

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA

May 7, 2025



Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, May 7, 2025**, 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 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**

#### **3.2 Project CUP-25-004**

*A public hearing and potential action on a request by Bento Viana on behalf of União do Vegetal Church (UDV) for a conditional use permit to operate a church at a former Wells Fargo branch at 3425 E. Bengal Blvd.*

#### **3.2 Project ZMA-25-002 (General Plan Amendment)**

*A public hearing and potential recommendation to City Council on a request by Adam Nash for a General Plan (Land Use Map) Amendment at 3526 E. Fort Union Blvd. The applicant is requesting a change from Residential Office to Residential Medium Density.*

#### **3.3 Project ZMA-25-002 (Zoning Map Amendment)**

*A public hearing and potential recommendation to City Council on a request by Adam Nash for a Zoning Map Amendment (Rezone) at 3526 E. Fort Union Blvd. The applicant is requesting a change from R-1-8 (Residential Single-Family) to R-2-8 (Residential Multi-Family).*

#### **3.4 Project ZTA-25-001**

*A public hearing and potential recommendation to City Council on a city-initiated Zoning Text Amendment to codify a definition for the live-work land use type in City Code.*

### **4.0 Consent Agenda**

## 4.1 Approval of April 16, 2025 Planning Commission Minutes

### 5.0 Adjourn

Next Planning Commission Meeting: **June 4, 2025**

#### **Public Comment**

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](mailto: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](mailto: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, May 6, 2025, 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) 944-7015 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 Friday, May 2, 2025, 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](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 2<sup>ND</sup> DAY OF MAY, ATTEST: TIFFANY JANZEN, CITY RECORDER

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



May 7, 2025

## Summary

**Project Number:**  
CUP-25-004

**Subject Property:**  
3425 E. Bengal Blvd.

**Action Requested:**  
Conditional Use Approval to  
operate a church

**Applicant:**  
Bento Viana; Beneficent  
Spiritist Center Uniao do  
Vegetal

**Recommendation:**  
APPROVE



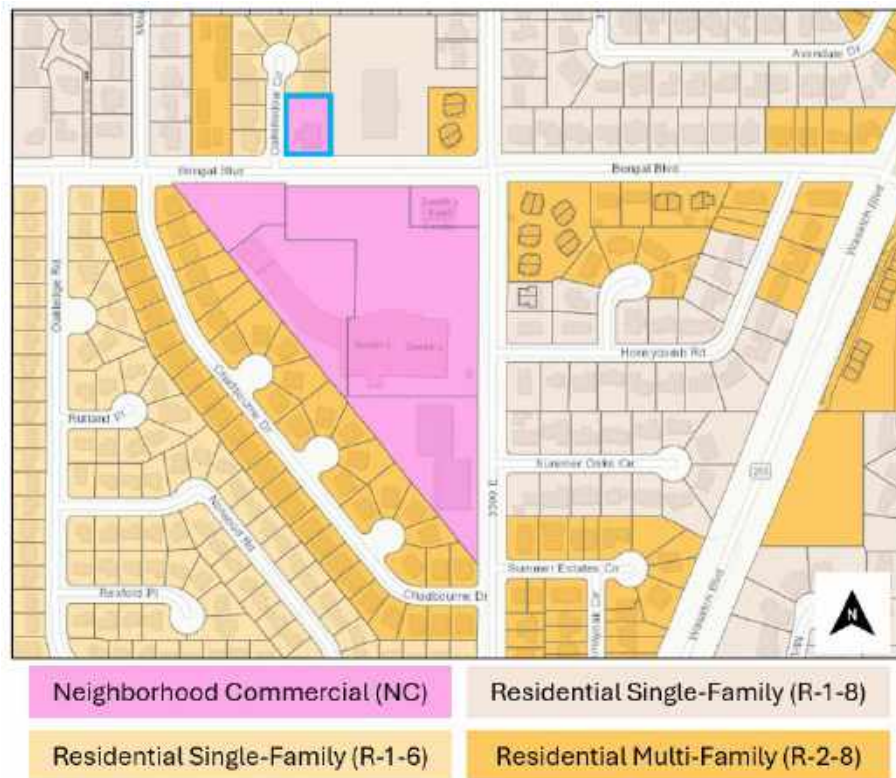
## Context

**Property Owner:**  
Nathan Anderson  
SAW Family Partners, LLC

**Acreage:**  
0.48 acres



Street View



## Request and Background

The applicant is requesting approval to operate a church use within the existing building on the subject property (formerly a Wells Fargo bank branch). The applicant is not proposing any alterations to the existing site or building, although the existing drive-through will not be utilized as such. Minor internal modifications are proposed to retrofit the internal space to suit the needs of the proposed church use.

According to the applicant’s narrative, the proposed church use is for a congregation of the formally recognized non-profit religious organization known as [The Beneficent Spiritist Center Uniao do Vegetal \(UDV\)](#). The proposed church will hold regular gatherings on the first and third Saturday of each month, with services lasting from 8:00 p.m. – 12:15 a.m. One or two additional gatherings may be held, at the operator’s discretion, typically on weekday evenings or Sundays at noon. The congregation consists of 47 total members, with 40-45 members per gathering. The applicant’s narrative states that many members of the congregation live nearby, and that most of the congregation consists of families that carpool to gatherings. The existing site includes a total of 15 parking stalls, plus an additional 5 off-site stalls utilized across the street (and the potential for an additional parking space or two underneath the existing bank drive-through canopy).

The property is in the **Neighborhood Commercial (NC)** zone, which allows churches as a Conditional Use (the adjacent property to the east is currently a church operated by The Church of Jesus Christ of Latter-Day Saints. As stated above, the applicant is not proposing any significant site modifications or exterior changes to the building. No changes to landscaping, site lighting, trash receptacles, driveways, etc. are proposed. Additionally, the applicant is proposing to utilize

multiple parking stalls within the commercial development across Bengal Boulevard to the south to accommodate overflow parking needs for members of the church’s leadership. The applicant’s narrative also includes a parking diagram that shows it will restrict church members from parking on the adjacent public right-of-way (Oak Shadow Circle) and the adjacent privately owned church property’s parking lot.



### Conditional Use Permit Procedure and Authority

The Planning Commission is the **approval authority for administrative applications**, including the **conditional use approval requested by this project**. The details of such authority are included below:

*Following any public hearing, the planning commission shall consider the application in a public meeting. The staff’s written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions; postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use. (19.84.080)*

*A conditional use shall be approved 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. 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 conditional use may be denied. (19.84.020)*

## Utah Religious Land Use Act

As a federally recognized non-profit religious organization, the proposed church use requires the city to adhere to the [Utah Religious Land Use Act \(URLUA\) \(Utah Code Ann. 63L-5-101 et seq\)](#). This Act provides that government may not impose or implement a land use regulation in a manner that imposes a substantial burden on a person’s free exercise of religion unless the burden (a) is in furtherance of a compelling governmental interest; and (b) is the least restrictive means of furthering that compelling governmental interest. Given that the site is existing, and no modifications are proposed, staff recommends that the Planning Commission be judicious in its analysis of potential negative impacts of the proposed use, and what mitigation (if any) is appropriate in response to those impacts.

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## Analysis

Staff has completed a comprehensive review of the proposed church use, including hours of operation, parking and traffic generation, noise regulations, and other potential impacts of the use.

### **Overall Impact of Use**

The applicant’s narrative indicates that the church congregation only holds two meetings per month, on Saturday evenings (in addition to 1-2 monthly meetings as-needed). Additionally, its hours of operation are unique in that they take place during the late evening.

***Staff Analysis - While certain elements of the church merit additional review for adherence to noise regulations and established quiet hours, the average daily impact of the use is likely less than that of the previous bank use, and of other uses recently proposed for the site.***

***Primary aspects of the use that could result in detrimental impacts on the surrounding area (or users of the site) are hours of operation and parking/pedestrian safety.***

### **Hours of Operation (noise and light trespass concerns)**

The church’s unique hours of operation (8:00 p.m. – 12:15 a.m.) are identified in the applicant’s written narrative as a potential negative impact to established noise ordinance regulations and quiet-hours restrictions. The narrative also identifies vehicle headlights as a potential negative impact. To mitigate these, the applicant has proposed to implement two solutions: (1) Minimizing pre- and/or post-service outdoor conversations and gathering, and (2) requiring that all vehicles parking along the northern boundary of the property back into parking stalls to avoid light trespass to the adjacent single-family properties to the north.

