

1 potential parking problems. Since the neighboring bike shop is closed in the evenings, the owner
2 has agreed to allow restaurant parking along the east side of the building. The intent is to offer
3 American, Spanish and possibly Portuguese cuisine.

4
5 (18:12:00) Chair Guymon opened the public hearing.

6
7 Joseph Meyer gave his address as 2475 East Bengal Boulevard and stated that he shares a common
8 driveway with the applicant. He read a prepared statement that was submitted and made part of
9 the record. Mr. Meyer expressed concern with the property's retaining wall and requested that no
10 plan be approved that does not provide provisions to remove the illegal structure. Second, with
11 regard to trash management, Mr. Meyer claimed that it took three months and legal threats to get
12 Mr. Panah to remove the dumpster behind his restaurant, which was in violation of the Code. In
13 addition, at the time the property was sectioned off, a separate water account and connection were
14 not created and both properties now share the same water meters and account. Mr. Meyer stated
15 that any expansion of water uses, such as the proposed apartment, impacts the other user. He
16 proposed that a second connection and meter be created.

17
18 Alan Greenburg gave his address as 7756 South 2325 East and stated that he owns Cottonwood
19 Cyclery to the east of the proposed property. He expressed concern with the parking and stated
20 that although he was agreeable to sharing his space with Mr. Panah, he would like a written
21 contract in place that is agreed to by both property owners. Mr. Greenburg noted that his
22 employees are gone each night by 8:00 p.m. at the latest.

23
24 Craig Paxman gave his address as 2661 Bridgeport Avenue and stated that during the Christmas
25 season, Cottonwood Cyclery uses their parking for a Christmas tree lot. He questioned the
26 availability of spaces during that time and agreed with Mr. Greenburg's request for a contract
27 between the business owners. He suggested that the dumpster issue be addressed as an act of good
28 faith before the matter is considered. Traffic was also of concern.

29
30 (18:21:39) There were no further comments. The public hearing was closed.

31
32 **3.2 (Project #HOC-16-004) Public Comment on a Request from Angela Lancaster**
33 **for Conditional Use Approval to Operate a Home Daycare at 1761 East**
34 **Cloverdale Road.**
35

36 Mr. Johnson presented the staff report and stated that the property is in an R-1-8 Zone single-
37 family residential zone. Photographs of the site were provided. Mr. Johnson reported that the
38 previous week a follow up was completed at which time several violations were discovered on the
39 property. He recommended that the Planning Commission conduct the public hearing as scheduled
40 and continue it to give staff and the City's Code Enforcement Officer an opportunity to meet with
41 the applicant in an effort to mitigate the nuisances prior to closing the public hearing and making
42 a final decision.

43
44 It was noted that the applicant was not present.

45
46 Chair Guymon opened the public hearing.

1
2 (18:24:03) Wanda Field gave her address as 6880 Meadow Downs Way and stated that the notice
3 she received from the City consisted of an empty envelope. She lives directly across from the
4 applicant and has watched the property decay over the years. She expressed concern with the
5 commercial dumpsters on the site and stated that there is no language in the Code that addresses
6 the issue of licensing daycares in Cottonwood Heights so she referred to Salt Lake County's
7 regulations. She was concerned that what is proposed will increase traffic and disrupt the
8 neighborhood. Ms. Field stated that the applicant is not the homeowner and the home is owned
9 by a company called PPMC. The Lancaster Family is polygamist and it was her opinion that if
10 the request is approved, the City will be facilitating polygamy in the neighborhood, which is a
11 felony. The yard is unsafe and some fencing is missing. An orange construction fence has been
12 up for a long period of time and children can easily climb over it and gain access to the street.
13 Ms. Field asked the Commission to note that the dumpsters have been on the property for 10 years.
14

15 Jay Memmott gave his address as 6860 Spring Brook Way and stated that the applicant's home is
16 a disgrace to the neighborhood. He was unsure why no one has stepped in and condemned it. He
17 stated that there is no room for children to run around and they would have to be in the front yard
18 or inside. He expressed opposition to the request.
19

