

DRAFT

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

Wednesday, July 15, 2015

6:00 p.m.

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

ATTENDANCE

Members Present: Chair Paxton Guyman, Vice Chair Jeremy Lapin, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Allen Orr, Commissioner Sue Ryser

Excused: Commissioner Craig Bevan, Alternate Joseph Demma

Staff Present: Senior Planner Glen Goins, City Planner Mike Johnson, Community and Economic Development Director Brian Berndt, City Attorney Shane Topham

Others Present: Gary Napal, Susan Despain, Molly Sparks, George Beverley, Lester Widener, Mike Evans, Eric Felt, Joyce Felt, Dennis Vanduren

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Guymon called the meeting to order at 6:02 p.m. and welcomed those attending.

2.0 CITIZEN COMMENTS

Mike Evans stated that he had three requests for the Commission. First, he requested that there be no right hand turn sign on 2000 East turning onto La Cresta due to the fact that the stop bar is almost 25 feet back and people are consistently trying to turn. He noted that he has nearly been hit six times. He also stated that there is a major pothole on Greenfield Way south of La Cresta. He reported that it is nearly eight inches deep. Also, on Highland Drive where there is a dental office, the no parking signs were removed and when the preschool is in session, the traffic backs up. He is concerned that the dental office was allowed in a residential neighborhood. Finally, he asked for an update on the speedbumps scheduled to go in on La Cresta and Greenfield to reduce the traffic through the neighborhood.

Dennis Vanduren addressed the parking issue on La Cresta. He is concerned about the no parking signs that were posted but removed when the dental office went in. He commented that people are not parking there to visit the dentist because the parking in front of the office remains open. He believes the signs were taken down without input from the neighborhood. He also wants to see speed bumps on La Cresta.

George Beverly commented that the Highland Drive and La Cresta intersection is dangerous and drivers are cutting through the neighborhoods. He asked that something be done to La Cresta and Greenfield to detract people from cutting through. He is also frustrated that the no parking signs were removed near the dental office.

Lester Widener reported that he had a dispute with another driver and boat owner who was parking by the dental office. The no parking signs thwarted the efforts of people trying to sell their vehicles and boats by parking alongside the road. The signs are now gone and people are again parking there overnight.

Mr. Evans added that drivers are driving over the sidewalk on La Cresta and cutting through the neighborhood. He stated that he had witnessed it eight times this year. He suggests putting up a sound wall because it is a continuous problem.

Senior Planner, Glen Goins, confirmed that the Planning Commission is not responsible for removing the no parking signs. He stated that there is a historical precedent taking into account the day care and examination of the community need. Without having a specific answer, Mr. Goins agreed to readdress the matter with the City Council and return and report to the Commission. He also invited concerned citizens to contact him personally so that he can share information as he receives it.

There were no further comments. The citizen comment period was closed.

3.0 PUBLIC HEARINGS

3.1 (Project #CUP 15-005) Public Comment on a request from Eric & Joyce Felt for conditional use and site plan approval to operate a dentist office at 6800 South Highland Drive

Chair Guymon introduced the item for discussion and reported that the Commission would only receive information from the applicant and the public. No decision would be made tonight.

Mr. Goins shared photos of the property, as provided by the applicant. He indicated that to the south of the property is a Pilates studio and the property is now vacant. The proposed two-story building is 5,200 to 5,300 square feet in size with an additional few thousand square feet in the basement. Parking will be in the rear. A minimum landscaping requirement of 10% is required. The applicant is exceeding that amount and is proposing 20 to 24 percent. There is also a parking requirement of 3.53 stalls per 1,000 square feet, which does not take the basement into account. A total of 18 stalls are required. The applicant is showing 14 stalls on the side and believes this is sufficient parking but is also interested in on-street parking.

The applicant is also interested in leasing parking as needed from the nearby church property. The property also requires a Certificate of Design Compliance. Recommendations had not been made with respect to compliance, but Mr. Goins expects a recommendation to be provided before the Commission makes a decision. The Fire Department also has not provided feedback on the proposal. The City granted approval previously but the application has lapsed. Curb, gutter, and sidewalk also needed to be added as well as a street light. Conditions of approval from staff were provided to the Commission and set forth in the staff report. Mr. Goins stated that the conditions were amended to ensure that the parking is adequately addressed. Staff recommended approval based on the conditions and subject to a few remaining issues being worked out, including obtaining the Certificate of Design Compliance and parking being addressed.

The applicant, Eric Felt, stated that he is available to answer questions.

Commissioner Peters expressed concern that the parking does not meet Code.

Dr. Felt explained that there are three spaces in the street that would be granted as part of the application.

Commissioner Peters asked staff to respond to this possibility.

Mr. Goins is not aware of how the City could provide on-street parking since it is a public street and is not approved that way for the Pilates studio to the south.

Chair Guymon agreed and stated that the parking has to be adequate and on-site. He asked if the applicant may be able to lease nearby off-site parking.

Dr. Felt indicated that he had spoken with representatives of the Unitarian Church, and they are willing to lease stalls to him.

Commissioner Peters asked for clarification of the number of stalls needed.

Mr. Goins explained that given the square footage, 18 would be required.

Commissioner Peters also asked about the basement. He stated that the basement would have to be storage otherwise Dr. Felt would have to provide a total of 31 spaces.

