

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

Wednesday, February 5, 2025

5:00 p.m.

2277 East Bengal Boulevard

City Council Work Room

ATTENDANCE

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Dan Poulson

Staff Present: Community and Economic Development Director, Michael Johnson; Associate Planner/Sustainability Analyst, Ian Harris via Zoom; City Attorney, Shane Topham

WORK SESSION

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

1.0 Review Business Session Agenda.

The Business Session agenda items were reviewed. Chair Anderson reported that there are two Business Items on the agenda, including Item 3.1 - Project ZTA-24-005 and Item 3.2 - Project CUP-24-019 and SUB-24-008. Both items were continued from previous Planning Commission Meetings.

Community and Economic Development Director, Michael Johnson, shared information about Project ZTA-24-005, which relates to a request from Rockworth Companies for a Zoning Text Amendment. This item was last reviewed by the Planning Commission at the beginning of January 2025 and was continued to the current meeting. During the last meeting, background information shared as well as details about the proposed Text Amendment. Mr. Johnson noted that the previous presentation slides are included in the Meeting Materials Packet for additional review.

Mr. Johnson shared a map with the Commission that highlights the northern 21.56 acres of the gravel pit site located at 6695 South Wasatch Boulevard. The applicant and developer is Rockworth Companies. The ordinance that is impacted by the Text Amendment is PDD-2 – Wasatch Rock Redevelopment, which is the site-specific Planned Development Zone. PDD-2 is the site-specific Ordinance and Development Plan that was entitled in 2021. It applies only to this site but was codified as a unique zone. Any updates to that requires the Text Amendment process to take place. This is a legislative process, so the Commission will act as a recommending body to the City Council.

The Development Plan information was reviewed. Mr. Johnson explained that the approval exists currently and none of the site details are being discussed, other than a few details related to the condominium building. The overall Development Plan for the site is a mixed-use project. It includes a seven-story apartment building with 300 units, several retail commercial pads, mixed-use commercial, a five-story hotel, and a condominium building. All of the buildings, with the exception

of the condominium building, have already received approval and entitlement for massing, height, unit count, and density. When the Planning Commission reviewed this originally, the condominium unit was proposed to have a unit count of 100 units. The Commission recommended approval of that, but the unit count was removed as part of the City Council deliberations. The ordinance that was adopted at the time stated that the applicant would return to entitle the massing and unit count.

Mr. Johnson shared a Site Plan that shows the various natural and manmade constraints the development has had to work around. The red lines are fault lines that have been verified by trenching. The pink outline around the fault lines indicates the minimum fault setback. There cannot be habitable structures within those areas. The blue line and the smaller dashed line represent the water line that runs through the site. The green area in the back represents the slope. From a sensitive land standpoint, there has been a lot of scoping done. That has been detailed in the Staff Report. Numerous hazards exist, but those are mostly created by fault hazards and slope stability hazards. That has been scoped and mitigated for much of the site. There are requirements that as each phase comes online, there be further site-specific mitigation and engineering design conducted.

The Phasing Plan was shared. The subject of the Text Amendment is the condominium building, which is shown on the plan in blue. It is Phase 7 and is the last phase that is anticipated to be developed. The Development Plan states that development will occur according to the Phasing Plan. It will start with the apartment building, continue with the retail pads and the hotel, and then end with the condominium building. In the Landscaping Plan, there is a lot of hillside reclamation that has to be done. Approximately two years were spent working with engineers to make sure the Reclamation Plan was acceptable. That work is now underway. Mr. Johnson clarified that the condominium does not impact that work, but it will require additional slope stability as that section comes online.

Commissioner Sean Steinman asked about the road on the southwest side. At the last meeting, it was noted that the road is not part of the development. He asked if an easement was in place for circulation. Mr. Johnson confirmed that there are easement rights to use that parcel. The PDD-2 Ordinance states that it will be used as the temporary secondary ingress and egress unless and until the development connects with a larger transportation system on the southern property. The road needs to be operational until a future connection is made. Commissioner Steinman asked about possible enhancement to the road. Mr. Johnson stated that not a lot of improvement is anticipated.

The proposed Text Amendment was discussed. Mr. Johnson reiterated that it will only impact the condominium pad. The footprint and location have already been established as well as the use itself. The existing ordinance states that while it approves a use and location for the condominium portion of this project, it is subject to further review by the Planning Commission, Architectural Review Commission (“ARC”), and City Council. Nothing outside of entitling the unit count, density, massing, and height is proposed to be amended in the PDD-2 Ordinance. Any standards that exist for the rest of the development remain unchanged and will follow the same process already approved.

Chair Anderson asked if anything specific was proposed for the condominium in terms of height. Mr. Johnson reported that the original application showed a 12-story building with 100 units. The original Site Impact Analysis was done with that size and mass in mind. There were also renderings provided and reviewed by the Planning Commission. The Traffic Study that was conducted also took into account the number of units. There were outstanding questions from the City Council that would have taken additional time during the entitlement process. As a result, a decision was made to pull that portion out and finalize the condominium details at a later date. Chair Anderson asked whether

the City Council ever rejected the condominium size. Mr. Johnson clarified that there were only discussions. The Mayor at the time had some concerns about the building height as a whole. The proposal was never voted on, but it was determined that the details would be finalized later on.

The Commission discussed the condominium massing. Mr. Johnson explained that what is proposed in the Text Amendment is a range of nine to 10 unit floors above three to four levels of parking. What that results in is a 12 to 14-story building. That is measured from the adjacent grade at Wasatch Boulevard in front of the site. All of the grades and measurements are established from that point. The total unit range is proposed to be between 75 and 110. The ordinance that entitled the creation of this site-specific zone establishes parameters for building heights. What that shows at the condominium location, given the distance from Wasatch Boulevard, is that some are potentially subject to the 150-foot height restriction. However, most of the building would fall under a 300-foot maximum allowable height. The applicant's proposal is compliant with both of those standards.

Chair Anderson asked for additional information about the building height parameters. The Meeting Materials Packet states that the distance from Wasatch Boulevard is between 450 feet and 500 feet. Mr. Johnson clarified that it is the distance from the beginning of the building. Some of the details will depend on the final massing and design of the building. He reiterated that this is a legislative item, so the Planning Commission will be making a recommendation to the City Council on this matter.

The Impact Analysis details were shared. It was noted that the original Traffic Study accounted for a 100-unit condominium building. Some other uses were later revised through that initial process, such as a senior living center. Mr. Johnson has reviewed the Traffic Study with the City Engineer and the findings, methodology, and procedures used to complete that study are still considered acceptable. He reported that the original intersection design to enter the site was reconfigured during that initial process based on input and discussion with Holladay City officials. Even with that reconfiguration, the projected level of service (“LOS”) post-development is never below a LOS C. He pointed out that a LOS D is acceptable in traffic engineering standards.

Commissioner Dan Poulson asked for additional information about the LOS rankings. Mr. Johnson explained that the LOS corresponds with the delay at various intersections. Traffic studies look at the wait times. The longer the wait is, the lower the LOS will be ranked. Commissioner Poulson wanted to know about the new intersection. Mr. Johnson reported that there will not be a light there. Some changes were made to address some of the previous concerns expressed by Holladay City.

The original Traffic Study assumptions show the total unit count and density that the study accounted for. The proposal now is to have fewer residential units than the original study accounted for. The general impact in density and unit count remains fairly comparable to what was originally assessed. As a result, it was determined that an update to the existing study was not required. Mr. Johnson shared the original intersection design and compared it to the approved intersection design. The original design featured a reconfiguration of the entire intersection into the site. Various iterations were reviewed. Eventually, there were concerns expressed by Holladay that what was proposed would impede their normal flow of traffic. The applicant then relocated the entrance to their site to accommodate the existing grade and bend of Wasatch Boulevard as it currently exists. The full intersection outside of the project site will remain unchanged and the Rockworth Companies project will access that. There will be stop-controlled access coming out of the project site.