20 Trent Rearick gave his address as 6861 South Meadow Drive and stated that he enjoys the
21 neighborhood and neighbors. He was surprised to hear of the request. He expressed concern with
22 the traffic and did not believe the home could accommodate 12 children. The home is unkempt,
23 unsafe, and the gate is in disarray. Mr. Rearick suggested that the Commission visit the site. He
24 expressed opposition to the request.
25

26 There were no further public comments. Chair Guymon suggested that the hearing remain open
27 until a later date in October.
28

29 (18:35:29) *Commissioner Orr moved to continue the public hearing until October 5, 2016.*
30 *Commissioner Griffin seconded the motion. Vote on motion: Commissioner Bevan-Aye,*
31 *Commissioner Orr-Aye, Commissioner Demma-Aye, Commissioner Griffin-Aye, Chair*
32 *Guymon-Aye. The motion passed unanimously.*
33

34 **3.3 (Project #CUP-16-010) Public Comment on a Request from Jeffrey Gochnour**
35 **for a Conditional Use Permit Amendment to Construct Additional Parking**
36 **Spaces Below the Phase II Parking Garage Located at 2750 and 2800 East**
37 **Cottonwood Parkway.**
38

39 Economic Development Director, Brian Berndt, presented the staff report and stated that Phase I
40 was completed and the applicants are now beginning work on the Phase II building and parking
41 structure. The request is for an additional level below the approved parking garage located on the
42 west end of the parking structure. Mr. Berndt explained that when the plans were submitted, he
43 reviewed the building plans, however, the parking was not attached and he did not follow up with
44 a review of the parking structure. Construction began and the City received complaints from the
45 neighbors, which was why the matter was back before the Commission. The Phase II building

1 depth was due to the placement of mechanical equipment. The third level of parking was not
2 included in the original agreement.

3
4 Mr. Berndt took responsibility for the lack of review of the application, which necessitated
5 tonight's amendment. He explained that there is no new lighting proposed and the photo metrics
6 from Phase I were included throughout the entire parking structure. No complaints had been
7 received with regard to noise after construction ceased. There have, however, been complaints
8 about workers walking through neighborhoods, which staff agreed to investigate. Landscaping
9 was disturbed due to construction and will be replaced per the original approval.

10
11 Commissioner Orr asked who was responsible for maintenance along 3000 South. Mr. Berndt
12 responded that the responsibility is shared between Cottonwood Heights and the City of Holladay.

13
14 Jeff Gochnour gave his work address as 2750 East Cottonwood Parkway and stated that they are
15 not changing anything and are being consistent with what was requested initially. They are
16 requesting an additional 100 plus stalls below the existing parking, which were approved. The
17 height and footprint is not proposed to be modified and is consistent with what was approved
18 originally with the exception of going down one level for parking. The tenants are requiring a
19 higher parking ratio than they were able to provide. Mr. Gochnour confirmed that they will abide
20 by any requirements imposed by the City.

21
22 (18:47:01) Chair Guymon opened the public hearing.

23
24 Hammond Omana gave his address as 2755 Palma Way and presented a photo showing the view
25 from his backyard. He expressed concern with the original landscaping as well as the additional
26 expansion of the building. He stated that lighting is a serious problem. Mr. Omana understood
27 that the second level needs to remain illuminated as a security measure. He has, however, had to
28 install special blinds and shades because his bedroom backs the side of the development.
29 Mr. Omana recommended that there be evergreen screening that provides year-round buffering to
30 help eliminate some of the negative impacts of the lighting. Staggered plantings and evergreens
31 would also improve the aesthetics of the jogging path. Mr. Omana suggested there be additional
32 discussion prior to action being taken.

33
34 Robin Bateman gave her address as 2807 Palma Way and stated that however erroneously and
35 innocently the project was approved, it was questionable for the project to proceed before the
36 necessary corrections are made. She felt that construction should cease until the matter can be
37 resolved. Ms. Bateman expressed opposition to the request and asked the City to prove that there
38 will not be negative impacts and require the original approvals to stand.

39
40 (18:55:01) Mike Peterson gave his address as 6663 Cristobal Street and was present as a resident
41 of the City. He explained that he has spent the last 40 years as a Parks and Recreation Practitioner
42 and has spent much of his time developing trails, green space, and landscaping. Mr. Peterson
43 agreed with the concern about the deficiency of the landscaping that was completed at the end of
44 Phase I. He stated that additional mitigation needs to be implemented with additional plantings.
45 He recommended that the Commission be sensitive to their surroundings.

1 There were no further public comments. Chair Guymon closed the public hearing. He reported
2 that the Commission would consider taking action on the matter later in the meeting.

3
4 **3.4 (Project #GPA-16-002) Public Comment on a City-Initiated Proposal to Adopt**
5 **a Fort Union Area Master Plan as an Addendum to the Cottonwood Heights**
6 **General Plan.**
7

8 Mr. Berndt presented the staff report and stated that the overall plan has eight chapters and three
9 appendices. Each chapter was reviewed. He explained that the roll of the area plan is to create a
10 vision, outline appropriate land uses, and show how they will be used in the design
11 recommendations. This also will define catalyst and redevelopment sites. Goals, objectives, the
12 corridor plan, and implementation were also included in the proposal. The results of a survey of
13 what residents would like to see included a main street feel along Fort Union as well as walkable
14 areas that include shopping, dining, and entertainment. Chair Guymon commended Mr. Berndt
15 for his efforts.

16
17 In response to a question raised, Mr. Berndt stated that the Gateway District uses the design
18 guidelines as part of the consideration for the Architectural Review Committee.

19
20 (19:22:08) Chair Guymon opened the public hearing. There were no public comments. The
21 public hearing was closed.

22
23 Mr. Berndt asked that the matter be continued to a future meeting for additional public comment.

24
25 *Commissioner Orr moved to continue Project #CUP 16-002 to the October 5, 2016, Planning*
26 *Commission Business Meeting. Commissioner Bevan seconded the motion. Vote on motion:*
27 *Commissioner Bevan-Aye, Commissioner Orr-Aye, Commissioner Demma-Aye, Commissioner*
28 *Griffin-Aye, Chair Guymon-Aye. The motion passed unanimously.*
29

30 **4.0 ACTION ITEMS**

31
32 **4.1 (Project #CUP-16-010) Action on a Request from Jeffrey Gochnour for a**
33 **Conditional Use Permit Amendment to Construct Additional Parking Spaces**
34 **Below the Phase II Parking Garage Located at 2750 and 2800 East**
35 **Cottonwood Parkway.**
36

37 Chair Guymon explained that when conditional use approval is granted with conditions, the City
38 has the authority to determine whether the conditions are being complied with. He expressed
39 concern with a photo presented earlier in the meeting and suggested that staff negotiate with the
40 applicant to determine whether the condition pertaining to the screening of light is being satisfied.

41
42 City Attorney, Shane Topham's opinion was that it is not outside the purview of the Commission
43 to require the applicant to comply with the conditions imposed. He explained, however, that the
44 proposed amendment to the parking and potential detrimental impacts were the issue before the
45 Commission tonight.

1 Commissioner Orr pointed out that there may be options for lighting and suggested that staff meet
2 with the applicant to make a determination prior to making a decision. Chair Guymon believed
3 that the only detrimental impact to what was proposed was the removal of mature trees. He
4 recommended a condition be imposed to require that it be replaced and instruct staff to verify that
5 the requirement pertaining to the screening of light is being met.

6
7 Mr. Berndt suggested that the landscaping be reviewed by staff with the Landscape Architect in
8 terms of landscaping, the location of trees, type of trees, and distance from parking. It was noted
9 that there was no amendment for landscaping as part of this amendment. There were, however,
10 landscaping terms associated with the original project that was reviewed by a different Landscape
11 Architect. Chair Guymon pointed out that when construction of the new facility is completed and
12 the landscaping and berm are installed, the City could perform a follow-up investigation to see if
13 the light intrusion has been adequately screened.