Dr. Felt responded that the basement would principally be storage although they considered using it for evening recitals since his wife teaches piano lessons. They would however, leave that off the table. Dr. Felt added that one additional stall could be added to the property as long as they can locate the ADA stall to the right. The ADA stall requires a cross-hatched area and he asked that it be placed in the 10-foot strip the City requires away from the business. That would give them 17 stalls. He commented that City Engineer, Brad Gilson, indicated that he could utilize on-street parking.

Mr. Goins was unaware of a mechanism that would allow the applicant to use on-street parking.

Joyce Felt stated that they have been careful to blend into the neighborhood, both to the south where the Pilates studio is situated and to the north where there is another dental office. They are blending styles to fit the community. Because they are in the Overlay zone, she believes there are special allowances for parking. That includes the ability to obtain additional parking off-site.

Commissioner Lapin asked how many cars their staff would require.

Dr. Felt responded that they would only need three for staff and would lease from the Unitarian Church if necessary.

Commissioner Peters asked staff if they could allow a lease to fulfill minimum parking requirements for the building since it can be cancelled or revoked.

Mr. Goins agreed that the option for a lease makes some presumptions in terms of perpetuity. He added that the language would have to specify in perpetuity. He deferred the issue to City Attorney, Shane Topham.

Mr. Topham explained that conditions can be imposed to require sufficient on-site parking or licensed or leased parking in appropriate proximity and it could be made a condition of approval. It would be incumbent on the applicant to provide that parking in the future. If the parking goes away, it would open up the conditional use to revocation by the Commission upon complaint and substantiation that the parking right had been lost.

In response to a question raised by Commissioner Lapin, Mr. Topham explained that any conditions of approval, if violated, could result in a revocation proceeding before the Commission.

Mrs. Felt commented that she obtained her information directly from the zoning ordinance. In response to a question raised by Commissioner Ryser, Mrs. Felt stated that one-half of the basement will be used as a music studio or professional office space and the other half will be storage.

Dr. Felt stated that the priority is the business upstairs and they will not risk it by adding another business and an additional parking requirement.

Mrs. Felt agreed and stated they will have adequate parking to meet the requirement.

Commissioner Lapin asked about the layout of the property and access.

Dr. Felt responded that they originally intended to have just one driveway. He also wanted the office to be tilted so that the sun is not in patient's faces during the day. He stated that north facing is preferred when doing anything with dentistry.

Mrs. Felt also added that they wanted to keep the residential area private.

Commissioner Lapin asked staff about the Pilates property and their north curb. It was reported that the Pilates studio has not landscaped their gap and Commissioner Lapin asked who would be responsible for that.

Dr. Felt responded that landscaping of the four-foot strip would be a joint effort and they have an agreement to that effect in writing.

Mr. Goins added that it is his recollection as well that the area would be landscaped by both neighbors.

Dr. Felt said that the Pilates studio is waiting for the new dental office to open before landscaping.

Chair Guymon opened the public hearing.

Mike Evans expressed concern with the traffic around the new office because the last traffic count was done on a Friday, Saturday, and Sunday. By adding a two-story business with employees and other businesses coming to the area at the same time, Mr. Evans requests another traffic count be done on a weekday. He also requests that traffic bars be placed at the intersection and not on La Cresta in order to get a true traffic count. He is also concerned that the design would not match the neighborhood. He commented that the new commercial buildings look commercial and not like residences.

Chair Guymon asked staff if a new traffic study would be required.

Mr. Goins responded that traffic is not a concern for the City Engineer, otherwise it would have been included in the conditions of approval. As a separate matter, Mr. Goins intends to raise the issue with the City Council because of the other questions related to parking on the street that were expressed. He commented that the City Engineer would be at the next meeting to address the comments publicly.

Commissioner Lapin asked if it would be accurate to say that the traffic conditions in the area are of concern to the City but the applicants are not being held responsible.

Mr. Goins agreed and remarked that applicants cannot be asked to solve the City's traffic issues. However, if the Commission feels that the business is detrimental to the City, they could impose necessary conditions to mitigate the negative impacts. Given the current capacity of the street, Mr. Goins believes the City Engineer determined it was not a significant enough impact to warrant a study specifically for this property, the Pilates Studio to the south, or the last applicant that came through in 2013.

Commissioner Lapin had heard about La Cresta long before the new offices came in and expressed interest in finding out what long-term plans may be in place. He agreed, however, that the impacts are negligible when looking at the big picture.

Mrs. Felt stated that there was only one building that will be impacted by the additional traffic from their new business. Patients will not come into the neighborhood and will go to the dentist and come right back out. They will not go into the neighborhood. She expressed great love for the City of Cottonwood Heights and stated that their design is based on an existing residential home in California. She clarified that it is not a commercial building and is a residential structure that will be converted to a dental office.

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

Chair Guymon reported that the matter would be acted on at the next Planning Commission Meeting. He hopes to have input from the Architectural Review Committee as well as answers from the City Engineer at that time.

4.0 **ADJOURNMENT**

Motion: Commissioner Lapin moved to adjourn. The Motion was seconded by Commissioner Peters and passed unanimously on a voice vote.

The Planning Commission meeting adjourned at 8:34 pm.

Minutes approved: