

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

Wednesday, December 3, 2014

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Members Present: Acting Chair Perry Bolyard, Commissioner Joseph Demma, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Janet Janke, Commissioner Jeremy Lapin, Vice Chair Paxton Guyman (excused at 6:40 p.m.)

Excused: Chair Gordon Walker

Staff Present: Community and Economic Development Director Brian Berndt, Senior Planner Glen Goins, Associate Planner Mike Johnson, City Engineer Brad Gilson, City Geologist Tim Thompson, City Attorney Shane Topham

Others Present: Special Legal Counsel Jody Burnett, Cynthia Smith, Gray Smith, Cathy Maxfield, Ed Brewer, Jan Brewer, Mike Lasater, Grant Kesler, Gary McGee, Jill McGee, Margaret Henderson, Alona Holm, Robert Winslow, Brenda Moore, Kay Craig, Tony Coop, Emily Nicolosi, David Shamy, Jackie McGill, Anna Rawle, Nancy Dahill, Ryan Henderson, Nancy Hardy, Kathy Skola, Mike Skola

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Acting Chair Perry Bolyard called the meeting to order at 6:11 p.m. and welcomed those attending.

2.0 CITIZEN COMMENTS

Chair Bolyard opened the public comment period.

Alona Holm thanked the City for the new Park and Ride on Fort Union Boulevard.

Nancy Hardy readdressed previous suggestions regarding live audio streaming of City meetings and recommended the City hold off on making any major decisions until that is available.

There were no further citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #ZMA 13-006) Public Comment on a request from Christian and Shellee Neff for a General Plan and Zone Map Amendment to the properties at 8595-8959 South Wasatch Boulevard

Senior Planner, Glen Goins, presented the proposed amendment and stated that the proposed change is from low density to residential office. Additionally, it includes a zone change request if the General Plan were subsequently approved from R-1-8 to RO. The request for RO is not a specific request by the applicant and is something staff is responding to as requested by the City Council. The applicant agreed to the change. The issue with the RO zoning is that it also allows twin homes. Staff suggested that the Commission had an issue with that, they could consider a zone restriction without the RO twin home component and recommended approval.

City Attorney, Shane Topham, stated that the City has the ability to impose zoning conditions on a rezone and place restrictions on what the General Zone would allow. The conditions would be recorded on the property.

Mark Neff, in attendance for the applicant, stated that his wife and children are the property owners. In 15 years' of active marketing they have not been able to find anyone who is interested in building a single-family home on Wasatch Boulevard in this location. The property is isolated both physically and in terms of elevation. They are looking to find a solution that would allow them to economically develop the property.

Chair Bolyard opened the public hearing.

Mark Nazaro expressed concern with traffic along Wasatch Boulevard. He is of the opinion that the proposed property is useless and unless the road configuration changes or a traffic light is installed, it will remain unbuildable. He believes it should not be considered for anything other than a single-family home.

Pamela Palmer believes the property should not be rezoned from R-1-8 to RO. She is of the opinion that the lots are no more suitable for office than for the previous request to build apartment buildings. There are no businesses south of 7800 South along Wasatch Boulevard. Ms. Palmer stated that she redesigned the construction of her home to accommodate the City regulations and Code and is opposed to what is being proposed.

Jan Brewer is of the opinion that the proposed rezone would open up other surrounding properties to the RO zone as well. She expressed opposition to the proposal.

Mark Machlis, representing CH Voters, detailed a proposed rezone from 2008. He is of the opinion that the City does not follow the County development protocols specifying that development between Big Cottonwood and Little Cottonwood Canyons would not include commercial office. He considers the proposed zoning to be inappropriate.

Robert Jacobs stated that there is not a single lot east of Wasatch Boulevard that is anything but residential. He expressed opposition to the proposed rezone.

Margaret Rawlins stated that she is concerned that any type of construction or excavation on the proposed property would destabilize her property.

Randy Long expressed opposition to the proposed rezone.

Holly Young is of the opinion that the addition of a business at the proposed location would create more chaos to the area. She is opposed to the idea of RO zoning, but is in favor of duplexes or single-family homes.