Information about geotechnical and geologic hazards was shared. Mr. Johnson reported that GeoStrata provided an update memo to outline what has been done and what still needs to be done. That memo is included in the Meeting Materials Packet. A lot of preliminary scoping has been conducted. In addition, there are provisions built into the PDD-2 Ordinance to state that when this phase comes online, there will need to be further site-specific trenching, slope stability analysis, and any other hazard analysis or mitigation that is necessary. The fault line and fault setback zone cross over a corner of the proposed condominium building. What is proposed is for that section to be an unoccupied parking structure. There will be an expansion joint that separates that element of the parking structure from the occupied portion. All of that is subject to further review. The Commission further discussed faults. Mr. Johnson explained that the ordinance has standards based on the size of the fault, displacement, age, what is considered active and not active, and what requires mitigation.

Mr. Johnson reviewed building and massing details. He reported that all of this information was looked at again and is within the allowable limit. Chair Anderson referenced the building height and massing diagram shown. It has been available for some time, so she was surprised that some public comments expressed concerns about the height. Mr. Johnson confirmed that there was a similar, if not identical, exhibit presented during the initial process. The condominium building was part of the public process for 22 of the 24 months that it moved through the entitlement process before.

Commissioner Steinman believed the whole site could be as high as 300 feet. Mr. Johnson clarified that there is eligibility to request that height. It still needs to go through a legislative process for that to be adopted, but the rationale is that a tall building further away from Wasatch Boulevard can mitigate hillside scarring without impacting mountain views. That is the rationale for the eligibility.

Commissioner Mike Smith noted that some residents have expressed concerns about the height. However, any limits to the height will ultimately be decided by the City Council. Mr. Johnson explained the Planning Commission can make specific recommendations, but the final decision will be made by the City Council. Commissioner Dan Mills reported that there were lengthy discussions about the proposed height previously. In Utah, individual viewsheds have not typically been protected by law. That being said, there is precedent in the State and other adjacent States when it comes to covering scarring without blocking the views. Mr. Johnson shared information about the grade of the adjacent neighborhood and the roadway in comparison to the maximum elevation of the proposed condominium building. The elevation marks are shown on the map at specific points.

The elevation map was further reviewed. The nearest homes in Holladay were considered to visualize the impact. Based on the elevations, 50 to 60 feet of that building will protrude above the elevation of Gun Club Road in the area. That is not necessarily problematic, but the building will be visible from some of the properties. Mr. Johnson reiterated that the maximum building height is 150 feet to 300 feet. An exhibit from the applicant was shared. The Staff finding is that the height proposed is much less than the maximum allowed. He noted that the applicant has limited ability to modify or relocate the condominium units in the footprint due to what has already been entitled and the site constraints. This level of building height and intensity is unique to the City but is supported by the Wasatch Boulevard Master Plan. Mr. Johnson shared an excerpt from the plan:

- Wasatch Boulevard North: The Gravel Pit Area:
 - The Gravel Pit area is envisioned to become an intensely developed area that merges city-like qualities with the unique mountain setting. In order to ensure the Boulevard matches this vision, a design aesthetic that embraces the natural hillside should be merged with urbane building materials and design that is suitable for a bustling place of commerce and mixed-use development.

Elsewhere in the plan it mentions the gravel pit being developed as a walkable urban place. There are also photographic renderings in the Wasatch Boulevard Master Plan that illustrate the type and intensity of development. This plan is part of the rationale for the Staff recommendation that the height be approved, even though what is proposed is much taller than other buildings in the City. The height is supported by the plan. Additionally, the site is unique compared to other sites in the City.

Mr. Johnson clarified that there is no vehicular access from this development directly onto Gun Club Road. He noted that model motions have been prepared for the Commission. Commissioner Steinman asked if the Traffic Study has been updated in the last six to 12 months. This was denied. Mr. Johnson explained that Staff reviewed the study and determined the findings were still valid.

Chair Anderson asked if there is a requirement for the number of parking spaces. Mr. Johnson reported that it is 1.2 stalls per unit. Commissioner Poulson asked about the proposed access. Mr. Johnson explained that from the project outward, it will stop being controlled. If there are delays and backups, it will impact the project rather than Wasatch Boulevard. The secondary access must be functional as well. Mr. Johnson stated that there were a lot of discussions about where to locate stop signs and how to best resolve the concerns that were expressed. Some changes were made and it resulted in the final proposal. There was discussion about the Traffic Study and the assumptions made. Mr. Johnson was not certain about the assumed trips per unit, but the study followed all of the standard projections that are required for these kinds of studies. He offered to obtain more of the study details.

Commissioner Smith asked how long it will be until there is another exit from the development. Mr. Johnson explained that the secondary access has to be functional when there is occupancy. He is not certain when that will be, but he believes the permit for the apartment building will likely come in at some point this year. Commissioner Mills is leaning towards a limit of 150 feet regardless of the location. He pointed out that this will be the tallest structure in Cottonwood Heights. As a result, he will likely suggest that a recommendation be added for a maximum 150-foot building height.

The next agenda item was reviewed, which is for Project CUP-24-019 and SUB-24-008. Mr. Johnson reported that this was last discussed at the January 22, 2025, Planning Commission Meeting. He reminded Commissioners that the proposal is for a 10-unit live-work development in the Neighborhood Commercial Zone. During the last meeting, the Planning Commission asked Staff to review potential conditions and make recommendations. City Attorney, Shane Topham, weighed in and is available to answer outstanding Commissioner questions. The potential conditions are:

- Consider deed-restriction or business licensure requirements for ground-floor units;
- Provide at least one ADA-compliant parking stall;
- Utilize internal trash pick-up (no bins placed on Bengal Boulevard);

- Install or retain fencing on the west side of the subject property;
- Require "No Parking" signage to be installed with the adjacent private property;
- Install signage and enact a restriction on Oakshadow Circle prohibiting overnight parking;
- Provide at least 300 square feet of ground-floor office space per unit;
- Provide enhanced pedestrian amenities;
- Provide more ample on-site snow storage.

Mr. Johnson reported that after the Staff Report was distributed, the applicant provided a resubmittal that modified the Site Plan somewhat. Instead of 10 units, there are now nine units proposed. There is also some additional parking to accommodate an accessible parking stall. The applicant is prepared to walk the Commission through the changes that were made and address the various conditions.

The Conditional Use Purview – State Code presentation slide outlines what cities must follow. 10-9a-507 – Conditional Uses states: “A land use authority shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” Mr. Topham informed the Commission that the Utah Property Rights Ombudsman is the State official charged with helping land owners, neighbors, and governmental entities work together. Concerning conditional uses, the ombudsman has stated that the question is not, “Why allow the use?” but “Why not allow the use?” Mr. Johnson read additional language from 10-9a-507 for the benefit of the Planning Commission:

- The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects;
- If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use;
- If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

The proposed conditions were reviewed, starting with Condition #1: Consider deed-restriction or business licensure requirement for ground-floor units. Mr. Johnson shared the Staff analysis, which found that the basis of this concern or perceived negative impact is due to a lack of clarity in the City Code as to what constitutes a live-work unit. It is not a negative impact generated by the proposed development and is more appropriately addressed with legislative action to amend the City Ordinance.

Chair Anderson asked how to start the amendment process. Mr. Topham reported that Staff can initiate that process. There are periodic updates done for Title 19 to handle these kinds of issues. Mr. Johnson added that when something is not defined in the Code, there is a procedure to determine how the City will define it. There is a document used called The Planner’s Dictionary. A reasonable interpretation must be used that finds in favor of the land owner, applicant, or developer. That definition is in the Staff Report. This is a use that has both residential and non-residential components.

