

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



December 4, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, December 4, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

1. Work Session – **5:00 p.m.** – City Council Work Room
2. Business Session – **6:00 p.m.** – City Council Chambers

Both sessions will also be broadcast electronically on the city’s YouTube channel at <https://www.youtube.com/@CottonwoodHeights/streams>. **Please see the reverse side of this agenda for instructions on how to make public comment.**

5:00 p.m. Work Session

1.0 Review Business Session Agenda

The commission will review and discuss agenda items.

2.0 Review Annual Planning Commissioner Training Requirements

3.0 Adjourn

6:00 p.m. Business Session

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 General Public Comment

This is an opportunity for individuals to make general public comments that do not relate to any projects scheduled for public hearing under the “Business Items” section of this agenda. Please see the Public Comment Policy on the reverse side of this agenda for more information.

3.0 Business Items

3.1 Project ZTA-24-004

This project represents a city-initiated request for a zoning text amendment to modify the city’s short-term rental ordinance in order to increase the fine for violation of the ordinance. No other amendments to the ordinance are proposed at this time.

4.0 Consent Agenda

- 4.1 Approval of Planning Commission Minutes from October 16, 2024

5.0 Adjourn

Next Planning Commission Meeting: January 8, 2025 (pending City Council adoption of annual meeting calendar)

Public Comment Policy

Individuals may provide public comment verbally or via writing.

Verbal comments are accepted in person at the 6:00 p.m. Business Session, but not at the 5:00 p.m. Work Session. At the Business Session, public comment may be given during two intervals:

1. General Public Comment Period – An opportunity for general comments not relating to specific projects on the meeting agenda.
2. Specific Project Public Hearings – An opportunity for comments relating to specific projects on the meeting agenda which were noticed as public hearings.

Please note that verbal comments must be provided by attending the meetings in-person. Verbal comments cannot be provided via the electronic broadcast of planning commission meetings on the city's YouTube channel.

Verbal comment periods are an opportunity for individuals to share comments as they see fit but **are not an opportunity for "question and answer" dialogue.** Questions should be directed to city staff at planning@ch.utah.gov. Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, **written comments** may be submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the planning commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, December 3, 2024, the day prior to the meeting. Comments received after this deadline will be distributed to the planning commission after the meeting.

Meeting Procedures

Items will generally be considered in the following order: 1. Chair introduction of item, 2. Staff presentation, 3. Applicant presentation, if applicable, 4. Chair opens public hearing, if applicable, 5. Chair closes public hearing, if applicable, 6. Planning commission deliberation, 7. Planning commission motion and vote on item.

Applications may be tabled if additional information is needed in order to act on the item; or if the planning commission feels there are unresolved issues that may need further attention before the commission is ready to make a motion. No agenda item will begin after 9:00 pm without a unanimous vote of the commission. The commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Wednesday, November 27, 2024, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 27TH DAY OF NOVEMBER, 2024, Attest: Maria Devereux, Deputy City Recorder



PLANNING COMMISSION MEMO

ZTA-24-004 – Short-Term Rental Violation

Amendment

Meeting Date: December 4, 2024

Staff Contact: Mike Johnson, CED Director

Request

This application represents a city-initiated request for a zoning text amendment to update a provision of the city's Short-Term Rental Ordinance (19.89) to increase fines for operation of illegal short-term rentals. This change is in response to direction from the City Council, with input and support from the Cottonwood Heights Police Department.

Proposed Amendment

To further dissuade the operation of unlicensed or illegal short-term rental units, the City Council has given direction to increase the financial penalty for operation of illegal short-term rentals in the city. The current ordinance imposes a fine of \$250 for any first violation, \$500 for a second violation, and \$1,000 for a third violation, with each day of non-compliance being considered a separate offense. The proposed amendment increases that penalty to \$600 and \$800 for the first and second offenses, respectively, with third offenses remaining \$1000. The Police Department finds that this increased penalty will assist in shutting down illegal short-term rental operations and dissuading operators from simply paying a nominal penalty and continuing illegal rental operation, as has been experienced in the past.