**Staff Analysis – Staff agrees with the potential negative impacts identified by the applicant. The applicant’s proposed mitigation techniques are found to be reasonable conditions that will mitigate the detrimental impacts of the use, if they are strictly adhered to. Staff recommends that the Commission formalize the applicant’s mitigations as conditions of approval, thereby providing the city with enforcement recourse if conditions are not followed.**

### **Parking and Traffic**

City Code derives the minimum required parking stalls by utilizing the most recent version of the International Transportation Engineers (ITE) Parking Generation manual. Church use requires, on average, 0.50 parking stalls per attendee, or approximately 13 stalls per 1,000 square feet of occupiable space.

Per ITE, a full congregation of church members would require 24 total parking stalls. As summarized above, the applicant has identified 20-21 total parking stalls between the subject property and the overflow stalls identified across the street. Because no site changes or expansions are proposed as part of this application, city ordinance does not strictly require that additional parking be added. City ordinance Chapter [19.80.020 \(Required Parking\)](#) states, ‘Off-street parking shall be provided according to standards noted in this chapter for all newly constructed buildings and additional parking shall be provided for any structure or use that is expanded.’

The applicant’s narrative states that many of the church’s congregation members consist of families that share a vehicle when traveling to services. Additionally, the application includes a clear map showing areas where it will prohibit its members from parking.

**Staff Analysis - Because no new development or expansion is proposed, the existing parking lot is considered a legal non-conforming element of the site when reviewed in accordance with the proposed use. Just as the site is not required to bring landscaping, open space, trash enclosure, buffer requirements, etc. up to current standard, the applicant is also not required to provide additional parking unless deemed by the Planning Commission to create a potential negative impact where the additional parking stalls reasonably mitigates that impact.**

**To ensure that this parking deficit does not result in detrimental impacts on the surrounding area, staff recommends that the Commission impose the following conditions:**

- **Provide signed, written consent from the owner of the property where overflow parking is proposed;**
- **Provide a pedestrian safety plan detailing how the church members utilizing overflow parking spaces will safely travel to the proposed church, using the public right-of-way and legal means of crossing the street. To the greatest extent possible, overflow stalls shall be utilized by members of church leadership to allow congregation members to park in the site parking lot;**

- ***Justify that existing visibility conditions (i.e. street lighting) is adequate for safe pedestrian circulation from overflow areas. Provide additional compliant street lighting, if necessary, as approved by the city’s public works and engineering division;***
- ***Communicate to all members of the congregation the parking plan, including areas where members are allowed to park, and areas where it is prohibited.***

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## Noticing

Per code requirement, notices were posted and mailed at least 10 days prior to the meeting. Individual letters were sent to property owners within 300 feet of the subject property. The notice was also posted to the city website and bulletin boards at City Hall.

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## Findings

### **Findings of fact include:**

1. *A public hearing is being held in accordance with local and state requirements;*
2. *The application was made pursuant to Title 19 of Cottonwood Heights City Code;*
3. *Public noticing for this project was provided in accordance with local and state requirements;*
4. *That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;*
5. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;*
6. *That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;*
7. *That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;*
8. *That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;*
9. *That protection of property values, the environment, and the tax base for the city will be assured;*
10. *That the use will comply with the city’s general plan;*
11. *That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;*
12. *That the internal circulation system of the proposed development is properly designed;*
13. *That existing and proposed utility services will be adequate for the proposed development;*
14. *That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;*
15. *That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city’s general plan, subdivision ordinance, land use ordinance, and any applicable design standards;*
16. *That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;*

17. That the proposed use preserves historical, architectural and environmental features of the property; and
18. That operating and delivery hours will compatible with adjacent land uses.

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## Recommendation & Model Motions

Based on the findings and analysis presented herein, staff recommends approval of project CUP-25-004, subject to the following conditions:

1. The applicant shall minimize all pre- and post- gathering congregation, discussion, and socializing in outdoor areas. Noise levels shall continually be compliant with all applicable noise ordinance and quiet-hours regulations;
2. The applicant shall require all vehicles in the northern site parking stalls to utilize back-in parking in order to minimize light trespass to adjacent property. Additionally, vehicles shall be promptly turned off when arriving at the site, and shall promptly exit stalls when leaving the site;
3. The applicant shall provide signed, written consent from the property owner of the shopping center property where overflow parking has been proposed, subject to review and approval by city staff;
4. The applicant shall provide a pedestrian safety plan detailing how the church members utilizing overflow parking spaces will safely travel to the proposed church, using the public right-of-way and legal means of crossing the street. To the greatest extent possible, overflow stalls shall be utilized by members of church leadership to allow congregation members to park in the site parking lot;
5. The applicant shall provide a written plan and/or justification, subject to approval of the city's Development Review Committee (DRC), that existing visibility conditions (i.e. street lighting) are adequate for safe pedestrian circulation from overflow areas. Provide additional compliant street;
6. The applicant shall provide communication to all members of the congregation and users of the proposed use that includes the parking plan, including clear indication of areas where members are allowed to park, and areas where it is prohibited.

### **Approval**

*I move to approve project CUP-25-004 based on the findings and recommendations listed in the staff report dated April 16, 2025...*

- *List any additional findings or recommendations for approval...*

### **Denial**

*I move to deny project CUP-25-004 based on the following findings:*

- *List findings for denial...*

## Attachments

1. Project Narrative

1654 E Fort Union Blvd. #9  
Cottonwood Heights, UT 84121

03/31/2025

Mike Johnson  
Community & Economic Development Director  
Cottonwood Heights Community & Economic Development  
2277 Bengal Blvd  
Cottonwood Heights, UT 84121

Subject: Conditional Use Permit Application Narrative

Dear Mr. Johnson:

The Beneficent Spiritist Center Uniao do Vegetal (UDV) is a non-profit religious organization with general headquarters located in Brasilia, Brazil. Our local Salt Lake City congregation was established in 2020 and is seeking to lease the property at 3425 E. Bengal Blvd. on a full-time basis, with the primary purpose to have a dedicated space to practice spiritual, moral, intellectual, and behavioral development of individuals. To facilitate this, we hold regular gatherings where we focus on family values, spiritual studies and behavior improvement in all aspects of life. The gatherings occur routinely on the first and third Saturdays of each month, and last roughly four (4) hours each, from 8:00PM to 12:15AM. Periodically within any given month, one (1) or two (2) extra gatherings may be held either on a weekday evening or on a Sunday at noon, which is at the discretion of the local leadership.

Our congregation consists of forty-seven (47) members, of which six (6) have held key leadership roles within the organization for decades in other parts of the U.S. and Brazil. Overall, our group is comprised of mostly families, many of whom live in and around the Cottonwood Heights area. Most families arrive at our gatherings together, and some families carpool to reduce congestion and promote environmental sustainability. On average, there are between roughly forty (40) and forty-five (45) members per gathering.

Upon approval of this plan, we intend on performing minor renovations to the interior of the building only to create a more comfortable setting that more closely aligns with our needs. The renovations will most likely include, but not necessarily be limited to, removing the previous bank countertops and teller stations, replacing the flooring, and removing the vault safe deposit storage. Our gatherings will occur solely indoors in the main central open space and the ancillary office will be converted to a sleeping room for small children. The bathrooms will remain as-is and the break room will continue as a space to serve snacks and drinks. Drive-thru teller stations will be deactivated and all exterior building components, including the landscaping, parking, lighting, and trash receptacles, will be maintained in an as-is condition.

