

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

3
4 **Wednesday, August 5, 2015**

5 **6:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Members Present:** Chair Paxton Guymon, Commissioner Jeremy Lapin, Commissioner James Jones,
13 Commissioner Craig Bevan, Commissioner Allen Orr

14
15 **Excused:** Commissioner Dennis Peters, Commissioner Sue Ryser, Alternate Joseph Demma

16
17 **Staff Present:** Senior Planner Glen Goins, City Attorney Spencer Topham, City Engineer Brad
18 Gilson

19
20 **Others Present:** George Beverley, Mike Evans, Eric Felt, Joyce Felt, Dennis Vanduren
21

22 **BUSINESS MEETING**

23
24 **1.0 WELCOME/ACKNOWLEDGEMENTS**

25
26 Chair Guymon called the meeting to order at 6:01 p.m. and welcomed those attending.
27

28 **2.0 CITIZEN COMMENTS**

29
30 (6:01:52) Dennis Vanduren gave his address as 6661 Village Road and stated that many of his neighbors
31 also planned to attend the Planning Commission Meeting but mistakenly believed the meeting was next
32 week. Mr. Vanduren spoke at last month's meeting and again wanted to comment on the parking problem
33 on Highland Drive and La Cresta. He stated that an RV had been parked there that was advertised for sale.
34 Senior Planner, Glen Goins, had the RV removed but Mr. Vanduren was frustrated that there are always 16
35 to 17 cars along Highland Drive and only a few cars in the parking lot at a nearby dentist's office.
36 Mr. Vanduren asked the dentist where their employees are parking. The employees responded that they
37 park on the east side of Highland Drive at Dr. Stoker's request. Dr. Stoker claimed that he received
38 permission from Cottonwood Heights to have his employees park there. Mr. Vanduren claimed that
39 Dr. Stoker was threatening his employees and telling them not to park in the parking lot, even though there
40 are 37 parking places there. He supported efforts to make it two-hour parking only with no parking allowed
41 at night. He stated said that the daycare opening will only make the traffic situation worse. He also
42 recommended speed bumps be installed on La Cresta to help reduce cut-through traffic.
43

44 Chair Guymon explained that the Commission heard Mr. Vanduren's concerns last month and they were
45 taken into consideration. Staff was directed to discuss with the City Manager the possibility of pursuing
46 the implementation of signs limiting parking to two or three hours. Chair Guymon added that the Planning
47 Commission is limited in terms of what they can do but they are addressing it on all fronts and the process
48 is underway. Chair Guymon also reported that the City Council is conducting a traffic calming study to
49 address what can be done. He noted that action was being taken regarding traffic and parking in the area.
50

1 Mike Evans gave his address as 6671 Village Road and asked what can be done to stop people from driving
2 on 2000 East, over the sidewalk, and onto Highland Drive. He would also like to see a no right hand turn
3 on red at La Cresta, especially since the stop bar is 25 feet back. He also asked for an update on the traffic
4 study he requested previously.

5
6 Chair Guymon asked City Engineer, Brad Gilson, to respond to Mr. Evans' concerns. Mr. Gilson reported
7 that several residents in the area have applied for a traffic calming study and City staff has spent a
8 considerable amount of time studying different traffic calming solutions for the Greenfield/La Cresta area.
9 Greenfield has a wide cross section and the City has 2,500 cars per day in the area that the City is addressing
10 from a speed and a volume standpoint. Currently, speed bumps have been proposed or suggested as an
11 option. Not everyone in the neighborhood wants speed bumps, but it is being seriously considered. The
12 City is also looking at closing the road or making it one-way. It was noted that each has a significant impact
13 on residents and emergency services.

14
15 (6:09:28) With regard to a question raised about modifications to be made at 7000 South and Fort Union,
16 Mr. Gilson responded that federal funds, specifically \$4.5 million, was provided to widen the intersection
17 at Highland and Fort Union Boulevard. The City is also acquiring property from nearby businesses. The
18 project will hopefully be under construction by the Spring of 2017. The delay was the result of having to
19 move the high voltage transmission lines, which takes nine months. Mr. Gilson believes it will help the
20 area considerably. This change is independent of the possibility of TRAX coming in and serving the area.

21
22 Chair Guymon asked Mr. Gilson to address the intersection at La Cresta, which Mr. Evans believes should
23 have a no right hand turn on red. Mr. Gilson asked to speak with Mr. Evans after the meeting and would
24 also look at the intersection with the Public Works Director.

25
26 George Beverley gave his address as 6719 Village Road and stated that his backyard backs the new medical
27 office building. He was also concerned about the traffic surrounding the nursery school on Highland Drive.
28 He believed the addition of a turn lane could resolve the problem. There is not enough room to park on
29 both sides and have a center turn lane. He felt that placing a center turn lane would eliminate the parking
30 on Highland Drive and better serve the nursery school. Chair Guymon asked Mr. Gilson to consider this
31 suggestion.

32
33 (6:13:38) There were no further comments. The citizen comment period was closed.

34 35 **3.0 ACTION ITEMS**

36 37 **3.1 (Project #GPA 15-005) Action on a request from Eric & Joyce Felt for a conditional** 38 **use and site plan approval to operate a dentist office at 6800 South Highland Drive.**

39
40 Mr. Goins reported that the site will contain a building, parking, and driveway access to the south. He
41 stated that the majority of the parking in the rear has a few spots up front. The Architectural Review
42 Commission reviewed the matter and issued a Certificate of Design Compliance, as required, subject to
43 conditions and specific provisions. The site contains 16 parking stalls, though the parking requirement is
44 for 18 stalls. There is a provision in the Code that allows the applicant to request that the Architectural
45 Review Commission allow them to receive credit for on-street parking. They do not, however, have to
46 stripe it or take ownership of the spaces. This property can accommodate two to three spaces in front.
47 Since two are required to meet Code, the Architectural Review Commission recommended approval of two
48 on-street parking stalls thereby granting the total of 18 for the entire site. It is an important issue because
49 parking is of concern in the area. While logic dictates not adding to the problem, Mr. Goins clarified that
50 the City has an obligation to meet the parking standard while being fair to the applicant. Mr. Goins added
51 that this one applicant with this one project should not have to fix an existing parking situation. In addition,

1 though two parking spaces are allowed in front, it still remains a public right-of-way and anyone has the
2 right to use it as they do any other public right-of-way. Mr. Goins stated that the Architectural Review
3 Commission approved the two stalls.

4
5 Mr. Goins explained that Dr. Felt requested that the basement of the building area be used as a music/recital
6 studio. He noted that the required number of parking stalls cannot be provided, however, the Code allows
7 for shared parking. Since the recital studio would operate after the dental use is closed for the day, the City
8 was comfortable allowing shared parking. The Commission did not set specific hours but there was a
9 request to have a 7:00 p.m. recital, which would mean that the hours would begin to be shared at 6:00 p.m.
10 until the business opens in the morning around 7:00 a.m. or 8:00 a.m. In that case, the dental office would
11 have to close at 5:00 p.m.

12
13 Mr. Goins reported that another provision of approval was related to the solar panel proposal for the roof.
14 The Architectural Review Commission asked that the panels be removed from the front of the building,
15 which would be the eastern portion and lower roof line area, as well as the upper roof line, along the
16 frontage, so that it would not be visible from the frontage road. Mr. Goins acknowledged that Dr. Felt
17 meant to scale it back, but the design would have to be reviewed by staff to ensure compliance. Staff also
18 has the obligation to look at the block material as it is being installed to see how the blocks are fitting
19 together. Dr. Felt was still seeking approval of the Conditional Use Permit, and staff recommended
20 approval.

21
22 (6:21:40) Commissioner Lapin apologized to Mrs. Felt because she was right about the Code allowing for
23 on street parking. He added that on-street parking is great for overflow because the City's parking
24 requirements are not always exact, especially when there is a concentration of the same use. However, if
25 on-street parking is being used to meet minimum parking requirements, the potential for overflow is lost.
26 Commissioner Lapin wanted to send a message to the Architectural Review Commission that he is
27 concerned about using on-street parking to meet minimum parking requirements. Since it has already been
28 granted, he did not want to pursue a change, but in the future with this area which can be a thriving shopping
29 area, he believes spaces are needed. Commissioner Lapin also wanted to put a condition on the provision
30 stating that employees not use the on-street parking.

31
32 Mr. Goins deferred to City Attorney, Spencer Topham, because he was not sure the City had the authority
33 to state that an employee cannot use a public street. Making it a two-hour limit would limit the employees'
34 ability to park there all day. Mr. Goins believed that the employees have the same legal right to park there.
35 The issue was that they do so all day. Because it is a public street it is difficult to limit.

36
37 City Attorney, Spencer Topham, responded that Mr. Goins was accurate. In response, Commissioner Lapin
38 suggested that as a good neighbor the applicant know that letting employees park on the street does not
39 make the neighbors happy. He also commented on the solar panels and stated that a 10-foot limitation on
40 the front row would be adequate to eliminate it so the public does not see them from the front.

41
42 (6:25:14) A question was raised about whether the roof edge was currently three feet. Commissioner Lapin
43 confirmed that three feet was standard. Mr. Goins also responded that three feet is a Building Code
44 requirement. He added that Dr. Felt would scale back the solar panels. Mr. Goins also agreed that the 10-
45 foot requirement would be very easy to comply with.

46
47 Commissioner Orr asked Mr. Goins if the residents felt that the Code requirements for on-site parking were
48 insufficient in the area and what actions could be taken to request more on-site parking. Mr. Goins
49 responded that there is a remedy in the Code text amendment that would modify the Code. New language
50 would be written that would be more appropriate to the situation. With regard to parking, there is an
51 empirical connection to what is called the ITE, an engineering document with an industry standard that

1 establishes ranges of parking based on various criteria of use. The City Code specifies that they should use
2 a medium range and if there is a specific area that demands more the City can change things through a text
3 amendment and ask to look at the high range instead.
4

5 Commissioner Orr asked if residents could file an application for a zoning change. Mr. Goins responded
6 that anyone can make a Code request. He clarified that there are applications on-line to do that and there
7 are application forms in the City office.
8

9 The co-applicant, Joyce Felt, addressed the Commission and quoted from the Alternative Parking Plan in
10 19.49.090 Section D, On-Street Parking, which reads that the Architectural Review Commission can make
11 use of on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking
12 should be located on a public right-of-way immediately abutting the subject property and shall be reviewed
13 and approved by the City Engineer for compliance. Mrs. Felt clarified that the Architectural Review
14 Commission approved two parking stalls.
15

16 Commissioner Orr asked Mr. Goins about Section (d), which states it shall be reviewed and approved by
17 the City Engineer for compliance with City standards for use with rights-of-way. Commissioner Orr asked
18 if that had occurred. Mr. Goins confirmed that it was verified with the City Engineer who signed off on the
19 project. Mr. Goins added that they would not move forward with the recommendation without clearing
20 things first with the City Engineer. Commissioner Lapin confirmed that the parking must abut the property.
21

22 Mike Evans asked about the effect of the basement, which would not be included in the parking
23 requirement. He asked what would happen if the office space was sold. Mr. Goins explained that the
24 Conditional Use Permit runs with the property and not the property owner. If it becomes a problem, they
25 would begin enforcement proceedings. Mr. Goins clarified that there is an enforcement arm and a way to
26 restrict use. For example, they can hold a business license if there is non-compliance. There could also be
27 revocation of the Conditional Use Permit, which would bring the property owner back before the
28 Commission. There are additional ways to restrict it as well. Until it is abused, however, the City will
29 assume that they are meeting the standard.
30

31 Mr. Evans was concerned about expanding the office space beneath the dental office. Mr. Goins stated that
32 if they tried to bring in a tenant, it would have to go through the City, and the City would not approve the
33 Building Permit with inadequate parking.
34

35 Commissioner Lapin asked if the restriction was on the Conditional Use Permit or the Architectural
36 Certificate. Mr. Goins answered that the restriction would be part of the permit.
37

38 Mr. Goins added that there are escalating remedies to address noncompliance. Chair Guymon commented
39 that noncompliance would lead to revocation of the building permit, which means that the building could
40 not be used. Commissioner Lapin stated that unlawful use of the basement space could lead to severe
41 consequences. Commissioner Orr added that it is conditional and if you change the conditions, you no
42 longer have the permit.
43

44 In response to a question raised by Commissioner Lapin, it was confirmed that the dental office closes at
45 5:00 p.m. Dr. Felt added that he would not want any basement use to alter the main function of the building
46 and assured the Commission that they would police the use. He commented that a definite time restriction
47 would be difficult, however, in order to allow for emergency patients.
48

49 Commissioner Lapin asked about the shared parking. Because the two businesses cannot operate
50 simultaneously he asked if there would be a restriction on the hours of operation to ensure there is not an
51 overlap. Mr. Goins responded that the use could be classified according to square footage and managed to

1 allow for emergencies. The Architectural Review Commission did not restrict the hours, however,
2 Mr. Goins confirmed that it is within the purview of the Planning Commission to do so.

3
4 Commissioner Lapin asked how much square footage the current parking supports. Mr. Goins responded
5 that it accommodates approximately 5,250 square feet. Commissioner Lapin said that as long as there is
6 no more than 5,250 square feet operating at a time, the parking is compliant. Commissioner Lapin added
7 that the Planning Commission did not care what part of the building was operating at a time. Mr. Goins
8 also added that the Code does support shared use parking and this is a good candidate for such a use.
9 Commissioner Bevan recommended that there be a one-hour window between the two uses.

