

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

3
4 **Wednesday, November 4, 2015**
5 **5:00 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:** Vice Chair Jeremy Lapin, Commissioner Allen Orr, Commissioner James Jones

13
14 **Staff Present:** Senior Planner Glen Goins, City Planner Mike Johnson, City Attorney Shane
15 Topham

16
17 **Excused:** Chair Paxton Guymon, Commissioner Craig Bevan, Commissioner Sue Ryser,
18 Commissioner Dennis Peters, Alternate Joseph Demma
19

20 **WORK SESSION**

21
22 In the absence of Chair Guymon, Vice Chair Lapin called the meeting to order at 5:04 p.m.

23
24 Staff presented the meeting agenda to the Planning Commission and clarified that there were three Code
25 amendments under consideration.
26

27 **1.0 DISCUSSION ITEMS**

28
29 **1.1 Discussion of a City Initiated Text Amendment to Chapter 19.36 (Mixed Use) of the**
30 **Cottonwood Heights Municipal Code.**
31

32 Senior Planner, Glen Goins, reminded the Planning Commission that all Code changes are met with criticism
33 from the public, however, the Code needs to be amended periodically. He explained that the three
34 amendments under consideration were written with the intent of keeping the Code relevant and adaptable to
35 new and developing trends. Going forward staff hoped to bring amendments to the Planning Commission
36 on a more regular basis.
37

38 Vice Chair Lapin asked Mr. Goins to describe a substantive change in the Mixed Use Amendment. Mr. Goins
39 explained that some conditional uses have been removed. For example, the Code contains uses classified as
40 mixed uses that he considered to be random. In the revision they left out retail and attached a gross floor
41 area amount. Commissioner Orr asked for clarification on why staff chose 25,000 feet as the make and break
42 amount. Commissioner Jones asked about height limitations in the amendment. Mr. Goins explained that
43 there are two changes that will likely garner the most response from the public. The first was the height
44 increase from 35 to 45 feet. The second was an increase in density. To make the 45-foot allowance more
45 acceptable, Mr. Goins stated that the amendment contains language requiring an additional one-foot setback
46 for every one-foot increase (in height).
47

48 Commissioner Jones expressed concern with the amendment. He stated that a school is being built near him
49 that will be 46 feet tall but only two stories. He was concerned about the additional height. Mr. Goins
50 indicated a desire to hear all concerns before moving forward.
51

1 To clarify what properties will be affected, Commissioner Orr asked for more information on where mixed
2 use is zoned in the City currently. Vice Chair Lapin commented that the problem with Mixed Use is that it
3 is not being utilized as planned. Developers are putting commercial in one area and residential in another.
4 Mr. Goins agreed and stated that a pure mixed use would be a vertical stack, but retailers would rather build
5 a second story and not use it because they don't want occupants above their businesses. To respond to the
6 concerns raised, the City began to allow horizontal mixed use.

7
8 Vice Chair Lapin stated that it was not something that could be forced because the City could not beat the
9 market. He asked staff to consider ways that vertical mixed use could be incentivized. Vice Chair Lapin
10 suggested that if a business wants a third story, the City could require the top story to be a different use.
11 Another option was for the developer to be required to set aside space for the public.

12
13 Vice Chair Lapin liked the idea of not having to go back to the Planning Commission to request a third story
14 because it gives the developer a known quantity to deal with. He preferred known parameters and strict rules.

15
16 Mr. Goins noted the change in density from 12 units to 35. He stated that this is a generally accepted mixed
17 use density and something he had already received comments on. One comment dealt with how 35 units per
18 acre will look. Mr. Goins explained that it depends on the builder. He had seen poor developments at eight
19 units per acre and beautiful ones at 50 units per acre. He stated that the City is preparing examples of what
20 35 units per acre can look like if done well.

