

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA

June 4, 2025



Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, June 4, 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

3.1 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 ZTA-25-001

A public hearing and potential recommendation to City Council on a city-initiated Zoning Text Amendment to modify language within Chapter 19.37 NC – Neighborhood Commercial.

3.3 Project GPA-25-002 - Moderate Income Housing Report

A public hearing and potential recommendation to City Council on the draft Moderate Income Housing Report, as required by Utah State Code.

4.0 Consent Agenda

- 4.1 Approval of **May 7, 2025** Planning Commission Minutes

5.0 Adjourn

*Next Planning Commission Meeting: **July 2, 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. Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, **written comments** may be submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the planning commission prior to the meeting, **they must be submitted to staff by 12:00 p.m. MST on Tuesday, June 3, 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 30, 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 and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 30TH DAY OF MAY, ATTEST: TIFFANY JANZEN, CITY RECORDER

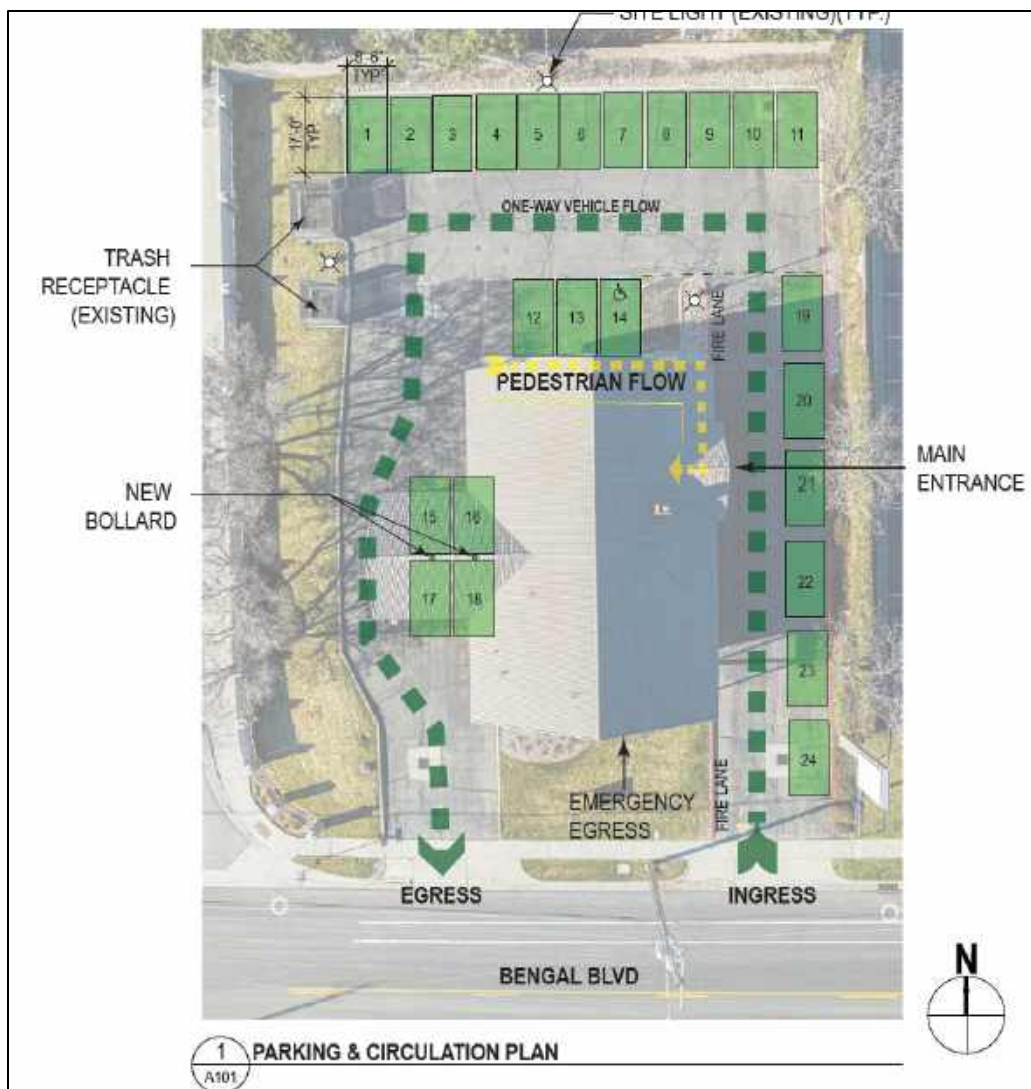
COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



June 4, 2025 – CUP-25-004 Updated Parking Plan

Updated Parking Plan Submittal

At its May 7, 2025 Planning Commission meeting, the Commission voted to table action the above-referenced conditional use application due to last-minute changes to the proposed parking plan, directing the applicant to work with staff to submit a revised parking plan for consideration in June. As detailed in the original staff report for this application (attached), city code requires a minimum of 0.5 parking stalls per attendee for a religious/church use. At 47 total attendees, this results in 24 total parking stalls. In lieu of the previously proposed use of overflow parking across the street, the applicant has submitted a revised proposal that will accommodate a total of 24 parking stalls on the subject property, primarily by converting site traffic-flow to one-way circulation and striping 6 new parallel parking stalls along the eastern site access. The revised parking plan is as follows:



Staff Analysis

The revised parking plan has been reviewed by Community & Economic Development, Engineering, and Fire Department staff, and is found to be an acceptable means of providing additional on-site parking. The following are findings from staff review:

- The updated plan provides on-site parking compliant with minimum parking requirements of the city's off-street parking ordinance;
- Per city ordinance, one ADA stall is required for every 25 stalls on site. As such, the one ADA stall shown in the applicant's plan (and currently existing on site) is adequate;
- Parallel parking stalls shall be painted with a minimum dimension of 9' in width and 20' in depth, per city ordinance;
- One-way drive aisle width shall be at least 12' in width to allow for proper emergency vehicle circulation. The existing drive aisle is approximately 25' wide. Installation of a 9' parallel parking stalls leaves a remainder of 16' for aisle width;
- The modified circulation plan converting the site into one-way traffic flow does not present any significant safety issues or concerns, although proper striping and signage should be installed to clearly signify the one-way traffic flow on site;
- Fire lane paint/striping shall be revised on site to reflect the updated parking plan, subject to review and inspection by the fire department;

Recommendations and Findings

Based on the revised parking and circulation plan, staff recommends APPROVAL of project CUP-25-004, based on the findings published in the original staff report dated May 7, 2025, as well as the findings published in this supplemental memo), and subject to the following recommended conditions of approval:

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 install adequate striping, painting, and signage to clearly convey the one-way site circulation. Signage/striping configuration shall be subject to approval by applicable members of the city's Development Review Committee, and shall be required prior to commencement of any site or building renovation work on the property;
4. 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;
5. 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.

Model Motions

Approval

I move to approve project CUP-25-004 based on the findings and recommendations listed in the staff memo dated June 4, 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. Original Staff Report (May 7, 2025)
2. Supplemental Staff Memo (May 7, 2025)

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



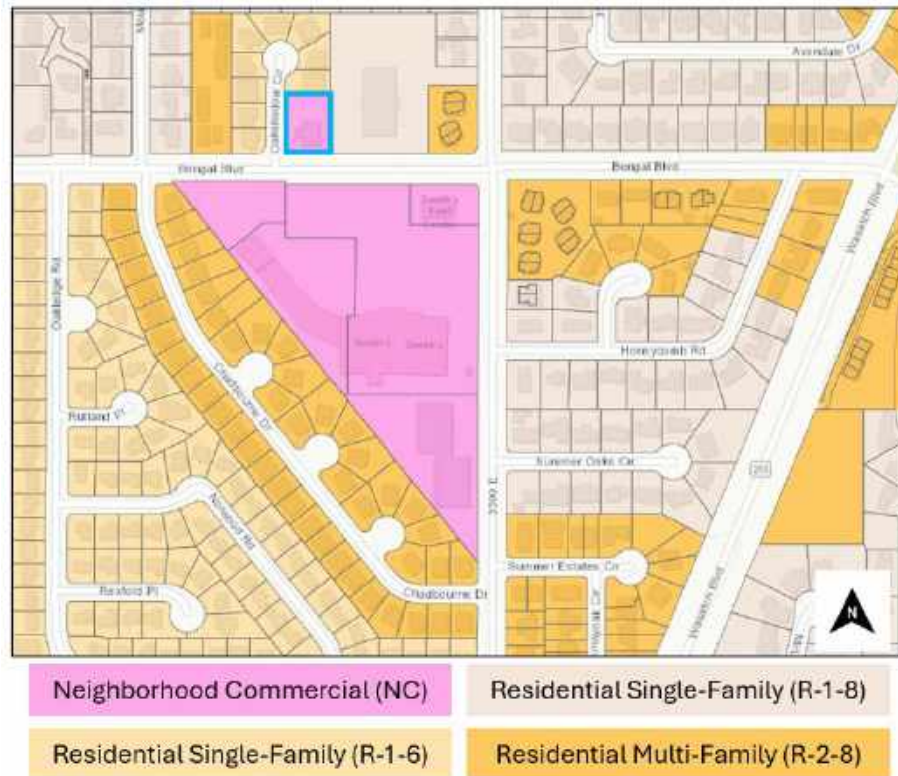
Context

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.

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.***

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.

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.*

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

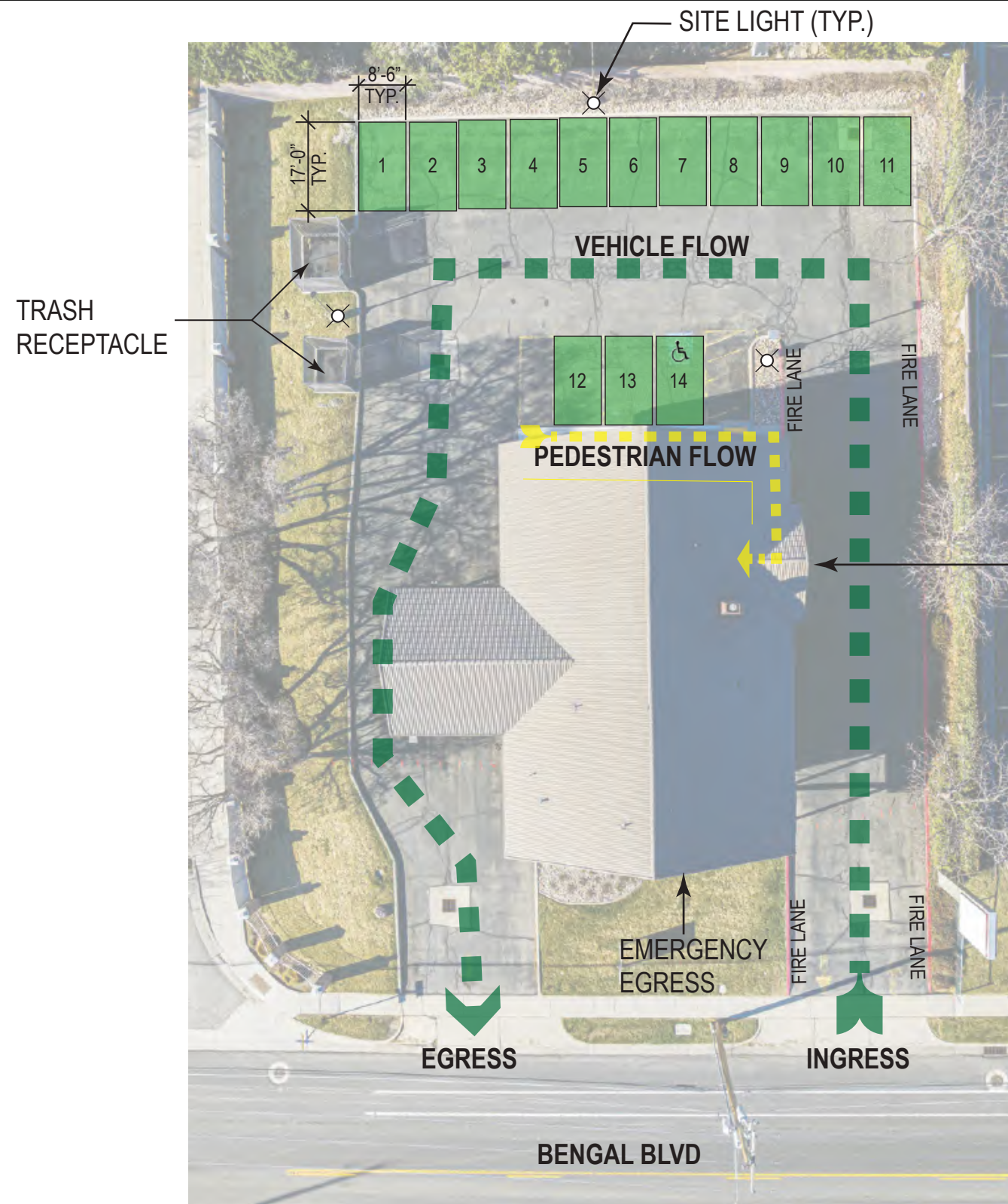
Enclosures:

Owner Consent Form

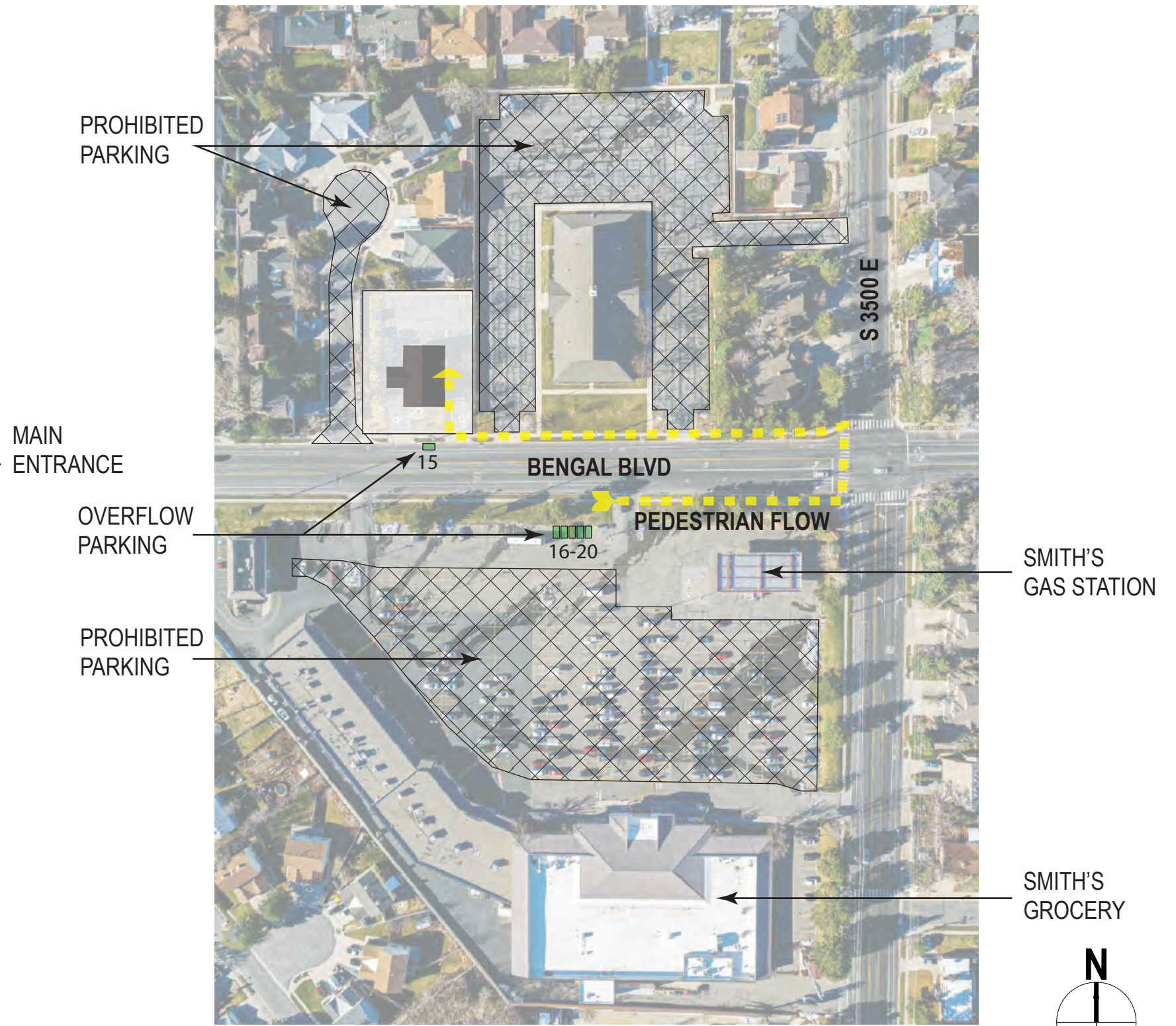
Site Photographs

A101 – Parking & Circulation Plan

A102 – Landscape Plan



1 PARKING & CIRCULATION PLAN
A101



2 OVERFLOW PARKING PLAN
A101

Conditional Use Permit

Uniao do Vegetal

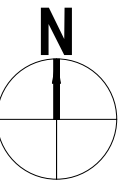
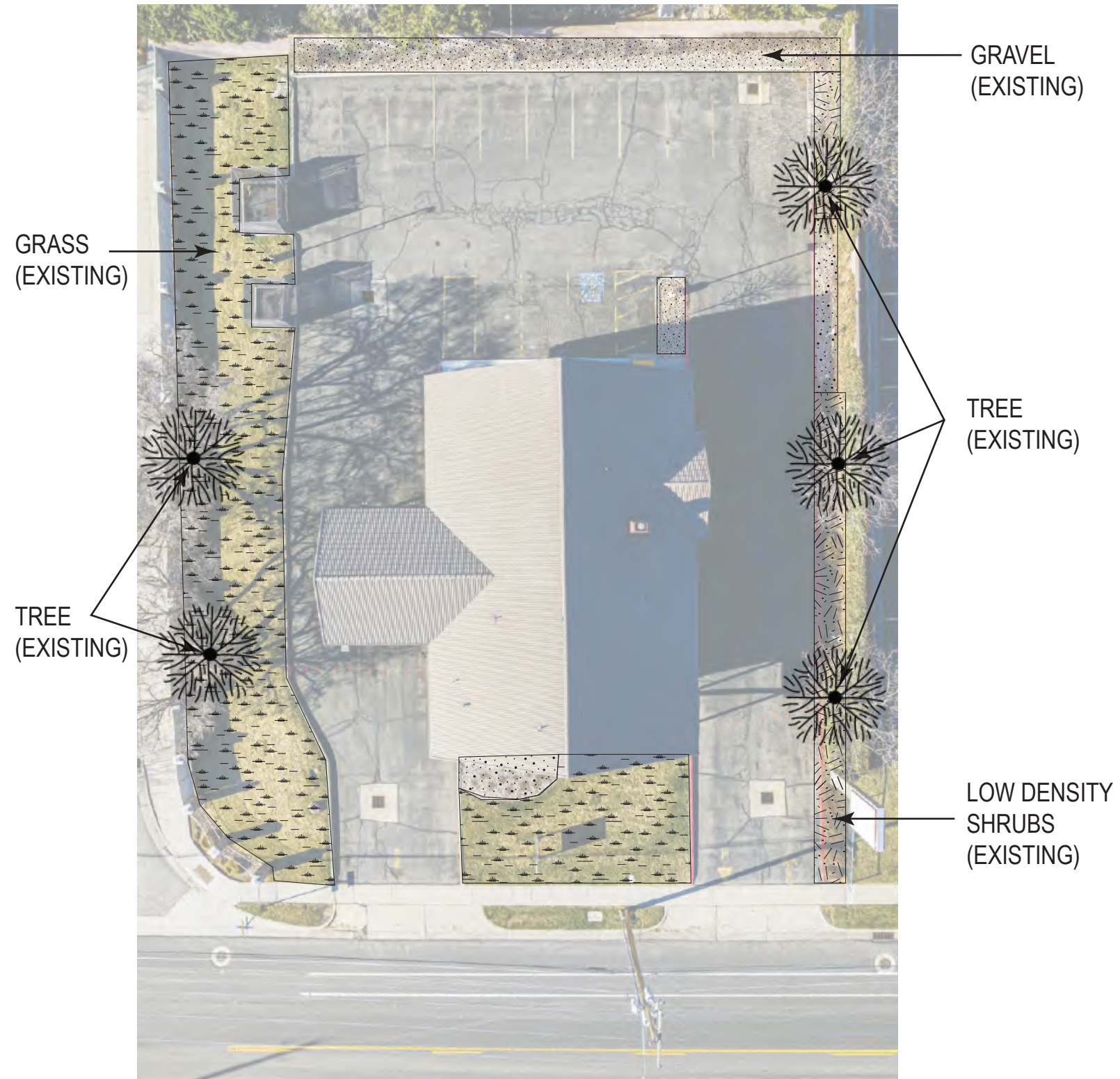
3425 E. Bengal Blvd.

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 MEMO



May 7, 2025 – CUP-25-004 Update

Request

The applicant for project CUP-25-004, a conditional use application to operate a church in the existing building located at 3425 E. Bengal Blvd. submitted written communication to staff after business hours on Monday, May 5, 2025, noting that modifications to the parking plan would be needed.

In the original proposal, the applicant proposed utilizing five parking stalls within the commercial property (Brighton Pointe Shopping Centre) across the street for overflow parking to be used by church leadership and administration. In the full staff report and analysis, findings and staff recommendations were made based on this parking plan, including the submission of written consent by the property owner to use the stalls.

In the applicant's May 5, 2025, email, they stated, 'Unfortunately, we were not able to obtain written permission from Smith's to park in their lot across the street...' While other options exist for the applicant to propose off-street parking that complies with city ordinance, additional analysis and staff review is warranted, and staff findings and recommendations will need to be updated. Considering this, and after discussion with the applicant on May 6, 2025, staff hereby amends its recommendation to **CONTINUATION TO JUNE 4, 2025**.

As such, staff recommends the following:

- CUP-25-004 to remain on the 5/7/25 Commission meeting agenda for review, discussion, and public comment on the proposal.
- Staff analysis on the existing parking plan is no longer applicable, based on the update provided by the applicant. Additional review will be needed.
- Continuation of CUP-25-004 to the June 4, 2025 Planning Commission meeting. This allows additional time for applicant submittal and staff review of an updated parking plan to determine compliance with city code.

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



June 4, 2025

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.

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 and May 2025 Commission meetings and provided input to staff. Based on that input, the following recommended amendments have been prepared for Commission discussion and feedback (attached to this document is a draft ordinance for Commission consideration):

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)

Recommendation

Staff recommends that the Commission review the proposed ordinance draft to ensure that it aligns with previous Commission expectations and discussions. If so, staff recommends that the Commission forward a recommendation of APPROVAL to the City Council

MODEL MOTION – APPROVAL

I move to forward a recommendation of APPROVAL to the City Council for project ZTA-25-001

- Add any desired conditions, notes, or input

MODEL MOTION – DENIAL

I move to forward a recommendation of DENIAL to the City Council for project ZTA-25-001, based on the following findings:

- List findings for denial.

ATTACHMENT:

- Draft Neighborhood Commercial Ordinance Amendment

Neighborhood Mixed-Use & NC Zone Updates

Concerns regarding a proposed live/work development in the NC zone caused the City Council to issue a moratorium on allowing new live/work uses in the city. As a land use, Live/work is only referenced in the NCZ zone chapter. Staff was directed to study and craft a proposed definition for live/work spaces that satisfied concerns related to having a primarily residential land use in a commercial zone.

Feedback from the Planning Commission and City Council indicated a desire to strike Live/Work as an allowed use in the NC zone and propose a “Neighborhood Mixed-Use” definition. Recommendation was also made to modify additional facets of the NC zone. These changes are represented below.

Title 19 Zoning

19.04 Definitions

19.04.1795 Neighborhood Mixed-Use

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.

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Title 19.37 NC – Neighborhood Commercial Zone

19.37.010 Purpose

The NC zone is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This zone provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele. Development within this zone should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and properly-sited parking facilities. Additionally, the NC zone encourages residential mixed use to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives and policies of the city’s general plan.

19.37.020 Permitted Uses

There are no permitted uses in the NC zone.

19.37.030 Conditional Uses

Conditional uses in the NC zone are as follows:

1. ~~Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter Neighborhood Mixed-Use;~~
- ~~2. Bed and breakfast;~~
- ~~3.2. Commercial recreation;~~
- ~~4.3. Reception center;~~
- ~~5.4. Convenience store;~~
- ~~6.5. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;~~
- ~~7.6. Convenience store/fast food combination without gasoline;~~
- ~~8.7. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;~~
- ~~9.8. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;~~
- ~~10.9. Studios for an artist, designer, writer, photographer, sculptor or musician;~~
- ~~11.10. Restaurant or bar establishment;~~
- ~~12.11. Retail commercial;~~
- ~~13.12. Churches;~~
- ~~14. Home occupations;~~
- ~~15. Home pre-schools;~~
- ~~16.13. Child day-care/preschool;~~
- ~~17.14. Parks, playgrounds or community recreation;~~
- ~~18. Planned unit development;~~
- ~~19.15. Public and private utility buildings or facilities;~~
- ~~20. Residential facilities for elderly persons;~~
- ~~21.16. Child or adult day care facilities;~~
- ~~22.17. Schools;~~
- ~~23. Live/work spaces; and (temporarily omitted, per Ordinance 432)~~

24.18. Retail/small commercial.

HISTORY

Amended by Ord. 429 on 1/7/2025

Amended by Ord. 432 on 2/18/2025

19.37.040 Mixed-Use Building Neighborhood Mixed-Use

- 1. A mixed-use Neighborhood Mixed-Use is 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. building is a single building containing more than one type of land use, or a single development of more than one building and use, 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.
- 2. An example of a mixed-use residential building with a retail storefront on the main floor and one floor of residential living above the main floor is below:



- 2. All Neighborhood Commercial development standards relevant to a proposed Neighborhood Mixed-Use development, such as maximum building heights, minimum setbacks, minimum lot size, etc. shall apply.
- 3. The mix of uses shall be consistent with the permitted and conditional uses listed in the Neighborhood Commercial chapter.
- 4. 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.

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19.37.050 Limitations On Use

The following conditions and limitations shall apply in the NC zone:

1. The maximum floor area of each separate use confined within enclosing walls shall be limited to 7,500 square feet on the first story. Below-grade square footage (i.e., basements) shall not be included in the maximum floor area so long as the area below grade is not occupiable space.
2. The maximum floor area for schools shall be decided on case-by-case basis by the planning commission pursuant to Chapter 19.84 (Conditional Uses) of this title.
3. All business, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings except the display of plants and off-street parking and loading.
4. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.

