

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

**Wednesday, April 16, 2025
5:00 p.m.
2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Mike Shelton, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Garry Barnes (via Zoom)

Staff Present: Community and Economic Development Director, Michael Johnson; Planner III, Ian Harris; City Recorder, Tiffany Janzen; Deputy City Recorder, Cienna Brummel; System Administrator, Alex Earl

Public Present: Kevin Witzenman, James Carroll

WORK SESSION

Chair Lucy Anderson called the Planning Commission Work Session to order at 5:01 p.m.

1.0 Review Business Session Agenda.

Chair Anderson reviewed the Business Session Agenda and indicated that Item 3.1 was a public hearing to discuss potential action on a Conditional Use Permit application. Item 3.2 was a Staff-initiated Zoning Text Amendment to codify a definition for the Live/Work Land Use type. Those items would be followed by the Consent Agenda.

Community and Economic Development Director, Michael Johnson updated the Planning Commission on staffing changes. Ian Harris was promoted to Planner III and Maverick Yeh to Planner II. A new Community Development Coordinator was hired to manage permits at the front counter. She will begin work on May 5, 2025.

Planner III, Ian Harris reviewed Project CUP-25-003, an application for a Conditional Use Permit to operate a compounding pharmacy (Cottonwood Compounding) within an existing building. The property is located at 7076 South Highland Drive in the Regional Commercial (“CR”) Zone. The pharmacy’s hours of operation will be 9:00 a.m. to 5:00 p.m. Monday through Friday. The business currently operates at a property north of the subject property and has approximately 15 employees, with 20 to 30 in-person customers per day. Most orders are fulfilled via mail. No site changes were planned, but an application to remodel the façade will be considered by the Architectural Review Commission (“ARC”) at its next meeting. The Applicant had also applied for a Building Permit for interior renovations. The suite was previously a salon, so extensive interior renovations are required.

The Zoning Map, street view, and Site Plan of the subject property were reviewed. Mr. Harris reported that the compounding pharmacy will be located on the first floor, with entry via the north side of the property. Chair Anderson asked for clarification on the property location, as the Staff Report provided an address on Pine Creek Lane. Mr. Harris stated that the Staff Report was incorrect. The subject property is located at 7076 S. Highland Drive.

Mr. Harris reviewed the Staff Analysis. Drugstores are listed as a Conditional Use in the CR Zone, and Staff determined that a compounding pharmacy is analogous to a drugstore in terms of Land Use. Other pharmacies like Walgreens, CVS, and Cottonwood Compounding Pharmacy's current location operate in the CR Zone. Per Utah State Code, a Conditional Use is entitled to approval unless reasonable conditions cannot be imposed to mitigate any negative impacts.

Cottonwood Heights City Code derives minimum parking requirements by utilizing the most recent version of the *International Transportation Engineers Parking Generation Manual*. At approximately 3,100 square feet, the use requires a total of eight parking stalls. The property contains 30 total stalls for both businesses. As such, Staff found the application to be compliant with minimum parking requirements. Notices were posted and mailed to property owners within 300 feet of the subject property 10 days in advance of the public meeting. No public comments were received. Staff found the application compliant with all relevant sections of City Code and recommended approval with no additional conditions beyond those listed in the Staff Report.

In response to a question from Commissioner Mills, Mr. Harris confirmed that there are 30 total parking stalls on the property. The business has approximately 15 total employees but they do not all work at the same time. Commissioner Mills wanted to ensure there would be enough parking stalls for both the pharmacy and Pilates studio. Chair Anderson stated that the pharmacy will need less parking than the salon that previously occupied the space. Mr. Harris confirmed that fewer spaces are required. The Applicant would speak to how many employees would be onsite and address any concerns with parking during the Business Meeting.

Chair Anderson asked what specifically the ARC would review. Mr. Harris reported that they would review the application for a Certificate of Design Compliance regarding façade renovations. Mr. Johnson stated that the applicant is making architectural improvements to the building, but no site changes are planned. Mr. Harris added that the ARC will primarily review materials and colors.

In response to a question from Commissioner Smith, Mr. Johnson confirmed that the application required Planning Commission approval because it is a Conditional Use in the CR Zone. The business is currently operating in the same area, but conditional uses are considered on a site-by-site basis and no similar use was previously established on the site.

Commissioner Smith stated that if there will not be a lot of in-person business, customers should have little impact on parking. He asked what impact it would have if more customers began picking up their prescriptions. Mr. Johnson clarified that the parking requirements are based on square footage and would not change based on that information. If the building were expanded or the Site Plan modified, it would require additional Planning Commission approval.

Mr. Johnson reviewed the Staff Report regarding Item 3.2 and indicated that the City Council had issued a moratorium on the Live/Work Land Use type within the Neighborhood Commercial (“NC”) Zoning District and directed Staff to prepare a definition of “Live/Work Space.” As the Planning Commission discovered during a Land Use application for Bengal Boulevard, the City Code did not include that definition. The City had 180 days to either amend the City Code or lift the moratorium, but Mr. Johnson reported that there was ample time to provide the Commission with more information if required. As it was a legislative action item, the Commission would be voting on a recommendation to the City Council.

Staff review of definitions used by other cities indicated that there was no one clear definition for Live/Work Spaces. In highly urban areas, the focus is more on commercial space. Some cities define minimum square footage for each use or limit the number of residential units per square foot of commercial space. Previous discussions with the Commission indicated that their primary concern was ensuring enough commercial presence and a well-defined balance between commercial and residential uses. In drafting the definition, Staff considered that concern, in addition to ease of administration.

If adopted, the following definition would be added to the Definitions section of Title 19 and would apply to any zone the Use is added to in the future.

19.04.1435 Live/Work Space:

A living unit used simultaneously for both residential occupancy and commercial activity by the same occupant(s). The commercial portion of the Live/Work Space shall constitute a minimum of 25% of the total gross floor area of the entire unit. At least 50% of the unit’s frontage at ground level along the public right of way shall be dedicated to the commercial portion of the space. Any commercial use within a live/work unit must be included as a permitted or conditional use in the underlying zone.

Alternatives for consideration included further restricting the Use by limiting square footage, restricting commercial uses, replacing Live/Work with Mixed Use, and striking it as an allowed use in the NC Zone.

In response to a question from Commissioner Shelton, it was clarified that the Live/Work Use is only allowed in the NC Zone. An applicant used live/work space to meet the requirement for a mix of uses on an application in the Mixed Use (“MU”) Zone, but it is not a specifically allowed use in that zone. The new definition would apply to any future Live/Work Space, including in other zones. The Zoning Map and existing NC Zones were reviewed, and Mr. Harris reported that the General Plan indicates some additional areas that could be rezoned to NC or MU in the future.

Commissioner Steinman stated that the City has master-planned goals to create neighborhood nodes that include a Live/Work component, and the Planning Commission needed to be conscious of that goal. The commercial aspect was very important. The requirement he suggested for the previous applicant was specifically for townhome units, but he likes the idea of requiring a

percentage of commercial space because it would allow the Use to be a gateway to residential communities.

Chair Anderson asked if “commercial” was defined in City Code. That question was raised when they reviewed the application for the building beside Wells Fargo because the term can be defined differently. Mr. Harris stated that different commercial uses are defined, but not specifically what “commercial” means. Mr. Johnson reported that the proposed Live/Work definition states that the commercial element must be one of the non-residential uses allowed in the zone. For example, the NC Zone would allow retail, office, medical, or dental to be mixed with residential.

Commissioner Barnes was pleased a definition of the Live/Work concept would be added and asked how frequently the Use has come before the Planning Commission. Mr. Johnson recalled three projects that proposed the Use, two in the MU Zone and one in the NC Zone.

Commissioner Mills agreed with Commissioner Steinman as there is a market for high-density products that have light commercial uses. He expressed concern about Neighborhood Commercial areas being populated with developments that are primarily housing with a small home workspace component. He did not want to be too proscriptive, but he was hesitant to allow the zone to be used primarily as a housing product. He also believed the issue should be addressed through the lens of form-based code. Especially along Fort Union Boulevard, they should phrase the Ordinance in a way that incentivizes the specific looks and uses they would like to see in the area. If Staff believed the current definition would encourage that goal, he was in favor of it.

Mr. Johnson stated that the Council is slowly moving form-based code forward. If codified, it would cover the Land Use on Fort Union Boulevard. The Live/Work Space definition would then be used in other places like the Bengal Boulevard corridor and some areas of Highland Drive. The proposed requirement that 50% of the ground level be commercial would lend to the look envisioned by form-based code. Live/Work means that the commercial and residential spaces are used by one occupant who lives and works there.