Condition #2: Provide at least one ADA-compliant parking stall was reviewed. Staff feels this is a valid condition. The City Code requires one ADA stall per 25 stalls in a parking lot. The minimum dimension has to be 13x20 or as otherwise required by the ADA code and requirements. The

contracted Building Official stated that a live-work building in a commercial zone may also be subject to various standards in the International Building Code rather than the International Residential Code. The International Building Code is more restrictive and could require ADA-compliant restrooms in commercial areas, elevator access in some of the units, and fire suppression throughout. If there is partly a commercial use, commercial standards for accessibility could apply to the project.

Commissioner Mills asked if there is comfort that the International Building Code standards will be met with the proposal. Mr. Johnson clarified that this is something that is handled during the building plan review. The Building Official from Sunrise Engineering stated that what is ultimately required for the development will depend on the way the architect designs these live-work units.

Condition #3: Utilize internal trash pick-up (no bins placed on Bengal Boulevard) was discussed. The Staff analysis found this to be a valid condition due to the finding of there being 10 or more bins in a public right-of-way along a property that is as wide as two typical residential lots in the area. Other residential properties on Bengal Boulevard put their trash bins out on the street, but a standard single-family lot is approximately 70 feet wide and this is about double that. It is reasonable to have one or two bins every 70 feet, but not to have 10 or more. As a result, Staff found there is merit in imposing a reasonable condition related to trash collection. Commissioner Poulson pointed out that some physical limitations need to be taken into account. Mr. Johnson stated that the specific internal method is subject to a proposal by the applicant. If a dumpster is utilized, the code requires it be at least 50 feet from an adjacent residential zone or use.

Commissioner Mills believed the applicant previously stated there would only be one trash can per unit. Rather than the two cans that are typical in the City, the proposal was to have one can and a private collector. Mr. Johnson reminded the Commission that the applicant proposed ACE Disposal to pick up recycling on a different date than the trash. Commissioner Poulson clarified that ACE Disposal has stated that their preference is for the collection to all take place on the same day.

Mr. Johnson reiterated that Staff supports a condition related to trash collection. Commissioner Poulson asked about mitigation. Mr. Johnson explained that the Commission can ask the applicant to propose an internal trash collection plan that is on-site rather than in a public right-of-way.

Condition #4: Install or retain fencing on the west side of the subject property was next reviewed. Staff found this to be a valid condition, as it would mitigate concerns related to privacy and would create a barrier. The suggestion is that the materials and design standards be subject to compliance with the Fence Ordinance in the City. Condition #5: Require "No Parking" signage to be installed with the adjacent private property was discussed. This is not recommended to move forward as a condition, as it would require another private property. The church parking lot has the right to install property signage and can work independently with the applicant if that is desired.

Condition #6: Install signage and enact a restriction on Oakshadow Circle prohibiting overnight parking was reviewed. Staff finds this is a potentially valid condition and could mitigate the concerns about access and visibility. Oakshadow Circle is the only means of ingress and egress accessing the handful of homes that reside there. It can accommodate on-street parking, but if there is constant on-street parking on both sides, it could result in visibility and access issues. This condition would not just restrict visitor parking associated with the applicant project, but all of the public parking there.

Condition #7: Provide at least 300 square feet of ground-floor office space per unit was discussed next. Mr. Johnson stated that this is similar to Condition #1. The concerns are a result of a lack of clarity in the City Code rather than a negative impact created by the proposal. Staff would recommend a legislative update, but not necessarily a condition. Condition #8: Provide enhanced pedestrian amenities was reviewed. Mr. Johnson explained that he spoke to the City Engineer about this and the trip generation was considered. The Traffic Study that was submitted anticipated 67 daily trips, with four to five trips in and out at peak hours. The ITE Trip Generation Manual estimates 350 daily trips generated by a 2,300-square-foot financial institution with a drive-thru. Based on the analysis, a condition is not warranted for an increase in sidewalk size or enhanced buffering, because the traffic impact will be less than if the bank building was operating at full capacity. However, it is reasonable to impose a condition for demarcation, such as signage or a crosswalk marked across the drive entry.

It was noted that the remainder of the presentation will take place during the Business Session. Chair Anderson thanked Staff for the work that has been done on both of the Business Items discussed.

2.0 Adjourn.

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

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

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

Wednesday, February 5, 2025

6:00 p.m.

2277 East Bengal Boulevard

City Council Chambers

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Dan Poulson

Staff Present: Community and Economic Development Director, Michael Johnson; Associate Planner/Sustainability Analyst, Ian Harris via Zoom; City Attorney, Shane Topham

BUSINESS SESSION

Chair Lucy Anderson called the Planning Commission Business Session to order at 6:00 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

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

2.0 General Public Comment.

There were no public comments.

3.0 Business Items.

3.1 Project ZTA-24-005 – Continuation from January 8, 2025, Planning Commission Meeting, Including Public Hearing and Potential Action on a Request by Rockworth Companies for a Zoning Text Amendment to Modify Portions of the Adopted Planned Development District (PDD) Ordinance which Governs the Rockworth Gravel Pit at 6995 South Wasatch Boulevard. The Proposed Modifications Relate to Further Defining the Massing and Density of the Future Mixed-Use Project at this Site.

Community and Economic Development Director, Michael Johnson, presented the Staff Report and explained that Project ZTA-24-005 is a continued item from the January 8, 2025, Planning Commission Meeting. There was an in-depth review of the item during the Work Session. However, information about the Zoning Text Amendment will also be shared for the benefit of those present.

Project ZTA-24-005 relates to a request by Rockworth Companies for a Zoning Text Amendment. The amendment impacts a site-specific Planned Development Zone and Development Plan that applies to the gravel pit site located at 6695 South Wasatch Boulevard. It is 21.56 acres on the northern corner of the City and the northern portion of the gravel pit site. The applicant is Rockworth

Companies. The ordinance that is impacted by the Text Amendment is PDD-2 – Wasatch Rock Redevelopment, which is the site-specific Planned Development Zone. PDD-2 is the site-specific Ordinance and Development Plan that was entitled in 2021 and it applies only to this site.

The Development Plan information was reviewed. Mr. Johnson reported that this is a mixed-use multi-phase project that includes an apartment building with 300 total units, retail commercial pads, a mixed-use commercial, a five-story hotel, and a condominium building. What is currently entitled is a condominium location and use. The applicant is seeking a Text Amendment to clarify the maximum unit count, massing, density, and the actual details of the building itself. All of the other buildings on the site have those approvals. The site circulation, traffic impact, and layout have already been approved for this project. As mentioned during the Work Session, the original Staff recommendation and Planning Commission recommendation for the project included a 100-unit condominium building that was roughly the same size as what is being proposed via Text Amendment. The previous Impact Analysis did account for a condominium building. An updated Impact Analysis has been prepared, but this is not a new concept. The idea is simply being brought back to the Planning Commission for final consideration before a recommendation is forwarded to the City Council.

There are numerous hazards on the site. Those have been studied and analyzed. There are slope stability hazards to the east. A lot of site engineering and reclamation is required in order to fortify that hillside, revegetate it, and regrade it so it is safe to have adjacent habitable development. There are numerous fault lines and fault hazard zones throughout the site. Those have been scoped in a lot of detail. There are also requirements built into this process that require site-specific trenching and further scoping as each phase and building comes forward for review and approval. Mr. Johnson reported that there is a water line owned by the Metropolitan Water District of Salt Lake and Sandy that cuts through the site. That water line created some challenges to work through and work around.

Mr. Johnson explained that this is a multi-phase project. Nothing is proposed to change with the Landscaping Plan or site layout. The phasing remains the same as well. All of the uses within the site have been accounted for in the Phasing Plan. The condominium building is Phase 7 and is the last anticipated phase of the project. Mr. Johnson shared a summary of the proposed Text Amendment. It will replace a provision that stated the condominium use and location is entitled, but the massing and density is subject to further review. That will be replaced with the actual proposal.

Mr. Johnson explained that what is proposed in the Text Amendment is a range of nine to 10 unit floors above three to four levels of parking. That would result in a total building height of 12 to 14 stories. The total unit range is proposed to be between 75 and 110. This amendment does not impact the requirement to provide below-market-rate housing, which is part of the Planned Development District Zone. That requires a percentage of total multi-family units within the project to be affordable to households earning 80% or less of the area median income (“AMI”). Mr. Johnson shared a graphic to outline how height is measured. On this site, it is measured a little differently than it is measured elsewhere. It is based on the horizontal distance from an elevation above State Route (“S.R.”) 190, which is Wasatch Boulevard in front of the gravel pit site. Given that this is a legislative application, the Planning Commission will hold a public hearing, provide feedback, and make a recommendation to the City Council. This will also go to the Architectural Review Commission (“ARC”). The ARC will also make a recommendation to the City Council and the Council will make the final decision.

The Impact Analysis details were shared. At that last meeting, it was stated that the impacts of the proposed building would be examined. The initial review several years ago did include a condominium building, so this is not a newly proposed use. The original Traffic Study included and accounted for a 100-unit condominium building. Mr. Johnson has reviewed this with the City Engineer and the findings, methodology, and procedures used to complete that study are still acceptable. Some of the underlying models and assumptions may have been updated slightly, but the findings remain valid and acceptable in terms of the analysis that was completed.

The original intersection design to enter the site was reconfigured during the initial process based on input and discussion with Holladay City officials. The projected level of service (“LOS”) post-development is a LOS C. The LOS relates to the delay or wait time at an intersection before being able to make a certain turn movement. This helps to determine whether a development will overburden the existing roadway capacity. Mr. Johnson explained that a LOS C is considered acceptable and the City does not typically require mitigations until the LOS is a LOS D or worse.

The original Traffic Study assumptions were shown. In the original concepts, some other elements are no longer included, such as a senior living center. Mr. Johnson noted that at the last Public Hearing, there were comments about the traffic impacts. The applicant originally proposed a reconfigured intersection that enters the site off of the 6200 South interchange. That was a squared-off three-way intersection. There were various iterations and discussions about the placement of the stop controls. After deliberation and input from Holladay, the design changed. The proposal is to leave the local Wasatch Boulevard as it is currently. There will be unimpeded traffic flow into and out of the local Wasatch Boulevard and a stop-controlled intersection coming out of the project site. This does not function as well as the original design but still functions at an acceptable level. He explained that a portion of the local Wasatch Boulevard road is City owned and a portion of it is owned by Holladay. This information is for context only and is not subject to additional deliberation.

Geotechnical and geologic hazard information was shared. Mr. Johnson reiterated that there are a number of hazards on the site. In the Meeting Materials Packet is a memo from GeoStrata, who the City contracts with to handle these technical reviews. There has been a substantial site-wide analysis, trenching, and slope stability analysis conducted. The site-specific work has to be done as part of the Building Permit process when this phase comes online. The combination of what has already been scoped and the requirement for additional site-specific work will resolve any potential concerns.

If the building has to be modified as a result of the site-specific scoping, there is some flexibility in how a building can be decreased in intensity. For example, a certain percentage can be decreased without having to come back through the legislative process. If a use is substantially decreased, eliminated, or increased to any degree, then it needs to come back through the Planning Commission, ARC, and City Council process. Mr. Johnson reviewed building and massing details. He explained that building height is derived from the elevation above S.R. 190. This comes from the Planned Development District Ordinance, which enables an applicant to propose a site-specific rezone. Mr. Johnson shared a table with those present and explained that the further back something is from Wasatch Boulevard, the taller the maximum building height that can be proposed. At 500 feet from Wasatch Boulevard, it is feasible to propose a 300-foot building. The condominium building falls somewhere between 450 and 500 feet from Wasatch Boulevard, depending on the final building footprint and the final measurement. It either requires a maximum height of 150 feet or 300 feet.

Based on the elevations provided, the applicant is proposing 11 feet per floor of parking and 10 feet per floor of unit. That results in a height of 144 feet. Even if the entire area fell entirely within the 150-foot zone, the proposed building height would be within the maximum amount. Mr. Johnson shared a diagram to illustrate how that corresponds with the adjacent Gun Club Road area. The orange line is level with the high point elevation of the building. There are two homes further to the west that front onto Gun Club Road. From that point, the building would extend 50 to 60 feet above the Gun Club Road elevation. The building will be visible from the adjacent neighborhood. Mr. Johnson clarified that there is no direct access to Gun Club Road for any vehicles.

Staff finds that the height proposed is substantially less than what could have been proposed. There is limited ability to modify or relocate the footprint of the condominium building due to site constraints and what has already been entitled. The building height and intensity is unique for the City but is supported by the Wasatch Boulevard Master Plan. An excerpt from the plan was shared:

- Wasatch Boulevard North: The Gravel Pit Area:
 - The Gravel Pit area is envisioned to become an intensely developed area that merges city-like qualities with the unique mountain setting. To ensure the Boulevard matches this vision, a design aesthetic that embraces the natural hillside should be merged with urbane building materials and design that is suitable for a bustling place of commerce and mixed-use development.

Elsewhere in the plan it mentions the gravel pit being developed as a walkable urban place. There are also photographic renderings in the Wasatch Boulevard Master Plan that illustrate the type and intensity of development. Staff recommends approval of this Text Amendment. He reminded those present that a recommendation from the Planning Commission will be forwarded to the City Council.

The applicant representative stated that a lot of work has been done with the Staff, Planning Commission, and City Council on this. All of the public comments will be taken into account.

Chair Anderson opened the public hearing.

Linda Leckman has lived in Canyon Cove, which is the subdivision directly north of this development, for the last 41 years. She is happy to see the gravel pit developed, as are many of her neighbors. The issue relates to the size of the condominium building that is proposed. Ms. Leckman attended the meeting in January and listened to all of the information before doing some additional research. This will be the biggest building in Cottonwood Heights. It is proposed to exceed the height of any other building. Every other zone in the City caps the height at 35 feet for buildings within 50 feet of single-family homes. This building is within 50 feet of single-family homes, but it is proposed to be 144 feet.

Ms. Leckman discussed previous City Council comments about this proposal. Former Mayor, Mike Peterson, stated that he and the City Council of Cottonwood Heights denied the proposed 10-story high-rise at the northern parcel of the gravel pit. The City currently does not have a building that is more than six stories. The former Mayor also mentioned negative visual impacts from the north, south, and west. The building would become an outlier and negatively impact the community feel of the City. She believes the height should be capped at six stories, which is consistent with the

Cottonwood Corporate Center structures that are located directly to the west. Ms. Leckman pointed out that the residents in Canyon Cove help to support the economy in Cottonwood Heights. The Canyon Cove residents are part of the community and would appreciate being considered.

Patrick Boice referenced Section 19.05.010 and explained that it states the purpose of the Planning Commission. The Commission shall represent the concerns of diverse citizen groups as well as the broad interests of the community as a whole. Mr. Boice pointed out that the language does not state the Planning Commission shall maximize property uses or push development to the limits. The Commission is intended to represent the citizens. Section 3 of the PDD-2 Ordinance states that the development will take place in phases. He believes the application for development on Phase 7 is premature when there has not been much movement on the other phases. Page 7 of the Staff Report states that the proposed condominium is between 450 feet and 500 feet from Wasatch Boulevard, but he believes it is actually closer to 80 feet. On Page 44 of the report, it shows that Wasatch Boulevard curves in front of the proposed condominium. As a result, the distance is not 450 to 500 feet. The proposal creates health and safety issues, as there are no ladder trucks tall enough to reach the height. Mr. Boice reiterated that the Commission is meant to represent the interests of the community. He asked that the Planning Commission forward a recommendation of denial to the City Council.