The city continues to assess and discuss broader short-term rental policy options, and while further changes may be considered and discussed in the future, the proposed fine amendment assists in enforcement challenges with the current ordinance.

The proposed fee amendment is as follows:

19.89.190 Violations and penalties.

A. Failure to comply with this chapter shall constitute a violation of this code for which a citation may be issued and penalties may be imposed by the city. Each day that a violation occurs or continues is a separate violation.

B. Operation of a property in the city for short-term rental purposes without a permit or a business license shall be a violation of this code and shall be punishable as provided in Section 1.08.020 of this code, with each day of unlicensed operation constituting a separate offense.

C. For noncompliance with this chapter of a permitted and licensed short-term rental property, the issuing officer shall issue a written citation to the operator, specifying the violation and the penalty to be imposed for such violation. Except as otherwise provided in this chapter, the penalty for violation of this chapter shall be as follows:

1. For the first violation within any 12-month period, the penalty shall be ~~\$650~~\$250;
2. For a second violation within any 12-month period, the penalty shall be an additional ~~\$800~~\$500; and,
3. For a third violation within any 12-month period, the penalty shall be an additional \$1,000 and revocation of the short term rental permit and the business license for the subject property; provided, however, that the operator may not re-apply for any available short-term rental permit or business license for such property for two years from the date of such revocation.

Recommendation & Model Motions

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed changes.

Approval

I move that we forward a recommendation of approval to the City Council for project ZTA-24-004, based on the finding listed in the staff memo and attachments dated December 4, 2024.

- List any other findings or conditions for recommendation of approval...

Denial

I move that we forward a recommendation of denial to the City Council for project ZTA-24-004, based on the following findings...

- List findings for negative recommendation...

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

Wednesday, October 16, 2024

5:00 p.m.

**2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Lucy Anderson, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler, Commissioner Dan Poulson

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

WORK SESSION

Chair Lucy Anderson called the Work Meeting to order at 5:01 PM.

1.0 Review Business Session Agenda.

Community and Economic Development Director, Michael Johnson, provided an overview of Item 1, CUP-24-016, which is a Conditional Use Amendment for the previously approved Canyon Centre Master Site Plan. Apres Condominium will be located at 7367 South Canyon Centre Parkway and built on top of the existing parking structure. A 65,000-square-foot office building was originally entitled at the location and the developer is proposing to build a 36-unit for-sale condominium project in its place.

The Canyon Centre was originally approved in 2014, and subsequent uses and phases have also received approval. Different uses that are either fully constructed and occupied or entitled include the parking structure that serves both private businesses and the public, numerous commercial and retail spaces including two current restaurants, a 149-room Courtyard Marriot hotel, a 17-home single-family neighborhood, the 140-unit Canyon Centre Heights rental apartments (which are entitled but not built), a public plaza that will be dedicated to the City, and the currently entitled office building that the applicant proposes to replace with market-rate condominiums.

The project is part of a Community Development Area (“CDA”), which receives tax-increment financing (“TIF”) from applicable taxing entities. The CDA includes both a plan and a budget and is governed by a Development Agreement with the Community Development Renewal Agency (“CDRA”) and various interlocal agreements with the various taxing entities. Those agreements must be amended to reflect the change but that is outside the Planning Commission’s scope.

Building height has been entitled and approved and the new building will adhere to those requirements. In response to a question, Mr. Johnson stated that if the building height had not been previously approved, the default height in mixed-use zones is two stories or 35 feet. Applicants can request a third story but that requires Conditional Use approval.

Architectural drawings for the office building were reviewed as well as renderings and elevations for the proposed condominium building. An Impact Analysis was also reviewed which indicated that parking for the office building required 260 stalls, whereas the condominium requires only 46 total stalls. The previous Shared Parking Agreement allotted 55 total stalls to office use only and the rest were for office use during the day and public use on nights and weekends. Traffic impact will reduce from 746 average trips for the office building to 164 trips for the condominium. The density will be 36 units. Mixed-use zones allow 35 units per acre and the Canyon Centre project is approximately 11 acres, so the total residential density will be 17 units per acre.

