

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

Wednesday, February 4, 2026

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

ATTENDANCE

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

Staff Present: Community and Economic Development Director, Jim Spung; Deputy City Recorder, Cienna Brummel; Planner III, Maverick Yeh; System Administrator, Alex Earl; Planner I, Emma Glende; Planner III, Sheldon Howa

Public Present: Stacey Khokhar

WORK SESSION

Chair Sean Steinman called the Planning Commission Work Session to order at 5:00 p.m.

1.0 Review Business Session Agenda.

Chair Steinman reviewed the Business Session Agenda. There were two action items: Item 3.1, Project CUP-26-002, and Item 3.2, Project SUB-26-001.

Planner I, Emma Glende, reported on Project CUP-26-002, an application for a Conditional Use Permit (“CUP”) to operate Emissions Plus, a test-only vehicle emissions testing facility, at 1344 East Fort Union Boulevard. The property is located in the Regional Commercial (“CR”) Zone. The business offers emissions testing and optional Department of Motor Vehicles (“DMV”) renewal services. Customers remain in their vehicles throughout the process, and no vehicle repair or maintenance was proposed. The business will operate Monday through Saturday, serving 20 to 40 vehicles per day, and have two employees. No site modifications were proposed beyond removing the boards from the windows.

Cottonwood Heights Municipal Code §19.40.030.B allows motor vehicle service-related uses as a conditional use in the CR Zone. The proposed emissions testing facility qualifies under this category as it does not involve outdoor repair or storage, and an existing emissions testing facility is located across the street within the same zoning district.

Ms. Glende reviewed the proposed traffic flow and parking diagrams indicating that all traffic will remain within the property and not overflow into adjacent parking lots. In response to a question raised by Commissioner Anderson, Ms. Glende verified that no changes were proposed to the existing structure. Emissions testing will be conducted under the canopy. The area is not enclosed. Commissioner Anderson expressed concern about potential pollution.

Chair Steinman asked about rights-of-way, as the Staff Report indicated use of the property to the west. Ms. Glende reported that the proposed circulation is directly onto Fort Union Boulevard. The applicant initially proposed using the adjacent parking lots for traffic flow, but the proposal had been modified. The updated diagram had been inadvertently omitted from the Staff Report. Chair Steinman asked how traffic would be prevented from flowing into the adjacent parking lot through the existing curb cut. Ms. Glende reported that the applicant did not specifically address that issue in the application, and nothing was proposed to block that entry.

Commissioner Barnes asked how traffic will access the second inspection bay. Commissioner Poulson identified the access on the diagram.

Chair Steinman expressed concern about left-hand turns out of the property through the western entrance. The property has been vacant for quite some time, and additional traffic could pose a safety risk. Appropriate signage should be required at the entrance. In response to his question, Community and Economic Development Director, Jim Spung, reported there may be an existing cross-access easement for the western property.

The Commissioners discussed access to the property and the increased traffic volume since it was a gas station. Commissioner Mills stated that the City should take advantage of the fact that the request is an improvement to the property and prohibit left turn exits. Commissioner Lugo remarked that left turns from the second bay could also be problematic. Commissioner Anderson stated that the Commission may not be able to control exits from the property to the west, but it could address access onto Fort Union Boulevard. Ms. Glende agreed and indicated that people frequently make left-hand exits from the shopping center.

Commissioner Barnes asked how long emissions inspections last. Ms. Glende reported that the applicant anticipates 20 to 40 cars per day. Commissioner Barnes stated that 40 cars in an eight-hour day may require staging, which could create backups. It was noted that there are 11 parking stalls on the property that can be used for staging.

Commissioner Mills asked about the procedure for mitigating potential issues with the underground fuel tanks. Mr. Spung reported that the State has specific standards for underground tanks, but the property is not being redeveloped. Commissioner Mills expressed concern about the City's responsibility to address the potential hazard. Chair Steinman stated that it would be regulated by the Environmental Protection Agency and State of Utah. When a gas station closes, there is a lockdown process that must be followed. A lender could potentially require an environmental study, but that it not in the City's purview. Commissioner Mills stated that it would be reasonable to request that the property owner provide documentation that they followed appropriate protocol. He asked how other cities address this issue.

Mr. Spung reported that if site features are not changed, no additional reviews are required. If they were demolishing the building, remediation would be necessary. If the property owner had applied to develop the property, the City would get involved. Commissioner Poulson asked if a certificate of compliance would be required. Mr. Spung stated that he could ask the applicant for that information, but approval could not be conditioned on it because it does not relate to the request.

In response to a question from Commissioner Barnes, it was clarified that the tenant had made the application on behalf of the owner.

Commissioner Mills stated that he believes it is incumbent upon the City to address potential hazards, and the question should be asked of the responsible party.

Chair Steinman asked if the City requires soil testing for any type of redevelopment. Mr. Spung reported that it would be required if specified in the Building Code. Planner III, Maverick Yeh, reported that it would only be required if the existing structure is demolished to verify that the soil can support a new structure.

Ms. Glende reported that no public comments had been received on the application. Staff review determined that the application is consistent with the purpose of the zone, which offers areas for commercial uses that serve the community, region, and traveling public by accommodating larger-scale, land-intensive commercial uses that are not well-suited for neighborhood locations. She then reviewed the recommended Conditions of Approval outlined in the Staff Report.

In response to a question raised by Commissioner Lugo, Ms. Glende stated that she did not know the lease term. Commissioner Anderson remarked that there is already signage at the location. Ms. Glende reported that she had contacted the applicant regarding the signage, and they indicated that they would submit a building permit application that week.

Chair Steinman stated that because two different traffic circulation maps had been submitted, it was important to consider how circulation will work and if the appropriate easements are in place. Ms. Glende reported that Staff had not reviewed the easements, but the original circulation diagram was mistakenly included in the Staff Report. Chair Steinman stated that access will have implications across the developments, and he believes access from the property to the west should be closed off with a barricade. Commissioner Anderson remarked that the Fire Department would need to be involved in that decision.

Mr. Spung stated that there may already be an access agreement between the properties. When the initial diagram was submitted, Ms. Glende asked for that documentation, and in response, they submitted the revised Site Plan. If the application is approved based on the second Site Plan, if their customers are found to be trespassing on another property, that will not be in compliance with the approved permit. He did not believe a physical barrier was necessary.

The traffic circulation diagram was reviewed, and the Commission discussed different area businesses. It was noted that the eastern entrance is often used to access the adjacent shopping area. Chair Steinman stated that if traffic circulates around the building, it would be worthwhile to discuss closing off that access. Mr. Spung indicated that the use would have fewer vehicle trips

than a gas station, and he did not believe it would be justified to close off an existing access. The property owner may also have a legal right to that access. Commissioner Mills remarked that 40 trips a day is significantly less than the postal store, and an argument could be made for maintaining the status quo.

In response to a question raised by Commissioner Poulson, Ms. Glende confirmed that adjacent property owners received notice of the application and no comments were received. Commissioner Poulson stated that if he was an owner or tenant in the adjacent strip mall, he would have said something, and the access has been there since the property was a gas station. Commissioner Lugo noted that it will draw more business to the location.

Chair Steinman stated that it is a relatively difficult corner, and he believes it is important to push the traffic flow to the east. Commissioner Anderson stated that right-turn only signs could encourage safer behavior, but it needs to be made clear that the signage is for the emissions facility only. Commissioner Lugo remarked that someone turning right and then doing a U-turn could also be a safety concern. Mr. Spung stated that he will speak with the Engineering Department to determine if they have any concerns.

In response to a question from Commissioner Mills, Mr. Spung clarified that the application is for a change of use, not redevelopment. Commissioner Mills read from the State regulations on redeveloping former gas stations and reiterated that he would like the property owner to produce a certificate verifying that they have taken the necessary steps. Commissioner Anderson asked if those steps would be required as the property is not being redeveloped. Mr. Spung stated that Staff will follow up with the State and Unified Fire Authority (“UFA”) to verify the property’s status.

Planner III, Sheldon Howa reported on Project SUB-26-001, a plat amendment to the Canyon Centre Condominiums #1 Plat. The property is located at 7367 East Canyon Centre Parkway, is zoned Mixed-Use (“MU”), and is in the Gateway Overlay District. It is part of the Canyon Centre master development, which includes both commercial and residential uses.

The Canyon Centre Master Development Plan was approved in 2014. As part of that approval, Lot 1 was dedicated to the City for the future Park Plaza. In October 2024, the Master Plan was amended to remove the entitlement for 56,000 square feet of office space and entitle a 36-unit condominium building in its place. That amendment specified a completion date of December 31, 2028.

Public notice of the proposed amendment was mailed to 144 property owners on January 23, 2026, and no comments or concerns were received.

The applicant requested to amend Unit 2B of the Canyon Centre Condominiums Amended #1 Plat to include 36 residential condominium units, and to establish easements and maintenance agreements across Lot 1 and Lot 2 of the development to provide maintenance agreements for encroachments and parking and pedestrian access. Staff review determined that residential condominiums are permitted in the MU Zone and are consistent with the previously approved Master Development Plan amendment.

In response to a question from Chair Steinman, Mr. Howa reported that the original approved plat was included as Attachment C in the Meeting Packet. Mr. Spung reported that the footprint would not change. Rather than having one parcel for the office tower, there would now be 36 individual parcels for the condominiums.

Chair Steinman asked if any adjustments to parking were proposed. Commissioner Mills remarked that there appeared to be additional parking stalls as shown in pink on the easements and encroachments diagram. Mr. Howa clarified that the parking stalls shown in pink and a portion of the stalls shown in green will be on Lot 1. The drive aisle will be approximately 40 feet wide, which is consistent with the approved parking agreement. Commissioner Mills stated that at least five different taxing entities were involved in approval of the park, and the proposal would turn it into a park strip. He is very concerned that it had apparently been decided that the large parking garage would not provide enough parking. The original and proposed amended plats were reviewed. It was clarified that parking would be added to the turnabout, and UFA had approved the plan.

Commissioner Mills anticipated a lot of public comment because the project has changed over time. The selling point to the public was that there would be a public amenity, but the park continues to shrink. He believes it would be better if people who live in the condominiums could walk directly into the public park, especially because there will already be underground parking for residents and guests. Chair Steinman stated that it had been clarified that no encroachment into the public space was proposed. The amendment would simply clarify where the already approved parking will be. Mr. Howa reported that City Attorney, Shane Topham, has reviewed the amendment against the approved parking agreement and original plat, and the proposed parking area was consistent with both documents.

Commissioner Mills stated that the superficial parking made sense for an office building, but not for 36 high-end residential condominiums beside a parking garage that is primarily empty. As the City helps the applicant morph the project into something that is more financially viable for them, he believes they should also be able to suggest ways to improve the property for the public as well. Chair Steinman agreed with Commissioner Mills that no encroachment into the public amenity should be approved. However, he believes that the parking will be utilized during busy periods. He also does not believe the parking garage is open to the public yet.

Mr. Howa stated that the stalls highlighted in pink on the diagram are reserved for Unit 2B, which is the hotel. Stalls in green are for public access. No changes from the original parking agreement had been proposed, and no additional property would be encumbered.

Commissioner Poulson stated that in discussions regarding the office building, the property owner had been given incentives in exchange for dedicated public stalls in the parking structure. He believes that ratio should change because condominiums do not need as many parking stalls as businesses. Surface stalls would be convenient for hotel guests, but they already have dedicated stalls in the parking garage, so he did not understand why the surface stalls were necessary. Mr. Howa stated that the original agreement requires public parking in the parking structure. There was a reduced need for structured parking for the condominiums, and that was part of ongoing discussions with the applicant.

Chair Steinman stated that he believes the allocation was increased by approximately 5% to 55 or 60 and asked Mr. Howa to confirm the number prior to the Business Meeting. Mr. Spung clarified that the agenda item would not change anything that was already approved through the Development Agreement and parking agreement. The application was to change the footprint to 36 units. Any other changes would have to go back to the CDRA Board, City Council, and Planning Commission, and the applicant intended to honor all current agreements.

Commissioner Shelton stated that one major difference is that the business use provided much more public parking on weekends and evenings when the businesses were closed. The change of use from office to residential means that more parking will be needed during those hours. He asked if stalls would be dedicated to each individual condominium plat. Mr. Spung clarified that no changes were proposed to parking designations. The parking agreement designates stalls for condominium use, but the plat amendment would not assign parking stall ownership to individual condominium plats. That will be handled through the condominium association. Commissioner Shelton stated that daytime use will likely decrease considerably, which is of no benefit to the public, but he understood that that was not the question before the Planning Commission.

Commissioner Poulson asked how many total parking stalls are available and how many were assigned to the businesses and are now assigned to the condominiums. Additionally, he would like to know how many public stalls will be available, on what floors, and how the park can be accessed from them. Commissioner Anderson stated that the parking agreement was previously approved, and the Planning Commission cannot make changes to it. They could ask questions, but it was not up for discussion or review.

Commissioner Mills stated that to his recollection, they agreed to a standard number of stalls, and the agreement had not been materially examined since the plat was modified. From an aesthetic standpoint, he believes it will look much better if the condominiums fronts on a beautiful small park instead of spiral, pie-shaped parking. He understands what has been entitled, but is troubled that Marriott is insisting on surface parking when they already have underground parking.

Chair Steinman asked Mr. Howa to display the original condominium plat and provide an overview of the Development Agreement so the Commission could better assess the changes. However, he understood that it may be out of their purview. The plat was reviewed, and Mr. Howa clarified that the only amendments being requested were to condominiumize Unit 2B and add surface parking in the turnaround. They were still working on maintenance agreements due to the proximity of the condominium building to Lot 1. In response to a question, Mr. Howa reported that the planter boxes and other items could not be placed on Lot 2B due to slopes and other issues.

The total number of parking stalls and how many were available to the public were discussed. Mr. Howa reported that the parking agreement may be renegotiated to include additional public parking in the structure. There are approximately 400 stalls in the three-story underground parking structure. The surface stalls shown in red on the diagram had been designated for the hotel in the parking agreement. The public stalls shown in green were not included on the original plat, but they are in the public right-of-way.

Mr. Howa reviewed the proposed easements for the following improvements:

- Ventilation shaft;
- Stair improvements;
- Planter box;
- Electrical junction boxes; and
- Pedestrian access.

Staff was in discussions with the applicant about reducing the encumbrance by relocating a junction box. Rocky Mountain Power has placed constraints on the location, but the applicant is willing to work with the City to find a better location that will not interfere with park amenities.

2.0 Use Table Update.

Chair Steinman reported that there would not be time to discuss the Use Table.

3.0 Adjourn.

Commissioner Anderson 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 6:01 p.m.

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Staff Present: Community and Economic Development Director, Jim Spung; Deputy City Recorder, Cienna Brummel; Planner III, Maverick Yeh; System Administrator, Alex Earl; Planner I, Emma Glende; Planner III, Sheldon Howa

Public Present: Bryan Isaac
Donald Ray
Rocco Vrba
Spencer Thomas

BUSINESS SESSION

Chair Sean Steinman called the Planning Commission Work Session to order at 6:01 p.m.

1.0 Welcome and Acknowledgements

1.1 Ex Parte Communications and Conflicts of Interest to Disclose.

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

2.0 General Public Comment

Chair Steinman opened the Public Comment period.

Chris McCandless stated that he had a family emergency and would need to leave, but he wanted to address comments about the Canyon Centre project prior to doing so.

There were no further comments. The Public Comment period was closed.

Chair Steinman reported that per Mr. McCandless' request, project SUB-26-001 would be heard next.

3.0 Business Items

3.1 Project CUP-26-002 – The Planning Commission will Review and Take Possible Action on a Conditional Use Permit request by Dan Northrup to Operate an Emissions Testing Shop (Emissions Plus) at 1344 East Fort Union Boulevard.

Planner I, Emma Glende, presented the Staff Report and indicated that the request was for a Conditional Use Permit (“CUP”) to operate Emissions Plus, a test-only vehicle emissions testing facility at 1344 East Fort Union Boulevard in the Regional Commercial (“CR”) Zone. The business offers emissions testing and optional Department of Motor Vehicles (“DMV”) renewal services. Customers remain in their vehicles throughout the process, and no vehicle repair or maintenance was proposed. The business will operate Monday through Saturday, serving 20 to 40 vehicles per day, and have two employees. No site modifications were proposed beyond removing the boards from the windows.

Cottonwood Heights Municipal Code §19.40.030.B allows motor vehicle service-related uses as a conditional use in the CR Zone. The proposed emissions testing facility qualifies under this category as it does not involve outdoor repair or storage, and an existing emissions testing facility (Jiffy Lube) is located across the street within the same zoning district. Conditional uses are governed by §19.84 and may be approved if potential impacts can be mitigated through conditions.

Ms. Glende reviewed the proposed traffic flow and parking diagrams, indicating that all traffic will remain within the property and not overflow into adjacent parking lots. No public comments were received in regard to the application.

Staff determined that the conditions proposed by the application were consistent with the purpose of the CR Zone. As such, approval was recommended subject to the following Conditions of Approval:

1. The applicant shall obtain and maintain a valid Cottonwood Heights business license for the duration of the operations.
2. All client parking shall be accommodated off-street within the existing property. The business shall not rely on on-street parking or adjacent off-property parking lots.
3. The business shall be limited to emissions testing and DMV renewal, as stated in the application.
4. A Building Permit shall be obtained for any exterior signage and other alterations to the premises that normally require a building permit.
5. Any exterior signage and other exterior alterations will meet the guidelines outlined in the Gateway Overlay District (§19.49).

6. Approval of this Conditional Use Permit is subject to review or revocation upon complaint or evidence of noncompliance with the Conditions of Approval or applicable City codes.
7. Any expansion or change in the scope of the business shall require additional City review and approval.

The applicant, Spencer Thomas, stated that Emissions Plus has been in business for 30 years and this will be their 12th location. In response to a question from Commissioner Lugo, he stated that their initial lease term was for one-and-a-half years, and they hope to purchase the property in the future. The service has no environmental impacts. The test takes three to four minutes to complete. The technician accesses the car's OBD2 port and takes photographs, then submits them to the County. Operating hours will be 8:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. They typically have more customers at the end of the month but usually do not have more than two cars in line. However, he does not anticipate a line at the new location.

Commissioner Smith stated that the gas station had been closed for some time, but he suspected that there would be less traffic to the emissions testing facility. Mr. Thomas stated that they anticipate between 20 and 40 cars per day, and testing takes approximately five minutes per car.

Commissioner Anderson remarked that the Planning Commission had discussed the possibility of requiring signage to discourage left turns across Fort Union Boulevard. Mr. Thomas stated that he will comply with all City recommendations.

Commissioner Mills stated that he was excited to hear that the applicant was interested in purchasing the property and asked if there were any concerns about the decommissioned gas station. Mr. Thomas stated that they recently purchased similar properties in Murray and Sandy and are aware of the process. They had not seen signs of negative environmental impacts at the Cottonwood Heights location, but that would not impact their willingness to purchase the property. They have removed underground fuel tanks from other properties, and they are willing to do what is necessary to bring the property into compliance. Emissions Plus is the number one emissions testing company in Utah.

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

Commissioner Anderson recommended that a Condition of Approval be added to require a right-turn-only sign. Commissioner Smith stated that it may affect all the other businesses in the area. After discussion, it was decided that the condition be added to require a right-turn-only sign at the Fort Union Boulevard exit.

Commissioner Mills moved APPROVE Project CUP-26-002 based on the Findings and Recommendations listed in the Staff Report dated February 4, 2026, as amended to require a right-turn-only sign at the exit to Fort Union Boulevard. Commissioner Lugo seconded the motion. Vote on Motion: Commissioner Barnes-Yes; Commissioner Lugo-Yes; Commissioner

Anderson-Yes; Commissioner Smith-Yes; Commissioner Poulson; Commissioner Mills-Yes; Commissioner Shelton-Yes; Chair Steinman-Yes. The motion passed with the unanimous consent of the Commission.

3.2 Project SUB-26-001 – The Planning Commission will Hold a Public Hearing and Take Possible Action on a Subdivision Amendment Request by Chris Ensign of Encore Development for a 36-Unit Condo Building located at 7341 South Canyon Centre Parkway.

Planner III, Sheldon Howa presented the Staff Report and indicated that the request was for a plat amendment for the Canyon Centre Condominiums Amended #1 Plat. The subject property is located at 7367 East Canyon Centre Parkway in the Canyon Centre Master Development, which is zoned Mixed-Use (“MU”) and in the Gateway Overlay District.