Commissioner Steinman stated that Millcreek, Murray, Midvale, and South Salt Lake City have implemented Live/Work uses. For example, at 900 South and 900 East (“9th and 9th) there are condominiums above and restaurants below. He does not want the community to turn into 9th and 9th or Sugarhouse, but a lot of Main Street American has commercial space below and a family living above who are not related to the business owner. He was unsure if they should restrict that. The intent of the neighborhood nodes is to have a bikeable, walkable community where residents have access to ice cream shops, barbers, doctors, etc. Mr. Johnson stated that it would be easier to administer if Staff did not have to verify whether a person both lived and worked there.

Commissioner Shelton believed the mechanism was a problem, as was shown in the last application. Conditional Uses are widely misunderstood, and he sees the way cities have tried to expand them to encompass both use and development standards as problematic. The Text Amendment would say that Live/Work is a permitted Conditional Use and also determine both what the use would look like and its impact. He believes that square footage requirements are development standards, not a Use. He then read the Utah League of Cities and Towns *Power and Duties Handbook for Municipal Officers* section on Conditional Uses.

Commissioner Shelton believed that Conditional Uses are not a good practice, and including development standards adds additional complications. There are several overlapping Conditional Uses in the NC Zone that he believes are equally problematic. Home offices are allowed as a Conditional Use, but there is not a clear definition of what a home office is. If they do not want people to live in the units, it should not be permitted. If they are permitted to live there and can work there as well, he was not in support of applying additional restrictions.

Chair Anderson stated that if it is an allowed use, Live/Work needs to be defined, regardless of which zones it is allowed in. However, her opinion was that it should be removed as a Conditional Use.

Commissioner Steinman stated that Conditional Uses are not preferred but they do exist in the zone. He agreed with Chair Anderson that Live/Work either needs to be defined or eliminated. He believes the questions they need to ask are about the positive and negative impacts on the NC Zone and what could prompt negative impacts. Currently, Live/Work is only allowed in the NC Zone, but other zones allow a live/work component as part of the product. He agreed that Conditional Uses are an issue. However, if multi-family were a Use in the NC zone, certain minimum requirements would need to be met to qualify under that Use.

The list of Conditional Uses allowed in the NC Zone was reviewed. Commissioner Shelton stated that it would be difficult to deny, for example, a Home Occupation in the zone if it did not have a strong detrimental impact. Commissioner Steinman stated that they would still need to meet certain requirements. Commissioner Shelton disagreed and stated that townhomes or buildings that look like townhomes could be built in the zone. Mr. Johnson confirmed that someone could construct a building that looks like townhomes if it met the building standards, and the developer could state that they were going to use the building for Home Occupations to try to circumvent the intent of the Zone. In practice, it means that the residential portion of a development could be used for a Home Occupation, which is defined elsewhere in the Ordinance.

Mr. Johnson suggested that if the Planning Commission wanted Live/Work space to be a guiding Land Use type within the NC Zone, they could recommend to the City Council that current Conditional Uses which could potentially be used as loopholes be eliminated.

Commissioner Steinman noted that if every use is conditional, it creates too many loopholes. After they either eliminate or define the Live/Work use, they should next consider what should be an approved use for the NC Zone. He asked if any other zone listed every Use as conditional. Mr. Johnson stated that Residential Office only allows residential as a Permitted Use and all commercial Uses are conditional.

Commissioner Mills stated that the idea of having a business on the first floor and residential above it has been implemented for hundreds of years. If they intended to limit the first floor to commercial purposes, perhaps they should consider treating the Uses separately. It is hard for business owners to find suitable commercial space, and finding suitable living space above it would be even harder.

Mr. Johnson stated that Staff will work to consolidate the uses that contain residential elements or the potential for loopholes. To Commissioner Shelton's point, they could broaden the definition of Live/Work and address restrictions regarding floor area and public street frontage as development standards. He agreed with the Commissioners' comments about permitted versus conditional uses. They could consider modifying that in the future, but only a small portion of the City is in the NC Zone. Mr. Harris added that they have discussed cleaning up the Uses for other zones as well, as City Code still includes definitions for archaic uses.

Chair Anderson stated that the definition of Live/Work needs to align with the definition of Neighborhood Commercial, which was designed to be a transitional zone between residential and commercial uses.

Commissioner Steinman asked if the NC Zone could be converted to form-based code. Mr. Johnson stated that the expansion of form-based code may occur following initial adoption of the code. A separate form district will need to be created. The Council's discussion on form-based code was briefly reviewed.

The changes discussed earlier in the meeting were restated. Mr. Johnson reported that Staff would make the suggested changes and bring the Text Amendment back for further discussion at the May 7, 2025 Work Session.