10
11 In response to a question raised by Chair Guymon, it was reported that the square footage of the basement
12 is just over 2,900 square feet. Dr. Felt reported that most of the basement will be used for storage. The
13 recital area will be a maximum of 1,500 square feet. Chair Guymon suggested that the Commission require
14 that if 1,500 square feet is being used in the basement that 1,500 square feet be closed on the upper floor.
15 Commissioner Lapin explained that it would be difficult to prove non-compliance because the City would
16 have to walk into the office with a tape measure.

17
18 Commissioner Orr asked if there was a benefit to limiting the shared parking on the back end so that the
19 recital area could not be used until after 7:00 p.m. or 8:00 p.m. because by then the dental office would only
20 need parking in the event of an emergency. Chair Guymon stated that there was some appeal to saying that
21 the basement could be used after 7:00 p.m. and not factor in the square footage measurements. Dr. Felt
22 requested that the basement use be allowed beginning at 6:00 p.m. Commissioner Lapin agreed.

23
24 Mrs. Felt remarked that when she originally envisioned the basement use she did not envision this level of
25 heartache and time limitation. She was concerned because children need to go to bed at 8:00 p.m. and
26 obviously, if they cannot open until 6:00 p.m., there cannot be a music studio in the basement. She stated
27 that they will take care of cars and get more parking from another property or down the street, but they will
28 not burden the neighborhood with additional parking because they want the space primarily as a dental
29 office. Everything else was minimal and she would agree to just use it as storage if it has to get to the point
30 that they have time limitations. Chair Guymon added that the Commission is trying to accommodate her
31 desire, but the Code specifies a parking requirement.

32
33 Commissioner Lapin added that the Code specifies they only have parking for 5,250 square feet. Without
34 the shared use parking, they do not comply with Code. Commissioner Lapin suggested that the simplest
35 language requirement state that the site be allowed 5,250 square feet of operating space at any given time.

36
37 Chair Guymon said that other limitations were recommended by staff, particularly regarding the solar
38 panels. Commissioner Lapin agreed that an eight-foot setback was adequate.

39
40 *(6:49:15) Commissioner Lapin moved to approve Application #CUP 15-005, a request from Eric & Joyce*
41 *Felt, for a Conditional Use Permit and Site Plan approval for a new office building located at 6800 South*
42 *Highland Drive subject to the following:*

43
44 ***Conditions:***

- 45
46 ***1. The proposed solar panels must be removed from the front view and located towards the rear of***
47 ***the roof so as to minimize visibility from the street.***
48
49 ***2. In accordance with Chapter 19.49.090(D) of the municipal code, a total of two (2) on-street***
50 ***parking spaces are approved for this site, in addition to sixteen (16) spaces on-site.***

1 3. *In accordance with Chapter 19.49.090(F) of the municipal code, shared parking is approved for*
2 *use of the basement office space, beginning at 6:00 p.m. The number of shared stalls shall be*
3 *less than the total on-site stalls provided. If they finish more than 5,250 feet, they shall comply*
4 *with the parking Code by having no more than 5,250 square feet of operation as determined by*
5 *a shared parking agreement.*

6
7 4. *Staff shall review and approve the final details of wall paneling and refinement.*
8

9 *Commissioner Orr seconded the motion. Vote on motion: Commissioner James Jones-Aye,*
10 *Commissioner Jeremy Lapin-Aye, Commissioner Craig Bevan-Aye, Commissioner Allen Orr-Aye, Chair*
11 *Guymon-Aye. The motion passed unanimously.*
12

13 Chair Guymon clarified that if the basement area is to be used at any point, the applicant needs to have
14 sufficient parking for the use or limit the total use of the building to 5,250 feet to comply with the parking
15 requirements. Commissioner Jones stated that the process began a long time ago and he expressed gratitude
16 to the neighbors for trying to protect their interest. He explained that the Commission is trying to do the
17 same, while being fair to the applicant.
18

19 **3.2 Approval of July 1, 2015 and July 15, 2015 Minutes.**
20

21 *(6:52:21) Commissioner Jones moved to approve the minutes of July 1, 2015 and July 15, 2015, as*
22 *printed. Commissioner Lapin seconded the motion. The motion passed on a voice vote with one*
23 *abstention. Commissioner Bevan abstained as he was not present at the July 15, 2015 meeting.*
24

25 **4.0 ADJOURNMENT**
26

27 *(6:52:55) Chair Guymon moved to adjourn. The motion passed unanimously on a voice vote.*
28

29 The Planning Commission meeting adjourned at 6:53 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights*
2 *City Planning Commission Meeting held Wednesday, August 5, 2015.*

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9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary

13
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15
16

Minutes approved: