John Prince, Representing Prince Assets, LLC for**  
9 **a Zone Map Amendment R-1-8 (Residential Single-Family) to MU (Mixed Use) on**  
10 **approximately 0.44 acres of Property located at 1648 and 1680 East Fort Union**  
11 **Boulevard.**  
12

13 Mr. Taylor presented the staff report and stated that the request is for two parcels, one vacant and one  
14 with a single-family home totaling .50 acres. The properties to the east are also mixed use and were  
15 rezoned but no development has occurred since that time. He explained that the proposal conforms  
16 to the City’s long-range plan and this is an opportunity to contribute to the walkable mixed-use  
17 corridor and could develop with a range of uses. Staff recommended approval.  
18

19 The applicant, John Prince, stated that they are not trying to increase density and confirmed that there  
20 are some unique aspects of the site with grading and retaining walls. They are working with the  
21 engineering team to mitigate the issues and intend to work with the existing sidewalk. He explained  
22 that they are planning townhomes with some mixed in commercial buildings.  
23

24 Chair Griffin opened the public hearing.  
25

26 Alan Blank identified himself as the owner of property along Fort Union Boulevard and asked for  
27 clarification of the rezoning from residential to mixed use. Chair Griffin directed Mr. Blank to the  
28 City’s website which provides links to all City codes and ordinances.  
29

30 Mr. Taylor stated that the Fort Union Master Plan is posted on the City’s website and can provide  
31 clarity as what is intended. Googling the Cottonwood Heights City Code would also be a helpful  
32 reference.  
33

34 Ed Hansen reported that he lives in the Greenfield Village area and expressed frustration with  
35 congestion and the difficulty he has experienced exiting his subdivision. He emphasized the need for  
36 a traffic light.  
37

38 Connie Gunderson reported that she owns the property behind the vacant lot. She commented that  
39 the proposed change would increase traffic in addition to her already congested lane. The proposed  
40 height was also of concern. Commissioner Bevan emphasized there are Code requirements for height  
41 and setbacks and stated that the City will enforce those restrictions.  
42

43 Commissioner Mills remarked that the idea of live/work is to pull people back in. The concept with  
44 mixed-use is intended to create an empowerment tool that enables developers to be creative.  
45

46 *Commissioner Mills moved to forward a recommendation of approval to the City Council for*  
47 *Project ZMA-19-002 based on the following:*  
48

1 **Findings:**

- 2
- 3 1. *The proposed zoning map amendment, and the purposes of the MU zone, is consistent*
- 4 *with the principles, goals, and objectives of the General Plan and Fort Union Corridor*
- 5 *Area Plan.*
- 6
- 7 2. *The proposed zoning map amendment will be completed in accordance with the*
- 8 *procedure as outlined in 19.90.010 “Amendment Procedure” of the Cottonwood*
- 9 *Heights Municipal Code.*
- 10
- 11 3. *Proper notice was given in accordance with all local and state noticing requirements.*
- 12
- 13 4. *The proposed zone map amendment better accommodates future reinvestment in and*
- 14 *redevelopment of the subject properties than the current zone.*
- 15
- 16 5. *Future development impacts of the proposed zone will be appropriately mitigated*
- 17 *through requisite site plan and permit review.*
- 18
- 19 6. *The zone map amendment is done in accordance with the procedure outlined in*
- 20 *19.90.010 “Amendment Procedure” of the Cottonwood Heights Municipal Code.*
- 21
- 22 7. *Proper notice was given in accordance with all local and state noticing requirements.*
- 23

24 *Commissioner Rhodes seconded the motion. Vote on motion: Commissioner Mills-Aye,*

25 *Commissioner Bevan-Aye, Commissioner Rhodes-Aye, Chair Griffin-Aye. The motion passed*

26 *unanimously.*

27

28 **3.3 Project ZMA-19-003 A Request from Eric Despain, Representing the Robert V Despain**

29 **Trust and Rola V, LLC, for a General Plan Map Amendment from Residential Rural**

30 **Density to Residential Low-Density and a Zone Map Amendment from RR-1-43**

31 **(Residential Single-Family) to R-1-15 on approximately 5.2 acres of Property located at**

32 **3662, 3742, and 3804 East North Little Cottonwood Road.**

33

34 Mr. Taylor presented the staff report and stated that the applicant represents two entities. A property

35 map was displayed. Currently, the General Plan for the area is not a binding or regulatory document,

36 however, the City’s goals for the future were established in 2005. The zoning is RR-1-43, which has

37 a minimum lot size of 43,000 square feet or approximately 1.0 acre. Mr. Taylor explained that they

38 are considering a rezone of the General Plan for approximately 5.0 acres. There are goals for retention

39 of open space and the development of bicycle and trail networks creating a community character into

40 the Canyons. Staff was considering the general development pattern that exists and noted that there

41 is no substantial difference in moving forward and if this action is to occur since the net gain would

42 be only four lots. Staff recommended approval of both the General Plan Map Amendment and the

43 Zoning Map Amendment.

44

45 The applicant, Eric Despain, gave a brief history of the property and stated that their farm was

46 previously rezoned by the county to R-1-15 in preparation for the Granite Oaks Subdivision. At that

47 time, two parcels were held out.

48

1 Commissioner Mills asked if the creek will be preserved and additional trail connections made. Mr.  
2 Despain stated that he would like to see the beauty of the area preserved along with the development  
3 and make it accessible to bicycles and pedestrians. He noted that he lives on an adjacent property  
4 and this is his home too.

5  
6 Chair Griffin opened the public hearing.

7  
8 Eric Kraan expressed concern with the proposal, which will result in an increase in density and traffic.  
9 He commented that the request resembles spot zoning.

10  
11 Lois Peterson, a resident of the Granite Oaks Subdivision, believed that the proposed Despain  
12 property is currently listed for sale. She reported that the Despains asked for permission to drive  
13 through Granite Oaks to access Wasatch Boulevard. She suggested that one of the conditions of  
14 approval include another access point in addition to the access through Granite Oaks. Ms. Peterson  
15 also recommended a traffic study be conducted.

16  
17 Todd Barrett was present speaking on behalf of the Granite Oaks HOA and expressed concern with  
18 the access through their subdivision. He reported that he received the public notice 10 days prior to  
19 the meeting and requested an extension on the hearing to allow for additional review.

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

22  
23 Mr. Taylor reviewed the site access to the subject property from Little Cottonwood Canyon Road.  
24 He confirmed that the issues will be worked out with the Fire Department and UDOT as the  
25 development moves forward.

26  
27 Commissioner Bevan asked for clarification regarding how many lots can be developed on the site.

28  
29 Mr. Taylor explained that the increase from 22 to 26 lots was an estimate and considered all of the  
30 area currently zoned with the additional 5.0 acres.

31  
32 *Commissioner Bevan moved to forward a recommendation of approval to the City Council for*  
33 *Project ZMA-19-003 based on the following findings and zone map amendment to R-1-15 a general*  
34 *land map amendment to residential low density.*

35  
36 ***Findings:***

- 37  
38 1. ***The proposed General Plan Land Use and Zoning Map amendment, and the purposes***  
39 ***of the R-1-15 zone, are consistent with the principles, goals, and objectives of the***  
40 ***General Plan.***  
41  
42 2. ***The proposed amendment fits in context with the land use and zoning in the area,***  
43 ***especially the developed and underdeveloped land north of the subject properties.***  
44  
45 3. ***The proposed amendment is consistent with previous actions taken by Salt Lake County***  
46 ***prior to incorporation.***  
47

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

19     *Commissioner Rhodes seconded the motion. Vote on motion: Commissioner Mills-Nay,*  
20     *Commissioner Bevan-Aye, Commissioner Rhodes-Aye, Chair Griffin-Aye. The motion neither*  
21     *passed nor failed. The same proposal was to be made at the next meeting.*

22

23     **4.0     CONSENT AGENDA**

24

25     **4.1     Approval of the Minutes for January 23, 2019.**

26

27     Approval of the minutes was continued to the next meeting.

28

29     **5.0     ADJOURNMENT**

30

31     *Commissioner Bevan moved to adjourn. The motion was seconded by Commissioner Rhodes. The*  
32     *motion passed with the unanimous consent of the Commission.*

33

34     The Planning Commission Meeting adjourned at 7:00 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, April 3, 2019*

3  
4

5 Teri Forbes

6 Teri Forbes  
7 T Forbes Group  
8 Minutes Secretary

9  
10 Minutes Approved: June 5, 2019