As a Christian-based group, we are committed to the highest respect for our neighbors, and in full transparency, believe our operations may present two potential nuisances for the residential neighbors directly to the north and west. The first is audible noise, and we intend to mitigate this by minimizing any unnecessary conversation outdoors after a gathering has ended. If it is required, a whisper audio level shall be maintained. The second is vehicle headlights, and in an effort to minimize this, we shall require members who park in the north parking spots to back their vehicles in upon arrival prior to the gathering, thus pointing their headlights to the south and away from any of the neighbor's windows upon exiting the parking lot after a gathering. We shall also inform our members that we are prohibited from parking on the street in the neighborhood directly to the west, nor in the parking lot of the Church of Jesus Christ of Latter-day Saints (LDS) directly to the east. We believe we have sufficient parking on the site for our needs, and we have accounted for potential additional overflow parking. If this occurs, the aforementioned key members of the leadership will occupy the overflow parking spots, ensuring the nearby crosswalk is used. Please see attached Parking and Circulation Plan for additional details related to parking and circulation. Because of the difference in occupiable times in conjunction with the neighboring LDS church, as well as many of the commercial businesses across Bengal Blvd., we do not foresee an impact to their operations.

We feel that this movement is consistent with Cottonwood Heights zoning ordinance because, although we are not a traditional commercial business, we offer a discreet and peaceful transition within the residential and commercial contexts of this area. Our organization is committed to community engagement and encompasses an environmental branch called the New Enchantment Association for the preservation of nature, as well as a Department of Beneficence dedicated to assist those in need, whether members of our church or not. We thank you kindly for your time and consideration of this request and we look forward to building a stronger community together.

With Sincere Gratitude,



Bento Viana

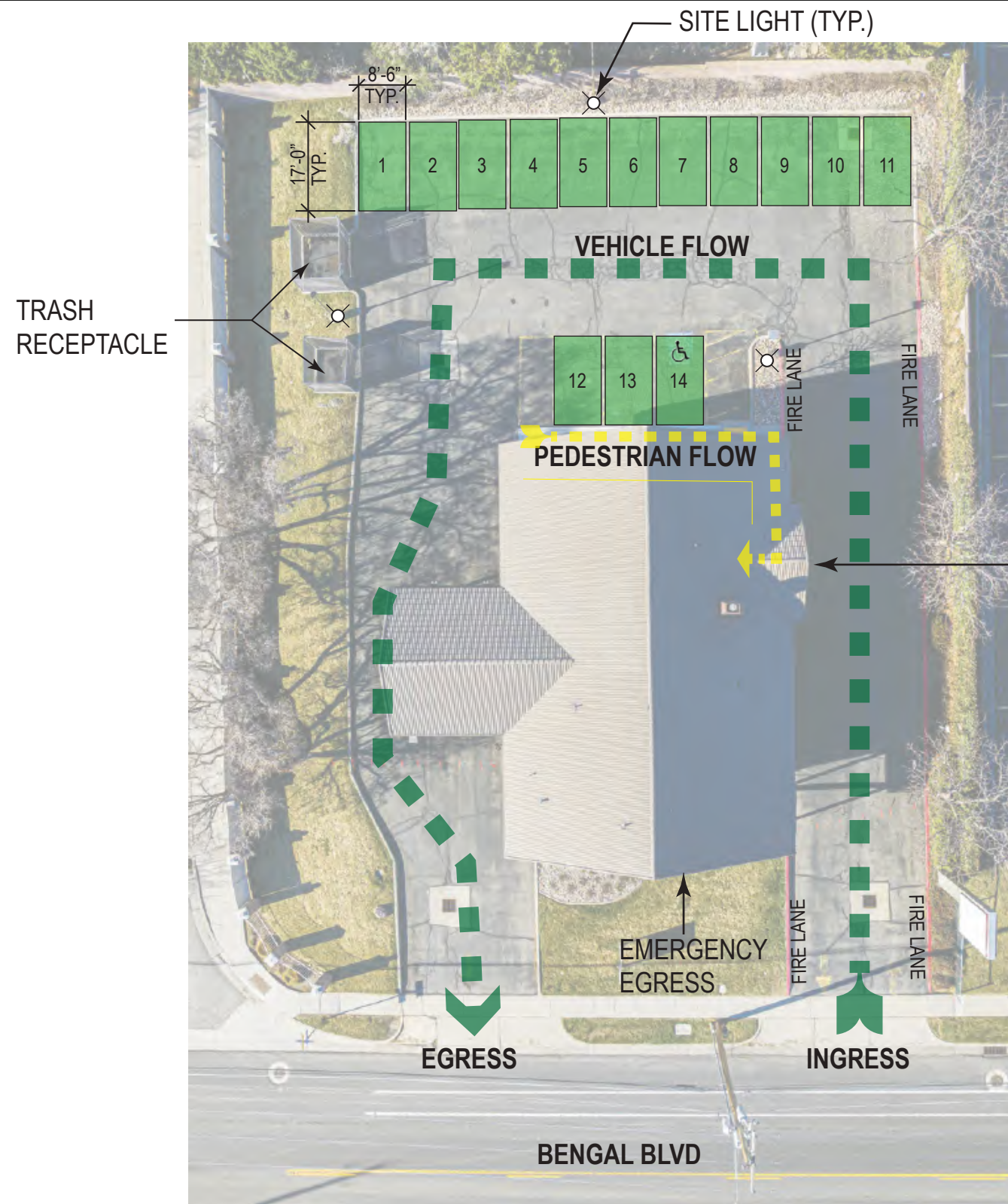
Enclosures:

Owner Consent Form

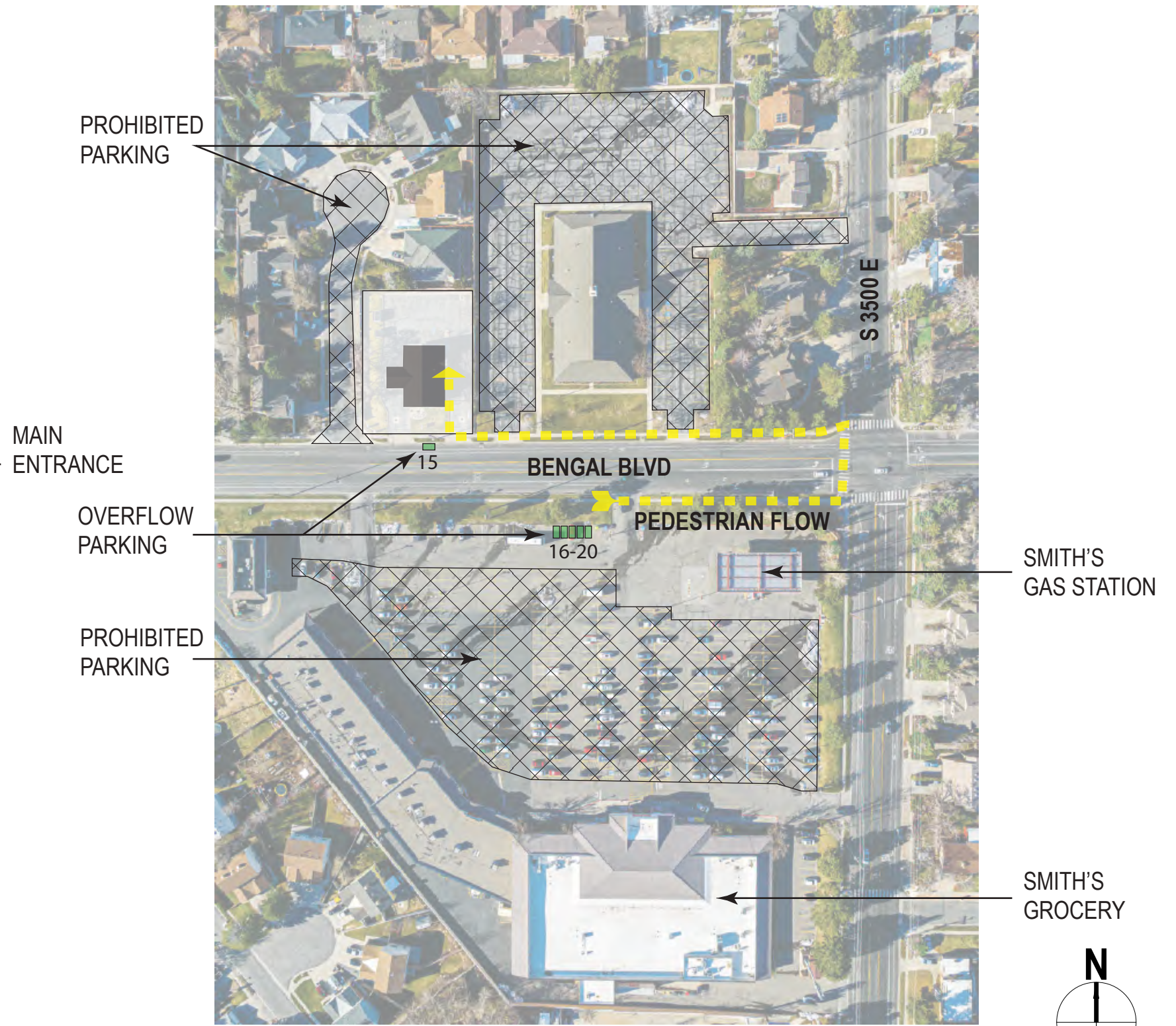
Site Photographs

A101 – Parking & Circulation Plan

A102 – Landscape Plan



1 PARKING & CIRCULATION PLAN  
A101



2 OVERFLOW PARKING PLAN  
A101

Conditional Use Permit

Uniao do Vegetal

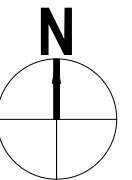
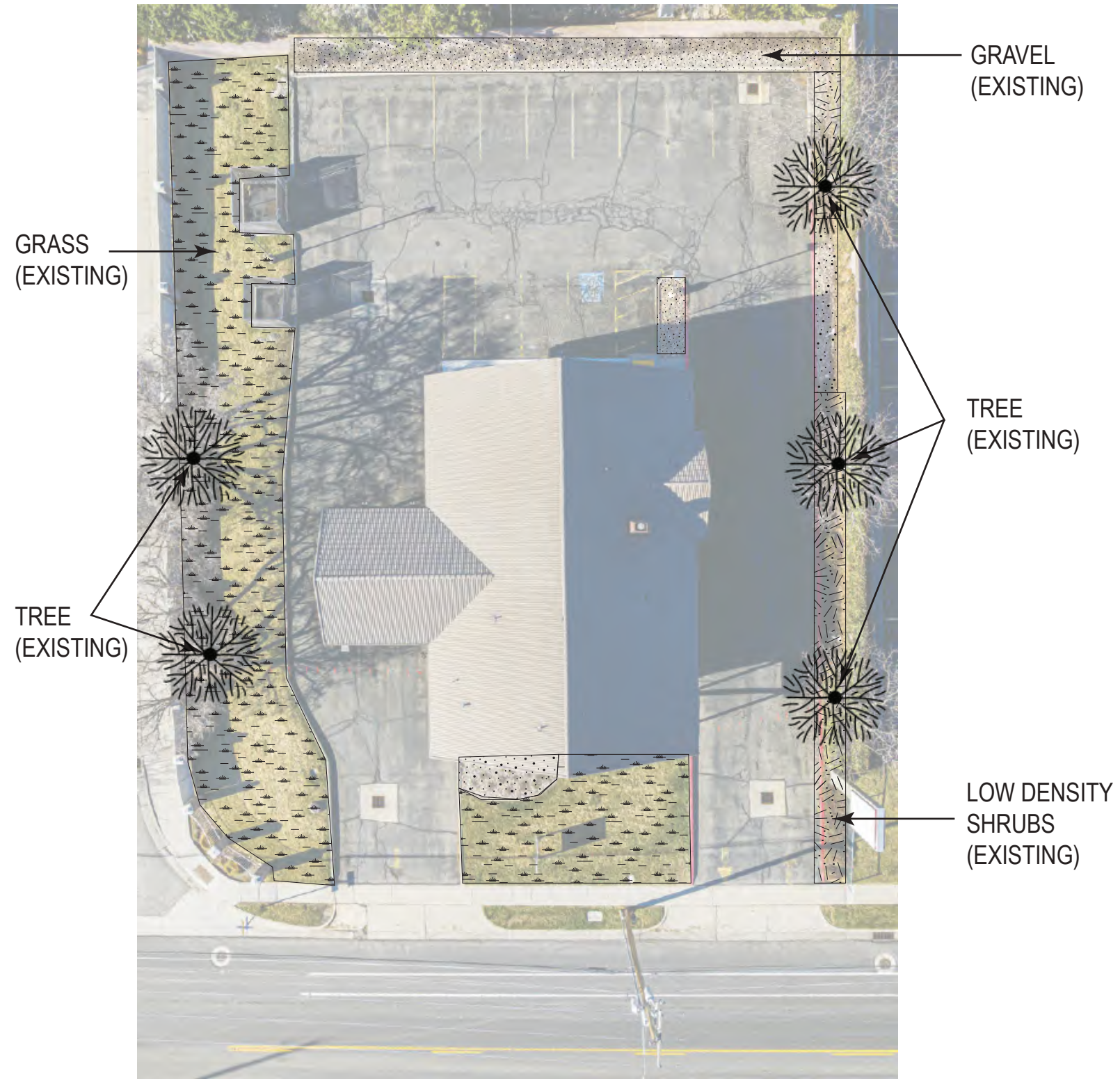
3425 E. Bengal Blvd.

No.	Description	Date
A	Issued for Cond.Use Permit App.	3/31/25

PARKING & CIRCULATION PLAN

Project number	N/A
Date	03/31/25
Drawn by	KM
Checked by	KM

**A101**  
Scale



1 LANDSCAPING PLAN  
A102

Conditional Use Permit  
Uniao do Vegetal

3425 E. Bengal Blvd.

No.	Description	Date
A	Issued for Cond.Use Permit App.	3/31/25

LANDSCAPING PLAN		A102
Project number	N/A	
Date	03/31/25	
Drawn by	KM	
Checked by	KM	
		Scale

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



May 7, 2025

## Summary

**Project Number:**

ZMA-25-002

**Subject Property:**

3526 E. Fort Union Blvd.

**Action Requested:**

Zoning Map Amend.

Land Use Map Amend.

**Applicant:**

Adam Nash

(Land Development LLC)

**Recommendation:**

APPROVE

## Context

**Property Owner:**

Land Development

LLC

**Acreage:**

0.95 acre



## Request

The owner of 3526 E. Fort Union Blvd. has applied for amendments to the city's General Plan Land Use Map (future vision for general use type on a parcel) and Zoning Map (current codified standards that regulate use and development of a parcel) for the property, as follows:

- **Current land use designation – Residential Office**
- **Proposed land use designation – Residential Medium Density**
  
- **Current zoning designation – R-1-8 (Residential single-family)**
- **Proposed zoning designation – R-2-8 (Residential multi-family)**

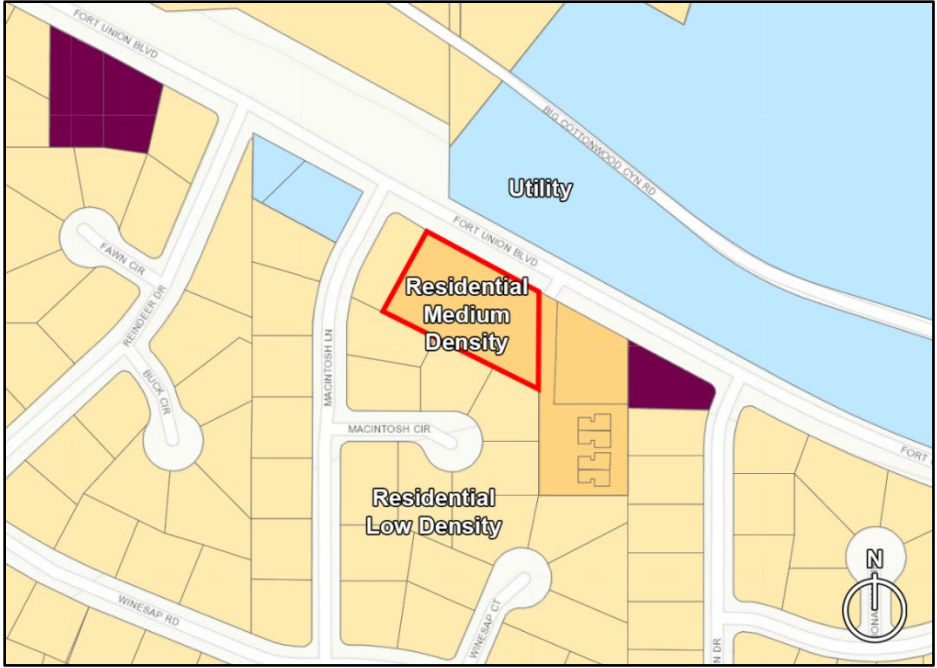
**CURRENT LAND USE DESIGNATION**

Residential Office



**PROPOSED LAND USE DESIGNATION**

Residential Medium Density



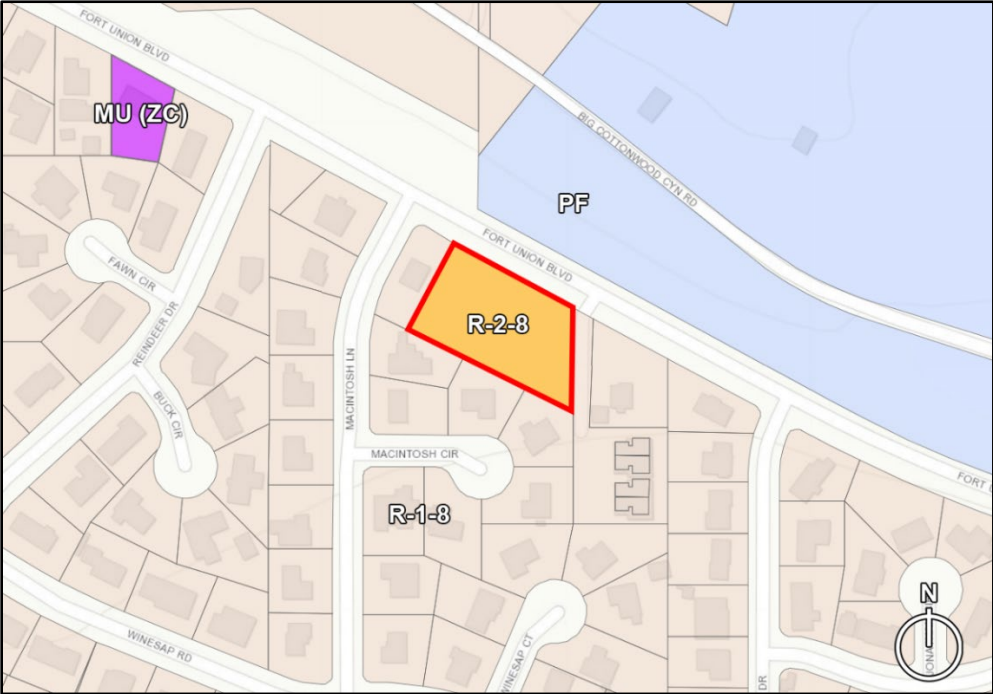
**CURRENT ZONING DESIGNATION**

R-1-8 (Residential Single-Family)



**PROPOSED ZONING DESIGNATION**

R-2-8 (Residential Multi-Family)



## Background

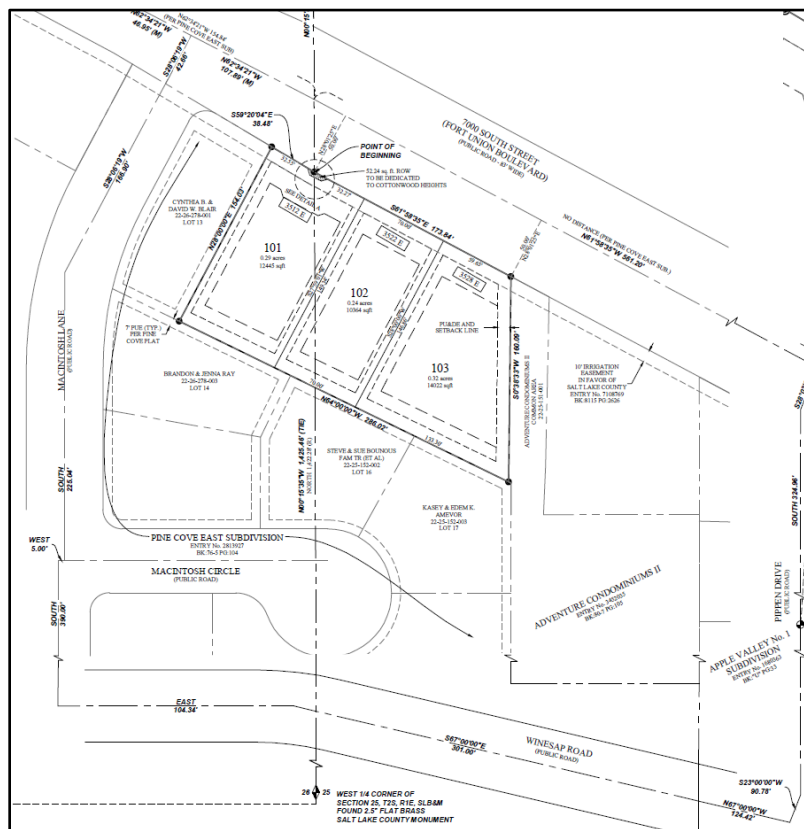
The applicant has previously requested this same land use and zoning amendment in 2022, as well as a subsequent application to amend the property’s zoning from R-1-8 to Residential Office. Both requests received recommendations of approval by staff and the Planning Commission, but were denied by the City Council (copies of denial ordinances are attached).

After those previous applications being denied, the applicant then pursued administrative approval of a 3-lot single-family subdivision on the property. The applicant submitted compliant plans, and installed many of the required public improvements (curb, gutter, sidewalk, etc.) required as part of the city’s subdivision process, but never recorded the final subdivision plat.

This new land use and zoning request is identical to the applicant’s first request in 2022. The full application narrative is attached, but the general rationale provided for making this request and not moving forward with the single-family subdivision is that, ‘A change has occurred in the housing market. Affordable housing has become unheard of. The type of housing that can be built in this [R-2-8] zone tend[s] to be less expensive than new Single Family Residential,’ and, ‘I have already improved the property. It is suitable for R-2-8.’

While it would be subject to a separate administrative subdivision and application process, it is the applicant’s intent to pursue the same 3-lot subdivision that has previously been improved, but to construct three two-family dwellings (**six** total units) rather than **three** single-family dwellings.

### CURRENT APPROVED R-1-8 SUBDIVISION PLAN (*final plat not recorded*)

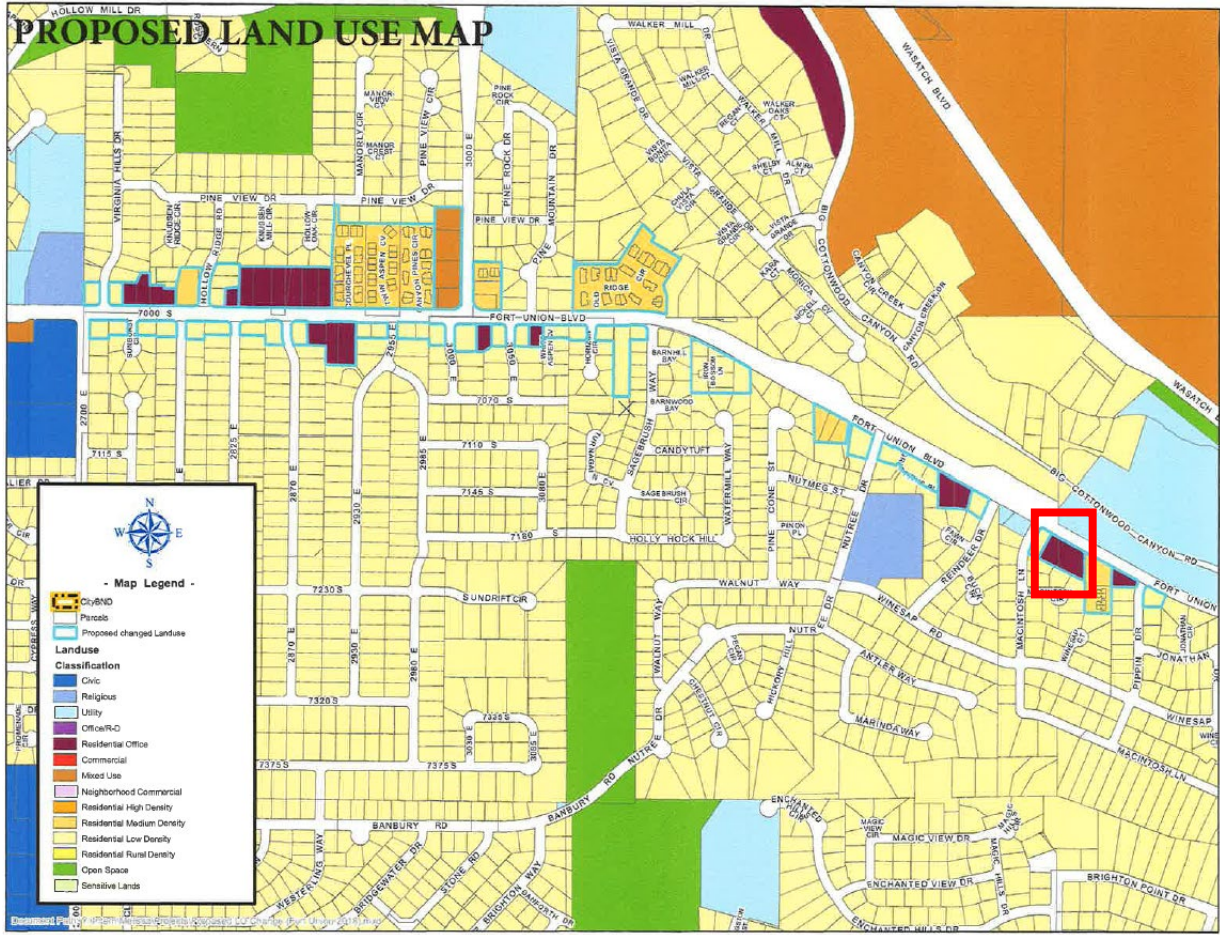


# Analysis & Findings

## Background

The original Cottonwood Heights Land Use Map adopted in 2005 designated most properties along Fort Union Blvd. as ‘Mixed Use,’ including properties east of 2700 E. In 2019, the City Council amended the land use map for the eastern section of Fort Union so that the properties facing neighborhood streets would be ‘Residential Low Density’ and properties facing Fort Union would be either ‘Residential Office’ or ‘Residential Medium Density.’

This change was requested by the City Council because of concerns that the area would not be compatible with mixed-use development and would be more suited to less intense land uses. Office and Medium Density land uses were selected so that new investment in the area could still be encouraged, but in a way that would not overwhelm the predominantly residential character of the area. The subject property was changed to ‘Residential Office.’



## Previous Applications

The project applicant previously submitted two separate applications (ZMA-22-001 and ZMA-22-002) in an effort to rezone the property to R-2-8, and then to Residential Office. As stated previously, both applications received positive recommendations from staff and the Planning Commission, but were denied by the City Council. Denial ordinances for those applications state the reason for denial as being, 'it is in the best interest of the health, safety and welfare of the citizens of the City to deny re-zoning the Property...notwithstanding the Planning Commission's recommendation of approval.' Full copies of denial ordinances are attached for reference, with both denial actions taking place in 2022.

## Procedure

Zoning map amendments are legislative actions, meaning that the Planning Commission's authority is to take public comment, discuss the merits of the proposal, and make recommendations to the City Council. The City Council is the final approval authority for this application.

Chapter 19.90.010 of the Cottonwood Heights Municipal Code details the procedure for zoning map amendments:

### **19.90.10 Amendment Procedure.**

- A. *The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. **The city council may not make any amendment authorized by this section unless the amendment is proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have received the positive recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.***
- B. *Zoning amendment applications which receive a recommendation of denial by the planning commission shall thereafter be considered by the city council.... The city council, after review of the recommendation by the planning commission, may affirm, reverse, alter or remand for further review and consideration any recommendations made by the planning commission.*

Further, Chapter 19.90 establishes minimum timelines that require at least one year after Council disapproval of a rezone and/or general plan amendment application before an application can be made for the same zone classification again ([19.90.050](#) / [19.90.100](#)).

The subject application is compliant with the above codified requirements.

## Staff Analysis

Staff finds that the request to amend the land use map from 'Residential Office' to 'Residential Medium Density' and the zoning map from R-1-8 (Residential Single-Family) to R-2-8 (Residential Multi-Family) is generally compatible with the city's long-range vision and goals for the area for the following reasons:

- Residential uses (single-family and two-family dwellings) are permitted uses in the R-2-8 zone. Other than home occupations, no commercial or office uses are permitted in the proposed zone.
- The designated land use of the adjacent property to the east is also ‘Residential Medium Density.’ This property is in the R-1-8 zone but has two legal non-conforming two-family dwellings that were built in 1978.
- The RO (Residential Office) zone allows twin homes as a conditional use. A twin home development would be possible in both the RO zone and the R-2-8 zone.
- ‘Residential Medium Density’ was one of the land uses considered and approved for other properties along this segment of the Fort Union corridor.
- The future layout and lot development standards (lot size, setbacks, building heights, etc.) do not differ substantially from corresponding standards in the R-1-8 zone. In either the R-1-8 or R-2-8 zone, the property supports a maximum of three residential structures with similar development standards.
- Under the R-2-8 designation, the maximum anticipated number of dwelling units would be six (in three structures). Accessory dwelling units are prohibited in the R-2-8 zone but are permitted in the R-1-8 zone. The projected impact of three two-family structures is similar to the impact of three single-family structures, particularly since single-family homes could also be approved for accessory dwelling units (R-2-8 zoning prohibits the operation of ADUs)

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## Noticing

Notices were posted and mailed at least 10 days prior to the meeting. Individual letters were sent to property owners within 1000’ feet of the subject property, and a public notice sign was posted on the property (at the time of posting, the property was inaccessible by public right-of-way due to road closures as part of the Metropolitan Water pipeline reconstruction project).

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## Findings

### Findings of fact include:

1. *A public hearing is being held in accordance with local and state requirements;*
2. *The proposed zoning designation is compatible with the surrounding developed area, and with the underlying land use designation of the subject property;*
3. *The public will not be materially injured by the proposed amendment, and there is good cause for the amendment.*

---

## Recommendation & Model Motions

Based on the findings and analysis presented herein, staff recommends that the Planning Commission forward a recommendation of approval of project ZMA-25-002 to the City Council (Note – two separate motions and votes will be required – one for the proposed land use map

amendment, and one for the proposed zone map amendment. Both projects have the same project reference number).

**Approval**

*I move to recommend approval of project ZMA-25-002 to the City Council based on the findings and recommendations listed in the staff report dated May 7, 2025...*

- *List any additional findings or recommendations for approval...*

**Denial**

*I move to recommend denial of project ZMA-25-002 to the City Council based on the following findings:*

- *List findings for denial...*

**ATTACHMENTS**

- Applicant’s Narrative
- Previous Application Denial Ordinances

Cottonwood Heights Rezone Application Narrative  
3526 E. Fort Union Blvd.  
Parcel ID: **22-25-152-020-0000**

Cottonwood Heights Planners and Commissioners:

My name is Adam Nash. I am the owner of the subject property. I have 40 years' experience in Land Use Permits and Land and Water Development.

This request was heard and denied by the City Council 3 years ago. Since that time, I redeveloped the property from a derelict obsolete property into vacant land ready for a housing development. Several things have changed in the city and in the housing market since then. These changes warrant taking another look at the opportunity a change in zoning can provide.

The 1 acre+- lot which is the subject of this zoning request is bound on the west by a duplex and to the east by two more duplexes with the next property east used for commercial purposes. Further away on Ft Union there are many duplexes, twin homes, commercial buildings, public utility buildings, transmission towers, ski shops, bars, a convenience store etc. Lots of nonresidential uses along and close to Ft Union.

When the previous zoning request was denied, I was very surprised. A community meeting had been held, and the Planning Commission forwarded a positive recommendation for approval. It turned out that some residents opposed the request. They were opposed the rezone because the R-2-8 zone would put increased density into the neighborhood and increase traffic.

I had no idea the CC would deny the request. I didn't want to argue these points. I want to make sure and voice my opinion now.

A density increase from 3 to 6 units is negligible. The Master Plan calls for Office/Residential Medium use. A commercial use has much more likelihood of potential problems than R-2-8.

Traffic increase from 3-6 units is also negligible. It is also less than Single Family Residential creates. (See the attached study) The traffic patterns from the new lots don't even lead into the local neighborhoods (unless they are visiting neighbors or going to church). Studies have shown that additional traffic comes from growth in the whole valley.

A recent study done by or for Cottonwood Heights concludes that Fort Union Boulevard continues to be one of the busiest roads within the City of Cottonwood Heights.

I've prepared the attached narrative to answer questions from the city. If there are other questions that are not answered in the narrative, please give me a chance to address them. I don't want another denial because I failed to address concerns brought up by a couple of residents.

Thank you,

Adam Nash

- How will your proposed amendment conform to what is envisioned for the future of the site or area, as expressed in the General Plan?

The property is currently planned as Residential Office according to the Cottonwood Heights Land Use map. The amendment seeks to reclassify this property as Residential Medium Density. The lot sizes would be like adjacent existing land uses.
- What level and type of development currently exists in the area? If approved, how would development of the property under the new zoning be consistent with the existing development?

Residential currently exists in this area. The surrounding land uses are Residential Low Density to the south Residential Medium Density directly to the east and west of the property. If approved, the developed land would continue to be a residential use.
- If the amendment is approved, how would subsequent development affect demand on public services and facilities such as utilities, emergency vehicles, etc.? Can you ensure that any negative impact will be mitigated? How?

The development is 3 R-2-8 lots. Demand on public services and facilities would be very minimal. Utilities and improvements will follow LID standards and requirements. Homes would be built outside of any fault zone or sensitive land areas. There was an existing house and other structures on site that were removed to make way for redevelopment.
- If approved, how would the amendment affect public health, safety, and/or general welfare?

The land would be redeveloped into newer and more modern housing. Street improvements have been made on the south side of Fort Union Blvd where there were currently none. This has allowed for better passage along Fort Union Blvd for vehicles, bikers, and pedestrians.
- Disregarding any specific development that might be envisioned for the property following any proposed rezoning, discuss all the various uses that would be allowed under the current zoning; how would the proposed uses fit better with the area than the uses that are allowed under the current zoning?

The current zoning allows for residential on lots consisting of 8,000 square-foot lots minimum This proposed rezone would see larger lots with twin home or townhouse type housing. The new housing would be much more affordable compared with other new housing in the area. Throughout the area there similar housing types, specifically duplexes, condominiums, twin homes and townhouses.

This seems to be a better use than residential/offices as expressed in the Residential Office Land Use as a Master Planned use.

- What has changed since the zoning classification was established that makes this request amendment necessary?

Cottonwood Heights City has created the Fort Union Area Master Plan and 2019 Affordable Housing Plan to augment the General Plan. This provides for more careful consideration to the development along Fort Union and for the city. This development would seek to improve the area along Fort Union and allow for additional housing in the area.

R-2-8 is an appropriate zone along Ft Union. These lots have no interior access to the adjacent lots or neighborhoods. There is no traffic created by the new lots except to visit neighbors or go to church. The 3 lots would cause no additional traffic for neighborhood.

- Disregarding any benefit to the specific property owner or developer, how will your proposal benefit the community as a whole? How will it outweigh any negative impacts of the change that is proposed?

The proposed rezone will allow for new housing in the area where it might not be available in other parts of the city. The new residences would allow for additional tax revenue for the city. Improvements including sidewalk, cur and gutter, storm drain, and water lines have been upgraded along Fort Union have been installed and has improved all manners

- How does the proposed amendment further the purposes of the current zoning ordinance as outlined in Title 19.02.020 (“Purpose of provisions”)?

The proposed amendment would promote the welfare of surrounding residents and overall benefit the city by adding residential units as was planned for in the current zoning ordinance. Lot sizes in the proposed amendment would be larger than lots required in the current zoning ordinance.

- Which of the following has arisen that is not properly addressed in the current zoning ordinance or general plan?

- The provisions of the zoning ordinance should be brought into conformity with the General Plan with a Medium Density Use (of Residential/Office).

- A change has occurred in the housing market. Affordable Housing has become unheard of. The type of housing that can be built in this zone tend to be less expensive than new Single Family Residential.
- I have already improved the property. It is suitable for R-2-8.

CONCLUSION: R-2-8 CREATES LESS EXPENSIVE HOUSING THAN SINGLE FAMILY RESIDENTIAL AND WOULD BE MUCH MORE APPROPRIATE.

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 379-D

### AN ORDINANCE DENYING A GENERAL PLAN AMENDMENT FOR REALTY AT 3526 EAST FORT UNION BLVD. FROM RESIDENTIAL OFFICE TO RESIDENTIAL MEDIUM DENSITY

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “Act”), provides that each municipality shall prepare and adopt a comprehensive, long-range general plan; and

**WHEREAS**, the Act requires the municipality’s planning commission to prepare the general plan and submit it to the municipality’s legislative body; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt and amend the general plan; and

**WHEREAS**, on 26 July 2005, following full compliance with the procedures for formulation, public hearing and recommendation specified in UTAH CODE ANN. §§10-9a-401 through -404, the city council (the “Council”) of the city of Cottonwood Heights (the “City”) enacted its Ordinance No. 24 adopting a general plan (with all previous amendments, the “Plan”) for the City; and

**WHEREAS**, as authorized by statute, the Plan includes a land use element and an official map (collectively, the “*Land Use Element*”) allocating to each parcel of land in the City a specific land use designation authorized by the Plan; and

**WHEREAS**, in response to an application by Adam Nash (the “*Application*”) to amend (the “*Amendment*”) the Land Use Element affecting the parcel of realty located at 3526 East Fort Union Blvd. from Residential Office to Residential Medium Density, on 2 March 2022, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Amendment, where citizens were given the opportunity to provide written or oral comment concerning the Amendment; and

**WHEREAS**, a photocopy of the Amendment to the Land Use Element of the Plan proposed by the Application is attached as an exhibit to this ordinance and is incorporated herein by this reference; and

**WHEREAS**, on 2 March 2022 the Planning Commission voted to recommend that the Council approve the Amendment, and thereafter recommended that the Council approve the Amendment; and

**WHEREAS**, after taking additional public input concerning the proposed Amendment, the Council met in regular meeting on 19 April 2022 to consider, among other things, approving and adopting the Amendment to the Land Use Element of the Plan; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, the comments at the public hearings and public meetings, and other pertinent

information, and otherwise being fully advised, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny the Amendment to the Land Use Element proposed by the Application notwithstanding the Planning Commission's recommendation of approval;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial of Amendment.** The Council hereby denies the Amendment to the Land Use Element proposed by the Application based on the findings expressed in the Council's 19 April 2022 public meeting, as well as a finding that the proposed Amendment to the Land Use Element as to the subject property is incompatible with the land uses of certain of the surrounding properties under the current Plan.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 379-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

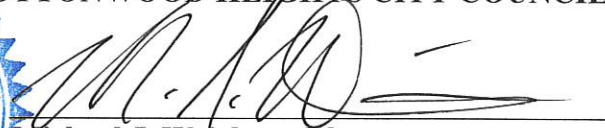
**PASSED AND APPROVED** this 19<sup>th</sup> day of April 2022.