2.0 Adjourn.

Commissioner Steinman moved to ADJOURN the Work Session. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

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

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION BUSINESS MEETING**

**Wednesday, April 16, 2025
6:00 p.m.
2277 East Bengal Boulevard
City Council Chambers**

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Mike Shelton, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Gary Barnes (via Zoom)

Staff Present: Community and Economic Development Director, Michael Johnson; Planner III, Ian Harris; City Recorder, Tiffany Janzen; Deputy City Recorder, Cienna Brummel; System Administrator, Alex Earl

Public Present: Kevin Witzenman, James Carroll

BUSINESS SESSION

Chair Lucy Anderson called the Planning Commission Business Session to order at 6:04 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no Ex Parte Communications or Conflicts of Interest disclosed.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items.

3.1 Project CUP-25-003 – A Public Hearing and Potential Action on a Request by James Carroll on Behalf of Cottonwood Compounding for a Conditional Use Permit to Operate a Compounding Pharmacy at 7076 South Highland Drive.

Planner III, Ian Harris presented an abbreviated version of the Staff Report and stated that the application was discussed in more detail during the Work Session. The Zoning Map, street-view images, and proposed floor plan were displayed. Mr. Harris reported that the pharmacy will operate from 9:00 a.m. to 5:00 p.m. Monday through Friday and have 15 total employees. Staff found that a compounding pharmacy is analogous to a drugstore, which is a Conditional Use in the zone. As a Conditional Use, the application was entitled to approval unless reasonable conditions cannot be imposed to mitigate the negative impacts of the Use. Eight parking stalls would be required, and the property contains 30 stalls. The property owner would be responsible

for maintaining the stalls. Staff found that a traffic study was not necessary as the Use is less impactful than the salon that previously occupied the property. Notices were sent to property owners within 300 feet of the subject property, and no comments were received. Staff recommended approval with no additional conditions.

The Applicant, Kevin Witzeman, stated that Cottonwood Compounding Pharmacy has been in operation at 7050 Highland Drive for approximately five years, but the business has outgrown the space. In response to a question from Commissioner Smith, Mr. Witzeman stated that they compound medications for people with allergies, as well as hormone replacement therapy and peptides.

Commissioner Mills asked about potential problems regarding the shared parking with the Pilates studio. Mr. Witzeman stated that they are in discussions with a neighboring property owner to use their stalls for overflow parking. If it becomes a problem, they will require employees to park elsewhere. The Pilates studio never uses more than 10 spaces.

Chair Anderson opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Shelton moved to APPROVE Project CUP-25-003 based on the following:

Findings:

- 1. A public hearing is being held in accordance with local and state requirements.***
- 2. The application was made pursuant to Title 19 of Cottonwood Heights City Code.***
- 3. Public noticing for this project was provided in accordance with local and state requirements.***
- 4. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located.***
- 5. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity.***
- 6. That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the City.***
- 7. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located.***
- 8. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed.***

9. *That protection of property values, the environment, and the tax base for the city will be assured.*
10. *That the use will comply with the City's General Plan.*
11. *That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner.*
12. *That the internal circulation system of the proposed development is properly designed.*
13. *That existing and proposed utility services will be adequate for the proposed development.*
14. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts.*
15. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards.*
16. *That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances.*
17. *That the proposed use preserves historical, architectural and environmental features of the property.*
18. *That operating and delivery hours will compatible with adjacent land uses*

Commissioner Steinman seconded the motion. Vote on Motion: Commissioner Steinman-Yes; Commissioner Barnes-Yes; Commissioner Shelton-Yes; Commissioner Smith-Yes; Commissioner Mills-Yes; Chair Anderson-Yes. The motion passed unanimously.

3.2 Project ZTA-25-001 – A Public Hearing and Potential Action on a Staff-Initiated Zoning Text Amendment to Codify a Definition for the Live/work Land Use Type in City Code.

Commissioner Smith moved to CONTINUE Project ZTA-25-001 to the May 7, 2025, Planning Commission Meeting. Commissioner Mills seconded the motion. Vote on Motion: Commissioner Mills-Yes; Commissioner Smith-Yes; Commissioner Shelton-Yes; Commissioner Barnes-Yes; Commissioner Steinman-Yes; Chair Anderson-Yes. The motion passed unanimously.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from March 5, 2025.

Commissioner Steinman moved to APPROVE the Consent Agenda. Commissioner Shelton seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

Commissioner Mills moved to ADJOURN the Business Session. Commissioner Shelton seconded the motion. The motion passed with the unanimous consent of the Commission.

The Business Session adjourned at approximately 6:16 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Business Session held on Wednesday, April 16, 2025.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____