21
22 Vice Chair Lapin asked about the open space requirement in the Mixed Use Code. Mr. Goins explained that
23 it is at least 15%. Commissioner Orr asked if the new changes will affect residential properties. Mr. Goins
24 reported that in most cases it will affect residential communities because the City does not have commercial
25 areas that are very deep. As a result, most of the commercial properties have a residential neighbor.

26
27 Vice Chair Lapin suggested a parameter that would clarify that a third story must not be within a certain
28 distance of residential zoning. He also expressed support for vertical construction that will allow open space
29 between buildings. Mr. Goins agreed and stated that the City needs to stay ahead of the trends so that the
30 commercial areas remain new and current to keep people shopping in the City.

31
32 Vice Chair Lapin asked Commissioner Jones for suggestions on how far from residential areas a 45-foot
33 structure would need to be. Commissioner Jones supported 35 feet and was concerned that further setbacks
34 would reduce parking. Mr. Goins agreed and stated that he would like to put the buildings in the front and
35 parking in back. Vice Chair Lapin stated that this would match public expectations as people want to drive
36 down the street and see buildings rather than expansive parking lots. He also warned that residents will
37 complain that they are losing their valley views, regardless of how far back the buildings are set back.

38
39 Mr. Goins noted that the Architectural Review Commission (ARC) is being taken out of the guidelines so
40 that if a developer meets the City's design guidelines, they can proceed. This was a new provision approved
41 by the ARC. Vice Chair Lapin clarified that staff will still review the guidelines to ensure compliance.

42
43 Vice Chair Lapin was not opposed to the height increase but understood that it is contentious. He
44 recommended requiring an open space increase so that if developers want a third story they will be required
45 to provide additional open space. He recommended 20 to 25 percent.

46
47 Commissioner Orr wanted to ensure that the numbers were consistent. Vice Chair Lapin suggested that
48 changes be scheduled for a work session and a hearing conducted prior to the amendment moving forward.

49
50 Vice Chair Lapin asked if the height change would be the primary concern for the public. Mr. Goins
51 explained that density would also be an issue. Vice Chair Lapin agreed, particularly for citizens who want

1 to limit development in the City. Vice Chair Lapin asked to be provided with a map of the affected areas
2 before scheduling a public hearing.

3
4 **1.2 Discussion of a City Initiated Text Amendment to Chapter 19.82 (Signs) of the**
5 **Cottonwood Heights Municipal Code.**
6

7 City Planner, Mike Johnson, informed the Planning Commission that changes need to be made to the City
8 Code as the result of a U.S. Supreme Court decision where the Court held that content-based sign regulations
9 are unconstitutional. Staff recommended a few changes to clean-up the Code provisions that might be
10 construed as content-based. The biggest change was to the Public Information Sign which states that any
11 sign that is civic, school, or public related can be larger. That provision was removed. Political signs were
12 also reclassified as temporary.

13
14 Commissioner Orr asked for a background on flashing, illuminated, and large signs like the one at the mouth
15 of Big Cottonwood Canyon. City Attorney, Shane Topham, stated that they are referred to as Off Premise
16 Electronic Displays (OPEDs). He explained that the issue was debated by the State Legislature. Staff
17 recognized that the only way to handle the situation would be to allow the signs in specific areas since some
18 argue that the static signs are too expensive and the electronic signs, which can change six times a minute,
19 actually allow small businesses to advertise. This was proven to be an appealing argument before the
20 Legislature. Mr. Topham stated that the Code addresses the signs in Section 19.82.123. Vice Chair Lapin
21 preferred LED lights because they are not as bright.

22
23 Vice Chair Lapin stated that the changes were academic. He could not imagine that the public would consider
24 them controversial. He felt that the amendment was ready for a hearing.

25
26 Mr. Goins reported that he received a comment from Ann Palmer who asked for clarification on the last
27 paragraph of the amendment. Vice Chair Lapin suggested that Mr. Topham speak with her directly to explain
28 the provision. Mr. Topham suggested that the language be changed to specify that signs containing non-
29 commercial messages are permitted anywhere that signs containing commercial messages are and are subject
30 to the same regulations. Vice Chair Lapin supported the proposed language change.