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

3.2 Project #CUP 14-009) Public Comment on a request from Canyon Centre Capital for conditional use approval of the Canyon Centre Phase II Site Plan for a mixed-use project on 10.85 acres on the property located at 7359 South Wasatch Boulevard

Mr. Goins presented the staff report and stated that the request is from Canyon Centre Capital, LLC for conditional use approval of Canyon Centre Phase II. The request consists of three components including a restaurant, a multi-family development, and a 17-unit single-family development. The most noticeable change is to the curtain wall to bring in architectural elements. Mr. Goins explained that Canyon Centre Heights is designed to house 112 owner-occupied units with a central courtyard plaza area. There are two proposed parking levels. The first would consist of 166 stalls, which would be associated with the development. The second is contingent on obtaining financial partnering and would consist of 181 parking stalls. For the 112 units, the density of the mixed-use is factored in, which by ordinance allows 12 units per acre. The requirement for landscaping is 15% of the overall project. The sensitive lands area was examined and determined to have more than adequate acreage. Staff and the Architectural Review Committee (ARC) recommended approval.

Commissioner Janke asked about the overall percentage of landscaping.

Mr. Goins confirmed that the proposed landscaping will easily exceed the 20% requirement.

Associate Planner, Mike Johnson, detailed the proposed Dugalla Restaurant and stated that the request is for site plan approval. The gross square footage is over 10,000 square feet, which also requires conditional use approval. The proposed height does not exceed the 35-foot requirement and, therefore, does not require additional approval. Site improvements were completed as part of Phase I. There are 38 outdoor parking stalls proposed with an additional 17 within the structure. The final component of Phase II consists of a single-family detached residential neighborhood on a private driveway located on the southwestern portion of the project. The applicants have proposed 17 lots on 1.08 acres. Requests included modification of the setbacks, which is allowed in a mixed-use ordinance. Additionally, the ordinance requires they be two stories or 35 feet, however, with Planning Commission approval, they can be increased to three stories. The applicant is requesting the additional height on 12 of the 17 lots. They designed a 26-foot private driveway and have worked with the UFA to ensure compliance to their standards. The third story being requested includes an enclosed patio and stairway leading to a roof-top deck.

Mr. Goins presented the Commission with public comment received from an individual concerned with adequate signage and parking.

Chris McCandless, from Canyon Centre Capital LLC, introduced Think Architecture and stated that Canyon Centre Heights is being built as a condominium complex, however, due to funding, it will initially be rented. He clarified that the lower level parking will be owned and funded by Canyon Centre Capital and will be public. It is being completed with the understanding that it will be necessary to remove a portion or all of the lower level. Mr. McCandless next described Weekley Homes, the country's largest privately owned single-family home builder who is known for their outstanding customer service. The Dugalla Restaurant was described. They have a distillery in San Jose, California, and this will be their premiere restaurant. The intent is to hide the parking structure.

Kenny Nichols, from Think Architecture, stated that their objectives are to complement Phase I, continue the theme of roof gardens, and screen the parking. They designed two stories that are pushed into the hillside. Moving away from the residential neighborhood, the visual height increases. The walls are stepped as recommended by the ARC and the unit mix was detailed. The plaza scheme was changed and designed over the parking to create gathering areas for residents. With regard to elevation, stucco and

punched window elements were introduced to soften elements. Roof height to the top of the parapet is 35 feet based on historical grade. Mechanical screening is used to hide the roof-mounted units.

Nick Mason, from David Weekley Homes, stated they are trying to be sensitive to the neighbors. The lower levels are below historical grade. The homes will be separated by three feet to give residents pride of ownership and additional privacy.

David Weekley Homes Architect, Preston Wood, reported that he has been involved in 12 different markets for over 30 years. He explained that the three-foot separation between the homes has many benefits and is preferred by homeowners.

Guillaume Belgique, from Architecture Belgique, Inc. presented the proposed restaurant design and stated that it will be located on top of the parking structure. The 5,000 dining area includes adequate parking. A portion of the outdoor seating is covered and will include gas heaters.

The Commission took a five-minute break.

Chair Bolyard opened the public hearing.

Stan Rosenzweig expressed concern with the density of the proposed condominiums and asked what it would do to the complexity of Cottonwood Heights.

Pamela Palmer is of the understanding that when the project was first presented, an CDA bond was proposed, which allows the use of school tax credits to construct a massive parking structure to alleviate congestion in the canyons.

Woody Noxon supports the idea of the west side of the project being proposed with a residential component. He expressed concern with the condominiums becoming rentals, the setback on Racquet Club Drive, and density.

Sharon Shamy expressed concern with the noise level and the units becoming ski rentals.

Mark Machlis commented that the developer did a great job of making the project fit in with the community.

David Shamy is opposed to the proposed density and transients who will be patronizing the restaurant and condominiums.

Tony Coop is in favor of the development and the opportunities it will afford the residents of Cottonwood Heights.

Mike Lasater commended the developer on the design of the project and welcomes the creative design.

Randy Long expressed opposition to the proposed project and having rentals on the property.

Sylvia Bennion expressed concern with the density and additional traffic but believes the proposal is a good mixed-use plan.

Chris McCandles addressed the ski rental issue and stated that there is a declaration that will prohibit nightly rentals. They will have enhanced values and eventually they will be converted to condominiums. The proposed hotel has included in their offer to the developer that there will be a restriction against nightly

rentals on the property. The covenants will restrict those types of rentals. The present parking design includes 445 stalls in the Phase I parking structure and over 100 surface parking stalls for the hotel, office building, and 38 stalls for the restaurant. In addition, 189 stalls are associated with the bottom level of parking and 180 stalls for the residential portion. The density is a permitted use. What they would like to see in concert with the parking and traffic on Racquet Club Drive is prevention of curbside parking. He confirmed that there will always be 50 parking stalls available on Phase I and 181 stalls on the lower level if public funding becomes available.

Tom Tippetts supports the concept with the mixed-use design and is agreeable to the rooftop design and the restaurant.

Gary Whitaker expressed concern with the traffic that will utilize his street to access Wasatch Boulevard.

Emily Nicholischy questions the appearance of the development in future years.

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

3.3 (Project #ZTA - 14-004) Public Comment on a City-initiated text amendment to combine current Chapter 19.72 (“Sensitive Lands”) and Chapter 19.75 (“Geological Hazard Areas”) of the Cottonwood Heights Municipal Code into new Chapter 19.72 (“Sensitive Lands Evaluation & Development Standards” (“SLEDS”))

Chair Bolyard stated that the above item consists of a City-initiated text amendment to combine current Chapters into a new Chapter 19.72 known as “SLEDS”.

Community and Economic Development Director, Brian Berndt, stated that the initial public hearing was held last month. A question was raised about whether it could remain open to allow those interested to review the Code. Thus far, no written or verbal comments have been received. Should the public hearing be closed, the matter will return in January 2015 for action. It was noted that several sections were added to include enacting language.

Mr. Machlis stated that what is proposed is an improvement over the previous verbiage. He believes the overlay zones would be a thing of the past as they are what created an impasse on the Canyon Centre project. What is proposed defines and addresses the actual problem. He expressed support of the proposed text amendment in its entirety.

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

4.0 ACTION ITEMS

4.1 (Project #ZTA 14-003) Action on a City-initiated text amendment to Chapter 19.46 (O-R-D Office, Research and Development Zone) of the Cottonwood Heights Municipal Code that will include plasma blood centers as a conditional use in the ORD Zone

Chair Bolyard stated that the above item involves action on a text amendment to Chapter 19.46 of the City Code regarding conditional uses. Mr. Berndt confirmed that it is a City Council-initiated request to change the Code as it does not include provisions for these types of uses. The amendment is being implemented in an effort to prevent issues that may arise in the future.

Motion: Commissioner Jones moved to make a recommendation to the City Council on Project #ZTA 14-003 to Chapter 19.46 (O-R-D Office, Research and Development Zone) of the Cottonwood Heights

Municipal Code to include plasma blood centers as a conditional use in the ORD zone. The motion was seconded by Commissioner Demma. Vote on motion: Joseph Demma-Aye, Janet Janke-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously. Paxton Guyman was not present for the vote.

4.2 Action taken to adopt a 2015 Meeting Calendar

Motion: Commissioner Lapin moved to adopt the 2015 Meeting Calendar. The motion was seconded by Commissioner Jones. The motion passed with the unanimous consent of the Commission. Paxton Guyman was not present for the vote.

4.3 Approval of November 5, 2014, Minutes

Motion: Commissioner Janke moved to approve the November 5, 2014, minutes. The motion was seconded by Commissioner Lapin. Vote on motion: Joseph Demma-Abstain, Janet Janke-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Perry Bolyard-Abstain. The motion passed unanimously with two abstentions. Paxton Guyman was not present for the vote.

5.0 ADJOURNMENT

Motion: Commissioner Jones moved to adjourn. The motion was seconded by Commissioner Demma. Vote on motion: Joseph Demma-Aye, Janet Janke-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously. Paxton Guyman was not present for the vote.

The planning commission meeting adjourned at 8:32 p.m.

Minutes approved: 01/07/2015