Bonnie Rokeach has lived in Canyon Cove for 28 years. She does not want the condominium building to be too tall. It will look better if the height is reduced. It will also lessen the impact on the surrounding neighborhood. Ms. Rokeach expressed concerns about traffic. She does not feel the traffic assessment is accurate given the number of apartments, hotel rooms, and condominium units proposed to be added to the area. There are also employees and other visitors to consider. The amount of traffic proposed to be added to the area is unsafe and she believes the proposal should be reassessed.

Ms. Rokeach pointed out that both Cottonwood Heights and Holladay are suburbs that are desirable and livable. Overdevelopment means the cities will lose their desirability. She discussed the Sugar House area and what happened there. The distinct character of Sugar House was changed with overdevelopment. Ms. Rokeach hopes that the Commission will avoid overdevelopment in the City.

Jill Fonte thanked the Planning Commission for their service to the community. She serves on the Planning Commission in Holladay and has some insight into the challenges and responsibilities. Ms. Fonte lives adjacent to the proposed condominium building. She is excited to see this property be developed, but there are concerns about the height, density, and traffic. Ms. Fonte asked the Commission to consider the difference between what can be forwarded to the City Council and what should be forwarded to the City Council. If passed, this Text Amendment will not result in a harmonious building. The building will be out of character with the area and could be an eyesore. Prior City Councils in Cottonwood Heights have denied buildings of this height, due to the negative visual impacts that would be created from every direction. It was previously suggested that the height be capped at six stories, consistent with the Cottonwood Corporate Center buildings directly to the west. The setbacks are too close to the neighboring communities and homes for a building of this height to be allowed. As a Commissioner in Holladay and a neighbor, she asked the Planning Commission to recommend denial of the Text Amendment. She feels the structure would negatively impact the City.

Lori Khodadad served on the Planning Commission in Holladay for eight years and understands the challenges the Planning Commission is facing with this application. When she was on the Planning Commission, there was always a desire for Holladay to be a good neighbor to the abutting cities. She

hopes that it will be taken into account during the Planning Commission deliberations. Ms. Khodadad first moved to Canyon Cove approximately 26 years ago. She does not agree with the height of the condominium building and asked to share an exhibit that illustrates what good development should be in terms of height. The houses in Canyon Cove have a maximum height of 35 feet and this building is proposed to be 144 feet. That is not balanced and there should be some sort of buffer in between. Condominium buildings for sale are a need in the valley, which she understands, but she does not believe this is the appropriate location for something so tall. There is currently nothing in Cottonwood Heights or in Holladay that is as tall as the condominium building that is proposed.

Chair Anderson clarified that the Planning Commission is unable to accept the document from Ms. Khodadad. That kind of document needs to go through the Staff rather than the Commission.

Sean Lapsley is a newer resident of Canyon Cove but is a lifelong resident of the Wasatch Front. He works out of the airport and sees world travelers come and enjoy the canyons regularly. Cottonwood Heights is in a unique position to be seen by a lot of travelers because it is in front of the canyons. As a father of young children who lives adjacent to Wasatch Boulevard, there is already a density problem to address. He shared information about traffic backups and pointed out that since the Traffic Study was conducted in 2020, the situation has changed. There is now paid parking at the ski resorts. Residents are excited about the development and for mixed-use in the area, but not for the building height that has been proposed for the condominium. It will be out of character for the east side of the valley. Just because it can be built to 300 feet and 144 feet is less than that does not mean it is appropriate for the area. What is proposed for the condominium is not what the residents want.

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

The applicant representative expressed appreciation for the comments shared by neighboring residents. It is understood that this development will impact their day-to-day lives. There have already been changes made to accommodate the residents, as mentioned earlier by Mr. Johnson. The intersection design was completely changed to better satisfy the nearby residents. It was noted that the Traffic Study was conducted by a licensed, qualified, and insured traffic engineer. The LOS proposed is accurate and appropriate. There is agreement that this is a signature location, not only for Cottonwood Heights but for the entire State of Utah. The development must be done right. Anyone interested is invited to come to the site meetings that are happening. There is a lot of effort being put into the geotechnical concerns to make sure the hillside is addressed appropriately. While the comments about the height are acknowledged, it is their opinion that the height is appropriate for this area given the mountains that serve as a backdrop for the project. The building will be taller than what currently exists, but it is still believed this is a suitable area for the height.

Commissioner Steinman asked Mr. Johnson for clarification about the setbacks on the site. He asked for the side setback as well as the setback from the turn at Wasatch Boulevard. Mr. Johnson offered to look into that. He reminded Commissioners that the pad and the site itself has already been vetted. Measurements will be from S.R. 190 and not some other iteration of Wasatch Boulevard. He shared a table with the Commission for reference, where he pointed out S.R. 190 and the distance from the road. Commissioner Steinman asked if the language mentions a measurement from Wasatch Boulevard or S.R. 190. Mr. Johnson reported that the measurement methodology is already set and was adopted as part of the creation of the PDD-2. It is now being applied as it was adopted.

Commissioner Smith appreciates that current and former Commissioners from Holladay attended the meeting. He is sympathetic to their interests in this application, as he happens to live on the part of Cottonwood Heights that borders Sandy. As for this particular application, there were a lot of comments about the height of the condominium building rather than opposition to the plan in general. It is fair for the City Council to consider the height during their deliberations.

Chair Anderson noted that during the Work Session, there was some discussion on this item. At that time, Commissioner Mills suggested forwarding a recommendation for a height limit. Commissioner Mills stated that the proposal is reasonable. He reminded those present that the developer has been frustrated with the process at times because there were often requests that something different be brought back for consideration. This is a unique location in the City and the massing makes sense here. He feels strongly that there should be a height maximum of 150 feet.

Commissioner Steinman agrees with Commissioner Mills that there is an opportunity for density here. There is also an opportunity to create more attainable housing in the community. It is meaningful that a condominium project has been presented. He does not know of a better place in the City for something like this. He stressed the importance of allowing thoughtful development in the community. The Commission is considering setbacks, precedent, and thoughtful development. Chair Anderson echoed the comments shared by Commissioner Mills and Commissioner Steinman. The applicant representative confirmed that there is support for the reasonable height maximum proposed.

Commissioner Mills moved to forward a recommendation of APPROVAL for Project ZTA-24-005 to the City Council, based on the analysis and findings presented within the Staff Report dated February 5, 2025, and with the additional recommendation that there be a height limit of 150 feet above the grade of S.R. 190. Commissioner Steinman seconded the motion. Vote on Motion: Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Steinman-Yes; Commissioner Mills-Yes; Chair Anderson-Yes. The motion passed unanimously.

3.2 Project CUP-24-109 and SUB-24-008 – Continuation from January 22, 2025, Planning Commission Meeting, Including Public Hearing and Potential Action on a Request by Nathan Anderson for a Conditional Use Permit and Preliminary Plat Approval to Construct a 10-Unit Live-Work Townhome Development at 3425 East Bengal Boulevard.