The Canyon Centre Master Development Plan was approved in 2014. As part of that approval, Lot 1 was dedicated to the City for the future Park Plaza. In October 2024, the Master Plan was amended to remove the office entitlement for 56,000 square feet of office space and entitle a 36-unit condominium building for completion by December 31, 2028.

Public notice of the proposed amendment was mailed to 144 property owners on January 23, 2026, and no formal comments were received.

The applicant requested to amend Unit 2B of the Canyon Centre Condominiums Amended #1 Plat to formally plat 36 previously approved residential condominium units and establish easements and maintenance agreements across Lot 1 and Lot 2 of the development to provide maintenance agreements for encroachments, as well as parking and pedestrian access. Staff review determined that the request is consistent with the MU Zone, which allows residential condominiums, and the previously approved Master Development Plan amendment.

As part of the request, additional easements will be added to Lot 1 and Lot 2 to designate private and public surface parking areas. Mr. Howa reviewed a parking diagram showing the parking stall locations and indicated that it is consistent with the approved parking agreement.

Mr. Howa reported that, per the Development Agreement, Lot 1 would be dedicated to the City for a future park. However, the proximity of the condominium building to the lot boundary would require some improvements to be located on public property.

The following improvements would be located on Lot 1:

- Ventilation shaft;
- Stair improvements;
- Planter box;
- Electrical junction box; and
- Pedestrian access.

Maintenance agreements were in process to address these items and consolidate the improvements to reduce the area of encumbrance, including potentially moving the junction box closer to the planter box or in front of the building. Placing it on the applicant's property would be most beneficial to the City, as it would remove the potential impedance of pedestrian access and any future park amenities.

In response to a question raised by Chair Steinman, Mr. Howa reported that the original approval did not include a detailed drawing of this area. The transformer was originally proposed to be in the surface parking area. The ventilation shaft will provide ventilation for the parking structure. The planter was added by the developer to make the area more visually appealing. Easements were also required to provide cross access between Lot 1 and Lot 2.

Mr. Howa reported that the amendment had been reviewed by City Attorney, Shane Topham, and Architectural Review Commission Chair, Scott Peters.

Staff analysis determined the following:

- The Plat Amendment is consistent with the MU Zone and the Canyon Centre Development and Parking Agreement.
- The request implements previously approved entitlements and does not increase density or alter the approved site layout. Access, utility, and maintenance issues can be adequately addressed through Conditions of Approval.
- If the subdivision amendment is approved by the Planning Commission, the project will then go through a full technical review for final platting.

Based on the above, Staff recommended approval subject to the following conditions:

1. Will-Serve Letters

Prior to final plat submittal or recordation of the plat, the applicant shall provide will-serve letters from the applicable water and sewer service providers confirming capacity and service availability for the proposed residential condominium use.

2. Easement, Access, and Maintenance Agreements

Prior to recordation of the plat, all required access easements, parking agreements, and maintenance agreements including those necessary to ensure public pedestrian access across Lots 1 and 2, define public and private parking stalls, and establish ongoing maintenance responsibilities for improvements encroaching into City-owned property shall be drafted and approved by the City.

3. Utility and Encroachment Coordination

The final location and configuration of site improvements within the area intended for future Park Plaza development, including the electrical junction box and related infrastructure, shall be finalized in coordination with City staff and applicable utility providers to minimize encumbrances and maintain safe, unobstructed pedestrian access.

4. Final Plat Review

The project must comply with all review comments provided by staff during the technical review of the final plat, including all easement and maintenance agreements being noted on the plat in addition to separate instrument number(s), as recorded with the County Recorder's Office.

5. Final Plat Recordation

As per 12.08.010, The final plat shall be recorded within one (1) year of the date of City approval. Failure to record the plat within this time frame shall render the approval null and void, unless a written request for an extension is submitted to and approved by the Planning Commission within the one-year period.

The applicant, Donald Ray from Concord Development, LLC, stated that they were seeking approval so they can move forward with the project. They are working with Staff on the easement and maintenance agreements.

Commissioner Mills stated that the new use would require fewer parking stalls and asked if the applicant was flexible about the surface parking. He would like to see the frontage preserved, as allowing it to abut on a public park would make it a unique space, and the proposed pie-shaped parking was less than ideal. A number of taxing entities were involved in trying to preserve a public amenity, but due to several factors, the park had been reduced in size. The Planning Commission understands that the applicant has a right to do as proposed, but his request was that they consider being flexible on this matter.

Mr. Ray stated that they were not seeking any parking modifications. They were trying to accommodate easements to enable ingress and egress to underground parking. Mr. Mills clarified that modifications were proposed, as parking spaces were specified in the amendment that were not previously earmarked for that purpose. The parking spaces were initially calculated based on the needs of an office building versus those of 36 condominiums. The last time the Planning Commission considered the development, they wanted to ensure that there was enough dedicated underground parking, and it was his hope that the applicant would be flexible in terms of whether there is a real need for surface parking stalls at the front door when they have access to three levels of underground parking.

Mr. Ray stated that 17 parking stalls were removed. The property owner had no concerns about parking for tenants. It was possible that he would reconsider the surface parking, but Mr. Ray would have to discuss that with him.

