MINUTES OF THE COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING

Wednesday, September 6, 2017
6:00 p.m.
Cottonwood Heights City Council Room
2277 East Bengal Boulevard
Cottonwood Heights, Utah

ATTENDANCE

Members Present: Chair Craig Bevan, Allen Orr, Jesse Allen, Graig Griffin, Joseph Demma, Chris Coutts, Sue Ryser, Bob Wilde

Staff Present: Senior Planner Michael Johnson, Planner Andrew Hulka, City Attorney Shane Topham, City Recorder Paula Melgar

Excused: Community Development Director Brian Berndt

Others: Youth City Council Member Derek Heiner

WORK SESSION

1.0 Review Business Meeting Agenda.

Chair Craig Bevan welcomed those present. He acknowledged Youth City Council Member, Derek Heiner.

Senior Planner, Mike Johnson, reviewed the agenda items and stated that the request from the Canyons School District for conditional use approval to construct a public facilities electronic display sign at Ridgecrest Elementary School was reviewed. He commented that much of what takes place with the schools is outside of the City's purview. Signage, however, can be regulated. Wattage and surrounding signage was discussed.

2.0 Additional Discussion Items.

Associate Planner, Andy Hulka, reviewed the next two agenda items regarding lot consolidations and stated that both requests are within existing subdivisions. As a result, the consolidation constitutes an amendment of the subdivision. The first request is located on Pheasant Wood Drive and is in the R-R-143 zone, which requires one-acre lots. The City has additional restrictions pertaining to size of accessory buildings that are still under review. Acceptable accessory structures were discussed.

Mr. Hulka next reviewed the second request from Benjamin Rivera for the consolidation of Lot 1 of the Cottonwood Ridge Subdivision, which includes three adjacent parcels located at 6810 South

Virginia Hills Drive. The parcels were determined to meet the minimum width and area requirements of the zone and staff recommended approval.

Senior Planner, Mike Johnson, stated that there are two text amendments proposed with regard to wireless telecommunications. One pertains to the existing ordinance and includes antennas located on utility poles. Staff explained that the additional option pertains to property in the Public Facility Zone. The option in that case is to locate an antenna on a utility pole, which is much less intrusive than a mono pole.

Mr. Johnson next reviewed the City-initiated proposal to create an Accessory Dwelling Unit Ordinance. The request came from several members of the City Council to draft an ordinance and receive feedback. Mr. Johnson explained that Accessory Dwelling Units (ADUs) are located throughout the City. They have not, however, ever been permitted by Code and are all illegal. Enforcement includes eliminating accessory buildings. The intent is to draft an ordinance to better regulate them. Appropriate uses were discussed. Mr. Johnson confirmed that one side effect of the Code would be an increase in affordable housing units. He explained that there are two types of ADUs presented in the ordinance, which include attached and detached units. It was noted that baseline regulations must conform to the same setbacks as the home. In addition, the size, height, and coverage requirements of accessory buildings must be less than the primary home. The application fee is expected to be set at $250 with one of the requirements being that one of the buildings located on the property be owner occupied.

Commissioner Coutts moved to adjourn the Work Session. Commissioner Griffin seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Session adjourned at 5:54 p.m.

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Craig Bevan called the meeting to order. He welcomed those in attendance and reviewed the agenda items.

2.0 CITIZEN COMMENTS

There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #CUP-17-007) Public Comment on a Request from the Canyons School District for Conditional Use Approval to Construct a Public Facilities Electronic Display Sign at Ridgecrest Elementary School Located at 1820 East 7200 South.

Mr. Johnson, presented the staff report and stated that the request is from the Canyons School District for conditional use approval to construct an electronic display monument sign at

Ridgecrest Elementary. The proposal is for a 6' x 8' monument sign with an 8' x 3' electronic display. One of the proposed conditions of approval was that the size be reduced to comply with City Code. He explained that there are other signs located at schools throughout the City that were constructed and approved by the State when cities had less authority to regulate school district property. The rules have since been modified slightly.

Ridgecrest Elementary School Principal, Julie Winfrey, stated that over the past few years she has become aware of a communication issue in the community. She explained that many patrons do not have electronic access. She believed that with the help of the proposed sign, they can get messages out to those patrons. Ms. Winfrey reported that on the first day of kindergarten, the school received 180 phone calls about starting and dismissal times. A sign could have helped get the word out and saved many hours of staff time.

Canyons School District Director of Facilities, Rick Conger, expressed support for the proposed signage and appreciated the efforts of staff.

(18:08:55) Chair Bevan opened the public hearing.

James Adinaro gave his address as 1786 East 7200 South and expressed opposition to the proposal. He did not believe electronic signs have a place in a residential area. He reviewed the City's ordinance. Mr. Adinaro considered electronic signs to be dangerous and due to the limited line of sight, passersby would have to slow down to read the message.

Larry Jewkes was opposed to the proposed signage and inquired about the cost factors involved. He believed that due to foliage, it will be difficult to see the sign from the road.

Marci Cardon gave her address as 7200 South 1400 East and confirmed that the PTA has committed to support the proposal. She stated that the signage will not take money away from the schools' budget.

Denise White commented that the sign is important to the school and stated that it will give students without the ability to receive electronic notifications the opportunity to be informed.

Nancy Hardy was neither for nor against the signage but questioned what was done before electronic signs existed.

Stephanie Adinaro expressed opposition to the signage and asked that the City seek out other options such as placement of the sign on the school building itself.

Rick Conger confirmed that they were hoping to place the sign along the park strip on the street side of the fence but confirmed that it will not fit. They initially tried a pedestal to raise it, but were still reviewing options.

Ms. Winfrey commented that their patrons are their priority; however, many in the community have asked her to communicate with residents on the various events taking place. As for the area above the fence, Impact Signs has driven the area and looked at sign placement. If they need to

make it smaller, they will go thinner, not shorter, and the top two to three feet will be the electronic portion. The remainder will be the pedestal. Driving east to west, the parking lot is very open so it will be easy to view the sign from some distance away. They will respect their neighbors and were flexible with regard to the illumination time.

Mr. Johnson pointed out that the City's ordinance for variances is established but there are options available that offer relief from the underlying provisions of the Code. In addition, there could be other solutions such as modifying the fence. The variance is open to anyone who finds a hardship resulting from the ordinance.

Brenda Sim reported that she serves on the School's Community Council and stated that the proposed signage will allow those living in the area to be aware of school activities.

(18:29:48) There were no further public comments. Chair Bevan closed the public hearing.

Mr. Johnson confirmed that there is a process built into the Code that requires a certified professional verify that the actual sign meets what is in the Code through a signed letter to the City within 10 days of the signage being installed.

3.2 (Project #LOT-17-002) Public Comment on a Request from Carl Greene to Consolidate Lots 10 and 11 of the Pheasant Wood Estates Subdivision Located at 7768 South Pheasant Wood Drive.

Mr. Hulka presented the staff report and stated that the request is from Carl Greene to consolidate Lots 10 and 11 of the Pheasant Wood Estates Subdivision. The two one-acre lots are owned by the same owner. The proposal is to combine both lots to create a two-acre parcel. Staff reviewed the proposal and found that it meets the requirements of the underlying zone. Staff recommended approval of the application with the conditions set forth in the staff report.

Carl Greene, a Designer with McNeil Engineering, reported that if the applicant were to build an accessory structure with two separate lots, it would have to conform to the requirements for a new building on a separate lot. Since the owner owns both lots, consolidating them would allow them to build the accessory structure where they have an existing sports court and not have to impact any more of the landscaped area next to his home.

(18:39:07) Chair Bevan opened the public hearing. There were no public comments. The public hearing was closed.

3.3 (Project #LOT-17-004) Public Comment on a Request from Benjamin Rivera to Consolidate Lot 1 of the Cottonwood Ridge Subdivision with Three Adjacent Parcels Located at 6810 South Virginia Hills Drive.

Mr. Hulka presented the staff report and stated that the request is from Benjamin Rivera to consolidate Lot 1 of the Cottonwood Ridge Subdivision with three adjacent parcels located at 6810 South Virginia Hills Drive. The property is in the R-1-8 zone and the proposal was determined to

exceed the minimum requirements. Staff recommended approval with conditions set forth in the staff report.

The applicant, Jeff Thompson, stated that their desire is to build a garage on the property.

Chair Bevan opened the public hearing.

Kimberly Kraan stated that she lives in the Top of the World Subdivision and asked about the location of the property.

(18:44:16) There were no further public comments. Chair Bevan closed the public hearing.

Commissioner Orr moved to amend the agenda and next consider Action Items 4.2 Project #LOT-17-002 and 4.3 Project #LOT-17-004 for action. Commissioner Griffin seconded the motion. Vote on motion: Allen Orr-Aye, Jesse Allen-Aye, Graig Griffin-Aye, Joseph Demma-Aye, Chris Coutts-Aye, Sue Ryser-Aye, Chair Bevan-Aye. The motion passed unanimously. Alternate Planning Commission Member, Bob Wilde, did not participate in the vote.

3.4 (Project #ZTA-17-002) Public comment on a City Initiated proposal to create an Accessory Dwelling Unit Ordinance.

(18:52:44) Mr. Johnson presented the staff report and stated that the issue of Accessory Dwelling Units has been discussed by the City Council for many years. They received direction from a majority of the members to proceed with a draft Code to regulate Accessory Dwelling Units. He explained that this is the beginning of the public process and there will be many more opportunities for discussion and comments. The draft is subject to be changed completely if the Council decides to do so based on the feedback received. An Accessory Dwelling Unit is defined as a residential dwelling meant for one additional single-family located on the same lot as a single-family dwelling either within the same building as the single-family dwelling unit or in a detached building. Mr. Johnson explained that mobile homes or other portable structures do not qualify as an ADU and short-term rentals are not ADUs.

All Accessory Dwelling Units, mother-in-law units, and basement apartments being rented are currently prohibited and illegal in Cottonwood Heights. They are not now and have never been permitted by City Code. The City Council acknowledged that these types of units exist and have existed for years. The main purpose of the draft ordinance is to better regulate the units that already exist, even though they are not allowed. The purpose is to enhance life safety standards through a regulatory process, establish guidelines to make sure ADUs are safe and preserve the character of single-family residential neighborhoods. They have gone above and beyond to require additional landscaping and to ensure that this occurs. Another intent is to off-set housing costs and promote reinvestment. One of the major requirements is that if an ADU is to be allowed in the home, the legal owner of the property must occupy the dwelling. Someone from out of town cannot purchase a property and rent half to one family and half to another. While not the primary purpose, ADUs will provide additional options for those who want to live in the City but cannot afford the high housing costs. ADUs are proposed to be allowed only in R-1 and R-R-1 zones. The City is working to establish an application and licensing process for them to be permitted. ADU permits

or licenses will terminate with any property ownership. Parking requirements of a total of four stalls were reviewed. For detached ADUs, all homes must be on the same utility meter. Setback issues were discussed.

(19:08:33) Chair Bevan opened the public hearing.

Doreen Kulkowski, an East Manor Drive resident, expressed concern with an ADU across the street from her where the residents park on the street. She commented that she is surrounded by renters and asked what her recourse should be. She also expressed concern with the lack of Code enforcement throughout the City.

Mr. Johnson confirmed that without the ordinance in place, the current remedy is to contact the City's Code Enforcement Department to report violations.

Janet Forrester, who resides on Enchanted Hills Drive, stated that she has called multiple times to report Code violations. There are 10 cars on the street every night and although they complain, the violation is not enforced.

A Commission Member clarified that the public hearing tonight is on the proposed ordinance. He did not believe this was a time for the Planning Commission to advocate for or against. He considered it an opportunity for the City via the Planning Commission to hear what the public has to say. He pointed out that they are not in control of ordinance enforcement. While comment is welcome, it is important to understand what is happening at the hearing. Mr. Johnson pointed out that if enforcement is an issue, concerns can be voiced at the bi-weekly City Council Business Meeting.

Jin Fredricksen, a Kings Hill Drive resident, believed that adding ADUs to the current enforcement will overload an already problematic situation. She stated that those already in violation are not going to be any more compliant with the new ordinance. She did not consider the proposed direction to be appropriate for her neighborhood.

Marian Anderson asked for clarification regarding the design and size of ADUs being limited to 1,000 square feet and the inability to collect rent on them. She commented that the cost of egress with the permit process was of concern as well as how the inspection will take place. She asked if improvements are inspected by the City and if the City has the responsibility to confirm that the ADU is safe and establish fees.

Reed Greenwood expressed opposition to the proposed ordinance and asked how the City plans to regulate ADUs. He believed that if the City allows these types of dwellings, they will exacerbate the problem that already exists.

Nicky Grace, an Alpen Way resident, reported that she purchased her home in an R-1 neighborhood and did not want to see her property be devalued because of rental properties. She commented that renters do not have pride of ownership, take no responsibility, and generally do not care about the quality or welfare of the neighborhood. She expressed opposition to the proposed ordinance.

Richard Haight, a Da Vinci Drive resident, stated that there is a difference between rentals and what is being addressed. He commented that the majority of the rentals are intended for tourists.

Lisa Goodman believed the City was taking on too much at once and asked if they can address the owner/occupant issue first before moving on.

Lydia Jones, a Chadbourne Drive resident, identified herself as the owner of a duplex in an R-2 zone. She stated that her son and his family live on the other half of the duplex. She reported that she recently lost her father who had a large lot that meets all of the requirements set forth. She was able to construct a mother-in-law apartment but because her property is in an R-2 zone it is not allowed. She asked that R-2 also be considered.

Kimberly Kraan stated that she lives in the Top of the World Subdivision and keeps coming back to the appropriateness and applicability of the proposals. She stated that other cities have flexible zoning and Salt Lake City received resistance from those living near the benches. Draper City determined that ADUs must be attached to the main structure. She believed that the units Cottonwood Heights considers are illegal were actually permitted at some point. She urged staff to find a way to enforce what they are trying to accomplish since they have no provision to apply a penalty.

Daniel Hales gave his address as Deer Creek Road and echoed concerns previously expressed regarding enforcement of the current Code. He suggested they look at it as a graded approach rather than a catch all. He believed there was a clear distinction between an owner/occupied unit and a rental. He asked to see where this has been implemented. He also stated that having a single mailbox is an invasion of privacy since it will be shared with another family.

Steve Wood, a Willow Crest resident, found it interesting that the City cannot currently support their own ordinances. Snow removal was of concern and he asked for the results of a recent poll be shared. Revenue, parking, garage parking, permits for renovation, and enforcement outside of complaints were identified as concerns. He asked for the State definition of a Multi-Family Dwelling.

Winn Jones reported that he has lived in the City for 20 years and owns an Architectural firm where he does design and construction in Woods Cross and San Diego. He specializes in detached ADUs. He explained that the current draft is similar to every other City ordinance that he faces. He stated that planning commissions and city councils from other cities do not have issues with renters or single-family rental properties. ADUs typically increase the value of a property by at least as much as the cost of building the unit. It not only increases the value of the home, but the neighborhood as well. Parking requirements disqualify half of those who contact him because they do not have the required space. He believed the City would have the ability to control them in the future because of increased revenues from fees, which could be used to pay for inspections.

Wally Rose commented that he would be upset if his neighborhood had an abundance of renters and cars parked on the streets. He stated that ADUs make sense because the property owner can decide who they rent to. The main home being owner-occupied will ensure that it is well maintained.

Katherine Peterson reported that she bought a home on Nantucket Drive and lives next to a home that is rented. She was opposed to the addition of ADUs. She commented that it has been unpleasant living next to renters.

Jack Forrester identified himself as the President of JC Enterprises and stated that he does construction and moved to Cottonwood Heights because of the R-1 zoning. He commented that ADUs will deteriorate the environment and are not controlled.

Marian Anderson stated that the issue seems to be with parking. She asked if the City Council can change its parking requirements. She recommended the City first enforce parking violations.

(19:55:58***) Commissioner Orr moved to continue the public hearing to November 1st, 2017. Commissioner Coutts seconded the motion. Vote on motion: Allen Orr-Aye, Jesse Allen-Aye, Graig Griffin-Aye, Joseph Demma-Aye, Sue Ryser, Chris Coutts-Aye, Chair Bevan-Aye. The motion passed unanimously. Alternate Planning Commission Member, Bob Wilde, did not participate in the vote.***

3.5 (Project #ZTA-17-003) Public Comment on a City-Initiated proposal to Revise Chapter 19.83 of the Zoning Ordinance (Wireless Telecommunications Facilities).

City Attorney, Shane Topham, presented the staff report and stated that cities in the Salt Lake Valley have had to deal with applications and inquiries from telecommunications companies regarding "small cell networks". Consumption of monthly data was discussed. Mr. Topham explained that the growth of LTE is what is driving consumption. The industry needs to provide data to people who own smart phones and in the process, they are building more macro cell towers. Small cell towers are lower profile towers that are used to relay data from a macro site and are typically denser than macro towers. Because of issues that have arisen over the past few months, they have drafted proposed Chapter 19.83.A – Telecommunication Facilities in the Public Right-of-Way. Minimum distance requirements will be provided to residential areas. Those requirements will favor underground infrastructure, a maximum height of 30 to 40 feet, and use existing street standards and utility poles for placement. New poles will only be used as a last resort.

Commissioner Orr preferred they not be allowed in public utility easements and instead be in a public right-of-way that is defined as a street.

(20:16:50) There were no further public comments. Chair Bevan closed the public hearing.

3.6 (Project #ZTA-17-004) Public Comment on a City-Initiated Proposal to Revise Chapter 19.83 of the Zoning Ordinance (Wireless Telecommunications Facilities).

Mr. Johnson reported that the above proposal is a modification of the existing Wireless Telecommunications Ordinance and is intended to provide additional context to questions pertaining to easements. The current ordinance was reviewed. The proposal is to add language that in addition to being allowed in a public right-of-way, rear yard utility easements may also be allowed in a Public Facility Zone. He explained that the Code includes requirements that built in,

however, what was being considered was proposed by the potential applicant. The matter will be acted on at a later date.

(20:25:58) Chair Bevan opened the public hearing. There were no public comments. The public hearing was closed.

4.0 ACTION ITEMS

4.1 (Project #CUP-17-008) Action on a Request from the Canyons School District for Conditional Use Approval to Construct a Public Facilities Electronic Display Sign at Ridgecrest Elementary School Located at 1820 East 7200 South.

(18:49:45) ***Commissioner Griffin moved to close the public hearing for Project #CUP-17-008 and continue the action item to the October 4, 2017 Planning Commission Meeting. Commissioner Demma seconded the motion. Vote on motion: Allen Orr-Aye, Jesse Allen-Aye, Graig Griffin-Aye, Joseph Demma-Aye, Sue Ryser-Aye, Chris Coutts-Aye, Chair Bevan-Aye. The motion passed unanimously. Alternate Planning Commission Member, Bob Wilde, did not participate in the vote.***

4.2 (Project #LOT-17-002) Action on a Request from Carl Greene to Consolidate Lots 10 and 11 of the Pheasant Wood Estates Subdivision Located at 7768 South Pheasant Wood Drive.

(18:46:16) ***Commissioner Coutts moved to approve Project #LOT-17-002, an application from Carl Greene for approval of a lot consolidation and subdivision plat amendment of Lots 10 and 11 of the Pheasant Wood Estates subdivision affecting the property located at 7768 South Pheasant Wood Drive subject to the following:***

Conditions:

1. ***The applicant shall work with staff to submit a preliminary plat and address any technical corrections, in compliance with all applicable City ordinance regulations.***

2. ***The applicant shall obtain all necessary permits prior to constructing any new structure on the proposed lots.***

Findings:

1. ***The proposed subdivision meets the applicable provisions of the Cottonwood Heights subdivision ordinance and the Cottonwood Heights zoning ordinance.***

2. ***Proper notice was given in accordance with local and state requirements.***

3. ***A public hearing was held in accordance with local and state requirements.***

Commissioner Orr seconded the motion. Vote on motion: Allen Orr-Aye, Jesse Allen-Aye, Graig Griffin-Aye, Joseph Demma-Aye, Sue Ryser-Aye, Chris Coutts-Aye, Chair Bevan-Aye. The motion passed unanimously. Alternate Planning Commission Member, Bob Wilde, did not participate in the vote.

4.3 <u>(Project #LOT-17-004) Action on a Request from Benjamin Rivera to Consolidate Lot 1 of the Cottonwood Ridge Subdivision with Three Adjacent Parcels Located at 6810 South Virginia Hills Drive.</u>

(18:47:22) ***Commissioner Demma moved to approve Project #LOT-17-004, an application from Jeff and Pam Thompson for approval of a lot consolidation and subdivision plat amendment of Lot 16 of the Cottonwood Ridge Subdivision affecting property located at 6810 South Virginia Hills Drive subject to the following:***

Conditions:

1. ***The applicant shall work with staff to address all technical corrections on the preliminary plat, in compliance with all applicable City ordinance regulations.***

2. ***The applicant shall obtain all necessary permits prior to constructing any new structure on the proposed lots.***

Findings:

1. ***The proposed subdivision meets the applicable provisions of the Cottonwood Heights subdivision ordinance and the Cottonwood Heights zoning ordinance.***

2. ***Proper notice was given in accordance with local and state requirements.***

3. ***A public hearing was held in accordance with local and state requirements.***

Vote on motion: Allen Orr-Aye, Jesse Allen-Aye, Graig Griffin-Aye, Joseph Demma-Aye, Sue Ryser-Aye, Chris Coutts-Aye, Chair Bevan-Aye. The motion passed unanimously. Alternate Planning Commission Member, Bob Wilde, did not participate in the vote.

4.4 <u>Approval of Minutes for July 5th, 2017 and August 2, 2017.</u>

(20:26:00) ***Commissioner Orr moved to approve the minutes of July 5 and August 2, 2017. Commissioner Demma seconded the motion. The motion passed with the unanimous consent of the Commission.***

4.5 <u>Approval of Minutes for July 19th, 2017.</u>

The above item was postponed.

5.0 ADJOURNMENT

(20:33:20) ***Commissioner Ryser moved to adjourn. Commissioner Demma seconded the motion. The motion passed with the unanimous consent of the Commission.***

The Planning Commission Meeting adjourned at 8:33 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Planning Commission Meeting held Wednesday, September 6, 2017.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: October 4, 2017