Mr. Johnson presented the Staff Report and stated that Project CUP-24-109 and SUB-24-008 are a continuation of the January 22, 2025, Planning Commission Meeting. The subject property is located at 3425 East Bengal Boulevard and is currently a vacated Wells Fargo Building. The proposal is to develop a 10-unit live-work development within the Neighborhood Commercial Zone. The site is 0.48 acres. During the previous Planning Commission discussion on the application, the Commission specifically focused on the ability to impose certain Conditions of Approval. There was a lengthy discussion about conditional use authority for administrative land use applications. Nine potential conditions were written down for Staff to analyze and research. Those conditions were:

- Consider deed-restriction or business licensure requirements for ground-floor units;
- Provide at least one ADA-compliant parking stall;
- Utilize internal trash pick-up (no bins placed on Bengal Boulevard);
- Install or retain fencing on the west side of the subject property;

- Require "No Parking" signage to be installed with the adjacent private property;
- Install signage and enact a restriction on Oakshadow Circle prohibiting overnight parking;
- Provide at least 300 square feet of ground-floor office space per unit;
- Provide enhanced pedestrian amenities;
- Provide more ample on-site snow storage.

After the Staff Report was distributed, the applicant submitted an updated Site Plan. That was posted to the City website and is publicly available, but has not been fully reviewed by Staff. The applicant is prepared to walk through some of those changes with the Commission during the meeting. It includes the addition of another visitor parking stall that appears to be ADA compliant and the reduction of the units from 10 down to nine. There appeared to be slight modifications to the internal circulation as well. Mr. Johnson reiterated that those details will be presented by the applicant.

The Conditional Use Purview – State Code presentation slide outlines what cities must follow. 10-9a-507 – Conditional Uses states: “A land use authority shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use, in accordance with applicable standards.” Mr. Johnson read additional language:

- The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects;
- If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use;
- If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

The proposed conditions were reviewed. Condition #1: Consider deed-restriction or business licensure requirement for ground-floor units was discussed. Mr. Johnson shared the Staff analysis, which is that the basis of this concern is due to a lack of clarity in the City Code about what constitutes a live-work unit. This is not a negative impact generated by the proposed development and is more appropriately addressed with a Text Amendment to add a definition of a live-work unit. That can come back to the Planning Commission in the future. However, this application is vested under the current ordinance. Any changes or added definitions would apply moving forward, but not retroactively.

Condition #2: Provide at least one ADA-compliant parking stall was reviewed. Staff feels this is a valid condition to impose. The City Code requires one ADA stall per 25 stalls in a parking lot. The minimum dimension has to be 13x20 or as otherwise required by the ADA code and requirements. Input was received from Sunrise Engineering, who the City contracts with to provide Building Code review and inspection services. Sunrise Engineering stated that live-work buildings are generally classified as commercial structures that are subject to International Building Code standards as opposed to International Residential Code standards. Based on the final design, engineering, and details provided during the Building Permit phase, there could be a requirement for ADA-compliant restrooms in the commercial areas, elevator access in some of the units, and a fire suppression system.

Condition #3: Utilize internal trash pick-up (no bins placed on Bengal Boulevard) was discussed. The Staff analysis found this to be a valid condition due to the finding that there could be 10 or more bins in a public right-of-way along a property that is as wide as two typical residential lots. If a dumpster is utilized, the code requires it be at least 50 feet from an adjacent residential zone or use.

Condition #4: Install or retain fencing on the west side of the subject property was reviewed. Staff feels this is a valid condition to impose, as it would mitigate the concerns related to privacy. It would also create a barrier between the adjacent Oakshadow Circle development and the subject property. Mr. Johnson believes the applicant stated there is an existing fence on the western boundary that can remain. If this condition is imposed, the recommendation is that the fencing be subject to the City Code standards for fencing as far as the clear view at intersections, the materials used, and so on.

Condition #5: Require "No Parking" signage to be installed with the adjacent private property was discussed. This condition is not recommended to move forward, as it would require another private property. The church has the right to install property signage and can work independently with the applicant if that is ultimately desired by both the applicant and the church.

Condition #6: Install signage and enact a restriction on Oakshadow Circle prohibiting overnight parking was reviewed. Staff feels this is a valid condition and it could mitigate the concerns related to access and visibility. Oakshadow Circle is the only means of ingress and egress to access the handful of homes that are there. It can accommodate on-street parking, but if there is constant on-street parking on both sides, it can create visibility and access issues. This condition would not just restrict visitor parking associated with the applicant project, but all of the public parking there.

Condition #7: Provide at least 300 square feet of ground-floor office space per unit was discussed. Mr. Johnson stated that this is similar to the first condition. There are concerns due to a lack of clarity in the City Code. Staff recommends a legislative update, but not necessarily a Condition of Approval.

Condition #8: Provide enhanced pedestrian amenities was reviewed next. Mr. Johnson explained that the proposed condition was based on some public comments received. Some residents expressed concerns about pedestrian safety due to the traffic generated by this project. During the analysis, the trip generation numbers were considered. The Traffic Study that was submitted anticipated 67 daily trips, with four to five trips in and out at peak hours. The ITE Trip Generation Manual estimates 350 daily trips for a 2,300-square-foot financial institution with a drive-thru. Based on the analysis, the proposed condition is not warranted. The impact will decrease with the proposal compared to the bank use. That being said, it is reasonable to impose a condition for demarcation, such as signage or crosswalk marking the drive aisle into and out of this property. This can increase overall awareness.

Condition #9: Provide more ample on-site snow storage was discussed. Staff feels this is a valid condition to impose. The concern is that excess snow storage within parking areas could limit the use of the required visitor parking stalls or create other obstructions. Asking for enhanced snow storage is reasonable, but the suggestion is that it be subject to review and approval by the City Engineer. Mr. Johnson reiterated that the unit count has been reduced from 10 units to nine units. That shifts the subdivision condominium plat process from a Planning Commission level to an administrative level because it is now considered minor. The previous Staff recommendations and conditions were shared. There was a consensus previously to remove the fourth proposed condition.

Commissioner Smith asked about Condition #6 and pointed out that what is proposed would place limitations on the residents who already live there. Currently, the residents can park overnight. He wanted to know if there is any way to accommodate the existing use. Mr. Johnson reported that there used to be a permit parking program in the City Ordinance, but a few years ago, the City Council revoked that ordinance. There is currently no program in place to allow public parking on-street for some users but not all. Chair Anderson suggested only allowing parking on one side of the street. Commissioner Smith expressed concerns about restricting the privileges of the current residents.

There was discussion about the International Building Code standards and ADA requirements. Mr. Johnson reported that the ADA parking requirement is also in the City Code. Commissioner Poulson asked for additional information about the recommendation from Staff for trash removal. Mr. Johnson clarified that the Planning Commission asked Staff to look into whether or not it is reasonable to impose a condition that restricts the use of the public right-of-way for trash removal. Staff has not made a recommendation about what trash collection should look like, but it is valid to have a condition that does not allow for trash collection on the public right-of-way. Commissioner Poulson believes the trash collection issue needs to be resolved. Mr. Johnson reported that Staff feels the applicant should propose the trash collection, whether that is a dumpster or an internal trash collection system. The overall impact is resolved by pulling the collection off the street.

The applicant, Nathan Anderson, read the recommended conditions from Staff, which are as follows:

- The office space provided as part of this project be limited to use by the tenants of the townhome units, without additional employees on site;
- The site lumens and property boundary illumination must be reduced to comply with City Code;
- Ground-mounted utilities must be screened per the requirements in the underlying zone;
- Snow storage shall not obstruct any of the visitor parking stalls.

Mr. Anderson shared comments about the snow storage request. He referenced the McNeil Engineering snow load calculations for the paved areas and storage area calculations. Those have been enlarged since the last presentation to the Commission. The existing power outlet will allow the Homeowners Association (“HOA”) to place a heat rubberized mat under the subject area for rapid disposal of snow, which is done in Park City. The storm drain will be placed right underneath the snow storage area. The mat has a sensor built into it and will operate based on the conditions.