Traffic studies indicated that left-hand turns should not be allowed from Canyon Centre Parkway onto Wasatch Boulevard. The City recently restriped Canyon Centre Parkway and indicated that the intersection is right turn only and a proposed Condition of Approval is that the applicant work with the Public Works Department to install permanent infrastructure to prohibit left turns on the City's right-of-way.

In response to a question regarding road damage from construction vehicles, Mr. Johnson stated that if public improvements are tied to a new development, the Public Works Department determines the cost of public improvements and requires a bond to cover that cost. Typical costs are related to erosion control, stormwater, streetlights, etc. If, for example, stormwater infrastructure is required, the developer installs it at their cost, but the City bonds for and inspects it to ensure that it meets City standards prior to taking it over. Once it is inspected and approved, the developer is then reimbursed the bond deposit.

Residential development is permitted in Mixed-use zones and generally only requires Site Plan approval. However, because the application was to amend a previously approved Conditional Use, the Planning Commission would review both the Conditional Use and Site Plan. The focus of their review was specifically on the amended portions of the original approval. Review of other aspects of the change, including the Development Agreement, was the authority of the City Council. In response to a question, Mr. Johnson clarified that approval of this Conditional Use would supersede the previous use.

The recommended Conditions of Approval were reviewed as follows:

1. The applicant shall receive approval of all necessary amendments to the Community Development Area by the City and any other applicable entities prior to submittal of a Building Permit for the proposed condominium project.

There would be no requirement for affordable housing. CDAs are now called Community Reinvestment Areas ("CRA"), which require a set-aside to fund affordable housing. CDAs do not have that requirement, and the developer was not proposing affordable housing.

Zoning allows for short-term rentals, but because the building will front on a public street, short-term rental licenses would not be approved for these units. Code Enforcement enforces based on the actual use, so if an owner attempted to circumvent the rule by writing a 30-day lease but only renting their unit for seven days, which would be a potential violation. It was noted that the City Council will be exploring stricter rules for short-term rentals to address policy enforcement.

2. The applicant shall construct for-sale condominium units, as proposed. An increase or decrease of more than two units, or a change to a rental apartment product shall require additional review and consideration by the Planning Commission.

Mr. Johnson stressed that this condition is important because the “use” in Mixed Use is technically just multi-family residential, but Staff feels that an apartment project has a different impact from a condominium building and they wanted to ensure that the review is specifically focused on a condominium use. If the developer wishes to change that in the future, it will require an additional review by the Planning Commission.

3. The applicant shall submit an updated shared parking agreement as part of its required Development Agreement update, which demonstrates the requisite amount of parking allocated for the proposed use. Additionally, the applicant should utilize excess parking in beneficial ways such as additional public parking, overnight guest parking, bicycle parking, etc. Alternate utilization of excess parking is subject to approval by the City’s CDRA.

It was requested that the text be changed from “beneficial ways” to “beneficial ways to others” to ensure that additional spaces cannot be used for condominium-related storage.

Mr. Johnson noted that although only 46 parking stalls are required to be dedicated to the condominium units, the applicant may intend to dedicate more spaces to the project. He believed it would be fair to indicate that any parking that is allocated for condominium use but conflicts with the public shared parking agreement must be reconciled. To Commissioner Shelton’s point, office parking is easy to restrict, but it is harder to restrict condominium stalls because they will be used on nights and weekends. An option would be to utilize the 55 stalls that were already set aside for the office building.

4. Based on evidence provided by Hales Engineering in previous Canyon Centre traffic studies, as well as Staff review, the applicant shall install permanent infrastructure prohibiting left-hand turns from Canyon Centre Parkway onto Wasatch Boulevard, subject to review and approval by the City’s Public Works Department prior to issuance of Certificate of Occupancy for any condominium unit.
5. The proposed building shall not exceed the originally entitled standards for building height and massing.

In response to a question, Mr. Johnson confirmed that the condominium building will occupy approximately the same square footage as the originally proposed office building. Building height was discussed, including citizen concerns that were raised when the office building was approved. In response to a question on the possibility of limiting the building's height, Mr. Johnson indicated that the office building was already approved and could be built as approved, so it would be hard to justify a Condition of Approval requiring less height. The master developer of Canyon Centre was requesting a new Development Agreement with different terms and financial projections, so the City Council could negotiate building height at its discretion.

6. The proposed building is subject to review and approval by the City's Architectural Review Commission and shall receive a Certificate of Design Compliance as required by the City's Gateway Overlay District Ordinance.
7. Prior to issuance of a Building Permit, the applicant shall provide current will-serve letters from both the water and sewer provider for this site (Salt Lake City Public Utilities and Cottonwood Improvement District, respectively).
8. Prior to issuance of a Building Permit, the proposal is subject to review and approval by the City's Stormwater Manager for compliance with all stormwater runoff, drainage, and retention requirements.
9. All roof-mounted mechanical equipment shall be properly screened, and such screening shall be designed to be compatible with the architectural design of the building.
10. The applicant shall submit a more detailed Building and Site Landscaping Plan, subject to review and approval by the City's Architectural Review Commission via a Certificate of Design Compliance. New landscaping shall be compatible with existing site landscaping and compliant with current City Waterwise Landscaping Standards to the greatest extent possible.
11. The applicant shall submit a full Building and Site Lighting Plan, compliant with the City's Outdoor Lighting Ordinance (19.77) prior to issuance of a Building Permit.
12. The applicant shall submit a detailed Trash Pickup Plan. Any new dumpster visible from the public right-of-way shall be properly screened, and service to the dumpster shall not interrupt the regular flow of traffic from the parking lot and parking structure.
13. The applicant shall submit a Site Maintenance Plan for all common areas on site, which shall address how standard maintenance procedures are handled, including site snow removal.
14. The applicant shall address all other technical correction items required by ordinance and identified by all applicable City departments.

A question was raised as to whether it would be possible to add a condition requiring that the condominium owners follow current Cottonwood Heights short-term rental guidelines. Mr. Johnson stated that short-term rentals have a reasonably expected negative impact so it would be appropriate for the Commission to offer a Condition of Approval regarding short-term rentals. The potential negative impacts of allowing short-term rentals in this building would include setting a precedent of not enforcing the current code, a potential negative impact on the value of the condominiums, and an increased number of cars using the parking spaces. It was suggested that language also be added to indicate that the HOA will be responsible for communicating the short-term rental policy to potential buyers.

The possibility of allowing short-term rentals in the condominium units was discussed. It was pointed out that the hotel next door is exclusively used for short-term rentals and the area is a prime location for them. However, it was pointed out that allowing short-term rentals in that area was outside the Planning Commission's authority because it would require a Code Amendment. Additionally, the applicant was not proposing short-term rentals.

Issues with the rooftop plans for the original office building were discussed. To avoid a similar problem, it was recommended that the shielding of the roof mechanical equipment be specified so the rooftop could not be turned into living space or another floor. Mr. Johnson indicated that the condition that the developer comply with the entitled building height and massing standards addressed that concern, but it could be further clarified in the motion at the Commission's discretion.

With regard to greenspace, the condominium building is part of an approved Master Site Plan and complies with the open space requirements. The future plaza makes up most of the open or greenspace for the development and will not be in place until the City has accrued enough tax increment revenue to construct it, but it is currently being designed.

The August 7, 2024, Planning Commission Meeting Minutes were discussed. Chair Anderson noted that she was incorrectly referred to as Acting Chair Anderson on page 7.

The billboard that was under construction was discussed. It is the result of a State Code provision that allows billboard companies to relocate an existing billboard within one mile of its original location if it is in a commercial area. The relocated billboard is subject to certain height standards. If the current billboard is already over 45 feet, it can retain that height. Otherwise, it can be up to 45 feet. The actual sign must be the same size or smaller. State Code supersedes City authority. Approval for the billboard was granted in 2021. The owner's communication to the City shows that they are relocating it from a shopping center west of Highland Drive, but it appears that they are trying to relocate a billboard from 2300 East to this location. That has raised concerns with City Staff because it is not what is documented in the approval, and the existing billboard is a single-wide billboard so the size would be directly impacted. Staff is working with Reagan Outdoor Advertising to obtain clarification. They are able to install a billboard at this location, but it must meet the requirements, and the existing billboard must be removed. They are considering several different billboard relocations, so they could move a smaller billboard to the Seven-Eleven location. Once the City has confirmation of the company's specific plans, that will

be communicated to residents. It was clarified that cities can prohibit new billboards, but they cannot prohibit relocation of existing billboards.

A message from Council Member Holton was read indicating that he contacted Mr. Reagan to discuss citizens' concerns, and Mr. Reagan has committed to working with the City to find an alternative location for the billboard if the City moves forward with the Hillside development so they can ensure that the plaza retains its intended open feel.

Mr. Johnson clarified that there is a Code provision that states that if the municipality believes a company intentionally misrepresented its proposal, the City can require them to remove the billboard. At that point, the company would have six months to take corrective action. It was clarified that electronic billboards are a Conditional Use and not protected by the State Code.

A joint City Council and Planning Commission meeting was scheduled for October 29, 2024, at 5:30 p.m.

2.0 Adjourn.

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

The Work Meeting adjourned at 5:54 PM.

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

Wednesday, October 16, 2024

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

Members Present: Chair Lucy Anderson, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler, Commissioner Dan Poulson

Excused:

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

BUSINESS SESSION

Chair Lucy Anderson called the Business Meeting to order at 6:02 PM.

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 to disclose.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items.

3.1 Project CUP-24-016 - This Item Constitutes a Request from Solstice Development to Construct a 36-Unit Residential Condominium Building at 7367 South Canyon Centre Parkway. This Request Represents an Amendment of a Previously Approved Site Plan and Conditional Use Permit which Granted Approval to Construct a 65,000 Square-Foot Office Building in the Same Location. If Approved, the Proposed Condominium Building will Replace the Previously Entitled Office Building.

Community and Economic Development Director, Michael Johnson reported that the application was reviewed during the Work Session presentation. As there were no citizens present at the

meeting, the Staff Report was not presented.

The applicant, Chris Ensign, reported that FSC Development LLC is exclusively a for-sale condominium developer. They have never developed other types of housing. They have projects in Park City, Sun Valley, and Holladay where they recently completed the three condominium buildings in Holladay Village. They are both the developer and builder on all their projects. He referred to a Harvard Joint Center for Housing Studies report that indicates that grey design is underutilized and neglected. FSC Development primarily sells to baby boomers who either live in the area or have adult children in the area. They provide an opportunity for people to move up while also downsizing. The study also found that moving to 55-plus communities in Arizona is not what baby boomers want. They want to stay in the communities they know. Mr. Ensign believes their niche product accommodates the needs of their target demographic. The buildings do not have steps, which is important for an aging population. They are also zero maintenance in that the only required maintenance is changing light bulbs and air conditioner filters.

FSC Development does not allow more than 20% of its units to be utilized for long-term rentals because rentals adversely affect property values. It is not a rental project. There have been some concerns about the site. Renters look at amenities, but buyers have a more sophisticated list of requirements that includes finishes and views. He is concerned about the units along Wasatch Boulevard as some are at or below grade. If those units do not sell within two years, he may request permission to lease them as short-term rentals. He believed the Marriott agreement allows for up to 10 short-term rentals.

Commissioner Steinman asked about the size and layout of the units. Mr. Ensign indicated that approximately 70% of the units will be two bedrooms and 30% will be three bedrooms, with square footage ranging from 1,650 to 2,200 square feet. In response to a follow-up question from Commissioner Steinman, Mr. Johnson stated that long-term rentals will be allowed. Mr. Ensign reiterated that long-term rentals are capped at 20%. The HOA could make other rules in the future but generally, primary owners do not want a lot of rentals.

In response to a question from Commissioner Mills regarding the previous issue with rooftop mechanical equipment, Mr. Ensign confirmed that the rooftop equipment will be screened with four- to six-foot tall screens. There is a rooftop amenity on one end of the building but it is above the third floor and not the fourth floor. They include rooftop amenities on all their buildings. Commissioner Mills pointed out that neighboring residents will be affected by the change and the developer should be conscious of that in their noise and lighting decisions. Mr. Ensign stated that they intend to install dark sky downlighting.

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

Commissioner Shelton suggested adding a condition regarding public use of parking stalls. The previous terms indicated that parking stalls dedicated to the office building could be used by the public on nights, weekends, and holidays. The parking structure has 246 total available stalls, some of which are shared with the hotel. He believed that anything currently set aside for public parking in the Shared Parking agreement should not now be set aside for the condominiums. The

Code only requires 46 dedicated spaces for the condominium, so the 55 stalls previously dedicated to the office building can be transferred for their use. It was clarified that any conditions set on the parking spaces would apply to additional stalls but would not be part of the City's parking mandate. Public financing paid for the parking structure, and the public should not lose access to the parking structure.

The maximum total number of available public parking stalls is 296. City Code requires 45 spaces for the condominium units, which can be reserved in the dedicated third level of the parking structure that currently has no public parking. Language was suggested to ensure that all public parking designated in the parking agreement must remain available to the public at the times outlined in the agreement.

Mr. Ensign expressed a concern about restricting the number of available parking stalls. His buildings usually have 1.75 parking stalls per unit, and in his purchase agreement, he requires 75 stalls. He stated that they need a minimum of 63 stalls and asked that they be allowed to work through the issue with the updated Parking Agreement.

The intended uses for the subsidized public parking spaces were discussed. Chair Anderson asked about the impact on public availability if the additional spaces were allotted for the condominiums. Commissioner Shelton stated that the public expected use of the garage, and his opinion was that it would only be appropriate to change the use if doing so did not diminish the public good. Allowing more dedicated spaces to be taken from the pool of public spaces diminishes the public good and is not appropriate. It was suggested that the City could explore a TIF reduction to account for the additional dedicated spaces. The comment was also made that the reduction in daily trips would benefit the public.

The number and use of parking stalls were discussed. The 55 stalls on the third level of the parking garage would be allocated for the condominium's exclusive use. The 17 surface stalls allocated to the hotel and office space could be used by condominium guests. The bottom level has 80 stalls that are dedicated to canyon recreationalists. The remaining stalls on that level were previously dedicated to the office during normal business hours, with a certain number also allocated on weekends. The condominium will require fewer stalls than the office building, and the public could then use those extra stalls. Currently, there is no nightly parking other than for hotel use.

Mr. Ensign stated that the condominium would not need exclusive use of the 17 surface stalls and asked if an arrangement could be made to dedicate them to public use in exchange for dedicated garage stalls for the condominiums. Mr. Johnson clarified that the 17 surface stalls are on property that will be deeded to the City and would be addressed as part of the Development Agreement amendment. Because the Shared Parking Agreement is negotiable by the CDRA, he suggested that the Commission's motion include language that the Council be mindful of the number of stalls allocated to public use not being diminished. If the applicant could develop a rationale that demonstrates the tradeoff provides an equal or better public benefit, the CDRA could decide that as part of its Development Agreement. They could also adhere to the originally suggested language. He believed it was important to bring up because of the taxing entity's contribution to the public use of the stalls.

In response to a question, Mr. Johnson stated that the original Development Agreement was a large undertaking but he did not believe anything was covered at that time that was applicable to the current discussion. The parking structure had not been fully utilized to date and the office building did not exist, so the City had not yet worked through the logistics of when it is public or private parking.

Commissioner Steinman moved to APPROVE Project CUP-24-016 based on the following:

Findings:

- 1. That the proposed use is one of the Conditional Uses specifically listed in the zoning district in which it is to be located.*
- 2. 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.*
- 3. 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.*
- 4. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located.*
- 5. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed.*
- 6. That protection of property values, the environment, and the tax base for the City will be assured.*
- 7. That the use will comply with the City's General Plan.*
- 8. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner.*
- 9. That the internal circulation system of the proposed development is properly designed.*
- 10. That existing and proposed utility services will be adequate for the proposed development.*
- 11. That appropriate buffering will be provided to protect adjacent Land Uses from light, noise, and visual impacts.*
- 12. 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.

13. *That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances.*
14. *That the proposed use preserves the historical, architectural, and environmental features of the property.*
15. *That operating and delivery hours will be compatible with adjacent land uses.*
16. *The foregoing approval standards shall be subject to any contrary requirements of Utah Code Ann. § 10-9a-507, as amended.*

Conditions:

1. *The applicant (or Canyon Centre project developer) shall receive approval of all necessary amendments to the Community Development Area (development agreements, interlocal agreements, project area plans, financial projections, etc.) by the city and any other applicable entities prior to submittal of a building permit for the proposed condominium project;*
2. *The applicant shall construct for-sale condominium units, as proposed. An increase or decrease of more than two units, or a change to a rental apartment product shall require additional review and consideration by the Planning Commission;*
3. *The applicant shall submit an updated shared parking agreement as part of its required Development Agreement update that demonstrates the requisite amount of parking allocated for the proposed use. Additionally, the applicant should utilize excess parking in beneficial ways to the community such as additional public parking, overnight guest parking, bicycle parking, etc. Alternate utilization of excess parking is subject to approval by the City's Community Development and Renewal Agency;*
4. *Based on evidence provided by Hales Engineering in previous Canyon Centre traffic studies, as well as staff review, the applicant shall install permanent infrastructure prohibiting left-hand turns from Canyon Centre Parkway onto Wasatch Boulevard, subject to review and approval by the city's Public Works Department, prior to issuance of Certificate of Occupancy for any condominium unit;*
5. *The proposed building shall not exceed the originally entitled standards for building height and massing;*

6. *The proposed building is subject to review and approval by the City's Architectural Review Commission and shall receive a Certificate of Design Compliance as required by the City's Gateway Overlay District Ordinance.*
7. *Prior to issuance of a Building Permit, the applicant shall provide current will-serve letters from both the water and sewer provider for this site (Salt Lake City Public Utilities and Cottonwood Improvement District, respectively).*
8. *Prior to issuance of a Building Permit, the proposal is subject to review and approval by the City's Stormwater Manager for compliance with all stormwater runoff, drainage, and retention requirements.*
9. *All roof-mounted mechanical equipment shall be properly screened, and such screening shall be designed to be compatible with the architectural design of the building.*
10. *The applicant shall submit a more detailed Building and Site Landscaping Plan, subject to review and approval by the City's Architectural Review Commission via a Certificate of Design Compliance. New landscaping shall be compatible with existing site landscaping and compliant with current City Waterwise Landscaping Standards to the greatest extent possible.*
11. *The applicant shall submit a full Building and Site Lighting Plan, compliant with the City's Outdoor Lighting Ordinance (19.77) prior to issuance of a Building Permit.*
12. *The applicant shall submit a detailed Trash Pickup Plan. Any new dumpster visible from the public right-of-way shall be properly screened, and service to the dumpster shall not interrupt the regular flow of traffic from the parking lot and parking structure.*
13. *The applicant shall submit a Site Maintenance Plan for all common areas on site, which shall address how standard maintenance procedures are handled, including site snow removal.*
14. *The applicant shall address all other technical correction items required by ordinance and identified by all applicable City departments.*
15. *These units shall comply with the City's short-term rental policy, and the HOA will communicate said policy to potential buyers.*
16. *Rooftop use will be limited to the maintenance of mechanical equipment as shown in the project submittal.*

17. *The Development Agreement is to be modified to ensure the parking stall agreement shall be equal or greater for public use at all times of day than the agreement made for the office use previously approved.*

Commissioner [REDACTED] seconded the motion. Vote on motion: Commissioner Mills-Yes, Commissioner Steinman-Yes, Commissioner Shelton-Yes, Commissioner Poulson-Yes, Commissioner Smith-Yes, and Chair Anderson-Yes. The motion passed unanimously.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from August 7, 2024.

Commissioner [REDACTED] moved to APPROVE the Consent Agenda, with changes to indicate that the meeting was chaired by Chair Mills, not Vice Chair Anderson. Commissioner [REDACTED] seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

The Business Meeting adjourned at approximately 6:52 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Wednesday, October 16, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____