19.37.060 Setbacks/Yard Requirements

The setbacks and yard requirements in the NC zone are as follows:

1. The minimum yard along a street shall equal the front yard required in the least restricted adjacent residential zone.
2. Minimum side and rear yards of 25 feet shall be required for those portions of a lot in an NC zone abutting a residential zone. For lots adjacent to a non-residential use the minimum setback shall be ten feet for side and rear yards.
3. The minimum front, rear, and side yard setbacks for two-story buildings with commercial activity occurring on the second floor for property located in non-mixed use designated areas shall be at least one-half of the height of the principal structure.
4. Also see chart 19.37.140 for more setback information for the NC zone.

19.37.070 Minimum Lot Size

Provided that all other standards in this chapter are met, there is no minimum lot size or dimensional requirements for development in the Neighborhood Commercial zone.

The lot size in the NC zone shall be as follows:

- ~~1. The minimum lot area shall be 7,000 square feet.~~
- ~~2. The minimum lot width at the front building line shall be 60 feet.~~
3. The minimum lot depth shall be 90 feet.

19.37.080 Maximum Height Of Structures

1. For uses where the slope of the original ground surface is greater than 15%, or if a slope stability hazard is present on site, the maximum structure height shall be 30 feet.
2. All other properties shall not exceed a height of ~~two stories or~~ 35 feet, ~~whichever is less~~

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HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.37.090 Maximum Lot Coverage

The maximum lot coverage in the NC zone is 50%, including all structures, except portions of those properties also located in the Sensitive Lands Overlay Zone, for which the maximum lot coverage shall be 30% including all structures and impervious surfaces.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.37.100 Master Development Plan Required

Developments in the NC zone will be required to comply with a master development plan approved by the planning commission.

19.37.110 (Reserved)

19.37.120 Screening

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.
2. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.
3. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residential property.
4. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
5. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

19.37.130 Landscaping Requirements

1. All developments of over one acre in size shall dedicate at least 15% of the gross acreage to landscaping, including, without limitation, landscape buffers, seating areas, walkways, etc. Drought resistant plants are encouraged.
2. All developments in the NC zone shall provide a landscaped buffer, not less than eight feet in width, with trees planted no less than 30 feet on center, between any commercial development and any residential use or vacant land in a residential zone. This requirement can be included within the side and rear setbacks of the NC zone.

Developments in the NC zone are intended to blend with the surrounding land uses, whether they are residential or non-residential. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but rather provide a landscaped transition between uses, with pedestrian walkways and trails.

19.37.140 Charts And Figures

Minimum Front Yard	Equal to front yard of least restricted adjacent residential zone
Minimum Side and Rear Yards	25 feet if abutting a residential zone; ten feet otherwise
Minimum Lot Size	7,000 square feet No minimum lot size – see 19.37.070
Minimum Width at Building Line	60 feet No minimum lot width – see 19.37.070
Minimum Lot Depth	No minimum lot depth – see 19.37.070 90 feet
Maximum Lot Coverage	50%
Maximum Building Height	Two stories or 35 feet, whichever is less

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF MEMO



June 4, 2025 – Moderate-Income Housing Plan (2025 Update)

Request

Planning Commission review, input, and recommendation on the city's 2025 Moderate-Income Housing Plan (project GPA-25-002), drafted in compliance with Utah State Code. Additionally, current community housing and socioeconomic data is provided for review and discussion.

Background

Utah State Code (10-9a-408) requires every municipality in Utah to adopt a moderate-income housing plan and submit annual update reports. The moderate-income housing plan is then required to be updated every five (5) years. Cottonwood Heights is in year five of its current plan, so an updated master plan will be required to be adopted and submitted by August 1, 2025. The attached draft plan has been drafted and formatted to comply with the State's reporting standards and requirements.

Submittal of compliant reports is required to be eligible to receive project funding by State Transportation Commission. This contingent funding comes from the Transportation Investment Fund of 2005. Failure to submit compliant reports can result in a municipality being ineligible for this funding, as well as Sales and Use tax revenue to fund Highways for certain jurisdictions. Further, a daily fee of \$250/day can be assessed, which escalates to \$500/day for ongoing non-compliance. The city has always been found compliant with this planning and reporting requirement.

The moderate-income housing plan requires a municipality to adopt and provide implementation measures for a minimum of three codified moderate-income housing strategies (five to be eligible for priority road funding).

The 'menu' of moderate-income housing strategies codified in State Code is as follows (**the proposed strategies detailed in the draft report are bolded**):

- Rezone for densities necessary to facilitate the production of moderate-income housing
- Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing
- Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing
- Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate-income housing
- **Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones**
- **Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers**

- Amend land use regulations to allow for higher density or new moderate-income residential development in commercial or mixed-use zones near major transit investment corridors
- Amend land use regulations to eliminate or reduce parking required for residential development where a resident is less likely to rely on the resident’s own vehicle, such as residential development near major transit investment corridors or senior living facilities
- Amend land use regulations to allow for single room occupancy developments
- **Implement zoning incentives for moderate-income units in new developments**
- Preserve existing and new moderate-income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund
- **Reduce, waive, or eliminate impact fees related to moderate-income housing**
- Demonstrate creation of, or participation in, a community land trust program for moderate-income housing
- Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality
- Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing
- **Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing**
- Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act
- Create a home ownership promotion zone pursuant to Part 10, Home Ownership Promotion Zone for Municipalities
- Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530
- Create a program to transfer development rights for moderate income housing
- Ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing
- Develop a moderate-income housing project for residents who are disabled or 55 years old or older
- Develop and adopt a station area plan in accordance with Section 10-9a-403.1

- Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones
- Create a first home investment zone in accordance with Title 63N, Chapter 3, Part 16, First Home Investment Zone Act
- Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing

Of the 5 strategies recommended in the 2025 plan, 4 are existing strategies that the city has identified and pursued for the past 5 years. The new strategy added is related to the waiver or reduction of impact fees for projects that include an affordable housing element.

In addition to identifying broad strategies, implementation measures must also be identified. Those strategies and timelines are summarized in the draft report. These preliminary strategies and measures were previously discussed by the City Council at its April 1st work session, with general support for the direction.

Recommendation

Staff recommends that the Commission recommend APPROVAL of the draft 2025 Moderate-Income Housing Plan to the City Council, including any additional feedback and input provided.

Model Motions

APPROVAL

I move to forward a recommendation of APPROVAL to the City Council for project GPA-25-002, an updated Moderate-Income Housing Plan and Report, pursuant to Utah State Code reporting requirements.

- Add conditions, recommendations, and/or additional input

DENIAL

I move to forward a recommendation of DENIAL to the City Council for project GPA-25-002, an updated Moderate-Income Housing Plan and Report, based on the following findings:

- List findings for denial...

Attachments:

- **Draft 2025 Moderate-Income Housing Plan**
- **Cottonwood Heights Community and Housing Data**

MODERATE-INCOME HOUSING PLAN - 2025

Utah Code 10-9a-403 requires that municipalities include within their General Plan a Moderate-Income Housing element. The moderate-income housing element should include the following:

- A. Provides a realistic opportunity to meet the need for additional moderate-income housing within the municipality during the next five years.
- B. For a specified municipality (see UCA 10-9a-408) that does not have a fixed guideway public transit station, the plan should include three or more of the moderate-income housing strategies described in statute.
- C. For a specified municipality that has a fixed guideway public transit station, the plan should include five or more of the moderate income housing strategies described in statute, of which one shall be the moderate income housing strategy described in Subsection (2)(b)(iii)(W), and one shall be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and
- D. For a specified municipality, include an implementation plan as described in statute.

The moderate-income housing element should provide for a realistic opportunity to meet the need for additional moderate-income housing within the municipality during the next five years.

HOUSING STRATEGIES AND RECOMMENDATIONS

To qualify for State transportation funding, the State requires municipalities to select three housing affordability strategies to implement in their community. In addition, the legislature is giving priority funding designation to those communities that adopt two additional strategies. Cottonwood Heights has selected the following strategies for implementing moderate-income housing in the community.

- Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones (Strategy E).
- Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers (Strategy F).
- Implement zoning incentives for moderate income units in new developments (Strategy H).
- Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing (Strategy P).
- Reduce, waive, or eliminate impact fees related to moderate-income housing (Strategy L)



STRATEGY 1: CREATE OR ALLOW FOR AND REDUCE REGULATIONS RELATED TO INTERNAL ADUS

Cottonwood Heights has created regulations related to internal accessory dwelling units (ADUs) in residential zones (Strategy E).

The City recently adopted an ADU ordinance (Title 19, Chapter 19.75) which requires an approval process through permitting. Permits are renewed annually to allow the city to monitor the number and quality of ADU units in the city. The City also has conditionally permitted detached ADUs, which requires Planning Commission approval. The City has continued in the implementation of this goal through the City's ADU ordinance by monitoring all units to ensure compliance with existing zoning, fire, and building code requirements and completing annual permit renewal and initial inspection for all units. 10 licenses have been approved and issued, with 5 additional licenses under review. The city has created a webpage and informational handouts to help educate residents on the steps required to obtain an ADU license.

IMPLEMENTATION

- Continue to monitor the number of applications received and approved for ADUs biannually (June and December each year), and promote the city's ADU licensing process in city publications.
- Research other cities ADU standards and consider ordinance amendments to streamline pathway/regulations for detached ADUs (Spring 2026).
- Develop a city 'card file' system for new homes / ADUs as pre-engineered building plans can expedite review times and expenses (Spring 2026).

STRATEGY 2: ZONE OR REZONE FOR HIGHER DENSITY OR MODERATE-INCOME RESIDENTIAL DEVELOPMENT

Cottonwood Heights has zoned or rezoned for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers (Strategy F).

The City has multiple commercial zones that allow for mixed residential housing (Residential Office, Neighborhood Commercial, Mixed Use, and PDD). The City recently adopted a form-based code. The form-based code will create new zoning designation and land use regulations for properties within the City's primary commercial corridor (Fort Union Boulevard), allowing for mixed residential units within commercial areas. The City had also purchased property that would be redeveloped into a town center and would include mixed-use (public space, retail, and housing) under the form-based code. Developers and landowners are actively taking advantage of this change. Two mixed-use projects (ICO and Wasatch Rock Planned Development Zones) under this provision have been entitled (one completed), creating mixed-use developments with substantially more housing options available (1 total housing unit between the two projects originally (entitled granted for over 600 units between the two projects).

Along major corridors, the city has adopted and/or is considering zoning options that accommodate residential density within commercially zoned areas. The City has fairly high permitted density in these areas (35 units per acre in its mixed-use zone) and is in consideration of a form-based development code that continues to accommodate these types of densities in key commercial redevelopment areas. Recently, the city has begun the process of developing a neighborhood mixed-use land use type to accommodate smaller-scale mixed-use projects in its Neighborhood Commercial areas.

The City has also procured funding through the Wasatch Front Regional Council to update its General Plan, which will include a substantial affordable housing element. Additionally, the City has received funding to



complete a form-based redevelopment code, which will assist in implementing the land use and housing recommendations from the updated General Plan. Both projects are currently underway.

IMPLEMENTATION

- Continue to track the number of moderate-income housing units in developments along the corridor (June each year).
- Ensure that mixed-use housing options are properly codified, defined, and regulated in various non-residential zoning districts (Fall 2025).
- Identify development strategies to utilize private resources, public-private partnerships, and other state-and federal-level programs to implement goals such as improving active infrastructure along Fort Union Boulevard (Winter 2027).

STRATEGY 3: IMPLEMENT ZONING INCENTIVES FOR MODERATE INCOME UNITS IN NEW DEVELOPMENTS

Cottonwood Heights has implemented zoning incentives to provide additional low and moderate-income units within developments (Strategy J).

The City created an ordinance (Title 19, Chapter 19.78) that creates opportunity for a planned development district with high density allowances. The planned development ordinance requires deed-restricted units in these development areas (a minimum of 10-15% of multifamily units must be deed-restricted units) to maintain affordability in valuable redevelopment areas. The City also actively tracks projects that are using the zoning incentives tool to ensure that new development provides moderate income housing in projects. Additionally, the City requires developers to submit quarterly reports on the number of affordable units in addition to information on how the units are marketed.

The City has implemented a density bonus system which has resulted in over twenty 50 percent AMI units and over forty 80 percent AMI units. One project (ICO) contains approximately 200 total residential units – 21 of which are affordable to households earning not more than 50% AMI. This project is completed and fully occupied. A second project (Wasatch Rock Planned Development Zone) has received development entitlement, with site construction, permitting, and plan review underway. Of the 400 total residential units in the entitled project, 15% of units will be affordable to households earning not more than 80% of AMI. This 6-phase development process will include affordable housing in the first phase with 15 percent of the units being affordable.

IMPLEMENTATION

- Continue to track development projects using incentive tools (June each year).
- Identify local financial incentives for development of targeted housing types such as FHIZ/HOPZ zones, use of future TIF/CDRA funds, fee waivers/reductions for MIH projects, etc. (Fall 2025).

STRATEGY 4: DEMONSTRATE UTILIZATION OF A MODERATE INCOME HOUSING SET ASIDE FROM A CRA, RDA, OR CDA AND RENEWAL AGENCY TO CREATE OR SUBSIDIZE MODERATE INCOME HOUSING

Cottonwood Heights has utilized a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency (Strategy P).

A Community Reinvestment Area for the city's Town Center (the general area around Fort Union Boulevard and 2300 East) has been created for approximately 70 acres, and the city intends to begin budget negotiations with taxing entities within the coming year to work towards the establishment of TIF.



The City has also reallocated funds left over from two community development areas established and completed prior to city incorporation. Ten percent of this reallocated fund has been tentatively budgeted for affordable housing implementation in the city, or investment into a regional affordable housing investment fund.

IMPLEMENTATION

- Begin process of establishing TIF collection within the Town Center Community Reinvestment Area (Spring 2026).
- Consider creation of Gravel Pit Community Reinvestment Project Area (CRA) by developing plan documents (2026).
- Formalize plan to utilize leftover CDA / EDA funds, including a portion for investment in affordable housing solutions (Winter 2025).

STRATEGY 5: REDUCE, WAIVE, OR ELIMINATE IMPACT FEES RELATED TO MODERATE-INCOME HOUSING

Cottonwood Heights has plans to reduce, waive, or eliminate impact fees related to moderate income housing (Strategy L).

Cottonwood Heights City has the ability to charge impact fees for stormwater and roads as part of new development projects. The City will review its impact fees associated with development and identify ways in which these fees can be reduced and/or waived to help encourage more moderate income housing within the city. The city will take this same approach with additional types of impact fees that it may consider from time to time (fire, park, public safety, etc.).

IMPLEMENTATION

- Review impact fees with development community to identify criteria in which fees can be reduced/waived to promote more incentives for moderate income housing (Spring 2026).
- Establish attainable goals and objectives based on impact fee review that can be integrated into the City's 2026 Moderate Income Housing Report (Fall 2026).



ADDITIONAL STATE SUPPORT

The City could benefit from additional training related to MIHR requirements and data collection. In addition, training related to the 24 identified strategies and how to implement these strategies could be beneficial.

ADDITIONAL RECOMMENDATIONS

Numerous programs are available to encourage the development and preservation of affordable housing at all income levels. Homeownership programs are well established, and support should continue and expand. The Home Program and HOME Investment Partnership Act are important resources for moderate and low-income homeowners, and CDBG funds can also be used to assist homeowners. In addition, the Utah Housing Corporation provides homeownership assistance through below market loans (FirstHome), down payment and closing cost assistance, and lease to-own housing supported by Low Income Housing Tax Credits (CROWN). Further, HUD has special loans for the construction of rental and cooperative housing for the elderly and handicapped. In addition, funds are available under the Olene Walker Loan Fund and the McKinney Fund (with emphasis on transitional housing).

Additional programs that the city is interested in exploring, in addition to the strategies identified above, are targeted at providing options for current property owners and current properties to ensure that housing remains affordable over time. Several strategies for this are as follows:

- As budget permits, establish a neighborhood improvement fund, that can provide funding for qualifying property owners for maintenance, repairs, and general property improvement. The city will work to develop a policy and framework for this program, which can then be funded at the city's discretion upon budget availability;
- Expansion of the city's 50/50 sidewalk repair program to assist in repair costs for sidewalks, drive approaches, and park strips in front of existing homes in the city;
- In addition to city policies and programs, the city will continue to engage in other sectors responsible for housing development, to share in the effort in providing affordable housing options. This includes private sector groups, non-profit organizations, and other levels of government (state, federal).

FINANCIAL RESOURCES FOR AFFORDABLE HOUSING DEVELOPMENT

Potential funding sources for housing include revenue from the general fund, CDBG grants and RDA affordable housing pass through. The general fund is essentially drawing upon the existing resources of the community and reallocating some of these resources to promote affordable housing. This could include earmarked sales tax or other revenue to provide development subsidies for deed-restricted affordable housing. The CDBG funds may require some reallocation of funds from infrastructure needs to housing, although both are valid projects.

PRESERVATION OF HOUSING STOCK

The preservation and rehabilitation of the current housing stock (rental and owner-occupied) will also be an important way to help keep housing affordable. The City should set a goal to rehabilitate a number of housing units before the year 2025. There are various programs available to the City to assist with home rehabilitation efforts. The HOME consortium and the Home Programs will be important to help people under 80 percent of HAMFI preserve the quality of their home investments. Additionally, CDBG funds can be obtained to manage and invest into low- and moderate-income areas. While infrastructure is important for community building, some portion of the CDBG budget should be targeted toward housing programs.

COMMUNITY REINVESTMENT AREAS

Additional Redevelopment Agency (RDA) funds could become available to the community with the establishment of Community Reinvestment Areas and the redevelopment of selected sites. Under Community Reinvestment Areas (CRAs), the redevelopment agency is required to allocate 10 to 20 percent of total tax



increment revenues it receives (from CRAs) to affordable housing. In the event the City creates a new CRA, tax increment would be set aside for affordable housing.



CHAPTER 3 – HOUSING TABLES

EXISTING CONDITIONS POPULATION AND DEMOGRAPHICS

Using current housing development policies, the population of Cottonwood Heights is projected to grow by almost 25 percent between 2024 and 2050, which is less than the 31 percent growth rate projected for Salt Lake County, Table 3.1. An analysis of the Traffic Area Zone (TAZ) data compiled by the Wasatch Front Regional Council shows Cottonwood Heights is anticipated to grow from 33,594 residents to 41,878 by 2050, while Salt Lake County is projected to grow from 1,223,914 to 1,563,562. Similarly, the number of households in Cottonwood Heights is projected to experience growth, potentially reaching more than 18,000 households by 2050, from a current stock of 13,286 households. This represents a more modest rate of growth than is anticipated to occur throughout the County, which is projected to see a 47 percent increase in households between 2020 and 2050. This means that Cottonwood Heights will likely experience fewer new households than the County but see an increase in household size over time. This indicates that future housing should be constructed for a diversity of family sizes but also consider life-cycle movement as residents age and less space is needed to accommodate large families.

Cottonwood Height’s 2023 median age of 39.1 years is significantly higher than both the county and state medians of 33.8 and 31.7, respectively. This Figure has also increased across Cottonwood Heights, Salt Lake County, and the state since the 2010 Census, indicating that residents are not moving out of Cottonwood Heights post-retirement age. This trend is likely to persist, as Cottonwood Heights is an established community with a strong residential fabric, enabling residents to experience the whole lifecycle within the community. Chapter 3 explores the implications of potential population growth within the community with regards to additional housing needs.

TABLE 3.1: POPULATION PROJECTS FOR COTTONWOOD HEIGHTS AND SALT LAKE COUNTY 2010-2050

	COTTONWOOD HEIGHTS POPULATION	SALT LAKE COUNTY POPULATION	COTTONWOOD HEIGHTS HOUSEHOLDS	SALT LAKE COUNTY HOUSEHOLDS
2010	33,433	1,029,655	12,495	364,031
2020	33,617	1,185,238	13,211	428,279
2024	33,594	1,223,914	13,286	439,553
2030	33,111	1,343,901	13,712	475,303
2040	34,790	1,436,366	14,742	554,372
2050	41,878	1,553,562	18,109	630,951

Source: U.S. Census; Wasatch Front Regional Council TAZ Projections

Cottonwood Heights has an Area Median Income (AMI) of \$116,583 which is significantly higher than that of Salt Lake County (\$94,658), as shown in Table 3.2. Table 3.3 shows a comparison of AMI of surrounding and neighboring communities. Households classified in the under-30% AMI band make 30% of the City’s median income, or not more than \$34,975 annually. Households within the 30 – 50 percent income band earn 30 – 50 percent of the median income for the area, or \$34,975 - \$58,292 annually. Households making 100 percent of the AMI make the median income for Cottonwood Heights. The significant difference between the City and County AMI is likely attributed to high housing demand compared to relatively constrained supply (i.e. the city is substantially built out), Cottonwood Heights’ location along the Cottonwood Canyons and larger, single-family units that present lifestyle opportunities that attract high income households.



TABLE 3.2: 2023 AREA MEDIAN INCOME FOR COTTONWOOD HEIGHTS AND SALT LAKE COUNTY

	COTTONWOOD HEIGHTS	SALT LAKE COUNTY
Household Income <= 30%	\$34,975	\$28,397
Household Income >30% to <=50%	\$58,292	\$47,329
Household Income >50% to <=80%	\$93,266	\$75,726
Household Income >80% to <=100%	\$116,583	\$94,658
Household Income >125%	\$145,729	\$118,323

Source: U.S. Census, American Community Survey, 5-yr Data 2019-2023

Table 3.3 illustrates a comparison of AMI of surrounding and neighboring communities. The Cottonwood Heights’ AMI is higher than the comparable cities with the exception of Draper. The Draper AMI is higher than Cottonwood Heights’ at \$130,680. Each surrounding community below has a higher AMI than Salt Lake County.

TABLE 3.3: 2023 SURROUNDING AREAS MEDIAN INCOME

	COTTONWOOD HEIGHTS	DRAPER	HOLLADAY	MILLCREEK	MURRAY	SANDY	SALT LAKE COUNTY
Median Household Income >80% to <=100%	\$116,583	\$130,680	\$112,369	\$98,502	\$87,864	\$111,242	\$94,658

Source: U.S. Census, American Community Survey, 5-yr Data 2019-2023

Although Cottonwood Heights is generally more affluent than comparative communities, 12.1 percent of households make only half of the median income for the area, as illustrated in Table 3.4. Although this represents a significantly smaller proportion compared to Salt Lake County at 19.8 percent, future housing types and development should consider this through allotting a dedicated number of attainable housing units in each development and exploring alternative housing options, such as ADUs, to reduce housing cost.

TABLE 3.4: INCOME DISTRIBUTION FROM 2010 TO 2021 BY NUMBER OF HOUSEHOLDS

INCOME DISTRIBUTION OVERVIEW	COTTONWOOD HEIGHTS				SALT LAKE COUNTY			
	2010	2010 %	2021	2021 %	2010	2010 %	2021	2021 %
Household Income <= 30%	720	6.0%	900	7.2%	39,150	11.2%	39,560	9.9%
Household Income >30% to <=50%	720	6.0%	625	5.0%	39,830	11.4%	39,445	9.9%
Household Income >50% to <=80%	1,865	15.5%	1,880	15.0%	63,295	18.2%	72,025	18.0%
Household Income >80% to <=100%	1,885	15.7%	1,410	11.2%	40,585	11.7%	47,915	12.0%
Household Income >100%	7,545	62.7%	7,745	61.7%	165,250	47.5%	200,635	50.2%
Total	12,040	100.0%	12,560	100.0%	348,110	100.0%	399,580	100.0%

Source: 2010-2014, 2017-2021 4-Year HUD Comprehensive Housing Affordability Strategy Data (CHAS)

HOUSING STOCK

Of the 13,098 housing units in Cottonwood Heights, more than 72 percent are registered as single-family structures. Many residents value the single-family character of their neighborhoods and feel that it should be maintained as Cottonwood Heights grows. Around nine percent of structures are considered mid-density, which range from duplexes, townhomes, and 1-unit attached structures.

TABLE 3.5: OCCUPIED HOUSING TYPES IN COTTONWOOD HEIGHTS

HOUSING TYPE	2023 PERCENT
Single Family Detached	72.2%
Two Family (Duplexes, Townhomes, and other 2 units structures)	8.9%
Multi-Family (Over 2 units)	8.6%

*Includes Mobile Homes

Source: U.S. Census, American Community Survey, 5-yr Data 2019-2023



While single family options will be considered for the future, much of the future housing for this city will occur as duplex, townhome, and multifamily development as the number of households in the area increases and available space is reduced further.

The majority of Cottonwood Heights housing stock are owner-occupied, as shown in Table 3.6. A comparison of housing stock of surrounding areas illustrates a similar trend as Cottonwood Heights, with a majority of housing stock being owner occupied. With such a high rate of ownership, Cottonwood Heights residents are increasingly likely to live in the city for long periods of time. With increased tenure comes a well-developed connection and personal investment into the area, creating a strong neighborhood identity and neighborhood-based community. Opportunities for home-improvement grants and incentives may help maintain housing stock over time and promote a health and safe living space for residents.

TABLE 3.6: COTTONWOOD HEIGHTS HOUSING UNITS BY OCCUPANCY

	TOTAL HOUSING UNITS	OCCUPIED HOUSING UNITS	% OWNER	% RENTER
Cottonwood Heights	13,098	12,457	71%	29%
Draper	16,865	16,325	72%	28%
Holladay	12,561	11,765	80%	20%
Millcreek	27,546	25,473	63%	37%
Murray	21,421	20,401	65%	35%
Sandy	34,329	32,852	76%	24%
Salt Lake County	440,166	416,589	67%	33%

Source: U.S. Census, American Community Survey, 5-yr Data 2019-2023

Homes in Cottonwood Heights tend to be large with almost 80 percent of units having 3 or more bedrooms, although since 2010, the average Cottonwood Heights household size has remained constant at 2.6-2.7 people per household. This is slightly less than the County average of 2.8 people per household which has also remained constant since 2010.

TABLE 3.7: COTTONWOOD HEIGHTS HOUSING UNITS BY SIZE

HOUSING TYPE	2023 PERCENT
Total Housing Units	13,098
No bedroom	2.9%
1 bedroom	5.5%
2 bedrooms	13.1%
3 bedrooms	26.2%
4 bedrooms	27.9%
5 or more bedrooms	24.4%

Source: U.S. Census, American Community Survey, 5-yr Data 2019-2023

Average density in land zoned for single family residential in Cottonwood Heights is 3.67 units per acre, with the average density in land zoned for multi-family residential is 11.11 units per acre. Allowable residential densities in the city generally range from rural residential areas with minimum one acre lots to mixed use areas with a maximum of 35 units per acre. The table below compares the amount of land zoned for residential use within the City and the number of corresponding households.



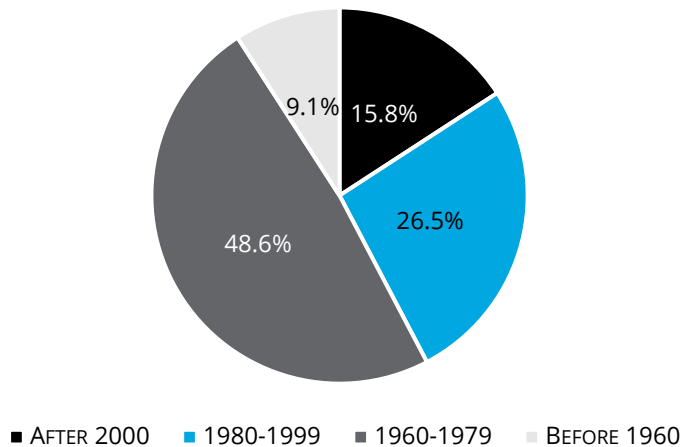
TABLE 3.8: HOUSEHOLDS BY ZONE

ZONING	ACRES	COUNT OF ADDRESS	HH PER ACRE
Single Family	2,444.91	8,964.00	3.67
Multi-family	314.09	3,490.00	11.11
Foothill Residential	822.75	7.00	0.01
Rural Residential	896.03	690.00	0.77

Source: Salt Lake County Parcel Data, Address Points

Most housing units in Cottonwood Heights were built between 1960 and 1999 as development moved outwards from Salt Lake City into agricultural plots and open space during a post-war period of rapid urbanization as illustrated in Figure 3.1.

FIGURE 3.1: AGE OF HOUSING STRUCTURES IN COTTONWOOD HEIGHTS



Using Salt Lake County parcel data, the following table shows the average square footage of all households during the construction periods illustrated in Figure 3.1. Due to the limited open developable space and existing large lot sizes, future development will need to occur as compact development and through utilizing available space within large existing lots. Housing conditions in Cottonwood Heights are adequate, with over 99 percent of housing units having complete plumbing and kitchen facilities.

TABLE 3.9: AVERAGE SQUARE FOOTAGE OF HOUSEHOLDS BY AGE OF STRUCTURE

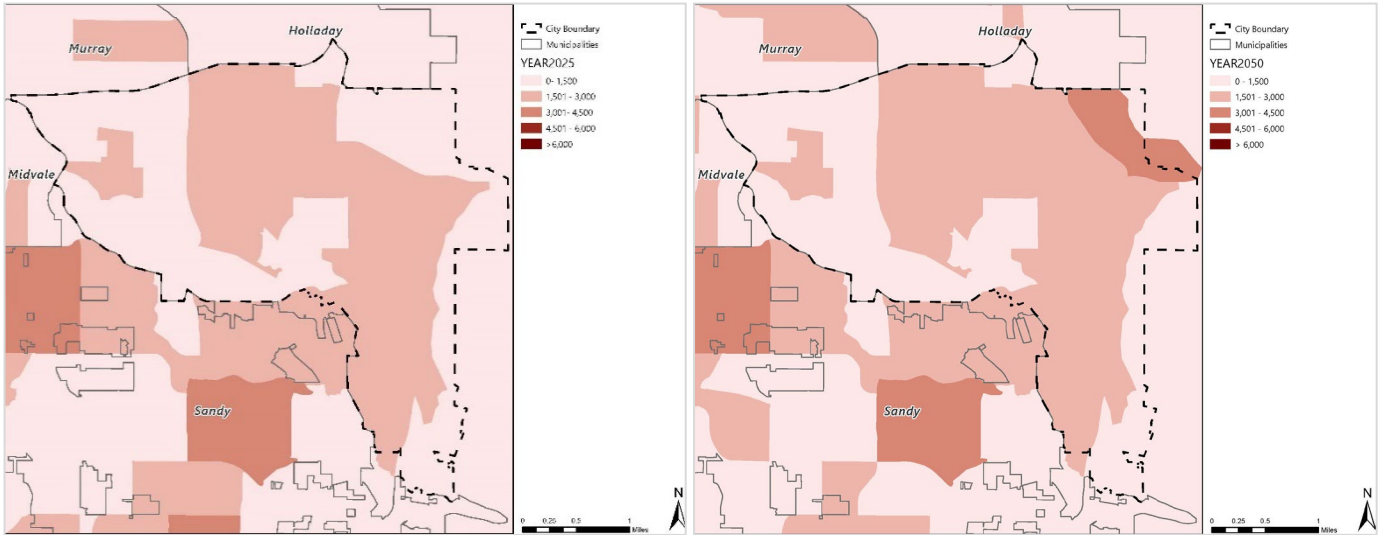
	AVERAGE SQUARE FOOTAGE
After 2000	4,316.57
1980-1999	4,186.54
1960-1979	2,760.85
Before 1960	2,245.45

Source: Salt Lake County Parcel Data

The City’s population is projected to continue to increase through 2050, reaching 41,878 residents. Map 3-1 shows that population growth in the City is expected to occur in the north-east region, with the central area of the City maintaining its current population.

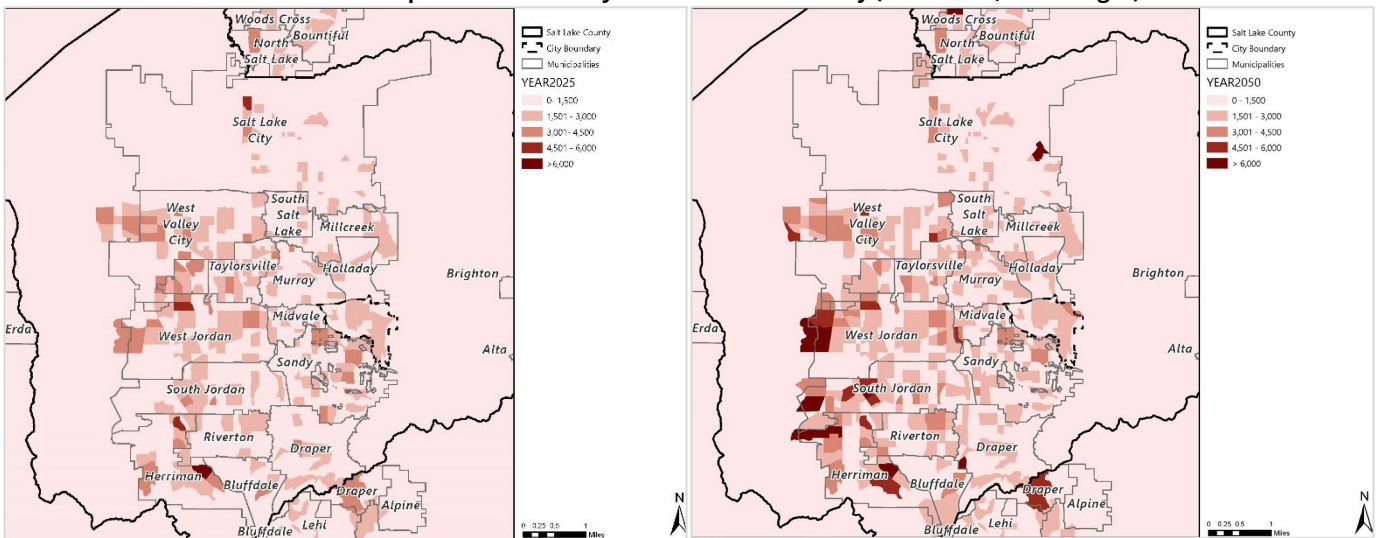


Map 3-1
Illustration of Population Growth by TAZ in Cottonwood Heights (2050 - Left; 2050 - Right)



The illustrations below use TAZ population projections to visually compare the concentration of growth in Salt Lake County in 2025 and 2050. The population in Salt Lake County will shift concentration towards the west, with substantial growth in West Jordan, South Jordan, and Herriman.

Map 3-2
Illustration of Population Growth by TAZ in Salt Lake County (2025 - Left; 2050 - Right)



HOUSING AFFORDABILITY

Housing affordability is determined by calculating the percentage of the household's total annual gross income paid for housing costs (mortgage/ rent, utilities, mortgage insurance, etc.) Cottonwood Height's 2023 median household income was \$116,583, significantly above the County's 2023 median household income of \$94,568. Moderate income housing is defined by statute¹ as housing that is affordable to those households whose income is less than or equal to 80% of a region's Area Median Income (AMI). To be classified as "affordable", housing-related costs cannot surpass 30 percent of household income.

¹ 10-9a-103(41)



RENTER-OCCUPIED UNITS

Households making 80 percent of AMI earn 80 percent of the median income for the area, or \$93,266. A total of 1,119 renter units, comprising 31.1 percent of the City's total of units, housing-related costs surpass 30 percent of household income, with 1,103 rent units with annual incomes under \$100,000.

TABLE 3.10: RENTER-OCCUPIED HOUSING COSTS AS A PERCENT OF HOUSEHOLD INCOME

HH INCOME RANGE	LESS THAN 20%		20 TO 29%		30 PERCENT OR MORE		TOTAL	
	RENTER UNITS	% OF RENTER UNITS	RENTER UNITS	% OF RENTER UNITS	RENTER UNITS	% OF RENTER UNITS	RENTER UNITS	% OF RENTER UNITS
> \$20,000	-	0.0%	-	0.0%	262	7.3%	262	7.3%
\$20,000 to \$34,999	47	1.3%	-	0.0%	255	7.1%	302	8.4%
\$35,000 to \$49,999	-	0.0%	106	2.9%	239	6.6%	345	9.6%
\$50,000 to \$74,999	54	1.5%	255	7.1%	294	8.2%	603	16.8%
\$75,000 to \$99,999:	30	0.8%	394	11.0%	53	1.5%	477	13.3%
\$100,000 or more	1,067	29.7%	358	9.9%	16	0.4%	1,441	40.1%
Total Households	1,198	33.3%	1,113	30.9%	1,119	31.1%	3,430	95.3%*

Source: U.S. Census, American Community Survey, 5-yr Data 2019-2023

*5 percent of renter households are not computer for per the ACS.

Additionally, the Kem C. Gardner Policy Institute tracks moderate and affordable housing needs and supply across the State and maintains the Utah Housing Affordability Dashboard in collaboration with the Utah Department of Workforce Services. The dashboard compares the number of renter households with the number of moderate, affordable, and available homes. It is important to note that the Utah Housing Affordability Dashboard was last updated in 2022.

Figure 3.2 identifies the number of households by income bracket who cannot find a moderate or affordable resident within the City. The figure suggests there is a surplus of 57 affordable rental units at the 80 percent of AMI income level; however, the remaining income brackets are experiencing a shortage of affordable rental units. The total cumulative deficit of affordable housing is 3,851 units, illustrating that renter-occupied households with an income lower than 80 percent of AMI spend greater than 30 percent of monthly income on rent costs.

FIGURE 3.2: 2022 CUMULATIVE SURPLUS/DEFICIT FOR RENTER HOUSEHOLDS BY AMI



Cottonwood Heights Cumulative Surplus/Deficit for Renter Households by AMI

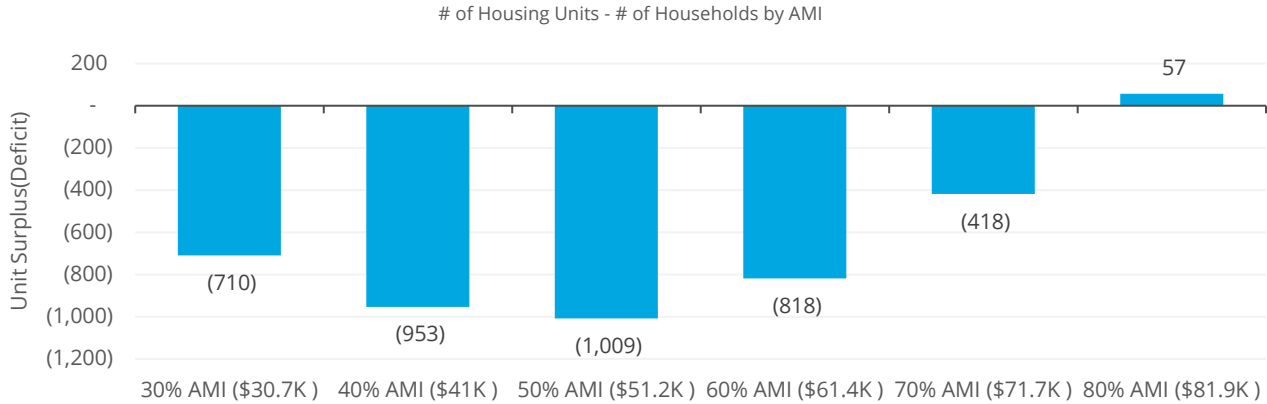
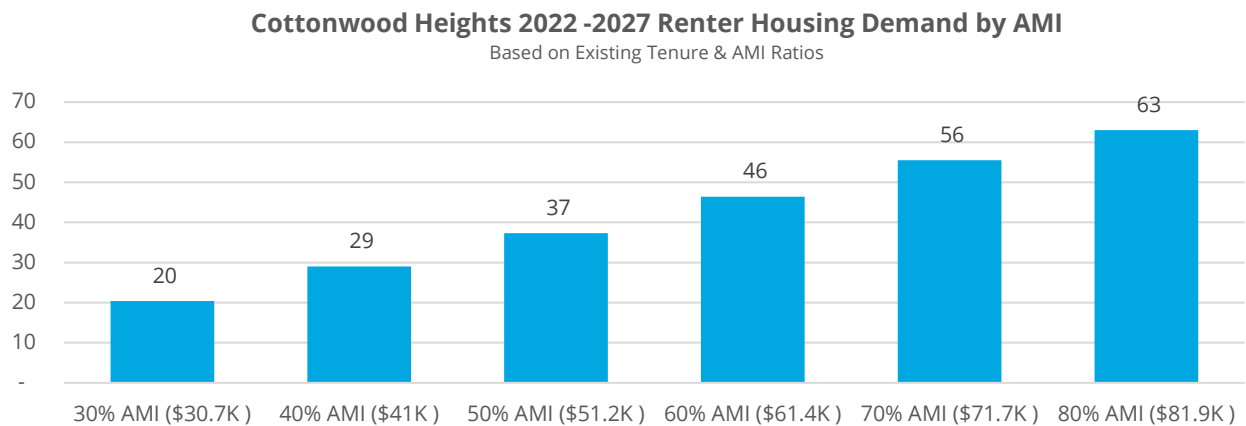


Figure 3.3 projects the five-year needs for moderate and affordable housing by income bracket, totaling 252 renter households through 2027. The information detailed below does not aim to solve the current deficiency illustrated in Figure 3.2 and focuses on meeting future growth in the City.

FIGURE 3.3: 2022 -2027 RENTER HOUSING DEMAND BY AMI



OWNER-OCCUPIED UNITS

In Table 3.11, affordable home value ranges have been established for 10 income levels. These values have been generated through a mortgage payment calculation that reflects a 10 percent down payment, a loan length of 30 years (360 months), current property tax and home insurance rates, \$300 for utility payments, and varying values for loan interest, as displayed further in the table.

TABLE 3.11: AFFORDABLE HOME PRICE RANGES BY INCOME CATEGORY

HH INCOME RANGE	4 % INTEREST		5% INTEREST		6% INTEREST		7% INTEREST	
	Low	High	Low	High	Low	High	Low	High
Less than \$15,000	\$0	\$14,791	\$0	\$13,380	\$0	\$12,155	\$0	\$11,091
\$15,000 to \$24,999	\$14,796	\$64,111	\$13,384	\$57,994	\$12,159	\$52,686	\$11,095	\$48,074
\$25,000 to \$34,999	\$64,116	\$113,430	\$57,998	\$102,608	\$52,690	\$93,216	\$48,077	\$85,056
\$35,000 to \$49,999	\$113,435	\$187,410	\$102,612	\$169,529	\$93,220	\$154,012	\$85,060	\$140,530
\$50,000 to \$74,999	\$187,415	\$310,709	\$169,533	\$281,064	\$154,016	\$255,339	\$140,534	\$232,986



HH INCOME RANGE	4 % INTEREST		5% INTEREST		6% INTEREST		7% INTEREST	
	Low	High	Low	High	Low	High	Low	High
\$75,000 to \$99,999	\$310,714	\$434,009	\$281,068	\$392,599	\$255,343	\$356,665	\$232,990	\$325,442
\$100,000 to \$149,999	\$434,013	\$680,607	\$392,603	\$615,669	\$356,669	\$559,318	\$325,446	\$510,355
\$150,000 to \$199,999	\$680,612	\$927,206	\$615,673	\$838,739	\$559,322	\$761,971	\$510,359	\$695,268
\$200,000+	\$927,211		\$838,743		\$761,975		\$695,271	

A gap analysis was completed to compute the difference between household counts and existing affordable housing stock by income range. The housing stock figures are inclusive of all owner-occupied single-family, duplex, and condo units in Cottonwood Heights. Home market value figures were sourced from the Salt Lake County assessor for 2024, and affordability ranges are based on a 6 percent mortgage interest rate. This analysis reveals a significant lack of affordability for households in Cottonwood Heights with annual incomes under \$100,000. A total of 3,920 units, comprising 25.2 percent of the City's total of 12,457 units, are affordable for any of the household income ranges under \$150,000. There is a surplus of units affordable to households with incomes above \$150,000, as the ranges above this figure represents 74.8 percent of units but only 40.8 percent of owner-occupied households.

TABLE 3.12: AFFORDABLE UNIT ANALYSIS

HH INCOME RANGE	% OF OWNER-OCCUPIED HH IN RANGE	AFFORDABLE HOME PRICE RANGE	% OF AFFORDABLE UNITS	GAP
Less than \$15,000	2.1%	\$0 to \$12,155	0.0%	2.1%
\$15,000 to \$24,999	1.6%	\$12,159 to \$52,686	0.0%	1.6%
\$25,000 to \$34,999	1.4%	\$52,690 to \$93,216	0.0%	1.4%
\$35,000 to \$49,999	3.9%	\$93,220 to \$154,012	0.0%	3.9%
\$50,000 to \$74,999	7.5%	\$154,016 to \$255,339	2.6%	4.9%
\$75,000 to \$99,999	8.9%	\$255,343 to \$356,665	3.0%	5.9%
\$100,000 to \$149,999	13.3%	\$356,669 to \$559,318	19.6%	-6.3%
\$150,000 to \$199,999	12.2%	\$559,322 to \$761,971	42.1%	-29.9%
\$200,000+	28.6%	>\$761,975	32.7%	-4.1%

Based on the proportion of owner-occupied households as a percentage of total projected households in 2024, it was determined that 2,766 of 9,449 owner-occupied households, or 29.3 percent, in Cottonwood Heights would not be able to afford a home in present conditions with housing costs comprising less than 30 percent of monthly gross income. Using TAZ estimates, it is estimated there will be an additional 303 households in the City by 2030. Distributing these additional households into current household income ranges and combining these figures with existing households, 2,874 owner-occupied households with need for affordable housing by 2030 is estimated.

TABLE 3.13: AFFORDABLE UNIT ANALYSIS

HH INCOME RANGE	AFFORDABLE HOME PRICE RANGE	AFFORDABLE UNITS	HOUSEHOLDS (2024)	UNITS NEEDED (2024)	HOUSEHOLDS (2030)	UNITS NEEDED (2030)
Less than \$15,000	\$0 to \$12,155	-	278	278	287	287
\$15,000 to \$24,999	\$12,159 to \$52,686	-	210	210	217	217
\$25,000 to \$34,999	\$52,690 to \$93,216	-	186	186	192	192
\$35,000 to \$49,999	\$93,220 to \$154,012	-	514	514	531	531
\$50,000 to \$74,999	\$154,016 to \$255,339	280	995	715	1,027	747
\$75,000 to \$99,999	\$255,343 to \$356,665	320	1,183	863	1,221	901
\$100,000 to \$149,999	\$356,669 to \$559,318	2,121	1,764	-	1,821	-
\$150,000 to \$199,999	\$559,322 to \$761,971	4,556	1,620	-	1,672	-
\$200,000+	>\$761,975	3,535	3,794	259	3,916	381



HH INCOME RANGE	AFFORDABLE HOME PRICE RANGE	AFFORDABLE UNITS	HOUSEHOLDS (2024)	UNITS NEEDED (2024)	HOUSEHOLDS (2030)	UNITS NEEDED (2030)
Total		10,812	10,545	3,025	10,883	3,255



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

**Wednesday, May 7, 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 Poulson, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Garry Barnes

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

Public Present: Kevin Miller, Cynthia Blair, Mary Ellen Johnson, Adam Nash

WORK SESSION

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

1.0 Review Business Session Agenda.

Chair Anderson reviewed the Business Session Agenda and indicated that the Commission would hold four public hearings. Item 3.2 was Project CUP-25-004, a Conditional Use Permit to operate a church on Bengal Boulevard. Items 3.2 and 3.3, Project ZMA-25-002, was an application for General Plan and Zoning Map Amendments on a property located at 3526 East Fort Union Boulevard. Item 3.3 was further consideration of Project ZTA-25-001 regarding the Work/Live designation.

Community and Economic Development Director, Michael Johnson, reported that a new alternate member was recently appointed to the Planning Commission. Rusty Lugo would complete training and join the Commission in June 2025.

Mr. Johnson reviewed Item 3.2, Project CUP-25-004. The subject property is the old Wells Fargo Building, and the Applicant intends to operate a church on the site. The Applicant, Bento Viana representing the Beneficent Spiritist Center União do Vegetal (“UDV”) Church, proposed minor modifications to the exterior of the building, including signage and the drive-through canopy, as well as interior remodeling. The 0.50-acre property is in the Neighborhood Commercial Zone, and churches are allowed as a Conditional Use. The site is established; no new development was proposed, and any changes would be reviewed for compliance with Cottonwood Heights City Code.

The UDV Church is a formally recognized non-profit religious organization. Regular gatherings are held on the first and third Saturdays of each month from 8:00 p.m. to 12:15 a.m., with one to two additional gatherings per month on weekday evenings or midday Sundays. The congregation consists of 47 members, mostly families who live in the area.

Mr. Johnson reviewed the original Site Plan, which indicated that no changes were proposed to parking, circulation, trash receptacle locations, etc. The site includes 14 parking stalls, as well as additional parking available under the drive-through canopy. The original application included the use of stalls in the Brighton Pointe Shopping Center for a total of 21 proposed stalls. An amendment received on May 6, 2025, indicated that the UDV Church will not be able to use the Brighton Pointe Shopping Center parking lot for overflow parking. The revised plan indicates four potential parking stalls under the canopy, as well as an area of Bengal Boulevard that could accommodate on-street parking. On-street parking cannot be used to meet minimum parking requirements because public parking cannot be reserved for a specific use.

Mr. Johnson reported that the initial Staff review and recommended Conditions of Approval were based on the original application. Due to the late receipt of the modified application, they did not have time to review and update those recommendations. As such, Staff requested that the item be tabled to a future meeting to provide adequate time for review.

The Planning Commission is the final Land Use Authority on Conditional Use Permits. Conditional Uses are entitled to approval if any detrimental impacts can be mitigated by reasonable conditions. Additionally, the Utah Religious Land Use Act states that the 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 is in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest. Mr. Johnson advised that the Planning Commission should consider the standard site impacts only and advised against setting conditions on hours or methodology of operation.

Staff concluded that the overall negative impacts of the Use would be minimal because it would be in use approximately two times per month. However, the full congregation would be present each time. As such, two potential detrimental impacts were identified.

Noise and Hours of Operation

- The proposed Use would take place during typical quiet hours. The applicant proposed two mitigations to this impact:
 - Require back-in parking to reduce vehicle light trespass.
 - Minimize pre- and post-service outdoor gathering and conversation.
- Any proposed site lighting would be subject to the Cottonwood Heights Outdoor Lighting Ordinance.
- All other noise, light, and nuisance ordinances would also apply.
- Staff found that the proposed mitigations would reasonably mitigate the detrimental impact.

Parking and Traffic

- A new development would require 24 total parking stalls or approximately 0.50 stalls per attendee. The original proposal was for 20 to 21 stalls.
- Per CHCC § 19.80.050.F, parking requirements may deviate from the standards when the City's Development Review Committee or Planning Commission determines that the deviation meets the intent of the Chapter.
- The Applicant would be asked to provide a study or specific justification from a qualified professional regarding deviation from the normal parking requirements prior to Staff making a recommendation regarding this detrimental impact.

Mr. Johnson noted that no new expansion or development was proposed, and on-street parking could accommodate the additional vehicles. However, public parking is not allowed to count toward minimum parking requirements for the specific Conditional Use. The nature of the Use is such that the average daily impact would be minimal, but all regular gatherings would generate the highest possible parking impact. As such, the potential impact of a parking shortage is a reasonably anticipated detrimental impact. Without adjacent overflow parking, Staff concluded that additional analysis and review were warranted to determine a reasonable allowable parking reduction. Parking was Staff's only concern regarding the application. The applicant proposed that they would prohibit parking on Oak Shadow Circle, so the only available overflow parking would be in the Bengal Boulevard public right-of-way.

Commissioner Shelton asked if the Applicant had discussed potential overflow parking with the Church of Jesus Christ of Latter-Day Saints and indicated that their large parking lot could easily accommodate the overflow.

Mr. Johnson summarized Staff's recommendation for the application as follows:

- The overall Use is compliant with the neighborhood Commercial Ordinance.
- Noise and light concerns are reasonably mitigated by the Applicant's proposed conditions and adherence to local codes and ordinances.
- Staff recommended that the item be continued to the next meeting to provide time to determine if the parking impacts could be mitigated.

Commissioner Smith noted that 47 was a very specific number, and congregations usually grow over time.

In response to a question from Commissioner Barnes, Mr. Johnson indicated that the Applicant is a tenant, but the property owner's consent was included with the application. Future signage must comply with the City's Sign Code, which allows wall and monument signs. A Building Permit would be required for the signage.

Commissioner Steinman asked about the building's maximum occupancy, as the congregation could grow and additional people would likely also attend events.

Commissioner Mills stated that there are many vacant parking lots in the City and asked if they could facilitate a discussion between the Applicant and its neighbors. Mr. Johnson stated that the

off-street parking standards encourage shared parking where possible, and the hours of operation would lend to a shared parking arrangement if one can be negotiated by the Applicant. In response to a follow-up question, Mr. Johnson stated that no comments had been received in response to the public notice.

Commissioner Steinman asked if the City would approve any shared parking agreements. Mr. Johnson reported that a Condition of Use would be that the Applicant provide written consent from the other property owner(s). Staff would not dictate terms, but the City Attorney would review the agreement.

Mr. Johnson reviewed Application ZMA-25-002 for a Land Use Map Amendment from Residential Office to Residential Medium Density and Zoning Map Amendment from Residential Single Family (“R-1-8”) to Residential Multi-Family (“R-2-8”). The 0.95-acre property is located at 3526 East Fort Union Boulevard and is owned by Land Development LLC, represented by Applicant Adam Nash.

The Zoning and Land Use Maps were reviewed. The property is currently zoned R-1-8, which requires a minimum of 8,000-square-foot lots. The proposed R-2-8 Zone has similar standards regarding lot size, setbacks, heights, etc., but would allow one two-family dwelling on each lot. Most other properties in the area are zoned R-1-8, and an adjacent property that is zoned R-1-8 has existing twin homes that were built in the late 1970s. Mr. Johnson indicated that the adjacent parcel carries the Residential Medium Density designation. Other parcels in the area are designated Residential Low Density, which includes six to 10 units per acre, typically townhome and condominium developments and higher density single-family neighborhoods. The Applicant intended to construct three twin homes for a total of six units on the property.

Development standards for the R-2-8 Zone include:

- Minimum lot size: 8,000 square feet;
- Minimum lot width: 65 feet;
- Maximum building height: 35 feet; and
- Setbacks: 25 feet front, 20 feet rear, 15 feet side.

Mr. Johnson reported that the eastern one-third of Fort Union Boulevard was previously designated Mixed Use. In 2019, a City-initiated General Plan Amendment changed the designation to Residential Office. In 2022, an application to rezone the subject property to Residential Office was supported by Staff and the Planning Commission but denied by the City Council. The Applicant then submitted an application to change the Land Use to Residential Medium Density and zoning to R-2-8, which was also supported by Staff and the Planning Commission but denied by the City Council. In response to a question from Commissioner Smith, Mr. Johnson stated that he was unable to speculate on the City Council’s reasoning, but the denial was included in the Staff Report.

After the application was denied in 2022, the Applicant moved forward with a three-lot single-family subdivision. A Final Subdivision Plat was created but not recorded. Numerous public improvements were also made to the site including curb, gutter, sidewalk, and utility upgrades.

Mr. Johnson reviewed the Concept Plan and noted that a Final Subdivision Plat would be submitted if the rezoning request was approved. The Applicant intends to utilize a private driveway on the east side of the parcels to create a rear-entry development, which would require full design review and permission from the owner of the private driveway. The concept is similar in lot size and layout to the current Subdivision Plat but includes twin homes instead of single-family homes. In response to a question, Mr. Johnson clarified that the shared driveway is on the subject property, but access to the driveway would be via a private access road to the east of the property. The Applicant could choose to include driveway access from Fort Union Boulevard as shown on the original Subdivision Plat.

In response to a question from Commissioner Barnes, Mr. Johnson reported that two comments and some phone calls were received in opposition to the application, and he expected neighboring residents to speak at the public hearing.

Commissioner Mills asked if staff had any concerns about utilizing a shared driveway versus individual driveways. Mr. Johnson stated that the shared driveway would consolidate access, and it would be beneficial to not have driveway access from Fort Union Boulevard. It could not be mandated, but that would be his preference. Commissioner Mills expressed concerns about visibility and the condition of the existing private road. Mr. Johnson stated that the Fire Department would review the application to ensure that the private road could support additional traffic. A new Subdivision Plat would also be required, which would trigger a review by all City departments.

In response to a question from Commissioner Mills, Mr. Johnson stated that the Applicant had not indicated an intended building height. The Concept Plan suggests smaller side setbacks between the homes and larger exterior side setbacks. Regarding fencing, the properties would have Fort Union Boulevard addresses and would be required to adhere to front fencing requirements of four feet in the front yards and up to six feet along all other sides. Fences up to 12 feet in height are allowed with the approval of neighboring property owners in both the R-1-8 and R-2-8 Zones.

Commissioner Steinman asked if the City could require a Homeowner's Association or maintenance agreement to maintain the properties. Mr. Johnson clarified that the Planning Commission was considering the Zoning and Land Use Amendments. If approved, the Subdivision Plat would not require Planning Commission approval. However, when applications are received for developments that include common areas, Staff inquires as to how those areas will be maintained. Options include individual ownership of the units' footprint with surrounding common space and subdivision into three 8,000-square-foot lots that are each 50% owned by individual property owners.

Staff recommended approval of both applications based on the following:

- The R-2-8 Zone and Medium Density Residential Land Use designation are not more intense than the current future Land Use designation.
- The adjacent property has a Residential Medium Density Land Use designation.

- The adjacent property to the east has existing multi-family twin homes that were constructed in 1978.
- Development impacts are comparable to the R-1-8 Zone.

Mr. Johnson reported that a significant change since the application was denied in 2022 is that Utah now allows accessory dwelling units (“ADU”) as a Permitted Use in all single-family residential zones. If three single-family homes were constructed on the site, each home could have an ADU, which would result in the same number of residents as the twin homes. Residents had expressed concern about the properties being used as short-term rentals. However, Mr. Johnson clarified that City Code would prohibit short-term rentals on the properties as they front on a public right-of-way. “Short term” is defined as less than 30 consecutive days.

Mr. Johnson clarified that the Planning Commission would be voting on a recommendation to the City Council, and two separate motions would be required.

Project ZTA-25-001 regarding the Live/Work Text Amendment was reviewed next. Mr. Johnson noted that Staff previously proposed a narrow definition of Live/Work spaces, but changes had been made based on concerns raised by the Planning Commission at its last meeting. Approved Conditional Uses in the Neighborhood Commercial (“NC”) Zone included many residential Uses. Concerns were expressed that they could be used as a loophole to propose a primarily residential project that is not in alignment with the purpose of the Neighborhood Commercial Zone, which is to focus primarily on the commercial element. The recommended Amendments were then reviewed.

Elimination of the following residential Uses:

- Bed and breakfast
- Home occupations
- Home preschools
- Planned unit development
- Residential facilities for elderly persons
- Live/Work spaces

Amendment of the following:

- 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.

Mr. Johnson clarified that the eliminated residential Uses could be allowed in a Mixed-Use Development but could not be counted as a required commercial element.

Neighborhood Mixed Use would be defined as follows:

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 vehicle and pedestrian access and parking areas.

Per the Planning Commission's recommendations, the following standards were also added:

- 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 in the NC Zone.
- The non-residential portion of a Neighborhood mixed-use project shall constitute at least 25% of the gross floor area of the entire unit or project.
- 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.

Additional proposed changes include:

- Removal of the current minimum lot size requirements provided that all applicable development requirements are met.
- Removal of the two-story maximum height requirement and retention of the 35-foot maximum height.

Commissioner Steinman asked if the Commercial Code would apply to all projects in the NC Zone. Mr. Johnson clarified that an integrated Mixed-Use Development would likely trigger commercial building standards. Projects with commercial and residential in different phases of the development may only require compliance with the International Residential Code for the residential portion.

In response to a question from Commissioner Steinman, Mr. Johnson stated that Planning Commission and City Council feedback, as well as citizen comments, indicated that the NC Zone was not a residential tool, but rather a neighborhood-scale commercial zoning tool that could incorporate a residential component. Staff believed that the Text Amendment accomplished that goal while respecting development standards.

Commissioner Mills stated that he liked the added flexibility and opportunities it would provide developers. The new ordinance would clarify the City's intention with the zone. There are not many properties zoned NC, and if properly developed they could help contribute to a neighborhood feel in pockets of the City. Chair Anderson appreciated the revisions as they clarified the ordinance.

Commissioner Shelton stated that he was present at the City Council meeting and agreed with Mr. Johnson's statement that Permitted Uses should be added to the NC Zone. The more clarity they provide, the easier the process will be for developers. Mr. Johnson stated that all zones should have Permitted Uses. Most of the City's NC Zones are in areas where form-based code would apply, but the remaining NC Zones should have designated Permitted Uses.

In response to a question from Chair Anderson, Mr. Johnson reported that the moratorium would expire in mid-August 2025.

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 5:57 p.m.

DRAFT

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

**Wednesday, May 7, 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 Poulson, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Garry Barnes

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

Public Present: Kevin Miller, Cynthia Blair, MaryEllen Johnson, Adam Nash, Jessica Keane, Cynthia Blair, Harry D. Shehan, Robbie McFarland, Dagmar James, Marsha Whitney, Rusty Bollow, Gabriel Wyman

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-25-004 – 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 East Bengal Boulevard.

Community and Economic Development Director, Michael Johnson presented the Staff Report and indicated that the Item was discussed in detail during the Work Session. The application was for a Conditional Use to operate a church in an existing building on an approximately 0.50-acre property at 3425 East Building Boulevard. The Applicant, Bento Viana representing the Beneficent Spiritist Center União do Vegetal (“UDV”) Church, proposed only minor exterior

modifications including signage and retrofit of the drive-through canopy, in addition to minor interior remodeling.

Staff determined that the application was in compliance with the NC Zone. Churches are allowed as a Conditional Use. The site is also established, and no new development was proposed.

The UDV church is a federally recognized nonprofit religious organization. Gatherings are held on the first and third Saturday of each month from 8:00 p.m. to 12:15 a.m., with one to two additional gatherings per month on evenings or midday Sundays. The congregation consists of 47 members, 40 to 45 of which are typically present at each gathering. Most members of the congregation are families who live in the area and travel together to church.

The existing building is approximately 2,300 square feet. The parking lot contains 15 parking stalls, plus several potential stalls underneath the drive-through canopy. The original Parking Plan also proposed overflow parking in the Brighton Pointe Shopping Center. City Staff received an amended Parking Plan after the close of business on May 6, 2025, that indicated an overflow parking agreement would not be available. The revised plan converts the canopy area into four additional parking stalls. It also shows parking areas on Bengal Boulevard. However, City Code does not allow public parking to count toward minimum parking requirements as public parking is available to all members of the public on a first-come, first-served basis.

The Planning Commission is the final Land Use Authority on Conditional Use Permits. Conditional Uses shall be approved if reasonable conditions can be imposed to mitigate reasonably anticipated detrimental effects of the proposed Use. Additionally, the Utah Religious Land Use Act states that the 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 is in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest. Mr. Johnson advised the Planning Commission to consider physical site impacts only. Hours and methodology of the Use could not be considered.

Mr. Johnson reported that the Impact Analysis identified two potential detrimental effects that could warrant imposing Conditions of Approval.

Noise and Hours of Operation

- The proposed Use would take place during typical quiet hours. The applicant proposed two mitigations to this impact:
 - Require back-in parking to reduce vehicle light trespass.
 - Minimize pre- and post-service outdoor gathering and conversation.
- Any proposed site lighting would be subject to the Cottonwood Heights Outdoor Lighting Ordinance.
- All other noise, light, and nuisance ordinances would also apply.
- Staff found that the proposed mitigations would reasonably mitigate the detrimental impact.

Parking and Traffic

- No traffic impacts were identified.

- Per the Institute of Transportation Engineering Parking Generation Manual, a new development would require approximately 0.50 stalls per attendee or 24 parking stalls. The proposed Parking Plan indicates 15 to 18 total stalls.
- Strict adherence to parking standards is required for new or expanded use, but that did not apply to this application. However, the site must be able to accommodate its maximum parking impact.
- Per CHCC § 19.80.050.F, parking requirements may deviate from the standards when the City's Development Review Committee or Planning Commission determines that the deviation meets the intent of the Chapter. Due to late receipt of the amended Parking Plan, Staff could not yet make a determination on whether a deviation was warranted for this application.
- On-street parking cannot count toward minimum required parking. Although there are available parking spaces on Bengal Boulevard, they cannot be considered with the application.

Mr. Johnson stated that the nature of the Use was such that the average daily impact would be minimal, but all regular gatherings would generate the highest possible parking impact. As such, the potential impact of a parking shortage is a reasonably anticipated detrimental impact. Staff recommended that the item be continued to allow time for additional analysis and review to determine a reasonable allowable parking reduction, if any, on the site. All other identified detrimental effects could be reasonably mitigated by the proposed Conditions of Approval.

Commissioner Steinman asked if the application would be reviewed for compliance with the Fire Code as he was concerned that a 47-member congregation would exceed the building's maximum occupancy. Mr. Johnson reported that the Building Permit application for interior improvements would require a Fire Department review. The Planning Commission was considering the Conditional Use and its potential impacts only.

A representative of the Applicant, Kevin Miller stated that he would speak with the Church of Jesus Christ of Latter-day Saints regarding a potential Shared Parking Agreement. They received late notice that Brighton Pointe Shopping Center was no longer considering the arrangement.