14
15 (19:40:49) *Commissioner Griffin moved to approve Project #CUP 16-010, an Amendment to a*
16 *Conditional Use Permit by Cottonwood Partners subject to the following conditions:*

17
18 ***EXTERIOR LIGHTING DESIGN:***

19
20 *Incorporate into the project's design, the following:*

21
22 ***Parking Lot and Site Lighting:***

- 23
24 1. *The maintained average horizontal luminance level, at grade on the site shall not exceed*
25 *20 foot-candles.*
26
27 2. *The maintained maximum horizontal luminance level, at grade on the site, shall not*
28 *exceed 20 foot-candles. All exterior luminaries shall be included in this calculation.*
29
30 3. *The initial vertical luminance at 5 foot above grade, along the entire property line (or 1*
31 *foot outside of any block wall exceeding 5 foot in height) shall not exceed .8 foot-candles.*
32 *All exterior luminaries shall be included in this calculation.*
33

34 ***INTERNAL CIRCULATION:***

- 35
36 1. *The developer shall provide a minimum parking-aisle width of 24 feet.*
37
38 2. *Connect the sidewalk on the north side of the project site that dead ends on the northwest*
39 *portion of the site further west with the existing trail.*
40
41 3. *Provide bike parking per– 14 racks = 28 spaces. Show on site plan.*
42
43 4. *The developer shall provide internal circulation that accommodates emergency and*
44 *service vehicles with an outside turning radius of 45 feet and inside turning radius of 25*
45 *feet.*
46

1 5. *The developer shall design the dead-end parking aisle in general conformance with the*
2 *included detail:*

3
4 a. *Sight distance easements shall be dedicated over sight distance triangles.*

5
6 b. *Sight distance triangles must be shown on final plans to be clear of landscaping,*
7 *signs, or other visibility obstructions between 2' and 7' in height.*

8
9 ***Other:***

10
11 1. *Compliance with geotechnical recommendations and mitigation of unsuitable soils to*
12 *meet soil bearing capacity requirements of the ICC based on the proposed design.*
13 *Mitigation efforts shall meet air quality requirements for dust control and minimize*
14 *noise, vibration and visual impact to the adjacent properties.*

15
16 2. *Pedestrian accommodations along Cottonwood Parkway that service the proposed office*
17 *building shall be ADA compliant.*

18
19 3. *Submission of construction plans that meets all applicable standards. conditions*
20 *proposed by staff with the additional analysis post construction of the effect of the light*
21 *intrusion to determine whether more needs to be done to mitigate the intrusion.*

22
23 ***Commissioner Bevan seconded the motion.***

24
25 Chair Guymon confirmed that all conditions from the original approval granted four years prior
26 still apply. After construction, there will be an analysis to see if more needs to be done to
27 adequately shield the light intrusion.

28
29 ***Vote on motion: Commissioner Bevan-Aye, Commissioner Orr-Aye, Commissioner Demma-***
30 ***Aye, Commissioner Griffin-Aye, Chair Guymon-Aye. The motion passed unanimously.***

31
32 **4.2 Approval of Minutes of July 20, 2016.**

33
34 (19:48:00) ***Commissioner Orr moved to continue approval of the minutes of the July 20, 2016***
35 ***meeting to September 14, 2016. Commissioner Bevan seconded the motion. Vote on motion:***
36 ***Commissioner Bevan-Aye, Commissioner Orr-Aye, Commissioner Demma-Aye, Commissioner***
37 ***Griffin-Aye, Chair Guymon-Aye. The motion passed unanimously.***

38
39 **5.0 ADJOURNMENT**

40
41 The Planning Commission Meeting adjourned at 7:50 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Planning Commission Meeting held Wednesday, August 31, 2016.*

3
4
5
6
7
8
9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: September 14, 2016