

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

3
4 **Wednesday, February 3, 2016**

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:** Chairman Paxton Guymon, Commissioner Craig Bevan, Commissioner Greg
13 Griffin, Commissioner James Jones, Commissioner Allen Orr, Commissioner Sue
14 Ryser, Commissioner Dennis Peters, Alternate Joseph Demma

15
16 **Staff Present:** Senior Planner Glen Goins, Planner Mike Johnson, City Attorney Shane Topham,
17 Community and Economic Development Director Brian Berndt
18

19 **BUSINESS MEETING**

20
21 **1.0 WELCOME/ACKNOWLEDGEMENTS**

22
23 Chair Guymon called the meeting to order at 6:00 p.m.
24

25 **2.0 CITIZEN COMMENTS**

26
27 (18:01:14) Chair Guymon reported that the Planning Commission received an email from Nancy Hardy, a
28 resident, who was unable to attend tonight's meeting. He read her email aloud, where she expressed
29 continued support for a resident survey. She also expressed her opposition to moving forward with major
30 zone changes such as to height or density, until a resident survey has been completed and studied.
31

32 Community and Economic Development Director, Brian Berndt, stated that the City Council directed the
33 Assistant City Manager to begin looking at the survey and staff was in the process of creating it.
34

35 There were no further citizen comments.
36

37 **3.0 PUBLIC HEARINGS**

38
39 **3.1 (Project #ZTA-15-003) Continuation of a Public Comment on a City Initiated Text**
40 **Amendment to Chapter 19.36 (Mixed Use Zone) of the Cottonwood Heights Municipal**
41 **Code.**
42

43 Chair Guymon clarified that the above matter deals with a proposed text amendment and not a proposed
44 rezone, which is an important distinction. Senior Planner, Glen Goins, reported that the proposed changes
45 were reviewed at the last meeting and there was nothing to add. Mr. Goins welcomed comments from citizens
46 and the Planning Commission.
47

48 Before opening up the meeting to public comments, Chairman Guymon reminded those present that no action
49 would be taken on the proposal tonight.
50

1 Randy Whitehead, gave his address as 2363 Cinnabar Lane and distributed a list of recommendations to the
2 Commission Members. He summarized his recommendations as follows:

- 3
- 4 • Lighting. No direct lighting or a direct reflection of lighting should shine onto on any portion of
5 private property.
- 6
- 7 • Sound. No heavy trucks or equipment should be allowed before 7 a.m. or after 7 p.m., including
8 garbage trucks, street cleaners, or any activity that could annoy or bother private property
9 owners. Furthermore, all mechanical and other equipment that causes loud or annoying sounds
10 to the residents of adjoining private property must be repaired immediately.
- 11
- 12 • Collateral Damage to Private Property. Any damage to private property that occurs during or
13 after construction must be corrected in a timely manner by the developers.
- 14
- 15 • Fencing and Retaining Walls. Any fence or retaining wall separating the development and
16 private property must be constructed of materials that are acceptable to the residents who view
17 them and must be maintained.
- 18
- 19 • Visible Issues. All buildings that can be viewed by private property owners must be maintained
20 in an attractive state, including prompt removal of graffiti. Landscaping must also be maintained.
- 21
- 22 • Height Restrictions. Heights must not exceed a maximum of 35 feet, including all mechanical
23 equipment and enclosures. Enclosures must be maintained in an attractive state.
- 24
- 25 • Public Notice. Any proposed changes shall require a public hearing with property owners being
26 given at least 30 days' notice via registered mail.
- 27
- 28 • Setbacks. The setback from any private property should be a minimum of 50 feet if the building
29 exceeds 25 feet, including mechanical equipment and enclosures. Any additional requests
30 beyond 35 feet require an additional five-foot setback for every foot above 35 feet.
- 31

32 (18:11:11) Bart VanAllen gave his address as 2371 Cinnabar Lane and identified himself as a neighbor of
33 Randy Whitehead. He quoted from the existing Code regarding neighborhood protections, guidelines, and
34 view protections. He reiterated that the proposed change will dramatically change the make-up of his
35 neighborhood and is in direct violation to the City's original charter. Chair Guymon clarified that the text
36 amendment will not change the zoning of any property and the Planning Commission is not attempting to
37 rezone any area. Rather, the proposal is merely to change the language in the Mixed Use Zone. Chair
38 Guymon asked Mr. Goins to clarify the zoning of the property in question.

39
40 Mr. Goins explained that the Hillside Plaza is currently zoned Neighborhood Commercial (NC)and is not
41 zoned Mixed Use. Mr. Goins added that if the owners of the Hillside Plaza were to try to change their zoning
42 to mixed use, the property owner would have to make an application to the City. The matter would then
43 come before the Planning Commission and everyone within 1,000 feet of the property boundary would
44 receive notice of the public hearing. After the public hearing before the Planning Commission the matter
45 would also have to go before the City Council for approval. Mr. Goins stated that there has been no
46 consideration for any specific project at the Hillside Plaza and no application had been received for
47 consideration on that site.

48
49 It was Randy Whitehead's understanding that some of the proposals will affect the Hillside Plaza. If they
50 do, it will affect him and his neighbors. Commissioner Jones added that nothing has been submitted to the

1 City to change the zoning of the Hillside Plaza property. The text amendment allows for an increase in the
2 heights of buildings from 35 feet to 45 feet but only applies in Mixed Use zones.

3
4 Commissioner Bevan explained that a zone change would be a major undertaking and neighbors would be
5 made aware of it long before any changes could be made. Mr. Goins stated that a zone change would have
6 to come before the Commission and the site plan itself would be a conditional use because of the size of the
7 property, which would require a public hearing. Chair Guymon explained that the current zoning of the
8 Hillside Plaza is Neighborhood Commercial and, therefore, the text proposed amendment would not apply.

9
10 Patricia Peterson gave her address as 2425 Catalina Drive and commented that a 1,000-foot notice is minimal.
11 Mr. Goins responded that Utah State Code mandates a minimum notification distance of only 300 feet.

12
13 Gale Frandsen gave his address as 2415 Cinnabar Lane and distributed a handout based on a conversation
14 from the last Planning Commission Meeting. He commented that the height restriction is the first step, and
15 if approved, it will become a Mixed Use project. His understanding was that if it is increased from 25 to 35
16 feet, there will be a setback of one foot beyond the back of the property line. He used his own backyard as
17 an example and explained that moving it back 10 more feet would not make a difference. With an increase
18 of 10 more feet, he would lose his view of the valley. He understood and appreciated the trend of walkable
19 communities but stated that new residents in the top condo locations will have great views and the old
20 residents, who paid taxes and built the community, will be out of luck.

21
22 Brent Taylor gave his address as 2433 Cavalier Drive and asked for the reasoning behind the proposed
23 change. Specifically, he wanted to know who will benefit from the change. He also agreed with the
24 comments made earlier and preferred low buildings, such as those found in Provo and Bountiful.

25
26 Mr. Goins explained that the impetus for the text change was not economically based or intended to attract
27 more businesses. Rather, it is the City looking at updating the Code to discover what needs to be updated,
28 based on technologies, land use trends, and development patterns the City Council is seeing and would like
29 to correct. He explained that mixed use, as a land use, is focused on the Fort Union corridor. There are not
30 many mixed use developments in place because there is retail growth spreading from Midvale to Cottonwood
31 Heights. The City has a General Plan that is asking that Fort Union be a main street setting. Because of this,
32 the City is seeking to determine where growth can occur and potentially offer protections and changes that
33 have been prevalent in other zones to maintain those areas and achieve the purposes of the zone. Chair
34 Guymon commented on the concern raised that the ordinance, as currently written, does not have a maximum
35 footage limitation. He explained that there has discussion about there being a clear demarcation in the
36 ordinance.

37
38 Brent Taylor asked if Cottonwood Heights was intending to become more residential or commercial and if a
39 strategy is in place. Chair Guymon explained that the General Plan, which is available on the on the City's
40 website, articulates the vision and purpose of the land use planning decisions and is the best source of
41 information.

42
43 Nick Hillman gave his address as 2388 East Cavalier Drive and stated that he highly values his view. He
44 expressed opposition to the proposed text amendment.

45
46 Kurt Woolley, who resides at 7447 South 2300 East, stated that his neighborhood has been seriously
47 impacted. He believes the proposed text amendment will be another step in the wrong direction.

1 Sean Egan gave his address as 2337 East Cardinal Way and expressed his desire to preserve his view because
2 the value of his home is directly tied to the view it offers. He echoed concerns expressed regarding the slow
3 transformation of the community from residential to mixed use, which decreases property values.

4
5 (18:38:53) There were no further public comments. Chairman Guymon closed the public hearing.

6 7 **4.0 ACTION ITEMS**

8 9 **4.1 (Project #ZTA-15-002) Action on a City-Initiated Text Amendment to Chapter 19.82** 10 **(Signs) of the Cottonwood Heights Municipal Code.**

11
12 (18:39:55) *Commissioner Jones moved to forward a positive recommendation to the City Council for*
13 *Project #ZTA-15-002, Action on a City-Initiated Text Amendment to Chapter 19.82 (Signs) of the*
14 *Cottonwood Heights Municipal Code, subject to the following:*

15 16 **Findings:**

17 18 **Primary Issues**

- 19 **1. Content-based regulation – The current sign ordinance included certain signage types and**
20 **definitions that could be interpreted to be using content to regulate signage requirements. An**
21 **example would be regulating political signs more strictly than other temporary signs. It is**
22 **impossible to differentiate a political sign from another non-commercial temporary sign without**
23 **referencing the content of such sign.**
- 24
25 **2. Irrelevant Graphics – The current sign code contains multiple unnecessary graphics that may be**
26 **interpreted to mean they are pointing out something of significant importance. A few of the**
27 **existing graphics’ inclusion in the code appear arbitrary and unnecessary, and are proposed to be**
28 **removed. The graphic for wall signage was revised to more clearly demonstrate a method of area**
29 **measurement.**
- 30
31 **3. Grammatical Errors – There are a few instances where grammatical errors were incorporated into**
32 **the code. These should be removed for better clarity.**

33 34 **Primary Benefits**

- 35 **1. The benefit of this text amendment will be to comply with the Supreme Court’s ruling, and ensure**
36 **that potential litigation due to content regulation is avoided. Very little of the actual time, place,**
37 **and manner requirements were changed. Any signage requirements that were changed or added**
38 **were changed solely as a result of the recent Supreme Court ruling.**
- 39
40 **2. The removal and revision of graphics and grammatical errors in the code will result in easier**
41 **understanding of all signage requirements.**

42
43 **Commissioner Orr seconded the motion. Vote on motion: Sue Ryser – Aye, Craig Bevan – Aye, Allen Orr**
44 **– Aye, Dennis Peters – Aye, James Jones – Aye, Greg Griffin – Aye, Chair Paxton Guymon – Aye. The**
45 **motion passed unanimously. Alternate Commission Member Joseph Demma did not participate in the**
46 **vote.**

1 **4.2 (Project #ZTA-15-004) Action on a City-Initiated Text Amendment to Chapter 19.76**
2 **(Supplementary and Qualifying Rules and Regulations) of the Cottonwood Heights**
3 **Municipal Code.**
4

5 *Commissioner Bevan moved to forward a positive recommendation to the City Council on Project #ZTA-*
6 *15-004, Action on a City-Initiated Text Amendment to Chapter 19.76 (Supplementary and Qualifying*
7 *Rules and Regulations) of the Cottonwood Heights Municipal Code. Commissioner Orr seconded the*
8 *motion. Vote on motion: Greg Griffin – Aye, James Jones – Aye, Dennis Peters – Aye, Allen Orr – Aye,*
9 *Craig Bevan – Aye, Sue Ryser – Aye, Chair Paxton Guymon – Aye. The motion passed unanimously.*
10 *Alternate Commission Member Joseph Demma did not participate in the vote.*
11

12 **5.0 ADJOURNMENT**
13

14 The Planning Commission Meeting adjourned at 6:42 p.m.
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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, February 3, 2016.*

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10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary

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14

15 Minutes approved: March 2, 2016