Mr. Anderson reviewed the various conditions that were proposed by the Planning Commission. As for Condition #1, he noted that a deed-restriction has a monetary expenditure requirement. A time constraint will preclude a buyer from obtaining a mortgage loan for their townhome purchase. This has been confirmed through numerous mortgage companies and separate legal counsel. A buyer cannot be forced to create, build, or finance a new business within a given time period. He shared several example scenarios for live-work uses that do not require a Business License.

Condition #2 is related to an ADA-compliant parking stall. Mr. Anderson reported that an ADA stall with full access has since been added. The detrimental effect has been removed and mitigated. As for the unit that is adjacent to the ADA stall, there is a sliding glass door along the bathroom area, and grab bars are proposed to meet the requirements for ADA access and ADA visibility. Condition #3 had to do with internal trash pick-up. Mr. Anderson explained that the condition creates

a disparate situation. There are issues associated with on-site dumpsters, as dumpsters can lead to odor and cleanliness concerns. He asked that the development be treated the same way as other developments, where trash is often collected on the public rights-of-way. The Site Plan has been amended to allow four to five cans in the entryway. The remaining four cans can be picked up on Bengal Boulevard.

The collection of recycling will not be allowed in this development. That will be included in the Covenants, Conditions, and Restrictions (“CC&Rs”). Mr. Anderson reported that there are plenty of drop zones in Cottonwood Heights, Holladay, and Millcreek where paper and glass products can be dropped off. As a result, it is appropriate to eliminate the recycling collection from the property.

Condition #4 had to do with fencing. Mr. Anderson reported that the 6-foot fence that exists on the west side of the subject property will remain with no change, other than the replacement of damaged lights, old wrought iron, and damaged vertical material. Condition #5 is related to the proposed “No Parking” signage for the church. He explained that the signage will be provided to them. Condition #7 was to provide at least 300 square feet of commercial space per unit. He pointed out that the increase is onerous on the development. If that is something the Commission feels should be a requirement, then that language should exist for the Neighborhood Commercial Zone. Per the original design, the project could have been a mixed-use building with commercial space in the front and 16 units on the upper two floors. Due to the surrounding neighborhoods, it was decided that 10 units would make for a better development than 16 condominium units and commercial space. Mr. Anderson reminded the Commission that the unit count has now shifted from 10 units to nine units.

Condition #8 had to do with enhanced pedestrian amenities. Mr. Anderson pointed out that the request is vague and ambiguous. As a result, he suggested that the recommendation from the Community and Economic Development Director be moved forward. There can be painted crossings where the sidewalk intersects with the driveway in two locations. Condition #9 is related to the snow storage. Mr. Anderson reiterated that there will be a storm drain and a snow melt mat for fast elimination of snow. This will eliminate the detrimental effect. Condition #6 related to restrictions on Oakshadow Circle. There is support for this action, but he noted that it will impact all residents, not only those in the proposed Brighton Lofts development. He offered to answer any questions.

Commissioner Poulson asked for additional information about the trash can measurements. Mr. Anderson reported that there have been conversations with the company that provides that service. Seven feet is the maximum amount of space that is required. Commissioner Poulson noted that ACE Disposal states three feet are needed on either side of the can. Mr. Anderson explained that the information he received directly from the company has been supplied to the Planning Commission. He reiterated that the idea is to have four to five cans in the entryway. The remaining four cans can then be picked up on Bengal Boulevard. Commissioner Poulson wondered if there is enough room on the driveway for the separation that is needed. Mr. Anderson clarified that the cans can be closer together because the cans are picked up from the front rather than from the sides. Commissioner Poulson stated that he reached out to ACE Disposal and also spoke to friends in Midvale. He heard from them that the cans are picked up from the sides rather than from the front. In the ACE Disposal literature, it states that three feet are needed on either side of the can, but it was also stated to him that two feet could still work. Mr. Anderson noted that the engineer spaced out the placement according to the requirements.

There was discussion about recycling collection. Mr. Anderson reported that they looked into the drop centers where residents can drop off paper and glass. There are a number of them in the surrounding area, so it was determined that the recycling pick-up on-site was not necessary. The CC&Rs will state that there will not be recycling collection at this location in order to reduce impacts.

Commissioner Steinman asked what price the units will be sold at. Mr. Anderson stated that they will be in the high \$ 700,000. Commissioner Steinman asked for additional information about the choice to eliminate recycling collection on the site. Mr. Anderson explained that the recycling cans in townhome developments like this have not been widely used. If it is not widely used and there are other convenient drop areas for paper products and glass, then it makes sense to direct the collection to those areas. This will reduce the impacts on the community and reduce the collection amounts.

Commissioner Steinman wanted to know if there is an openness to fire sprinkling the buildings. Mr. Anderson denied this. He reported that the roof structure meets all of the Fire Code requirements. In the past, the sprinkling of units has caused more issues than it has resolved. The heads are highly sensitive and there have been water leaks. Until the industry has a better residential application, it does not make sense to sprinkle the units. He would prefer to keep the heights lower so issues can be dealt with that way from a fire perspective. The location of the fire hydrant is to the left of the property. Commissioner Steinman pointed out that this is not a residential application. Since this is a live-work application, it is both commercial and residential. He believes the International Building Code needs to be followed, which requires there be sprinkling. Mr. Anderson noted that the Fire Code states that if the property exceeds 30 feet the need for sprinkling kicks in. He does not believe the International Building Code requirement for sprinkling will apply due to the height.

Russell Platt introduced himself to the Commission and explained that he is an architect who is working with Mr. Anderson on this project. If there are proper setbacks, the height is less than 30 feet, and there is a fire rating between the buildings, the commercial space does not need to be fire sprinkled when it is less than 1,500 square feet. This is outlined in the International Building Code.

Commissioner Poulson noted that when he spoke to ACE Disposal, he asked them about the weight of the trucks. ACE Disposal stated that the trucks were 30 tons loaded. One of the previous concerns expressed by the applicant was that the driveway would need to be reenforced to allow the trucks onto the site. He asked if the plans have changed for the portion of the driveway where there will be collection. Mr. Anderson confirmed this. There are now eight inches of engineered road fill and three inches of asphalt. Where the cans will be picked up will also include six inches of reinforced cement.

Commissioner Poulson asked about the live-work space and the activities that could take place there. Earlier in the meeting, several activities were listed that did not require a Business License. He asked how the applicant will ensure the spaces are used in a live-work capacity. Mr. Anderson explained that it is not possible to force someone to create a business. In Salt Lake City, there are Home Occupation Permits. During the COVID-19 pandemic, it became clear that people wanted a space in their homes to conduct business that was separate from all of the other home uses. There are still people who find a work space that is isolated from the rest of the unit to be desirable. There is precedent in Cottonwood Heights on Fort Union Boulevard. That development has worked well. Commissioner Poulson pointed out that someone could purchase the unit and use the work component as a spare room instead. The proposed project is supposed to have both live space and work space.

Cynthia Fowler reported that she runs the HOAs for two live-work projects and three HOAs. Her experience with live-work projects is that 99% of the units are used for that purpose. She is not aware of anyone using the work component as a spare bedroom or storage room. Ms. Fowler is at the developments on a weekly basis and often meets with owners. She will be on the HOA for this project. While she recognizes that there have been concerns expressed about parking, within each unit there are two spaces available. There are also five external parking spaces provided for the site.

Commissioner Steinman explained that he has concerns about the owners being without recycling collection in a \$700,000 home. If he was purchasing a live-work unit in Cottonwood Heights, he would want it to be commercially graded as well. He is strongly considering a condition that mentions the International Building Code requirements. It is important to remember that there is a commercial component and this is not simply a residential unit. Mr. Anderson stated that there is not a clear description for live-work and there is no statement that it must be a commercial use. That criteria should be in the zoning ordinance and laid out clearly rather than placed on the application now.

Chair Anderson noted that there were discussions during the Work Session about a Condition of Approval to state that this must meet the International Building Code. She believes that is a fair condition, but asked for clarification on the live-work component from City Staff. Mr. Johnson explained that the statements from the applicant are generally correct. There is not a strong definition for live-work that imposes strict use requirements or limitations. That has been identified as a need in the code, but it is not possible to retroactively apply that to this project. That being said, two other live-work projects in the City function similarly. Those projects are built and designed to accommodate work within them. In terms of licensing, anyone who is operating a home office that does not have an impact or clientele is asked to register for a free license with the City.

Chair Anderson opened the public hearing.

Jade Velazquez explained that he is a deeply concerned resident. He asked that the Commission use every tool at its disposal to delay the approval because the revised plan does not resolve the detrimental impacts that would affect the neighborhood he lives in. Mr. Velazquez lives across the street from the proposed development, so this will directly impact his family. At the last meeting, only one person spoke in favor of the project and dozens spoke against it. It is clear the community remains opposed to this multi-family residential development. This project is taking advantage of loopholes in the City Code and is rushing for approval before proper definitions are in place. Once built, this permanent structure cannot be modified, even if future legislative amendments are passed.

As stated earlier in the meeting, City Staff has not completed a full site review due to the resubmission of materials. It is not possible to approve a project without all of the necessary reviews. Mr. Velazquez stressed the importance of due diligence before an irreversible decision is made. This proposal blurs the line between residential and commercial use without clear legal definitions. The applicant is trying to create a live-work development without fire suppression or ADA-compliant bathrooms for the commercial space. The City should be actively working on legislative amendments to clarify these issues. He does not believe this should be approved until those are in place. Mr. Velazquez does not think the revised project adequately resolves the serious detrimental effects on the neighborhood. Garbage overflow and the lack of recycling are issues that still need to be resolved.

Mr. Velazquez pointed out that this is a live-work request. As a result, there should be a positive commercial impact on the community. It was confusing during the last meeting to hear that these

will be 108-square-foot office spaces rather than commercial spaces with employees. This project is a multi-family residential development disguised as Neighborhood Commercial. The first line of the Neighborhood Commercial Zone states that it is intended to provide convenience goods and services frequently used by local residents. There is nothing proposed here for goods and services. The Planning Commission has the power and responsibility to protect the community from rushed, ill-conceived developments. He urged the Commission to deny or continue the live-work application.

Stockton Farnsworth explained that he has lived across the street from the subject property for 25 years. He was excited about the development when he first heard about it because live-work is one of his favorite development types. However, he does not believe this has been done correctly. Mr. Farnsworth would prefer there to be 16 residential units with real commercial uses on the ground level because that is something that the community could benefit from. The biggest detrimental impact that he can see is that commercial space is being lost in the community with this proposal. As for the snow, it can be problematic on Oakshadow Circle, so it will likely be difficult for the residents in this live-work development as well. He also expressed concerns about the lack of recycling.

Robert Farnsworth reported that when he last addressed the Planning Commission, he referenced some important Code language. He mentioned that strategically because if this project is approved as presented, it will be looked at very closely in the future. Mr. Farnsworth asked the Planning Commission to deny the application. Conditional Use Permits are not guaranteed, but the law requires mitigation if the impacts can be adequately mitigated. There have been some discussions about mitigation measures, such as additional fencing on the west side, internal trash management, Business License requirements, and so on. That being said, certain impacts cannot be mitigated. For example, the permanent loss of Neighborhood Commercial land and the misapplication of the Neighborhood Commercial Zone. He feels this application will set a disastrous precedent. It is only possible to mitigate those issues by denying the application before the Planning Commission.

In addition, there are still outstanding concerns related to parking. The applicant also lacks an enforcement mechanism for snow removal. There is a lack of adequate transition between the Neighborhood Commercial high-density and the R1-6 use, which is a code requirement. That cannot be mitigated unless there are major changes made to the plan. Mr. Farnsworth pointed out that the home offices are too small to function as real commercial units that promote and enhance the neighborhood, as required by the Neighborhood Commercial Zone language. There are pending conditions that have not been mitigated, so he asked that the Commission deny the application.

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

Chair Anderson referenced the new Site Plan that was submitted. Given the fact that City Staff has not fully reviewed that, it does not seem possible to approve the application at this time. She believes the Site Plan requires further review. Mr. Johnson explained that this decision is at the discretion of the Commission. He has not conducted a full review of the newly submitted materials at this time. Staff can review the applicant's narrative and the comments from the project architect.

Commissioner Mills acknowledged that live-work developments can be difficult. This developer did a project on Fort Union Boulevard, but there were fewer challenges there. What makes this project unique is that the site is small and is on a road that has a very different feel. He understands that the conditions that have been discussed feel onerous to the developer, but this application is not typical. The current code is how the application must be reviewed, even if the live-work language might be

further defined in the future. Commissioner Mills believes there needs to be a specific request made that the International Building Code be met. It is also important not to be too granular with the conditions, as some will be mitigated as the process continues. Commissioner Mills feels that additional time is needed so there can be a full Staff review of the newly submitted materials.

Commissioner Steinman agreed with the comments shared by Commissioner Mills. The snow removal, trash collection, and International Building Code components are all important. He noted that the main idea of the Neighborhood Commercial Zone is to enhance local amenities and encourage businesses to cater to the immediate neighborhood by promoting walkability and facilitating pedestrian-friendly environments. He stressed the importance of being thoughtful about Neighborhood Commercial developments because this will set a precedent in the community. Additionally, the International Building Code needs to be taken into account. It is necessary to factor in the commercial component. The State definition of live-work has a commercial component to it.

Commissioner Steinman feels there needs to be more data and more definitions and there needs to be an evaluation of the International Building Code component. Mr. Johnson asked for specificity in the type of data that is desired. Commissioner Steinman stressed the importance of the International Building Code component. Chair Anderson feels there should be further evaluation on whether or not this proposal is appropriate for the Neighborhood Commercial Zone. In addition, more time is needed with the recently submitted materials. Commissioner Steinman noted that the snow removal needs to be looked at further. Chair Anderson reviewed some of the applicable conditions including the following:

- This project must meet International Building Code requirements;
- The internal trash management process must be finalized;
- The fence on the west side is subject to Cottonwood Heights codes;
- No overnight parking on Oakshadow Circle and an evaluation of whether or not there should be parking allowed on one side of the street;
- Adding a visual indication for pedestrian crossing;
- Snow storage must be deemed adequate and no snow can be pushed onto Bengal Boulevard; and
- Full review conducted by City Staff of the newly submitted materials.

Commissioner Steinman asked if it is possible to create a Condition of Approval that requires both trash and recycling removal. Mr. Johnson offered to look into this but noted that there are large multi-family projects in the City that do not offer recycling collection. Chair Anderson expressed safety concerns about five trash cans being grouped together and the visibility issues this could create.

The Commission discussed whether it is possible to approve the application. Mr. Johnson clarified that it is possible to continue the item to a date certain or to approve the application, with the conditions listed. Chair Anderson felt it made sense to continue the item for further evaluation.

Commissioner Steinman asked that recycling requirements be looked into by City Staff. Commissioner Poulson would like to see additional information brought back to the Commission. Commissioner Smith noted that this seems like a multi-family development put near a residential area. He feels the concerns expressed about multi-family use should be taken into consideration. The Commission discussed what a Planned Unit Development (“PUD”) is and the associated standards.

Commissioner Mills moved to CONTINUE Project CUP-24-019 and SUB-24-008 to the March 5, 2025, Planning Commission Meeting. Commissioner Poulson seconded the motion. Vote on Motion: Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Steinman-Yes; Commissioner Mills-Yes; Chair Anderson-Yes. The motion passed unanimously.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from January 22, 2025.

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

5.0 Adjourn.

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

The Business Session adjourned at approximately 8:25 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 5, 2025.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____