Commissioner Mills remarked that many decisions regarding the development predate the current Planning Department staff, most of the City Council, and most of the Planning Commission. He understands that Mr. McCandless had been involved since the beginning, and a lot of work had been done, but there was more than adequate underground parking.

In response to a question raised by Chair Steinman, Community and Economic Development Director, Jim Spung reported that the diagram on screen was from the approved parking agreement and included all surface parking stalls.

Chair Steinman asked Commissioner Mills to explain his position that the public amenity had shrunk. Commissioner Mills stated that the City road had to be moved, and the location of structures differs from the original intent. The park had decreased in size since the original drawings. If there is a chance to extend it, that will create a lot of goodwill. He understands that the current configuration is entitled. However, if it were agreeable to the applicant, they could work with Staff to improve the layout for mutual benefit.

Chair Steinman stated that, to his understanding, the proposed surface parking was approved as part of the original Development Agreement. The spiral surface parking was approved with the parking agreement, and there had been no shrinking of the public amenity. Commissioner Mills disagreed and remarked that the road was moved for functional reasons such as fire access. It was originally envisioned to be a larger park. No malintent was involved, but the public will be left with something that is substantially different from the original proposals. Chair Steinman clarified that there had been no changes since the Development Agreement was agreed upon by the City, including during negotiations for Tax-Increment Financing (“TIF”). The public amenity had remained consistent with what was agreed upon when the development was approved.

Commissioner Shelton disagreed with Chair Steinman’s position. There had been a significant change to what was proposed at the time the TIF was done. However, the park is not much of a public amenity, and there will be very little reason for the public to go there. If it were a good public amenity, he would not argue to eliminate that parking. Commissioner Mills stated that he was satisfied with the applicant’s answers.

Chair Steinman opened the public hearing.

Chris McCandless stated that some of the Planning Commission’s comments were taken into consideration in the amendment to the parking plan. There are 432 stalls in the structured parking, and approximately 580 total stalls in the project. The office building was granted four parking stalls per 1,000 square feet, but then COVID decreased the need for office space. When the building was converted to condominiums, the lowest parking level was redesignated as public parking, which increased available public parking by 66%.

The 17 stalls on the cul-de-sac were included in the original agreement. An easement designates part of the park property as both hotel parking and private parking for the office building. The City Council raised the same concerns as the Planning Commission. At Staff’s recommendation, they suggested that the office-designated surface spaces be changed to public parking. The developer agreed to develop that parking. All 55 stalls on the third parking level were always designated for private office or residential use. It is not shared parking. The condominium will also have 25 stalls on the first level.

Chair Steinman stated that because Mr. McCandless was speaking on behalf of the HOA, he would be granted an additional two minutes.

Mr. McCandless stated that the condominium has enough stalls without the public parking in the cul-de-sac. The developer may be amenable to converting those stalls to private parking, but he

does not believe it would be a good idea. The project was originally a \$55 million development with an office building, and a tax increment was created to help build the parking structure. That money was a loan that must be paid back by the Canyon Centre; no one outside the subdivision will pay for the tax increment. When the planned office building was changed to residential, every taxing authority had to approve the amended plan. The School District backed out because it is residential. It is now a \$105 million project, so it will generate significantly more tax revenue for the community. The HOA will likely never see any of the \$2.1 million it had anticipated in tax increment. It has not been a profitable project, but it will be a great development once completed.

Rocco Vrba gave his address as 7389 South Prospector Place, one street from the subject property. He holds master's degrees in mechanical engineering and business finance. He generally supports the project as it will be nicer than an office complex. The design is very good quality, and the building will be beautiful. However, he is concerned that rezoning the property to MU would open the door for a height adjustment from 36 feet to 50 feet. The applicant could potentially place office space on a lower floor, which would allow them to build higher. That would impact his view of the valley below. It was not currently being proposed, but the zoning code would allow the opportunity. He requested that the Planning Commission consider adding a Condition of Approval restricting the applicant from amending the structure's height.

Lesley Kovach stated that she has lived across the street from the property for 30 years. She has heard Mr. McCandless talk about all the beautiful amenities he is going to offer the neighborhood, but she currently looks at a crane. She asked the Planning Commission to reconsider the above-ground parking. There are so many stalls underneath that were supposed to be used for ski parking, but nobody can get across the street. She believes the existing parking should be utilized and the public space expanded. They need to have more land available for water to sink into the Jordan Valley Water Conservancy District recharge zone, not more asphalt. She understands that the surface parking may have been on the original plan, but the park has been reduced, and the City needs to do better. The new Mayor is interested in what the public is saying, and this is the first time someone has wanted to listen to the public. She believes the above-ground parking should be removed. She lives east of the property, and it is very difficult to get across Wasatch Boulevard.

Bryan Isaac stated that he has lived in Cottonwood Heights for a long time. He is a contractor and developer, and he is concerned that the project is under construction and the nomenclature is being changed. When the developer applied for the hotel, the meeting was standing room only because it was filled with angry people fighting to keep the hotel to 35 feet. Generally, mixed-use developments have a maximum height of 35 feet. However, specific planned unit development ("PUD") or mixed-use may allow heights of up to 50 feet if they meet specific criterion such as including commercial office space on the first two stories and being located away from single-family homes. He asked that the Planning Commission commit publicly that they will not allow a height over 35 feet, because he did not want to be back in 60 days when the developer requests to go to 50 feet.