31
32 **1.3 Discussion of a City Initiated Text Amendment to Chapter 19.76 (Supplementary and**
33 **Qualifying Regulations) of the Cottonwood Heights Municipal Code.**
34

35 Mr. Goins introduced the next amendment and explained that the revisions are mainly minor with a few
36 major changes. One major change pertained to allowing home occupations with or without clients. It was
37 noted that currently home occupations are not regulated. Staff added a section requiring home occupations
38 with clients to obtain a conditional use permit.

39
40 Mr. Goins introduced a provision on wall height. He noted that the change regulates how the City addresses
41 walls. The new provision specifies that the maximum wall height is 12 feet, which is similar to other cities.
42 If there are multiple walls, such as retaining walls, there must be a three-foot separation.

43
44 In response to a question raised by Commissioner Orr, Mr. Goins stated that it will apply anywhere in the
45 City and addresses properties with retaining walls since the City is trying to eliminate future problems.

46
47 Commissioner Jones asked if a non-required wall would be considered a conditional use. Vice Chair Lapin
48 asked if the new provisions will create administrative problems since every wall in the City will have to be
49 classified as required or not required. Mr. Goins responded that the issue does not come up often enough to
50 be an administrative problem. Vice Chair Lapin asked who will make the decision about wall type and how
51 it can be tracked in perpetuity. Mr. Goins explained that it can be tracked like other items and require owners

1 to complete an application. Vice Chair Lapin expressed concern with the provision since property owners
2 will have to distinguish between a required and non-required wall. He asked if such requests will have to be
3 reviewed by City Engineer, Brad Gilson. Mr. Johnson explained that any wall over four feet has to be
4 approved by the City Engineer under the current regulation. Mr. Gilson could put a note on it at that time
5 indicating whether the wall is required or non-required. Vice Chair Lapin suggested that the information be
6 made more readily available or a system established so that it is not a problem down the road. He left the
7 decision on the type of system to staff.

8
9 In response to a question raised by Commissioner Orr, it was noted that a fence differs from a wall. It was
10 clarified that the new provision only addressed walls. Vice Chair Lapin asked if the provision will
11 retroactively affect existing walls. Staff clarified that it will not. Vice Chair Lapin asked what the outcome
12 will be if a property owner wants to replace an existing wall with a fence. Mr. Goins explained that if it is a
13 non-required wall, it should not exceed 12 feet. Vice Chair Lapin asked if it is necessary to include a date in
14 the amendment for existing walls since the current definition does not provide guidance on what is a required
15 or non-required wall. Vice Chair Lapin suggested that the Code include a date. Staff agreed. Commissioner
16 Orr requested a few drafting changes to correct grammatical errors in the Code.

17
18 Commissioner Orr asked to receive all meeting materials in advance, preferably one week before the meeting.
19 Staff agreed to provide them. Commissioner Orr reported that he spoke to Chair Guymon about the proposed
20 agenda and asked that the draft agenda be provided to him first before being sent out to the rest of the
21 Commission.

22
23 Vice Chair Lapin clarified that all three amendments are ready for public hearing, although they could not be
24 considered action items at this time. Staff noted that changes to the mixed use amendment are still being
25 debated and an additional work session will be needed. Vice Chair Lapin agreed and stated that language
26 pertaining to signs and fences was ready. Further discussion was needed on the mixed use amendment.

27
28 Commissioner Orr asked staff for an update on the parking issues off of La Cresta and asked if the City was
29 mailing out a City-wide survey. Staff reported that the City Council was considering the survey but cost is
30 an issue. As a result, the City was trying to determine whether the survey was needed.

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32 **2.0 ADJOURNMENT**

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34 The Planning Commission meeting adjourned at 6:11 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, November 4, 2015.*

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Teri Forbes
T Forbes Group
Minutes Secretary