

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

Wednesday, June 3, 2015

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Members Present: Chair Paxton Guyman, Vice Chair Jeremy Lapin, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Craig Bevan, Commissioner Allen Orr

Excused: Alternate Joseph Demma

Staff Present: Senior Planner Glen Goins, City Attorney Shane Topham, Planning Intern Zach Smallwood

Others Present: Nancy Hardy, Susan Despain, Eugenie Murdock, Audrea-Mia Lyons, Jeff Lyons, Ken Bell, Jerry Engel, Dillena Eupal, Aaron Hall, Shanna Hall, Koren Kosteler, Gary Turner, Rineta Coleman, Krista El-Bakn, Jere El-Bakn, Jen Ebeling, Bob Tuttle, Debi Tuttle, Kent Rice, Virginia Lambert, Owen Lambert, Steven Fahrenkrog, Robert Hortin, Kim Roberts, Julie Clawson, Cindy Leaming, Mark Leaming, Katie Robbins, Steve Robbins, Scott Nelson, Courtney Nelson, Eric Felt, Cindy Kasteler, Sharla Nieman, Michael Nieman, Jacob Clegg, Joyce Felt, Ronald Coleman, Milton Homer, Bob Meyer, Brian Christensen, Danny Kelly, Randy Miller, Josh Bishort, Julie Negal, Todd Palmer, Marshall Tate

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Guymon called the meeting to order at 6:00 p.m. and welcomed those attending.

2.0 CITIZEN COMMENTS

Nancy Hardy addressed a previous suggestion she made that City-wide surveys be conducted with input from citizens about what future development they want to see in the City. She referenced surveys other cities have completed.

There were no further comments. The citizen comment period was closed

3.0 PUBLIC HEARINGS

3.1 (Project #GPA 15-001) Public Comment on a request from Michael Nieman for a general plan and zone map amendment to the properties located at 7765 and 7749 South Forest Creek Lane

Chair Guymon stated that the proposed request is for a General Plan and Zone Map amendment to

properties located at 7765 and 7749 South Forest Creek Lane. He stated that this is a public comment hearing and the Planning Commission will not be taking any action on the matter at this meeting.

Senior Planner, Glen Goins, presented the staff report and stated that the purpose for the request is to amend the General Plan for a 1.4-acre parcel from rural density residential to medium density residential. This would allow the concurrent application to amend the zoning from RR-1-21 to an R-2-8. In consideration of any type of land use request, staff first considers whether the land use element is functional and looks at surrounding areas. Land use boundaries are also considered. He does not believe access can be granted from Highland Drive. Mr. Goins further explained that staff examines proposals to determine if they will work from a planning perspective. He recognized that their consideration is not as great as a Planning Commission consideration and stated that the City Council is the ultimate deciding factor. If the zoning is approved, it would be up to the applicants to return with lots that meet the minimum width. Staff recommends approval.

The applicants, Sharla Nieman and Michael Nieman, indicated that they are the owners of both parcels. They are seeking a General Plan amendment and zone change. They have resided in their home in Cottonwood Heights for over 22 years and have witnessed many changes throughout the City. They previously attempted to sell their property but found the noise from traffic to be a major deterrent. It is their intent to build twin homes, one of which they will occupy. Mrs. Nieman stated that they have had numerous supporters in favor of the proposed re-zone and development of twin homes. They have even had suggestions to make the homes handicap accessible. She reported that they met with the LDS stake church president in their area and her understanding is that he believes it is an excellent way to have young families buy homes in the neighborhood and that he fully supports the change as a neighbor and as a representative of the LDS church. Mrs. Nieman is of the opinion that rezoning the property to R-2-8 would be a perfect transition to the R-1 Zone. It would provide housing at a significant step above the apartment buildings to the east, but at a much lower cost than buying or renting a high priced home in the adjacent neighborhoods. She believes that landscaping and a wall along the north property line would provide adequate buffering.

Mr. Nieman addressed parking concerns and stated that all of the units will be sold as owner occupied and none will be retained for the purpose of renting. He proposes a sidewalk be constructed along Forest Creek Lane to allow a safer environment for pedestrians. He indicated that the Unified Fire Authority (UFA) was satisfied with the proposed plans and feels that any more than the proposed four lots would not be feasible.

City Attorney, Shane Topham, stated that it is the job of the Planning Commission to review what is possible in the zone.

Commissioner Peters asked the applicants how they plan to address the noise concern.

Mr. Nieman stated that he believes buffering with landscaping and a retaining wall would resolve the issue.

Jacob Clegg from Ensign Engineering detailed the proposed property and stated that it is simply not large enough to provide more than four lots.

Joyce Felt, an Appraiser, stated that when there is a property along a busy arterial and a change in land use, higher density residential is very feasible. Comparable developments in surrounding cities were recognized. Proposed materials are similar to those of the nearby upper end development and the size is comparable, which creates a good mix. She stated that this property has been in transition for a number of years and as the population increases, development goes south. She considers this a great alternative for smaller families.

Ken Bell from Bell Realty, believes that because of the surrounding streets, the proposal would be an acceptable solution and will not devalue the property.

Chair Guymon opened the public hearing.

Ronald Coleman referenced the general plan prepared by staff, specifying that the proposed property is transitional as evidenced by the development pattern in the area and that the property has become less desirable as a single-family residential neighborhood. Mr. Coleman believes that that statement is false and misleading and believes that Highland Drive is not the issue. He considers Forest Bend, Regal Stream, and Forest Creek subdivisions to be the problem. Surrounding residents of the proposed development will be negatively impacted and he is opposed to the idea of taking care of the basic needs and desires of one family.

Jerry El-Bakn identified himself as the property owner referenced in the staff report that would be most affected by the proposed change. Although he will be the most affected, he believes he is not the only one. He expressed concern with traffic noise and asks the Commission to consider all who will be impacted.

Kris El-Bakn reported that she resides with her husband and six children and was previously one of the interested buyers of the proposed property. She feels the owners had the property listed at a value much higher than it's worth and believes that is the reason the property has remained unsold. She is adamantly opposed to the proposed seven-unit project and encourages the Commission to consider the wishes of the residents.

Milton Homer expressed concern with traffic becoming a hazard and opposition to the proposed project.

Bob Meyer stated that he believes what the citizens want and deserve is consistency in government and zoning. Surrounding zones were detailed. Mr. Meyer stated that there are no R-2-8 developments with adjacent zoning greater than R-1-8, nor is there one that enters or exits into a residential development. The request for rezoning is unprecedented. He referenced general plan considerations in city code chapter 2 regarding land use elements and stated that this property is reserved for low density. He wants the same consistency for the Nieman property as the surrounding zones and is of the opinion that the requested zoning does not fit. Access to the proposed project would be on Forest Creek. He reviewed the Highland Drive expansion.

Jennifer Ebeling asked if comments from the present meeting will be passed on to the City Council.

Chair Guymon reiterated that the duty of the Planning Commission is to take input from the public and forward a recommendation to the City Council, who is the ultimate deciding body. All comments are being recorded and transcribed as well as live audio streaming that is broadcast over the internet.

Eric Felt believes the Nieman's should be allowed to maximize their property as they see fit. He considers the proposed development to be an improvement and the City should take them on their word. He is of the opinion that the Nieman's have done their due diligence and is in favor of the project.

Brian Christensen does not feel the proposal would be an upgrade and expressed opposition to the project.

Danny Kelly stated that the financing as discussed sounds disastrous as there is no assurance that what is proposed will be the finished project.

Randy Miller stated that he does not believe noise will be an issue. He sees no reason why the area could not be developed with a wall and landscaping. He recommends that the integrity of the neighborhood be maintained.

Josh Bishop was present representing the Forest Bend Homeowners Association (HOA). He wishes to convey that the vast majority of those involved in the HOA are opposed to the project. Their understanding of the project is different than what was previously presented to them.

Steve Robins expressed concern for the safety of his children. He believes the proposed project would cause an increase in traffic flow and he expressed his opposition.

Robert Hortin is in favor of the Nieman's request. He encourages the Commission to consider the type of zoning allowed on the property and the limitations that may be imposed.

Kim Roberts identified himself as the past president of the Forest Creek HOA. He stated that they have had problems with residents of the apartments across Highland Drive using their private park. He is concerned that those who occupy the proposed units may violate their privacy as well.

Julie Negal a Butler Hills Drive resident, commended the Commission for conducting a public hearing. She expressed her opposition to the project.

Todd Palmer stated that at the end of the lane there are two homes on eight acres. He believes they will eventually come before the Commission to request changes. He raised concern with the precedent this project will set and is opposed to the zone change.

Aaron Hall stated that this has been difficult because of misinformation. He is of the understanding that this property has no access to Highland Drive in addition to being physically separated. He urges the Commission to take a closer look at the property. The two lots being discussed are in a protected area with three very small dead end roads and dead end subdivisions. He is also concerned with a precedent being set and urged the Commission to deny the rezone.

Marshall Tate stated that the staff report is strongly predicated on the notion that Highland Drive is transitional and has become less desirable as a single-family residential neighborhood. He is concerned that such a radical rezoning and precedent would be set if it is rezoned. Once the zoning is approved, anything can be done with the property. He hired HDR Engineering who reported that the Nieman's property can support 11 to 13 units and there is nothing in the law that says these must be twin homes. He believes there is a lot of misinformation being shared and that Cottonwood Heights has a responsibility to maintain the character of the City.

Chair Guymon asked the Commission Members if they would like to close the public hearing or receive further comment. His concern is that a large number of people who originally signed a petition in favor of the proposed development are now backing away.

Commissioner Bolyard believes there has been an appropriate number of comments shared and feels all have been given an opportunity to express themselves. He is prepared to make a decision.

Commissioner Jones asked to see a list of those who originally signed the petition and have since changed their mind.

Chair Guymon suggested that written comments be allowed to be received for the next two weeks.

Mr. Topham confirmed that submissions are usually cut off the Friday before the next Planning Commission Meeting.

Chair Guymon asked that all written submissions be submitted prior to Friday, June 19.

Mr. Tate believes the petition referred to is the one circulated by the Niemans. He asked how those who are now opposed or want their names deleted from that petition accomplish that.

Mr. Goins confirmed that staff is in possession of the petition and suggested that those who would like to have their names removed prepare a memo clarifying their current stance.

Chair Guymon closed the public hearing with the condition that written comments may be received until Friday, June 19.

4.0 **ACTION ITEMS**

4.1 **(Project #ZMA 15-001) Action on a City-initiated zone change on the properties included in the Granite Oaks Annexation**

Chair Guymon stated that the proposed item relates to a City-initiated zone change on the properties included in the Granite Oaks Annexation.

Mr. Goins reported that a public hearing regarding the proposed zone change had concluded and there had been no comments. He stated that the City is enacting the zone change in time to satisfy the legal requirement to have permanent zoning in place.

Motion: Commissioner Peters moved to forward the matter on with a positive recommendation to the City Council, Project #ZMA 15-001, action on the City-initiated zone change on the properties included in the Granite Oaks Annexation. Commissioner Jones seconded the motion. Vote on motion: Commissioner James Jones-Aye, Commissioner Dennis Peters-Aye, Commissioner Perry Bolyard-Aye Commissioner Jeremy Lapin-Aye, Commissioner Craig Bevan-Aye, Commissioner Allen Orr-Aye, Chair Paxton Guyman-Aye. The motion passed unanimously.

4.2 (Project #ZMA 15-002) Action on a city-initiated zone change on the properties included in the Old Coventry Annexation

Chair Guymon stated the proposed item relates to a City-initiated zone change on the properties included in the Old Coventry Annexation.

Motion: Commissioner Jones moved to forward this on with a positive recommendation to the City Council, Project #ZMA 15-002, action on the City-initiated zone change on the properties included in the Old Coventry Annexation. Commissioner Bevan seconded the motion. Vote on motion: Commissioner James Jones-Aye, Commissioner Dennis Peters-Aye, Commissioner Perry Bolyard-Aye Commissioner Jeremy Lapin-Aye, Commissioner Craig Bevan-Aye, Commissioner Allen Orr-Aye, Chair Paxton Guyman-Aye. The motion passed unanimously.

4.3 Approval of May 6, 2015 Minutes

(19:37:20) Commissioner Lapin moved to approve the minutes, as written, of the May 6, 2015 Planning Commission Meeting. Commissioner Bolyard seconded the motion. The motion passed on a voice vote with one abstention. Commissioner Orr abstained as he was not a member of the Planning Commission prior to tonight's meeting.

Chair Guymon recognized Commissioner Bolyard for his service on the Planning Commission and stated that this would be his last meeting.

Commissioner Jones thanked Commissioner Bolyard for his guidance and friendship.

Commissioner Bolyard stated he has served as a Planning Commission Member for seven years and appreciates those he has had the opportunity of working with.

Chair Guymon extended a welcome to the newest Planning Commission member, Allen Orr.

5.0 ADJOURNMENT

Motion: Commissioner Peters moved to adjourn. Commission Jones seconded the motion. The motion passed unanimously on a voice vote. The planning commission meeting adjourned at 7:40 p.m.

Minutes approved: 07/01/2015