He loves Cottonwood Heights and appreciates the Planning Commission's integrity, but four years ago residents fought with a developer who wanted to build a condominium. A Planning Commissioner stated that the property was not zoned for duplexes, so the developer could not build them. After the project was completed, he wrote to a realtor and asked if the property could

be used for an Airbnb. He was told that the basement is a self-sufficient lockout apartment, which means it is a horizontal duplex rather than a vertical one. His street's zoning prohibits PUDs, but this will be the seventh one within a 200-yard radius of his house. He was concerned about the building going higher than 35 feet because the crane is 40 feet higher than the structural steel and it looks like the building will go up to 50 feet. He asked for a commitment that the building would not be more than 35 feet tall.

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

Chair Steinman asked for clarification on whether the public amenity space was smaller than originally proposed. His understanding is that the Development Agreement and Subdivision Plat were completed prior to a decision on TIF. He asked if there were any re-trades and indicated that if so, that information should be considered with any requests for modifications. If the public amenity is as originally proposed, that would lead to a different outcome.

Commissioner Shelton stated that he does not believe the City can get the original amenity space back. The question was not before the Planning Commission, and it was not within their purview. It is not one Development Agreement but rather a series of amendments to the Development Agreement that repeatedly changed the economic, plat, and taxing ramifications. The representatives of the people, the City Council acting as the CDRA, made those decisions, and the Planning Commission cannot question them. Chair Steinman stated that conditions could be imposed to allow for expansion of the public amenity. Commissioner Shelton disagreed, as the question before the Commission was whether the property could be condominiumized. The City Council approved a parking plan and Development Agreement, and the taxing entities agreed to those documents; it is not the Planning Commission's place to renegotiate those questions.

Commissioner Shelton believed the Commission has authority to make recommendations on the utility and encroachment easements because they appear to change the public benefit by allowing private amenities on public property. He recommended that the third Condition of Approval be modified to require Planning Commission approval of the final utility and encroachment easements. Because that involved public property, it should not be an administrative decision.

Commissioner Anderson agreed with Commissioner Shelton. Because the encroachment would take space away from the public entity, she would feel more comfortable making a decision once the locations are finalized. That and condominiumization were the only matters before the Planning Commission.

Chair Steinman stated that it is a unique situation because changes had been made to the Development Agreement, and now changes were being made to the subdivision. He asked about the types of conditions that would be allowed for this item.

Mr. Spung stated that a plat is an administrative review. As long as it meets the standards outlined in the code, there is no reason to deny the request. Title 12 of the Cottonwood Heights Municipal Code outlines the standards for Subdivision Plat amendments, and the six conditions recommended by Staff were sufficient for the application. The CDRA Board and City Council have authority over the Development Agreement. The question before the Planning Commission was changing

the parcel that was designated for an office tower into 36 condominium units. Other than the easements, nothing outside of the building footprint was up for discussion.

Chair Steinman asked Mr. Spung to address the citizen concern about the potential increased building height. Mr. Spung stated that the developer had already received a building permit to construct the building. The Development Agreement would need to be amended to increase the building height.

Commissioner Mills stated that the public sensitivity regarding height is because of changes made to the building over time. The roof was initially going to have enclosed HVAC units, then it was to become an outdoor living space, and then it became another floor. Mr. Spung reported that the approved elevations were included in the Meeting Packet. Mr. Howa added that the building cannot exceed the original approved height for the office building. The average height of the structure cannot exceed 42 feet, but it will be approximately 50 feet high in some areas. Commissioner Mills remarked that the maximum height for the North Gravel Pit property was further defined because effective grade is flexible, and he wanted to ensure that the maximum height is clearly defined. However, he was confident that Staff has done their homework and appreciated that the matter had already been decided.

Mr. Spung reminded the Commission that the matter before them was subdividing the property so that the condominium units can legally be sold.

Chair Steinman stated that the original zoning only allowed for 35 feet in height, but the building will far exceed that. The upper roof is 58 feet tall, with a base elevation of 100 feet. In response to a question from Commission Poulson, Mr. Howa clarified that the final structure will not be taller than the existing hotel. Based on the Development Agreement, the maximum average height is 42 feet. The Development Agreement supersedes the underlying zone.

Chair Steinman asked Mr. Spung to review the history and process for the Development Agreement. His understanding was that the development was not allowed to move forward until everything was clearly defined, but there had subsequently been adjustments to the agreement.

Mr. Spung reported that he was not present for most of the process and could not speak to those details, but Staff reviewed all recent submittals against the most recent approval to ensure that it meets that standard. As part of receiving public funding through the CDRA, the CDRA Board, City Council, and Planning Commission were involved with every step. The applicant was not requesting changes to anything that had been approved because those changes would have to go back through that process, which can take several months. Changes require approval from several taxing entities, a new Development Agreement, and associated public hearings and meetings. The current request will honor everything that has been approved and also create the condominium units.

Commissioner Anderson stated that she does not think the Planning Commission needed further clarification, but they did need to know the final results of the utility and encroachment before she would feel comfortable moving forward. Mr. Spung reported that the applicant was trying to meet a strict financing deadline because they could not obtain a loan without plat approval to sell units.

He asked about the Planning Commission's specific concerns regarding the easements and indicated that Mr. Topham is working with the applicant's attorney to draft easement language.

Commissioner Anderson stated that to best utilize the public land, they need the most available land. If an electrical junction box is placed on Lot 1, it will take away public space. Mr. Spung reported that the motion could include a condition that the utility box be located on private property. Commissioner Anderson stated that she would be comfortable with that solution as it is the only condition the Planning Commission can place on the approval.

Chair Steinman expressed concern that the requiring the junction box to be placed on private property would be counter to the original agreement. Commissioner Shelton stated that all three items (the ventilation, planter, and junction box) should be located on private property, not public land deeded to the City.

Mr. Spung reported that the parking structure and ventilation shaft are existing on the site. In order to access the building, the stairwell must encroach onto the public property. The developer purchasing that small piece of land from the City was discussed, but that would trigger additional requirements and be procedurally difficult. The simplest solution is to have an easement and maintenance agreement providing the condominium with access but specifying that the City is not responsible for maintaining the stairs, landscaping, snow removal, etc. The junction box created bigger questions as it may impact the usability of the area. The applicant suggested moving it onto private property to eliminate it from the conversation, and he believed that was the best approach. Mr. Topham had approved of an easement and maintenance agreement, and the CDRA would be compensated for the proportional value of the easement.

Chair Steinman stated that the City needs to do as much as it can to get more public amenity space by moving the junction box to private property. In response to his question, Mr. Spung clarified that the stairs access a concrete plaza area. The easement area includes the proposed junction box, planter box, and a sliver of land to access the stairway. It will still be public land but will allow the private party to access the area. If the junction box is relocated, it will be placed in an area near the side of the parking structure and screened with landscaping. In Staff's opinion, the corner is not functional from a park perspective.

In response to a question from Chair Steinman, Mr. Howa reported that the climbing wall was proposed along the retaining wall at the side of the cul-de-sac. The plat was reviewed showing the property line between Lot 1 and Lot 2, as well as the easement area. In response to a follow-up question, Mr. Spung reported that concept plans had been created, but no decision had been made about the public park. The park will be constructed and donated to the City, although he was unsure whether that was the responsibility of the condominium developer or master developer. Commissioner Mills stated that it will be the master developer's responsibility.

Commissioner Mills referenced Condition of Approval 2, "including those necessary to ensure public pedestrian access", and stated that, as written, "necessary" would be defined by Staff. He asked Mr. Spung to clarify that what Staff determines to be necessary will take into consideration the information they had gleaned from the meeting. He was anxious not to slow the process more than necessary, but it was important to understand the project's history and the public's

expectations. He appreciated Chair Steinman's consideration for his questions and was comfortable with moving forward with the proposed modifications to Condition of Approval 3.

Chair Steinman stated that it is difficult to impose on a public amenity without knowing the programming of that amenity. He believes that the privately owned structure should be removed from the public amenity but otherwise agreed with Staff's findings. Commissioner Anderson and Commission Mills agreed.

A concept plan for the park amenity was reviewed. The southwest corner of the property was always intended to be an entrance, but the balance of the property had not been designed. Mr. Spung reported that Rocky Mountain Power has coordinated with the applicant and indicated that there is a better option for placement of the junction box, but the stairwell and landscape planter were consistent with the concept plans. It would not be practical to prohibit any encroachment into the area, and the 50-foot easement would not have a negative impact on the public space.

In response to a question from Chair Steinman, Mr. Ray stated that originally the junction box was in a more obvious location near the cul-de-sac. The proposed location would allow for better screening and was where Rocky Mountain Power had requested it be located. He was not sure where else it could be located. The access is an Americans with Disabilities Act ("ADA") ramp that will provide access to the parking structure and the property owner will maintain.

Commissioner Anderson moved to APPROVE Project SUB-26-001, 001, a request by Chris Ensign with Encore Development, LLC, to amend Unit 2B of the Canyon Centre Condominiums Amended #1 Plat and a portion of Lot 1 of the Canyon Centre Subdivision Plat to plat 36 previously approved residential units (City File CUP-24-016) in a condominium form of ownership at 7367 South Canyon Centre Parkway, subject to the Findings and Conditions listed in the Staff Report dated February 4, 2026, as amended to require the electrical junction box and related infrastructure identified in Conditional of Approval 3 to be located on private property. Commissioner Poulson seconded the motion. Vote on Motion: Commissioner Mills-Yes; Commissioner Lugo-Yes; Commissioner Anderson-Yes; Commissioner Smith-Yes; Commissioner Shelton-Yes; Commissioner Barnes-Yes; Chair Steinman-Yes. The motion passed with the unanimous consent of the Commission.

4.0 Consent Agenda

4.1 Approval of January 21, 2026, Planning Commission Minutes.

Chair Steinman stated that he had not had time to properly review the minutes and proposed that the item be tabled until the next meeting.

Commissioner Anderson moved to CONTINUE the Consent Agenda to the March 4, 2026, Planning Commission Meeting. Commissioner Mills seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

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

The Work Session adjourned at 7:51 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, February 4, 2026.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____