ATTEST:

By:   
Paula Melgar, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By:   
Michael J. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 19<sup>th</sup> day of April 2022.

**POSTED** this 20 day of April 2022.

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 380-D

### AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT 3526 EAST FORT UNION BLVD FROM R-1-8 (RESIDENTIAL SINGLE FAMILY) TO R-2-8 (RESIDENTIAL MULTI-FAMILY)

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 2 March 2022 the City’s planning commission (the “*Planning Commission*”) held a public hearing on an application by Adam Nash requesting the re-zone of a .95 acre parcel of real property located at 3526 East Fort Union Blvd. (the “*Property*”) from R-1-8 (Residential Single Family) to R-2-8 (Residential Multi-Family), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 2 March 2022, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation of approval to the Council for final action; and

**WHEREAS**, after taking additional public input, on 19 April 2022 the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny re-zoning the Property as specified below, notwithstanding the Planning Commission’s recommendation of approval;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial of Re-zone to R-2-8.** The Council hereby denies re-zoning the Property from R-1-8 (Residential Single Family) to R-2-8 (Residential Multi-Family) based on, among other findings expressed by the Council in its 19 April 2022 public meeting, the incompatibility of the requested zoning designation with the zoning designation of certain of the surrounding properties under the current zoning map.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.


Section 3. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.


Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 380-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 19<sup>th</sup> day of April 2022.

ATTEST:

By:  Paula Melgar, Recorder



By:  Michael T. Weichers, Mayor

**COTTONWOOD HEIGHTS CITY COUNCIL**

VOTING:

Michael T. Weichers	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>

DEPOSITED in the Recorder’s office this 19<sup>th</sup> day of April 2022.

POSTED this 20 day of April 2022.

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 385-D

AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT 3526 EAST FORT UNION BLVD. FROM R-1-8 (RESIDENTIAL SINGLE FAMILY) TO RO-ZC (RESIDENTIAL OFFICE WITH ZONING CONDITIONS) AND AMENDING THE ZONING MAP

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

**WHEREAS**, on 21 June 2022 the City’s planning commission (the “*Planning Commission*”) held a public hearing on an application by Adam Nash requesting the re-zone of a .85 acre parcel of real property located at 3526 East Fort Union Blvd. (the “*Property*”) from R-1-8 (Residential Single Family) to RO-ZC (Residential Office with Zoning Conditions), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 21 June 2022, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation of approval to the Council for final action; and

**WHEREAS**, after taking additional public input, on 5 July 2022 the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

**WHEREAS**, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny re-zoning the Property as specified below, notwithstanding the Planning Commission’s recommendation of approval;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial of Re-zone to RO-ZC.** The Council hereby denies re-zoning the Property from R-1-8 (Residential Single Family) to RO-ZC (Residential Office with Zoning Conditions) based on, among other findings expressed by the Council in its 5 July 2022 public meeting, including the incompatibility of the requested zoning designation with the zoning designation of certain of the surrounding properties under the current zoning map.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

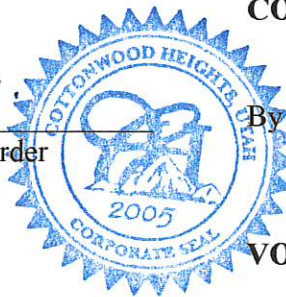
Section 5. **Effective Date.** This Ordinance, assigned no. 385-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

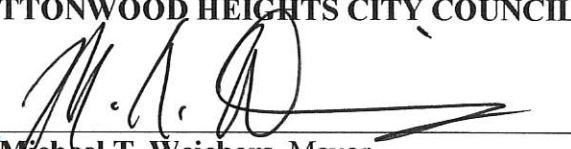
**PASSED AND APPROVED** this 5<sup>th</sup> day of July 2022.

ATTEST:

**COTTONWOOD HEIGHTS CITY COUNCIL**

By  Paula Melgar, Recorder



By  Michael T. Weichers, Mayor

**VOTING:**

Michael T. Weichers	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 5<sup>th</sup> day of July 2022.

**POSTED** this 6<sup>th</sup> day of July 2022.

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



May 7, 2025

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## Request

Due to concerns regarding the lack of a codified definition for a live-work use type, the City Council voted on February 18, 2025 to impose a moratorium on all live/work applications for up to 180 days. This only applies to applications submitted after the moratorium was enacted.

While the moratorium is in place, staff has been instructed to develop a definition for live/work uses for consideration and possible codification.

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## Background & Overview

Concerns regarding a proposed live-work development at 3425 E. Bengal Blvd. (subsequently withdrawn) led to the issuance of a moratorium on new live-work land use applications in the city. Staff researched various definitions and regulatory practices from the Planner's Dictionary, Urban Land Institute, other cities in Utah and around the country to create the proposed definition attached to this memo.

Staff also researched potential alternatives to codifying a definition, which are also included in the attachment. The Commission discussed the proposed amendment at its April 2025 Commission meeting and provided input to staff. Based on that input, the following recommended amendments have been prepared for Commission discussion and feedback:

### **RECOMMENDED NEIGHBORHOOD COMMERCIAL ORDINANCE AMENDMENTS**

- Eliminate the following codified conditional uses from the Neighborhood Commercial zone:
  - Bed and Breakfast
  - Home occupations
  - Home pre-schools
  - Planned unit development
  - Residential facilities for elderly persons
  - Live/Work spaces
  
- Amend the following existing uses:
  - Replace 'Mixed residential housing' with 'Neighborhood Mixed Use.'
  - Add an allowance for residential housing, but only as a component of a Neighborhood Mixed Use development application
  
- Establish a definition and development standards for 'Neighborhood Mixed Use.'
  - Draft definition – 'A single building containing more than one type of land use, at least one of which is residential, or a single development of more than one building and use, one of which is residential, where the different

types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.’

- Draft standards:
  - All NC development standards pertaining to building height, setbacks, landscaping, coverage, etc. shall apply
  - The mix of uses shall be consistent with the permitted and conditional uses listed in the Neighborhood Commercial chapter
  - The non-residential portion of a Neighborhood Mixed Use project shall constitute a minimum of 25% of the total gross floor area of the entire unit or project square footage. At least 50% of the unit or project frontage at ground level along a public right-of-way shall be dedicated to the non-residential portion of the project.
- While not directly a result of the moratorium, staff also recommends the following Neighborhood Commercial ordinance updates:
  - Modification of minimum lot size standards:
    - Current – minimum lot size of 7,000 square feet, minimum lot width of 60’, minimum lot depth of 90’
    - Recommended – No minimum lot size or dimensional requirements, provided that all applicable development requirements (setbacks, coverage, parking, landscaping, etc.) are met
  - Modification of height requirements:
    - Current – Maximum height of two stories or 35’, whichever is less
    - Recommended – Maximum height of 35’ (remove reference to maximum stories, focus on maximum building height)

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

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

***ATTENDANCE***

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

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

**Public Present:** Kevin Witzenman, James Carroll

**WORK SESSION**

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

**1.0 Review Business Session Agenda.**

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

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

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

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

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

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

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

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

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

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

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

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

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

19.04.1435 Live/Work Space:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2.0 Adjourn.**

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

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

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

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

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

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

**Public Present:** Kevin Witzenman, James Carroll

**BUSINESS SESSION**

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

**1.0 Welcome and Acknowledgements.**

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

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

**2.0 General Public Comment.**

There were no public comments.

**3.0 Business Items.**

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

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

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

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

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

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

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

***Findings:***

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

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

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

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

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

**4.0 Consent Agenda**

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

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

**5.0 Adjourn.**

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

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

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

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: \_\_\_\_\_

DRAFT