Commissioner Smith stated that the Applicant wanted to be a good neighbor. He asked about the potential for congregation growth as it was already at the limit of what the building could accommodate for parking and occupancy. Mr. Viana stated that they have paused growth, but there is a waiting list of potential congregants. He is a licensed architect and reviewed occupancy requirements, and they are confident they can accommodate more people in the building. Parking is an issue. However, he lives in the neighborhood and knows how many open parking spaces are available, especially during church hours, and is confident they can reach an agreement to accommodate any future growth.

Chair Anderson opened the public hearing.

Harry Daniel Shehan stated that he lives near the proposed church and was concerned about safety. He believes the religion involves consuming hallucinogenic drugs to contact spirits and expressed concern about people driving after participating in that ritual.

Gabriel Wyman stated that he is responsible for bringing the religion to Salt Lake City. He understood that it can be scary through the lens of online comments, but they are misunderstood. He has been a member of the UDV Church for 25 years. They encourage people to be good citizens, respect the law, work hard, and follow the rules. His religion helps him be the person he is and perform well as a Chief Executive Officer, father, friend, and husband. Members of the Church do not drink, do drugs, or smoke, and they have been able to help a lot of people. They have been in their current rental space for four years. They drink tea and study Jesus' teachings. They are not loud. He encouraged anyone who wanted to know more about the Church to speak with him.

Marsha Whitney lives near the subject property and moved to the area 15 years ago from the East Coast. Her understanding is that residents of Utah are against smoking, caffeine, alcohol, and drugs but the City was considering approving a church that would meet for four hours on Saturday night. She disagreed with Mr. Wyman regarding the effects of drinking Ayahuasca. She was against the application for that reason, as well as the parking restrictions on Bengal Boulevard.

Rusty Bollow appreciated everyone's concerns and stated that people are allowed to drink coffee and smoke in Utah, and there is a parking lane in front of the property on Bengal Boulevard. The congregation consists of respectable professionals. They do not attend church to party, but to grow spiritually. They do not contact spirits. They worship Jesus Christ and believe in the Christian faith.

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

It was clarified that the Planning Commission is not defining what a church is. They are considering the Conditional Use and its associated impacts. Mr. Johnson stated that the UDV Church is a federally recognized religious non-profit institution.

Commissioner Shelton moved to CONTINUE Project CUP-25-004 to the June 4, 2025 Planning Commission Meeting. Commissioner Steinman seconded the motion. Vote on Motion: Commissioner Shelton-Yes; Commissioner Barnes-Yes; Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Mills-Yes; Commissioner Steinman-Yes; Chair Anderson-Yes. The motion passed unanimously.

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 East Fort Union Boulevard. The Applicant is Requesting a Change from Residential Office to Residential Medium-Density.

Chair Anderson reported that Items 3.2 and 3.3 would be presented together.

Mr. Johnson presented the Staff Report and indicated that the subject property is approximately one acre of undeveloped land owned by Land Development LLC. The proposal included a Land

Use Map Amendment from Residential Office to Residential Medium Density and a Zoning Map Amendment from Residential Single Family (“R-1-8”) to Residential Multi-Family (“R-2-8”).

The Land Use Map is a component of the City’s General Plan that envisions how properties will be used and developed in the future. The current Land Use allows for both neighborhood-scale office and residential development. Examples include the Highland Drive frontage road north of Fort Union Boulevard, which currently has dental and medical offices and a Pilates studio. The proposed Land Use of Residential Medium Density does not allow a commercial component.

A property’s zoning regulates how the property can be used: development standards, setbacks, building heights, etc. Both the current R-1-8 Zone and the proposed R-2-8 Zone require a minimum lot size of 8,000 square feet, but R-2-8 would allow twin homes featuring one building with two units per lot.

The Residential Medium Density Land Use envisions a density of six to 10 units per acre and typically corresponds with townhouse and condominium developments, as well as higher-density single-family neighborhoods.

Development standards for the R-2-8 Zone include:

- Minimum lot size: 8,000 square feet
- Minimum lot width: 65 feet
- Maximum building height: 35 feet
- Setbacks: 25 feet front, 20 feet rear, 15 feet combined side

Mr. Johnson reported that the eastern one-third of Fort Union Boulevard was previously designated Mixed Use. In 2019, a City-initiated General Plan Amendment changed the designation to Residential Office. Rezoning and Land Use Map Amendments submitted in 2022 were supported by Staff and the Planning Commission but denied by the City Council. The Applicant then submitted an application to change the Land Use to Residential Medium Density and zoning to R-2-8, which was also supported by Staff and the Planning Commission but denied by the City Council. City Ordinance requires a one-year waiting period before resubmitting an application.

After the application was denied in 2022, the Applicant proceeded with a three-lot single-family subdivision. A Final Subdivision Plat was created but not recorded. Curb, gutter, and sidewalk were also installed at that time.

Mr. Johnson reviewed the Concept Plan indicating that an existing private lane to the east would be utilized for rear entry into the development, which would eliminate the need for driveways on Fort Union Boulevard. Those plans would be subject to full Subdivision Plat review.

Staff recommended approval of both applications based on the following:

- The R-2-8 Zone and Medium Density Residential Land Use designation are not more intense than the current Land Use designation.
- The adjacent property has a Residential Medium Density Land Use designation.

- An adjacent property to the east has existing multi-family twin homes.
- Development impacts are comparable to the R-1-8 Zone. Lot standards are similar, parcel access would not impact existing neighborhood streets, and the traffic density impact would be minimal.
- Any single-family home in the City is entitled to an accessory dwelling unit (“ADU”) for a second family to live on the parcel. If the originally entitled single-family subdivision were constructed, each home would have the option to operate an ADU, which could allow six families to live on the lots with the same impact as three twin homes.

Staff found that the proposed Zoning and Land Use designations were compatible with the overall goals of the General Plan, and the application was made pursuant to Cottonwood Heights City Code § 19.90. A public hearing was being held in accordance with State and City requirements, after which the Planning Commission would make a recommendation to the City Council. The Council would have final legislative authority.

Chair Anderson stated that questions had been raised about the allowed building height and clarified that the maximum building height is 35 feet in both the R-1-8 and R-2-8 Zones. Mr. Johnson added that the City can regulate the height of the structure but not its design.

The Applicant, Adam Nash stated that he has been in the development business for 43 years. He was aware of concerns regarding density and traffic with multi-family housing. Per a 2024 traffic study conducted by the Utah Department of Transportation (“UDOT”), Fort Union Boulevard is designed for an average daily traffic (“ADT”) count of 87,656 cars between 2300 East and the canyon. The current ADT is 9,900. He believes that three additional houses would have an insignificant impact as they would generate 1.78 ADT or a total of 5.44 cars. He mistakenly believed that his previous applications would be approved, but he failed to properly present and defend his application. Staff and the Planning Commission both gave positive recommendations on those applications, but the City Council ignored their professional recommendations. Neighboring property owners are supportive of rezoning the property and believe it is an appropriate use. Interest rates have increased since his previous applications, which directly affects the City’s housing crisis and availability of affordable housing. He hoped that Staff and the Planning Commission would be consistent in their findings.

In response to a question from Commissioner Steinman, Mr. Nash stated that he would build the homes in partnership with Hamlet Homes.

Commissioner Mills asked why the development would be accessed from the south. Mr. Nash stated that the units would have rear-load garages. He intends to purchase the private drive on the east and incorporate it into the project. The street and open space will be maintained by the Homeowners Association. The private drive will enhance safety and cleanliness and remove the need for six drive approaches in the span of 250 feet on Fort Union Boulevard. He has built several similar subdivisions that were well-received.

In response to a question from Commissioner Mills, Mr. Nash stated that the neighboring home was constructed 16 feet from his property line, an ADU slightly closer, and a shed directly on the

property line. After he acquires the private drive, he plans to shift the structures to create up to a 25-foot setback on his property.

Chair Anderson opened the public hearing.

Dagmar James stated that she lives close to the subject property. The lots have been empty since they had the same discussion three years previously and the City Council agreed that only three single-family homes would be built. She understood Staff and the Applicant's comments about traffic impacts, but Apple Valley is a very old community of single-family homes, and she does not want it to change. She asked that the Planning Commission recommend denial of the application. She stated that the neighboring property owner would have a driveway right outside of their fence, but she thought it would be better to have it on the Fort Union Boulevard side.

Mary Ellen Johnson stated that she was speaking on behalf of several residents. In June 2022, approximately 90 residents of the Apple Valley area signed a petition against Mr. Nash's plan to build medium-density multi-family units on the subject property. After the Planning Commission approved the request, residents met with City Council Members to express their concerns. They listened and voted against the General Plan change. It was agreed that the development would include three single-family homes. The neighbors' expectations for single-family homes had not changed. She did not believe the Planning Commission had the authority to undo the City Council's decision and did not understand why the matter was being revisited. She urged the Planning Commission to abide by the previous decision.

Robby McFarland stated that she lives close to the development and agrees with her neighbors. She expressed concern about parking. The Gear Room was approved without adequate parking, and she does not believe there are enough parking spaces on Fort Union Boulevard.

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

Commissioner Mills stated that Apple Valley is a legacy neighborhood that brings great character to Cottonwood Heights. However, it is a property owner's right to resubmit their application, and it would be illegal for the Planning Commission to refuse to consider it. In a property rights state, a very strong legal reason is required to prohibit a property owner from exercising those rights. The Planning Commission is always concerned about traffic, and he believes that a single private driveway would be beneficial to neighbors because it would be one access instead of four.

Commissioner Smith understood the community's concerns regarding increased density. He is not in favor of increasing density, but he also understands that it cannot be avoided. Utah is one of the most attractive states in the country, and more people will be moving to the state. Density is likely to increase as a result. There was no valid legal reason not to reconsider the application.

In response to a question from Commissioner Steinman, Mr. Johnson reported that the General Plan update will consider general areas of the City, but he did not expect substantial changes from the existing Fort Union Boulevard Master Plan. Areas along busy corridors like Fort Union Boulevard can vary; what makes sense near 1300 East is different from what makes sense in the area of the subject property. It is a busy collector street. The General Plan update will focus on

major redevelopment opportunities like the Gravel Pit and Town Center, but it will not include substantial reenvisioning on a parcel-by-parcel basis.

Commissioner Steinman stated that Fort Union Boulevard includes a large mix of densities, which could justify rezoning the property. He asked what potential reasons the Commission could have to deny a rezoning request. Mr. Johnson stated that the threshold was different from Conditional Uses. They must consider if it is in the best interest of the City and if there were reasonable findings to support approval or denial. Decisions cannot be arbitrary or capricious. He noted that the Planning Commission had an advisory role to the City Council on this matter.

In response to follow-up questions from Commissioner Steinman, Mr. Johnson clarified if the current application was approved, a revised Subdivision Plat would be submitted and reviewed by Staff. If necessary, a traffic impact analysis could be required by the City Engineer. A development of this size would trigger an analysis, but possibly not a full traffic technical study. Rear-load driveways are not prohibited by the current zoning, but the access would be reviewed by the Fire Department to determine compliance with Fire Code.

Regarding ADUs, three homes and three ADUs could be constructed in the currently entitled subdivision. Internal ADUs must be within the footprint of the home, but City Code does not dictate a minimum or maximum size. ADUs require owner occupancy, so the Applicant could construct them, but the homebuyer would have to obtain the license. Detached ADUs require a Conditional Use Permit and are subject to stricter standards that are hard to meet on an 8,000-square-foot lot.

Commissioner Steinman stated that he believes the project is very interesting from an attainable housing perspective. Chair Anderson agreed and stated that, based on the Planning Commission's criteria for review, there was no justification for denial.

Commissioner Steinman moved to forward a recommendation of APPROVAL to the City Council for the General Plan Land Use Map Amendment portion of Project ZMA-25-002 based on the Findings and Recommendations listed in the Staff Report dated May 7, 2025. Commissioner Poulsen seconded the motion. Vote on Motion: Commissioner Steinman-Yes; Commissioner Mills-Yes; Commissioner Poulson-Yes; Commissioner Smith-Yes; Commissioner Barnes-Yes; Commissioner Shelton-Yes; Chair Anderson-Yes. The motion passed unanimously.

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 East Fort Union Boulevard. The Applicant is Requesting a Change from R-1-8 (Residential Single-Family) to R-2-8 (Residential Multi-Family).

Commissioner Steinman moved to forward a recommendation of APPROVAL to the City Council for the Zone Map Amendment portion of Project ZMA-25-002 based on the Findings and Recommendations listed in the Staff Report dated May 7, 2025. Commissioner Poulsen seconded the motion. Vote on Motion: Commissioner Barnes-Yes; Commissioner Smith-Yes;

Commissioner Poulson-Yes; Commissioner Mills-Yes; Commissioner Steinman-Yes; Commissioner Shelton-Yes; Chair Anderson-Yes. The motion passed unanimously.

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.

Chair Anderson reported that this item would be continued.

Commissioner Smith moved CONTINUE Project ZTA-25-001 to the June 4, 2025 Planning Commission Meeting. Commissioner Shelton seconded the motion. Vote on Motion: Commissioner Shelton-Yes; Commissioner Barnes-Yes; Commissioner Smith-Yes; Commissioner Poulson-Yes; Commissioner Mills-Yes; Commissioner Steinman-Yes; Chair Anderson-Yes. The motion passed unanimously.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from April 16, 2025.

Commissioner Steinman moved to APPROVE the Consent Agenda. Commissioner Barnes 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 7:10 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, May 7, 2025.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

DRAFT