

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



November 1, 2023

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, November 1, 2023** at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

1. Work Session – **5:00 p.m.** – City Council Work Room
2. Business Session – **6:00 p.m.** – City Council Chambers

Both sessions will also be broadcast electronically on Zoom. **For those who wish to attend virtually, please register in advance** for these meetings by visiting: www.ch.utah.gov/planningcommission, and clicking on “**Planning Commission Zoom Links.**” Alternatively, the public can also hear audio of the open portions of the meeting by connecting to the live broadcast at <https://www.youtube.com/@CottonwoodHeights/streams> or <http://mixlr.com/chmeetings>.

5:00 p.m. Work Session

1.0 Form Based Code Discussion (45 Minutes)

As part of its General Plan update process, the city is working on a form-based code district and ordinance. Commissioners will share their feedback on the latest draft, in anticipation of scheduling the project for public hearing at an upcoming meeting.

2.0 Review Business Session Agenda (15 Minutes)

The Commission will review and discuss agenda items.

3.0 Adjourn

6:00 p.m. Business Session

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 General Public Comment

This is an opportunity for individuals to make general public comments that do not relate to any projects scheduled for public hearing under the “Business Session” section of this agenda. Please see the Public Comment Policy on the reverse side of this agenda for more information.

3.0 Consent Agenda

- 3.1 Approval of Planning Commission Minutes from July 19, 2023
- 3.2 Approval of Planning Commission Minutes from August 2, 2023
- 3.3 Approval of Planning Commission Minutes from September 6, 2023
- 3.4 Approval of Planning Commission Minutes from October 4, 2023

4.0 Adjourn

Next Planning Commission Meeting: December 6, 2023

Public Comment Policy

Verbal public comments are accepted during the “General Public Comment” component of the 6:00 p.m. Business Session (but not during the 5:00 p.m. Work Session). Please note that public comment periods are an opportunity for individuals to share public comments as they see fit but are not an opportunity for “question and answer” dialogue. Questions should be directed to city staff at planning@ch.utah.gov.

Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, written comments submitted to staff via email at planning@ch.utah.gov. For written comments to be entered into the record and distributed to the Planning Commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, October 31, 2023, the day prior to the meeting. Comments received after this deadline will be distributed to the Planning Commission after the meeting.

Meeting Procedures

Items will generally be heard in the following order:

1. Commission Chair Introduces Item
2. Staff Presentation
3. Applicant Presentation (If applicable)
4. Commission Chair Opens Public Hearing (If item has been noticed for public hearing)
5. Commission Chair Closes Public Hearing
6. Planning Commission Deliberates
7. Planning Commission Motions and Votes on Item

Planning Commission applications may be tabled if: 1. Additional information is needed in order to act on the item; or 2. The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. No agenda item will begin after 9:00 pm without a unanimous vote of the Commission. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Friday, October 27, 2023, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City’s website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 27TH DAY OF OCTOBER, 2023

Attest: Paula Melgar, City Recorder

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

3
4 **Wednesday, July 19, 2023**
5 **5:00 p.m.**
6 **2277 East Bengal Boulevard**
7 **City Council Work Room**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Dan Mills, Commissioner Jessica Chappell, Commissioner Jonathan
12 Ebbeler (via Zoom), Commissioner Mike Shelton, Commissioner Mike
13 Smith, Commissioner Sean Steinman
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson, Staff
16 Engineer Adam Ginsberg, Senior Planner Samantha DeSeelhorst, Deputy
17 City Recorder Maria Devereux, System Administrator Alex Earl
18

19 **Excused:** Commissioner Lucy Anderson
20

21 **Others:** Cris Cowley, Annjanine Etzel, Tom Etzel, Doug Shelby, Roger Bland,
22 Shawna Bland, Brandon Preece, Kim Fisher, Ed Primosic
23

24 **WORK SESSION**

25
26 Chair Dan Mills called the Work Meeting to order at 5:01 p.m.
27

28 **1.0 Form-Based Code Discussion.**
29

30 City Consultant, Mark Morris from VODA Landscape + Planning, updated the Commission on
31 the work performed as well as the purpose and scope. He explained that Form-Based Code is a
32 lengthy document and the existing Code can sometimes be difficult to interpret. The intent is to
33 ensure that the Form-Based Code has clarity and will accomplish what is envisioned. The Form-
34 Based Code Update was funded as part of the City's General Plan Update. It allows them to target
35 redevelopment areas in the City, primarily along Fort Union Boulevard. Currently, there is a
36 mixed-use zoning designation but the same Code applies to property regardless of size. The Form-
37 Based Code provides more control and context sensitivity to establish the vision for the look and
38 feel of buildings based on the area of the City and the surrounding development. It focuses more
39 on the look, feel, design, and aesthetics than strict regulation on uses and setbacks. The goal is to
40 tailor redevelopment in a way that makes sense in any area of the City.
41

42 Currently, the Code focuses more on the purposes and what people do inside a property and not
43 necessarily how it looks. The Form-Based Code will flip that and focus on what it looks like and
44 less on what is being done in the building. It was noted that Form-Based Codes are used across
45 the nation as well as across the Wasatch Front. They are very context-sensitive and must go
46 through a calibration process.

1
2 Mr. Morris reported that the structure of Form-Based Code contains different sections that address
3 the various requirements. There are already Code requirements and the Form-Based Code focuses
4 on where a building is located on a site, how it contributes to the public realm, and certain design
5 elements that are more difficult to change. Staff spent time going through the draft General Plan
6 to establish goals and priorities. The intent is to look at the priorities and vision to determine how
7 to update the Code to reflect that. The development is a reflection of the Code that requires it. If
8 the development is not accomplishing what they want it to, it is merely a sign that the Code is not
9 requiring what the City desires. Mr. Morris explained that the context is what drives the
10 conversation. The establishment of a discernible Cottonwood Heights Downtown City Center
11 involves the development of key nodes along Fort Union Boulevard in particular. All of the areas
12 under consideration for the Form-Based Code are on Fort Union Boulevard and it looks at specific
13 nodes. If in the future the City wants to apply the Form-Based Code to other areas of the City, it
14 is easy to expand.

15
16 A question was raised as to whether there is coordination with other cities. Mr. Morris stated that
17 with Sandy City, for example, it would be beneficial in nodes that are on the City boundaries.
18 Senior City Planner, Samantha DeSeelhorst commented that some of the Form-Based Code
19 boundary is near the border with Midvale which has similar goals for its downtown for commercial
20 redevelopment. It was believed that the proposed direction is compatible with what it abuts in
21 Midvale. Mr. Morris reported that he helped Midvale City a few years ago with the Form-Based
22 Code around their Main Street area. He expected that eventually, they will expand to other areas.

23
24 Mr. Morris explained that other goals include economic development and housing, which will be
25 addressed in the Form-Based Code. They are looking at three nodes in the City where
26 redevelopment is highly likely including non-commercial areas. The priority is to look at the
27 primary commercial route through the City where there are nodes of opportunity consisting of the
28 Town Center and Union Park and make sure that the Code keeps up with the goals of the City.
29 They organized the considerations and Form-Based Code into tiers for form districts, building
30 type, and street type. Use is also part of the equation and is a much broader category. This
31 approach allows for different options in terms of use with more of the focus being on site design
32 and how the building will contribute to the community. Parking is focused on location on the
33 property. Tertiary considerations include landscaping, open space, and signage which are
34 important to implementation but they do not usually drive significant development decisions.

35
36 Mr. Morris addressed form districts and stated that they are the closest corollary to a zone. He
37 stressed the importance of understanding how a form district drives decisions by focusing on the
38 context of a particular location. When an applicant comes in, the first determination is the form
39 district, which will determine the maximum building height and setback requirements. Four form
40 districts have been established. If the Code expands, new form districts will be established.

41
42 In response to a question raised, Mr. Morris explained that most codes focus primarily on
43 commercial areas. They looked at the Fort Union corridor and identified the existing primary
44 commercial nodes. They also established areas that were already zoned mixed-use. In the long
45 term, they can get larger but Form-Based Code does little in terms of single-family neighborhoods,
46 which will not change significantly and are more flexible in terms of use and context. Areas of

1 the City where the Planned Development District (“PDD”) can be applied as well since there are
2 similarities.

3
4 It was reported that the Master Plan Steering Committee discussed community nodes and for Fort
5 Union specifically, there is very little redevelopment opportunity. There was some question as to
6 why they focused on a large area rather than community nodes that were addressed by the Steering
7 Committee. The comment was made that the PDD sits between Form-Based Code and
8 conventional zoning. The result typically works but the process is fairly cumbersome, time-
9 consuming, and frustrating for all parties involved. What is proposed is an effort to move forward.

10
11 Mr. Morris reported on the establishment of form districts and stated the Union Park Center has
12 been developed with ample surface parking and a wide mix of uses. It is seen as one particular
13 form district type. The Town Center is unique and as it develops, the Form-Based Code will ensure
14 that any development is supported by what the Code will require. The General District includes
15 properties that front Fort Union Boulevard. The third is the Edge District, which is a residential
16 transition zone. For areas that abut single-family neighborhoods, the Code will provide a transition
17 between higher intensity nodes and residential areas.

18
19 Mr. Morris explained that the City owns the Town Center area and expands beyond that. It will
20 have control over what the Hillside Plaza looks like but not necessarily the surrounding area. It is
21 important to still have the Town Center designation to ensure that the vision reflects across the
22 entire intersection area. They will need to finalize the details as they get closer to adoption. The
23 intent, however, is to communicate with property owners to see if they would like the City to
24 initiate that for them. The City can educate them on what opportunities it provides. If they choose,
25 they can keep their current zoning designation and have Form-Based Code applied to those
26 properties. With many Form-Based Codes, once adopted, there is typically a grace period where a
27 property owner can choose the category. Sometimes a city will offer an incentive but allow
28 applicants the opportunity to decide what they are comfortable with.

29
30 The comment was made that much of the discussion hinges on a geographic area being influenced
31 positively and making it advantageous for property owners to be part of. Mr. Morris mentioned
32 the expansion of use where someone can choose the use and give property owners more leeway.
33 In the Union Park area, a certain type of development exists. Redevelopment or an addition to that
34 would take a certain form. They could potentially look at how to make it more of a mixed-use
35 area. The Town Center scale is much lower in height and focused on things that will attract
36 residents of Cottonwood Heights as opposed to the Union Park Center, which is a regional
37 employment destination. The scale of the audience for that space is a consideration. Fort Union
38 Boulevard is a busy corridor through the City that is very economically valuable. Development
39 should contribute to walkability in certain nodes as the Boulevard changes. That will differ from
40 the Town Center and Union Park. The Residential Transition District will include things that are
41 far more residentially focused such as row houses and townhomes that act as a transition from
42 commercial to residential.

43
44 Use tables show up in the Form-Based Code and are organized by Form District. The key driver
45 is guiding use choice for property owners for development. For example, residential may not be

1 desired on the ground floor. The preference may be restaurants and other uses that are public-
2 facing.

3
4 Mr. Morris discussed the process and stated that the first step would be a Pre-Submission Meeting
5 with staff where a property owner will review the requirements before making a formal application
6 with the City. If the project meets certain criteria and the requirements of the Form-Based Code,
7 administrative approval will be granted. Developments on less than one acre, structures smaller
8 than 20,000 square feet, and developments in all Residential Transition Zones could qualify for an
9 administrative process that provides a simplified way for staff to approve developments that meet
10 the vision for each node. As part of that process, there will likely be the need for a design
11 exception. The Architectural Review Committee (“ARC”) will conduct a review and come up
12 with a design solution for that exception. The ARC can then take an issue they do not support to
13 the Planning Commission.

14
15 Ms. DeSeelhorst reiterated that not only will the design exceptions have to go through the public
16 meeting process but if a property is greater than one acre, if the structure size is larger than the
17 20,000 square foot threshold, or if it is in the Residential Transition Zone the public process will
18 be more involved.

19
20 A Commissioner commented that the first two criteria will be significant because they will
21 determine how often a project is in the public eye. He recommended that they use caution in terms
22 of where they involve the public. Ms. DeSeelhorst confirmed that it will be important to fine-tune
23 the process. As part of the process, staff has spoken to other cities to better understand their
24 triggers. In Clearfield, for example, it is five acres. Concern was expressed with the current
25 threshold.

26
27 Community and Economic Development Director, Michael Johnson, explained that the Mixed-
28 Use Code includes areas that are permitted and conditional. A retail use is a permitted use until
29 the space the retail use occupies is greater than 25,000 square feet at which time it becomes
30 conditional. The 20,000-square-foot threshold is loosely modeled on that concept.

31
32 Commissioner Chappell sought to confirm the 25,000-square-foot threshold and asked if the
33 footprint is intended to be occupiable floors. Mr. Morris explained that the balance will provide
34 safety from a staff standpoint. It was clarified that there are numerous tools built into the Code
35 and a line will need to be drawn between administrative and issues requiring Planning Commission
36 review.

37
38 Commissioner Ebbeler had a similar concern to Commissioner Chappell and commented that
39 20,000 square feet seems odd. He questioned whether a mechanism could be included that is
40 triggered based on topography. Residents could potentially have the right to petition for it to go
41 through the same process as a residential transition zone. He recognized that they have to provide
42 balance in terms of the rights to developers and residents but was concerned that because of the
43 topography of Cottonwood Heights, there could be certain buildings that satisfy the process but
44 will infringe on existing residents. Mr. Johnson commented that a map analysis could be done to
45 show where the public process would apply and where it would not be based on parcel size and
46 see if there are any sensitive parcels outside of the Residential Transition Zone. Staff offered to

1 continue to revise the requirements to address the concerns expressed. The importance of
2 involving the community in the process was stressed.

3
4 **2.0 Review Business Session Agenda.**

5
6 The Business Meeting agenda was reviewed and discussed.

7
8 There was one potential action item involving Land Use and Zoning Map Amendments for
9 property located at 6851 Big Cottonwood Canyon Road. The full parcel is shown as a nearly 16-
10 acre parcel. The applicants are not proposing to rezone the entire parcel. The subject of the request
11 is for a three-acre portion of the larger 15-acre parcel. A cul-de-sac was constructed in the 1990s
12 as part of Phase 1 of the Canyon Creek Subdivision, which was never completed. Just over three
13 acres will be impacted by the proposed rezone. A lot line adjustment was proposed concurrently
14 by the applicant but is not required to go through any sort of public process.

15
16 The applicants are requesting an amendment to the General Plan Land Use Designation, which is
17 the policy recommendation from the General Plan that staff and the City use as a future planning
18 tool. A change was also requested to the zoning designation that corresponds to the use restrictions
19 and the regulations as they apply to the property currently. When considering a zone change that
20 is not compatible with the existing General Plan Land Use Designation, applicants are required to
21 amend both. The zoning designation involves the laws as they apply to the property. The
22 applicants are proposing to amend the Land Use Designation for the 15-acre mixed-use parcel.
23 They are requesting that the three-acre portion be amended from Mixed-Use to Residential Low-
24 Density.

25
26 Concurrently, they are requesting that the zoning be amended from Foothill Residential (“F-121”)
27 to Residential Single-Family (“R1-8”). The property owner was identified as Walker
28 Development Partnership, LLC and the applicant is Gilson Engineering who is representing the
29 property owner. The cul-de-sac is Big Cottonwood Creek, which serves as a natural boundary
30 between the area requested for rezone and the rest of the 15-acre parcel. The surrounding
31 properties are zoned mixed-use and Residential Low-Density. The current zoning requires a
32 minimum lot size of one-half acre and meets the foothill-oriented landscape preservation
33 requirements and standards that make more sense in the foothills above Wasatch Boulevard. The
34 applicants are proposing the property be rezoned to R1-8. If a new lot is proposed, it must be at
35 least 8,000 square feet in size. The lots in Phase 1 of the Canyon Creek Estates Subdivision have
36 already been developed and are all slightly larger than 8,000 square feet with the same R1-8
37 designation. A Lot Line Adjustment Record of Survey was submitted to adjust the boundary lines.
38 The applicant has indicated that they intend to continue to build out Phase 2 of the single-family
39 subdivision by platting out lots around the cul-de-sac.

40
41 The Old Canyon Creek Estates Subdivision Plat was recorded in 1993 and the subject property
42 was shown as future Phase 2. The intention had always been that it would be Phase 2 of the
43 residential single-family subdivision. Mr. Johnson explained that this is a legislative land use
44 application as it involves changing policy as it applies to the property. As a result, the final
45 decision will be made by the City Council. The Commission should conduct a public hearing and
46 forward a recommendation to the City Council. Staff recommended approval subject to

1 completion of the proposed lot line adjustment and the findings and conditions set forth in the Staff
2 Report. Access issues and locations were discussed.

3
4 Big Cottonwood Creek provides a natural buffer and transition to future adjacent development
5 areas. Staff recommended that two separate motions be made with one for the land use and another
6 for the zoning. Notice was sent to property owners within 1,000 feet and a sign was posted. Staff
7 received a few questions but no formal public comments were submitted.

8
9 A question was raised as to why the parcel will help as mixed-use areas are developed in terms of
10 flow and circulation. Mr. Johnson had heard that it was always planned to be residential and the
11 applicants wanted to wait while heavy equipment operation was taking place in the area. Possible
12 access options were discussed including constructing a bridge over the creek. The applicants must
13 meet all Salt Lake County Flood Control regulations. It was noted that the County standard and
14 the proposed Sensitive Lands and Evaluation Development Standards (“SLEDS”) for riparian
15 setback is the same for single-family residential zoning designations.

16
17 **3.0 Additional Discussion Items.**

18
19 **4.0 Adjournment.**

20
21 *Commissioner Chappell moved to ADJOURN. Commissioner Smith seconded the motion. The*
22 *motion passed with the unanimous consent of the Commission.*

23
24 The Work Meeting adjourned at 5:59 p.m.

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

3
4 **Wednesday, July 19, 2023**
5 **6:00 p.m.**
6 **2277 East Bengal Boulevard**
7 **City Council Chambers**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Dan Mills, Commissioner Jessica Chappell, Commissioner Jonathan
12 Ebbeler (via Zoom), Commissioner Mike Shelton, Commissioner Mike
13 Smith, Commissioner Sean Steinman
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson, Staff
16 Engineer Adam Ginsberg, Senior Planner Samantha DeSeelhorst, Deputy
17 City Recorder Maria Devereux, System Administrator Alex Earl
18

19 **Excused:** Commissioner Lucy Anderson
20

21 **Others:** Anthony Evans, Bob Evans, Brandon Preece, Roger Bland, Shawna Bland,
22 Kim Fisher, Annejanine Etzel, Tom Etzel, Jackie Hibbard, Rick Stevenson,
23 Ed Primosic
24

25 **BUSINESS SESSION**

26
27 **1.0 Welcome and Acknowledgments.**
28

29 Chair Dan Mills called the Business Meeting to order at 6:05 p.m.
30

31 **1.1 ExParte Communications or Conflicts of Interest to Disclose.**
32

33 There were no disclosures.
34

35 **2.0 General Public Comment.**
36

37 Chair Mills opened the public comment period.
38

39 *Ed Primosic*, a Canyon Creek Circle resident, thanked the City for its efforts this spring to prevent
40 flooding. He was very appreciative of their efforts. He commented on Big Cottonwood Canyon
41 Road and felt strongly that converting it to a historic roadway will benefit everyone. He asked that
42 it remain in its current condition and not widened.
43

44 *Jackie Hibbard* was present representing the Old Mill Estates Homeowners Association (“HOA”)
45 and felt the same about Big Cottonwood Canyon Road being designated as a historic because it
46 will tie in well with the trail system.

1
2 There were no further public comments. The public comment period was closed.

3
4 **3.0 Business Meeting Items**

5
6 **3.1 Project ZMA-23-001 A Public Hearing and Possible Recommendation on a**
7 **General Plan Amendment and Zoning Map Amendment to Modify the Land**
8 **Use Designation of 6851 South Big Cottonwood Canyon Road from Mixed-Use**
9 **to Low-Density Residential, and the Zoning Designation from Foothill**
10 **Residential (F-1-21) to Residential Single-Family.**

11
12 Community and Economic Development Director, Michael Johnson, presented the Staff Report
13 and stated that the request is for both land use and zoning map amendments at 6851 Big
14 Cottonwood Canyon Road. The address corresponds with a parcel that is nearly 16 acres in size.
15 The actual request, however, is being run concurrently with a boundary line adjustment. As a
16 result, the rezone request only applies to approximately three acres of the 16-acre parcel. The three
17 acres surround the constructed cul-de-sac with access through the Canyon Creek Estates
18 Subdivision. The boundary of the three-acre parcel is approximately the alignment of Big
19 Cottonwood Creek. The first request is for a Land Use Map Amendment, which is a policy
20 recommendation out of the City’s General Plan that helps guide the City when making future land
21 use decisions. Every parcel in the City is given a land use designation, which specifies what is
22 desired there in the future. The zoning of a property includes the laws, restrictions, and use
23 requirements as they apply today.

24
25 When considering changes, the intent was to ensure that a new zone corresponds with the General
26 Plan and the two should be as compatible as possible. When a zoning request comes in to change
27 the zoning of a parcel, staff first looks at the General Plan. If the General Plan matches the
28 requested zoning, oftentimes the City will support the zoning change. There are circumstances
29 such as this one, however, where it does not make sense to preserve the land use designation. The
30 current future land use designation is mixed-use, which allows for a wide range of residential and
31 commercial development. The current zoning is Foothill Residential, which is a single-family
32 zone typically reserved for foothill areas. The applicant would like to change the zoning from
33 Foothill Residential to Residential Single-Family (“R1-8”). Uses allowed in the R1-8 zone are
34 predominantly residential single-family detached homes on lots that are a minimum of 8,000
35 square feet in size. For the future land use map to be compatible with the zoning requested, the
36 applicant has also requested a change to the land use designation from mixed-use to residential
37 low-density.

38
39 The property owner is Walker Development Partnership, LLC and the applicant that applied on
40 the owner’s behalf is Gilson Engineering. Concurrent with the rezone request and the land use map
41 amendment request, is a lot line adjustment. The proposed three-acre parcel does not currently
42 exist. One of Staff’s recommendations was if approved, that the lot line adjustment be completed,
43 finalized, and recorded prior to applying that zone change as the intent is not to rezone the entire
44 parcel. The original Canyon Creek Estates Subdivision Plat was recorded and approved in 1993.
45 The subject parcel is listed as future Phase 2. This shows that it was always the intention to develop
46 the property as a two-phase subdivision.

1
2 The Planning Commission's role in this legislative land use application is to hear public comment,
3 discuss the merits and impacts of the proposal, and make a recommendation to the City Council.
4 As it involves a zone change, modifying the use requirements and laws on the property is
5 considered a legislative matter with the City Council being the final authority.
6

7 Staff recommended approval subject to completion of the proposed lot line adjustment prior to the
8 new zoning and land use taking effect. The key findings were listed in the Staff Report. Big
9 Cottonwood Creek provides a natural buffer to future adjacent development areas.
10 Geographically, the three-acre portion is separated from the 16-acre parcel. As a result, any future
11 land use or development plans that could be considered will not be dramatically impacted by
12 approval of the proposed change.
13

14 Access issues were discussed. Mr. Johnson explained that what is proposed is not the only
15 alternative and that the cul-de-sac can be removed, however, a turnaround would still need to be
16 constructed as it is a public road.
17

18 Brandon Preece from Gilson Engineering echoed the staff recommendation and explained that the
19 second phase of the plat was always intended to be the second phase. In 1993, when the plat was
20 recorded, it was labeled as such. When this part of the County was annexed into Cottonwood
21 Heights, it was never developed. All of the utilities, sidewalks, curb and gutter, and water are in.
22 There are power challenges that will have to be addressed, which was one of the reasons the
23 property was never developed. In 1993, the applicant was working with Rocky Mountain Power
24 which required substantial improvement costs to do more than just the subdivision. Costs are
25 much lower today and Rocky Mountain Power will comply with whatever they choose to do.
26 Future plans will be submitted as part of the subdivision portion. The request tonight was approval
27 of the proposed General Plan and zone changes.
28

29 Commissioner Ebbeler was generally not supportive of downzoning but for this specific parcel
30 and its proximity to the established single-family community and the natural buffer, he recognized
31 the merits of the proposal.
32

33 The property owner, Doug Shelby, identified himself as a member of Walker Development
34 Partnership, LLC. He explained that they put in all the improvements as well as an additional
35 \$45,000 into a transformer. Rocky Mountain Power then wanted them to rebuild their entire line
36 system which made it uneconomical to develop at that time. They now have agreed to pay a
37 reasonable amount to move the overhead lines that service the eastern portion. They will be
38 replaced as they are an eyesore and a fire hazard. Commissioner Ebbeler asked if the developer
39 and property owner be amenable to a condition regarding burying the power lines as part of the
40 downzoning. Mr. Shelby explained that it was already buried to the bridge. They will then run it
41 on the northeast side of the river. He commented that at some point it will all be buried.
42

43 Chair Mills opened the public hearing.
44

45 *Jackie Hibbard* commented that they have been waiting for a long time to see this property
46 developed, which will improve the entire community.

1
2 *Anthony Evans* expressed his support. He has lived in the area since 1995 and commented that it
3 would be nice to finish the development and make it a part of the community.

4
5 *Annjanine Etzel* reported that she lives in the Old Mill Subdivision. She stated that she and her
6 neighbors have been waiting for this development to take place since 1993. It is desirable since
7 the cul-de-sac is already in and there has been an empty field and a mess there. She commented
8 that the development will improve the aesthetics of the area.

9
10 *Ed Primosic* was grateful that the developer is moving forward and stated that Mr. Shelby has been
11 a very good neighbor. He was confident that they will develop a quality project. He asked if the
12 riparian setback will affect the setbacks from the stream. Mr. Johnson stated that the matter can
13 be dealt with as part of the Commission deliberations.

14
15 *Rick Stevenson* reported that he lives in the same neighborhood as the subject property. When he
16 purchased the property, they were told that 10 lots would be developed. They proceeded with the
17 purchase based on that assumption. He was in favor of lower density for the ingress and egress.

18
19 There were no further public comments. The public hearing was closed.

20
21 Commissioner Ebbeler asked for clarification on the setback provisions that will apply to this
22 property. Chair Mills indicated that the City has a Sensitive Lands Ordinance, however, it is under
23 review by the City Council. He asked what the standard would be today compared to after the
24 Sensitive Lands Evaluation Development Standards (“SLEDS”) ordinance is passed. Mr. Johnson
25 explained that any sensitive elements of the site will be screened through whatever ordinance is in
26 place at the time the subdivision application is submitted. In 1993, the Old Canyon Creek Estates
27 Plat showed a creek buffer. Salt Lake County Flood Control will have reviewing authority over
28 the final subdivision plat. They typically have a Creek setback standard that they will impose and
29 that will be reflected on the plat. Typically, it is 20 feet. What is proposed in the amended SLEDS
30 ordinance for single-family residential will also be a 20-foot no-build area from the top of the bank,
31 which is consistent with what they expect Salt Lake County Flood Control to impose.

32
33 Ms. DeSeelhorst reported that the proposed riparian standards in the current draft work off a certain
34 distance from the top bank of the Creek. Incidentally, the limit of disturbance for this parcel is the
35 creek. If lots were placed there, there would be a rear setback from the rear lot line. Even if the
36 SLEDS ordinance was not updated and the riparian standards were not adopted prior to application
37 submittal, there is still a rear setback due to where the property line hits the Creek. She noted that
38 there are alternative measures in place that achieve a buffer regardless of whether the update to the
39 SLEDS ordinance is codified.

40
41 Mr. Johnson stated that in response to a question raised by Commissioner Ebbeler regarding
42 burying utilities, the Subdivision Code includes a requirement to bury utilities as feasible. The
43 benefit of having a setback was recognized after this most recent flood season.

44
45 ***Commissioner Steinman moved to recommend APPROVAL to the City Council of the General***
46 ***Plan Land Use Map Amendment portion of Project ZMA-23-001 based on the findings and***

1 *recommendations listed in the staff report dated July 19, 2023. Commissioner Smith seconded*
2 *the motion. Vote on motion: Commissioner Chappell-Aye, Commissioner Steinman-Aye,*
3 *Commissioner Smith-Aye, Commissioner Shelton-Aye, Commissioner Ebbeler-Aye, Chair*
4 *Mills-Aye. The motion passed unanimously.*

5
6 *Commissioner Shelton moved to recommend APPROVAL to the City Council of the Zoning*
7 *Map Amendment portion of Project ZMA-23-001 based on the findings and recommendations*
8 *listed in the staff report dated July 19, 2023. Commissioner Smith seconded the motion. Vote*
9 *on motion: Commissioner Chappell-Aye, Commissioner Steinman-Aye, Commissioner Smith-*
10 *Aye, Commissioner Shelton-Aye, Commissioner Ebbeler-Aye, Chair Mills-Aye. The motion*
11 *passed unanimously.*

12
13 Chair Mills informed Mr. Shelby that historically the Walker Family were the caretakers of nearly
14 the entire mouth of Big Cottonwood Canyon. He appreciated the legacy the family has provided
15 to the community and the City. He recognized this project as another major contribution.

16 17 **4.0 Consent Agenda**

18 19 **4.1 Approval of Planning Commission Meeting Minutes from June 7, 2023.**

20
21 *Commissioner Ebbeler moved to APPROVE the Planning Commission Meeting Minutes from*
22 *June 7, 2023. Commissioner Chappel seconded the motion. The motion passed with the*
23 *unanimous consent of the Commission.*

24 25 **5.0 Adjourn**

26
27 *Commissioner Ebbeler moved to ADJOURN. Commissioner Shelton seconded the motion. The*
28 *motion passed with the unanimous consent of the Commission.*

29
30 The Planning Commission Meeting adjourned at 6:38 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, July 19, 2023.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

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

Wednesday, August 2, 2023

5:00 p.m.

**2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Jessica Chappell (via Zoom), Commissioner Jonathan Ebbeler (via Zoom), Commissioner Mike Shelton, Commissioner Mike Smith

Staff Present: Community and Economic Development Director Michael Johnson, Associate Planner Ian Harris, Staff Engineer Adam Ginsberg, Senior Planner Samantha DeSeelhorst, Deputy City Recorder Maria Devereux, Systems Administrator Alex Earl.

Excused: Commissioner Sean Steinman

Others: Mike Spainhower, Anne Ziegler, Wendy Ziegler

WORK SESSION

Chair Dan Mills called the Work Meeting to order at 5:01 p.m.

1.0 Transportation Master Plan Discussion.

Staff Engineer, Adam Ginsberg, presented the Transportation Master Plan discussion and stated that it is a unifying document that consolidates previous transportation plans. It will be the first plan encompassing the entire City of Cottonwood Heights since its incorporation. A Transportation Capital Facilities Plan was completed in 2019 and included several Active Transportation Plans, all of which were incorporated into a single document. Community and Economic Development Director, Michael Johnson reported the tentative approach would be to schedule this item for public comment at the next Planning Commission Meeting at which time a recommendation will be made to be forwarded to the City Council.

Mr. Ginsberg reviewed the population data based on the 2050 Census, which includes major roads in the City plus the Gravel Pit Development. It also contained socioeconomic data. The existing roadwork covered the classifications of Urban Core Arterial, Urban Arterial, Urban Collector, and Residential. The Plan includes cross-section updates to residential as well as three-, five-, and seven-lane Urban Arterials. Level of service issues were discussed.

Chair Mills asked if levels of service are considered when certain thresholds are reached and asked if there is a need to expand the road. With the convenience of Google and Apple Maps, he

wondered if they continue creating space if they would also continue to backfill. Mr. Ginsberg reported that there are many ideas when addressing congestion and is up to the Planning Commission and City Council to determine where those lines are met. The existing levels of service on Fort Union Boulevard show 23,900 cars per day, which is an acceptable level. The area between Highland Drive and 2300 East shows 28,000 cars per day, which is nearing an unacceptable level. He noted there are methods a city could use to understand if traffic is passing through or visiting local businesses.

Commissioner Shelton recommended using caution to mitigate making roads larger. He believed the effort was not to accommodate growth but to change behavior. He asked which of the two was being proposed. Mr. Ginsberg explained that the recommended improvement is not to add more lanes. The area from 1300 East to 3000 East is considered an Operational Project and will improve pedestrian safety, walkability, and traffic flow without the additions of lane capacity.

Chair Mills questioned the use of Form-Based Codes having permeated through the Transportation Master Plan. Staff reported that the Form-Based Code does not address roads, specifically, however, where it does address frontage and road improvements they would synchronize with the Plan. Mr. Johnson stated that where the Plan describes the Fort Union Boulevard specific cross sections, the more they are formally adopted to allow the City to have a greater ability to require dedications. Intersections identified in the Plan were reviewed.

Commissioner Steinman believed that as they are shaping the City's transportation, habits will change. He asked if any grants or seasonal Bus Rapid Transit ("BRT") plans are being explored for Fort Union Boulevard specifically. Mr. Ginsberg reported that the Wasatch Front Regional Council ("WFRC") has a long-range plan that includes transit, pedestrian, and road widths. The larger Federal Government Improvement Grants mimic the long-range plan. He noted that the Fort Union Boulevard Project has been identified as a BRT and not a Phase I project, which will take place within the next 10 years. The long-range plan Regional Transportation Plan for transit and the corridor has been identified as a Phase II project.

Mr. Johnson reported that the Utah Transit Authority ("UTA") looks heavily at the demand for transit, which is a function of density in the transit service area. Land Use discussions come when looking at the types of centers being planned as well as the density the City would like to see. The City will generate demand for ridership as well as consideration for the unique aspect of seasonal traffic and resorts with a Record of Decision from the Utah Department of Transportation ("UDOT") reflecting a mobility hub in the gravel pit and eventually a gondola station. Transit grants were discussed.

Commissioner Smith recommended the Commission remain thoughtful when considering what will be built and who they are inviting to come into the area. He recognized the need to be ready to accommodate the influx. A question was raised as to whether the population in the City has increased over the last 10 years. Staff confirmed that according to the last census, the population decreased slightly.

Commissioner Chappell stated that there has been discussion with respect to trolleys and other forms of transportation and understood that all are dependent on UTA. She believed that as a City,

there may be grant programs where Cottonwood Heights could run its own City bus up and down Fort Union Boulevard. She referenced the Bengal Boulevard and 3500 East roundabout and felt it would be a disservice if that were changed. She asked if a pedestrian refuge at the intersection of 3500 East and Creek Road was being considered. She believed there was a safety issue with the school bus stop and a pedestrian hazard with speeding vehicles. Mr. Ginsberg explained that the roundabout on Bengal Boulevard will include pedestrian improvements. He acknowledged the concerns regarding the 3500 East and Creek Road intersection and stated that the concerns would be noted. Staff felt that City-funded transit was possible and was being looked at by UDOT as part of its Environmental Impact Statement (“EIS”). He recommended establishing a vision or priority at the General Plan level to review the feasibility.

Chair Mills appreciated the input received and believed there was an abundance of experience among those present.

2.0 Review Business Session Agenda.

Senior City Planner, Samantha DeSeelhorst reviewed the Business Session Agenda. The first item was Project SUB-23-003, a request for a Subdivision Amendment to combine the two adjacent parcels at 6796 South Manor Circle into a single lot. One of the properties is Lot 11 in the Cottonwood Manor Subdivision. The other property is not part of a subdivision. Because combining the properties alters the outer boundary of an existing subdivision, it is necessary to go through the subdivision amendment process. A property rendering was displayed. One of the properties includes an undeveloped hillside and adjoins Millhollow Park. Combining the two properties does not preclude future construction or complying with the standards for development near a slope. Chair Mills reported that Sunrock was the original gravel company that dug into the hillside creating the U-shape of the subdivision. The slope is steep and was previously vegetated to decrease slides. Ms. DeSeelhorst commented that they believe the property is loose and steep and saw no reason to keep it as a separate lot. Staff conducted a preliminary review of the project and did not find that combining the two parcels would violate City Code. The combination exceeds the minimum lot size, decreases the existing structural lot coverage, and does not impact lot widths or frontage. Staff recommended the following based on their preliminary review:

1. The applicant shall provide consent from affected utility companies for the vacation of the existing public utility easement along the west property line of Lot 11.
2. The applicant shall identify the 30% slope on the plat and add a note that states no development shall occur on the 30% slope.
3. The applicant shall add a note to the final plat that specifies the property is within the Sensitive Lands Overlay Zone.

Ms. DeSeelhorst stated that if the subdivision amendment is approved by the Planning Commission, the project will go through a full technical review. Mr. Johnson reported that the Sensitive Lands Evaluation Development Standards (“SLEDS”) have a lot of requirements for recording and disclosing hazards. There is a note on the plat and often the title documents are recorded against the title of the home referencing back to the City and are inclusive of studies that

have been conducted. Two public comments were received expressing opposition to the request. Ms. DeSeelhorst reviewed the Code provisions. Staff recommended approval with conditions set forth in the Staff Report.

Chair Mills appreciated the opportunity to provide language on the plat. Commissioner Chappell asked if the City could require a permit to remedy non-compliance issues with their deck or if it would be a Code Enforcement issue. Staff believed the impact of combining the two properties would not affect the existing deck. It is not in their purview to remedy construction through a subdivision amendment.

Chair Mills reviewed the Transportation Master Plan discussion and believed that with the progress of the Gondola Project and Wasatch Boulevard, there may be obligations as they continue discussions regarding transportation and the gravel pit. If at some point there is an opportunity to shape what those interfaces will look like, he recommended that a Record of Decision be available. He believed this was a significant body of work that has been completed by UDOT and the implications to the City are also significant. Mr. Johnson offered to provide a high-level overview of the proceedings.

3.0 Additional Discussion Items.

Ms. DeSeelhorst reviewed corrections to the previous Planning Commission Meeting Minutes.

Mr. Johnson reported that the City Council and City Manager appointed New Planning Commissioner, Daniel Poulson, a long-time District 4 resident. Chair Mills has known Mr. Poulson for years and his wife served as a representative in the State Legislature. He looked forward to working with Mr. Poulson.

2.0 Adjournment.

Commissioner Chappell moved to ADJOURN. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Meeting adjourned at 6:00 p.m.

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

Wednesday, August 2, 2023

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

ATTENDANCE

Members Present: Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Jessica Chappell (via Zoom), Commissioner Jonathan Ebbeler (via Zoom), Commissioner Mike Shelton, Commissioner Mike Smith, Commissioner Sean Steinman

Staff Present: Community and Economic Development Director Michael Johnson, Staff Engineer Adam Ginsberg, Senior City Planner Samantha DeSeelhorst, Deputy City Recorder Maria Devereaux, System Administrator Alex Earl

Others: Anthony Evans, Bob Evans, Brandon Preece, Roger Bland, Shawna Bland, Kim Fisher, Annejanine Etzel, Tom Etzel, Jackie Hibbard, Rick Stevenson, Ed Primosic

BUSINESS SESSION

1.0 Welcome and Acknowledgments.

Chair Dan Mills called the Business Meeting to order at 6:00 p.m.

1.1 ExParte Communications or Conflicts of Interest to Disclose.

There were no disclosures.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items

3.1 Project SUB-23-003 - A Public Hearing and Possible Action on a Subdivision Amendment to Combine the Two Adjacent Parcels at 6796 South Manorly Circle into a Single Lot. This Amendment Represents a Change to the Existing Cottonwood Manor Subdivision, which Requires a Public Hearing and Planning Commission Approval.

Senior City Planner, Samantha DeSeelhorst, presented the Staff Report and stated that the request

is to combine two adjacent parcels that are under the same ownership. Access is off of Manorly Circle. The property shown in blue in the Staff Report is part of the existing Cottonwood Manor Subdivision. The parcel shown in orange is not part of an existing subdivision and is a separate parcel. Because combining the two lots technically alters the outer frame of a subdivision plat, the subdivision amendment process is required by State Code. Otherwise, it would be processed at the staff level as a lot consolidation. Ms. DeSeelhorst reported that the property to the west includes a steep hillside that is undeveloped and slopes into Mill Hollow Park. Combining the two properties will not preclude future construction from having to comply with all standards for building near a hillside. Construction is not reviewed by the Planning Commission and is regulated by the Building Department through the Building Permit process. The scope of what was being presented is limited only to combining the two lots.

Staff analyzed the project and found no violation of City Code by combining the two properties. The lot size becomes larger and exceeds the minimum required. It decreases the current structural lot coverage and does not affect lot width or frontage. Comments from the Technical Review Committee were addressed during the Work Session and focused on ensuring that the updated subdivision plat identifies where that steep slope is located and the no development limitation. If the subdivision amendment is approved by the Planning Commission, the project will then go through a full technical review with City staff and Salt Lake County to ensure that all of the procedural details are addressed before it is finalized.

Written public comments were received in advance of the meeting and forwarded to the Commission Members. Concern was expressed with the combination of the two parcels since the homeowner may decide to rebuild their home with a larger footprint. The desire was expressed that the home not be rebuilt due to the construction impacts on the neighborhood. There were also concerns with the compliance of a future rebuild with Homeowners Association (“HOA”) regulations and a desire for the subdivision amendment to be denied to prevent a future rebuild.

Ms. DeSeelhorst explained that the Commission's purview does not include reviewing or regulating construction. Any future construction project that is pursued will require a permit. State Code specifies that if a subdivision amendment complies with the Code, it is entitled to approval. HOA regulations are private agreements that the City doesn't enforce or regulate. If there is a separate compliance question with the HOA regulations, the homeowner would need to work through them on their own. Staff found that the proposal meets the City Code and recommended approval.

A question was raised about how residents can address concerns about the impact of the proposal on the neighborhood. Ms. DeSeelhorst stated that if the concern pertains to construction, they can work with the Code Enforcement Department. Staff can also provide permit information, which is part of the public record. She stressed that there is currently no pending project request. There are also approved hours of construction governing when construction activity can take place.

Mike Spainhower identified himself and reported that he is assisting the property owner in navigating the process. There is a rear parcel associated with the front parcel and other parcels have been combined in the past. He noted that if the parcels are combined, the existing home will encroach into the rear yard setback and is a non-conforming structure.

Chair Mills opened the public hearing.

Wendy Ziegler identified herself as the daughter of Anne Ziegler and gave her address as 2557 East Valley View Avenue in Holladay. She was present to speak on behalf of her 86-year-old mother. Their concern was that the lines for the two properties were due to the significant drop-off. She walked the slope with an inclinometer and found that the top part of the drop-off measures 37 to 42 degrees. Closer to the park it is about 30 degrees. She believed that the parcels were separated previously because of the steepness. They are concerned that anything extending out further will cause destabilization. Keeping the two lots separated does not allow for that. She suggested that the lots remain separate. She did not want to see a situation similar to what occurred in Suncrest with homes falling off the hillside.

Anne Ziegler gave her address as 6824 South Manorly Circle and stated that she has lived there for 30 years. She asked if a Geological Impact Survey has been performed as she felt it should be required. Her neighbor was required to have one done and to build back a certain distance. If a new building is constructed, it will extend out further. She was concerned about safety, especially after what happened in Draper. She was told that it would take nine months to raze the home and construct the new one. She did not believe that was realistic. She questioned the advice the applicant had been given. The street is narrow and is a dead end with 12 children that play in the street. She was also concerned about the slope of the property.

There were no further public comments. The public hearing was closed.

Commissioner Chappell stated that all requirements pertaining to development on hillsides will have to be complied with. She considered that to be the most important issue discussed.

The comment was made that it will be noted clearly on the plan that the subject property is considered sensitive lands. If construction were to take place, the applicant would have to adhere to those regulations. Ms. DeSeelhorst stated that a note to that effect was included on the plat. She explained that different types of construction require different types of slope stability studies. If a Building Permit is applied for, the right type of study will be required as required by the Sensitive Lands Ordinance. It was clarified that the Planning Commission is charged with looking at land use and not construction.

In response to a question raised, Ms. DeSeelhorst stated that the property was originally platted in the 1970s or 1980s so changes could have been made before the City was incorporated. Chair Mills clarified that this is not a construction decision but is germane to the concerns of residents and proximity to the slope. He explained that the slope limitations are not appreciably changed by combining the two lots. Ms. DeSeelhorst agreed and stated that the standard zoning setbacks are from property lines. When there are slopes present, the Slope Stability Reports will specify the distance required from the slope. Community and Economic Development Director, Michael Johnson explained that the distance depends on various factors including the type of construction and the slope.

Chair Mills clarified that the property was grandfathered in prior to the City’s incorporation and is a non-conforming structure. If and when an application is submitted, the applicant will be required to conform to the current Code. Mr. Johnson explained that voluntary additions, remodels, renovations, and rebuilds are required to comply with the current Code. All engineering requirements also need to be met, which may appreciably impact the level of engineering and where the home is built in proximity to the slope. Mr. Johnson explained that that would be addressed as part of a separate analysis.

Commissioner Ebbeler read the public comments and recognized the difference between what is legally allowed and what the Planning Commission will statutorily vote on.

Commissioner Shelton moved to APPROVE Project SUB-23-003 subject to the following:

Conditions:

- 1. The applicant shall provide consent from affected utility companies for the vacation of the existing public utility easement along the west property line of Lot 11.***
- 2. The applicant shall identify the 30% slope on the plat and add a note that states no development shall occur on the 30% slope.***
- 3. The applicant shall add a note to the final plat that specifies the property is within the Sensitive Lands Overlay Zone.***

Commissioner Smith seconded the motion. Vote on motion: Commissioner Chappell-Aye, Commissioner Ebbeler-Aye, Commissioner Anderson-Aye, Commissioner Steinman-Aye, Commissioner Smith-Aye, Commissioner Shelton-Aye, Chair Mills-Aye.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from June 7, 2023.

Commissioner Anderson moved to ACCEPT the minutes of June 7, 2023, with the changes and edits noted during the Work Session. The motion was not seconded. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

Commissioner Anderson moved to ADJOURN. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 6:30 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, August 2, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

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

3
4 **Wednesday, September 6, 2023**

5 **5:00 p.m.**

6 **2277 East Bengal Boulevard**

7 **City Council Work Room**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Dan Mills, Commissioner Dan Poulson, Commissioner Lucy
12 Anderson, Commissioner Jessica Chappell, Commissioner Sean Steinman,
13 Commissioner Mike Smith, Commissioner Jonathan Ebbeler (via Zoom)
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson,
16 Associate Planner Ian Harris, Senior Planner Samantha DeSeelhorst,
17 Deputy City Recorder Maria Devereux, Systems Administrator Alex Earl
18

19 **Excused:** Commissioner Mike Shelton
20

21 **WORK SESSION**
22

23 Chair Dan Mills called the Planning Commission Work Meeting to order at 5:04 p.m.
24

25 **1.0 Introduction of New Planning Commissioner – Dan Poulson.**
26

27 Chair Mills introduced the new Commissioner, Dan Poulson, to the Planning Commission.
28 Commissioner Poulson looked forward to serving on the Planning Commission and contributing
29 to the community. The Commissioners and Staff introduced themselves to Commissioner
30 Poulson. Chair Mills reported that there are many different perspectives on the Planning
31 Commission.
32

33 **2.0 Review Business Session Agenda.**
34

35 The Agenda was reviewed and discussed. There was one Business Item. Project CUP-23-012 was
36 a Conditional Use Permit request to operate a dental clinic at 1845 East Fort Union Boulevard.
37 The request was from Van Leeuwen Dental. Senior City Planner, Samantha DeSeelhorst, shared
38 an image of the subject property as well as a vicinity map. The property is close to the interstate
39 and is tucked behind Whole Foods Market. The property is located within the Neighborhood
40 Commercial (“NC”) Zone. All uses are considered conditional in the NC Zone, which was the
41 reason a Conditional Use Permit was required. She noted that the property is also within the
42 Gateway Overlay Zone. As a result, approval from the Architectural Review Commission
43 (“ARC”) would be required for any exterior work or site changes. There had been coordination
44 with the applicant on that separate process.
45

1 Ms. DeSeelhorst reported that the proposal is to operate a dental clinic within an existing
2 commercial building. The applicant, Van Leeuwen Dental, has practiced as a licensed business in
3 the City since 1978. The practice outgrew the current space, which is further east on Fort Union
4 Boulevard. There was a desire to relocate somewhere it could grow. The business use will consist
5 of general dentistry, dental sleep treatment, laser dentistry, and surgery. Business hours are
6 Monday through Friday from 7:00 a.m. to 6:00 p.m. There could also be special appointments on
7 Saturdays if needed. The dental office will have 10 employees with approximately 30 patients per
8 day who will be staggered.

9
10 Information about the site was shared. Ms. DeSeelhorst reported that most of the modifications to
11 the site will be interior to transition the building from a bank to a dental clinic. The applicant
12 proposed the addition of new parking spaces and the demolition of the former bank drive-thru to
13 accommodate a rear entrance. The proposed site changes comply with the City Code in terms of
14 building setbacks, heights, parking requirements, and landscaping. Ms. DeSeelhorst reported that
15 the site already complies with the parking requirements but new parking spaces were proposed to
16 ensure that there is enough room for patients to come. City Staff discussed adding some circulation
17 signage to improve traffic flow on the site. There was also a request to provide measurements for
18 the Americans with Disabilities Act (“ADA”) stall and accessible route. It was anticipated that
19 those requests would be fully resolved before the plans were approved.

20
21 There were no public comments received on the application in advance of the Planning
22 Commission Meeting. The matter was scheduled for a public hearing during the Business Session.
23 Staff found the proposed use to meet all of the standards for issuing a Conditional Use Permit.
24 There were findings outlined in the Staff Report. Staff recommended approval with the following
25 conditions:

- 26
27 1. The applicant shall obtain a Certificate of Design Compliance from the
28 Architectural Review Commission (“ARC”) for site and building exterior changes.
- 29
30 2. The Applicant shall comply with all Staff corrections, including those for ADA
31 accessibility and site circulation.
- 32
33 3. The Applicant shall obtain a Building Permit for any work requiring a permit.

34
35 Commissioner Anderson noted that overnight services are not permitted but that dental sleep
36 treatment is listed. She asked for clarification about that service. Commissioner Poulson stated
37 that dental sleep treatment can cover conscious sedation. Usually, a patient would be observed for
38 one or two hours. Those types of appointments are not normally scheduled at the end of the day,
39 which means the hours of operation are unlikely to be impacted.

40
41 Commissioner Anderson stressed the importance of appropriate signage coming in and out of the
42 site. She asked who reviewed the final submittal. Ms. DeSeelhorst clarified that Staff reviewed
43 the item when it came back. Commissioner Anderson wanted to better understand the parking
44 requirements and what is proposed. Ms. DeSeelhorst reported that the requirement is 10 parking
45 spaces on-site, however, the site currently has 16 parking spaces. In addition, the applicant wants
46 to add four more parking spaces, which would ultimately result in 20 parking spaces. There was

1 a requirement for one ADA stall, which would be relocated, but preserved on site. The applicant
2 seemed to have a good understanding of the amount of parking needed for the use.

3
4 Commissioner Smith noted that surgeries are referenced in the materials. He asked if it was
5 necessary to further define that. Ms. DeSeelhorst stated that further clarification could be
6 requested. In terms of use, there would need to be assurance that there is no after-hours or
7 overnight care taking place. If dental surgery is performed within the standard operating hours,
8 there would not be an issue with that from a use perspective. Commissioner Smith suggested that
9 the language specify “oral surgery”. Ms. DeSeelhorst believed that was in the applicant's narrative.

10
11 Commissioner Steinman questioned whether there were any circulation concerns inside the
12 parking area. Ms. DeSeelhorst reported that the City Engineer asked that signage be added to
13 clarify the circulation. The City Engineer did not have any concerns or objections to the existing
14 widths but there was a desire to make the traffic pattern obvious to all. Commissioner Steinman
15 asked if it made sense to allow for a right-hand turn only at the exit. Ms. DeSeelhorst explained
16 that the Planning Commission could include a Condition of Approval asking the applicant to look
17 into that possibility with the City Engineer. However, if the City Engineer felt that was necessary
18 to include it, it likely would have been suggested already. Given that there is relatively slow traffic
19 volume, she did not believe a right-in-right-out was needed on the applicant site. There was
20 discussion regarding traffic volume and some of the surrounding uses. Ms. DeSeelhorst noted that
21 the site has been vacant for a few years. As a result, Staff believed the proposed use would be a
22 positive step forward and the practice has the potential to revitalize the existing site.

23
24 Commissioner Poulson asked about the hours of operation. Ms. DeSeelhorst explained that the
25 applicant proposed operating hours of 7:00 a.m. to 6:00 p.m. The City Code did not specifically
26 state that those needed to be the hours of operation but that there could not be after-hours use. That
27 is traditionally defined as after 7:00 p.m. Commissioner Poulson explained that occasionally with
28 a dental practice, someone needs to be seen immediately. Those emergency type of situations
29 might not fall within the hours of operation. He wondered if there would be an issue if this
30 occurred a few times a year. Ms. DeSeelhorst believed it would be an issue, technically speaking,
31 since there cannot be after-hours treatment. Commissioner Poulson suggested a Condition of
32 Approval to state that this type of situation can occur on occasion. Ms. DeSeelhorst clarified that
33 there could not be a Condition of Approval to allow that because the Code specifically states that
34 after-hours use is not permitted.

35
36 Chair Mills asked what could reasonably be requested in terms of improvements in that particular
37 section of Fort Union Boulevard. Ms. DeSeelhorst explained that it is not within the purview of
38 the City to require frontage improvements unless the site is fully redeveloped. Given that the
39 primary structure will remain and no significant modifications were to be done, it is not appropriate
40 to require frontage improvements. Staff reviewed the proposal against the Fort Union Area Master
41 Plan, which was the reason the front entrance would remain. Initially, there was a desire to remove
42 the front entrance and only utilize the rear entrance; however, in the Fort Union Area Master Plan,
43 there was a requirement for a street-facing entrance. She reiterated that frontage improvements,
44 such as wider sidewalks or a bicycle lane, would not be triggered in this case.

1 Chair Mills asked if there would be significant changes made to the landscaping. Ms. DeSeelhorst
2 denied this. She identified the park strip area shown in blue on the map. That would be changed
3 to a low-water species, which is consistent with the City’s landscaping direction. The front lawn
4 would also be carved out to add additional parking. Landscaping requirements were still met.
5 Nothing proposed would be an appropriate trigger for frontage improvements. Chair Mills asked
6 if there was an opportunity to partner with the applicant so additional improvements could be made
7 to the area. Ms. DeSeelhorst reported that property owners can be approached if there is a grant
8 project or grant application for a certain area. One example was on the opposite side of Fort Union
9 Boulevard between the two townhome projects. If something like that was possible in the future,
10 it was anticipated that there would be coordination with the property owner. At the current time,
11 there was no funding available to address that area.

12
13 Community and Economic Development Director, Michael Johnson, believed Chair Mills was
14 suggesting that funding be made available for future frontage improvements. He noted that this
15 would need to be a City Council initiative that is prioritized during the budgeting process.

16
17 Chair Mills referenced the second Condition of Approval. He wanted to see some specificity in
18 terms of what level of ADA compliance there needs to be. For instance, ramps, widths, doorway
19 sizes, restroom accessibility, and so on. There were a lot of layers to ADA accessibility.
20 Ms. DeSeelhorst recommended leaving the wording as presented because there would be an
21 opportunity to reference corrections from the Engineering and Building Departments. From an
22 Engineering Department standpoint, they were looking at how someone from the ADA stall would
23 access the building. They requested that widths and specifications be provided. With the tenant
24 improvements, the Building Official will determine what is required for restroom upgrades. She
25 recommended the condition language remain fairly broad.

26
27 Chair Mills referenced ingress/egress and fire suppression. He wanted to make sure there was
28 approval from the Unified Fire Authority (“UFA”) so it was clear that an engine could enter and
29 exit the site. Ms. DeSeelhorst reported that the Fire Department needs to sign off on the Business
30 License. It was at that point that the UFA would look at the application and determine whether
31 modifications to the fire suppression system needed to be made. Access would also be considered.
32 Mr. Johnson pointed out that the UFA has certain procedures that they follow in those instances.

33
34 Chair Mills discussed lighting and noted that one pole would be removed. He wondered if there
35 was more that could be asked of the applicant in terms of lighting. There was a desire to maintain
36 a sense of safety in the parking lot but it was also important to be sensitive to adjacent neighbors.
37 Ms. DeSeelhorst believed that the removal of the pole would reasonably mitigate any negative
38 impacts. Leaving the pole could cause glare or the site to be too bright. The removal made sense
39 in this case. If a Condition of Approval is desired for additional lighting, it would need to be
40 directly tied to a fact about the lack of lighting on site. Mr. Johnson stated that one lighting pole
41 would be removed. If any new lighting is proposed on the site, it would need to comply with the
42 current outdoor lighting standards. He reminded the Commissioners that what is proposed is more
43 of a tenant improvement than a new project.

44
45 There was additional discussion about lighting. Ms. DeSeelhorst reported that the ARC will look
46 at outdoor lighting, specifically if any new lighting is proposed for the site. Chair Mills thought it

1 was worthwhile to communicate the best practices to the applicant. He also asked that Staff share
2 information about the Fort Union Area Master Plan and lighting guidelines. Ms. DeSeelhorst
3 commented that the applicant has been receptive to what has been shared already. Chair Mills
4 asked if there was any appreciable change in terms of signage. Ms. DeSeelhorst responded that
5 signage had not been presented and would be included with the ARC submittal.
6

7 Commissioner Ebbeler thought the application was fairly straightforward. There was discussion
8 about possible motion language. Commissioner Ebbeler explained that the duties and obligations
9 of the Planning Commission are clear and he felt it was important to stay within those guidelines.
10 Ms. DeSeelhorst pointed out that comments could be made during deliberations in the Business
11 Session. They would indicate how the Commissioners felt in general. However, the actual
12 conditions should remain within the purview of a Conditional Use Permit.
13

14 Mr. Johnson reported that in late October, the City Council will invite the Chair of each Committee
15 and Commission in the City to a City Council Work Session. There would be an opportunity at
16 that time to share suggestions and comments with the City Council. Ahead of that City Council
17 Work Session, the Commission could discuss what they felt should be shared. Chair Mills wanted
18 to properly represent the desires of the Planning Commission.
19

20 Commissioner Steinman asked what opportunity the City has to implement a Master Plan outside
21 of new development. For instance, if it was possible to encourage the implementation of a Master
22 Plan without full redevelopment. Ms. DeSeelhorst explained that implementation does not always
23 occur until redevelopment takes place. She pointed out that the entrance will remain on the subject
24 property because of the references in the Master Plan. Any time funding is available, it would be
25 possible to speak to different property owners about certain improvements. It was confirmed that
26 the property will be reviewed by the ARC. Ms. DeSeelhorst reported that anything the applicant
27 chooses to change will need to meet City standards. It was not, however, possible for the City to
28 require additional improvements to be made outside of what is proposed to be changed on the site.
29

30 Ms. DeSeelhorst explained that Conditions of Approval need to be tied to a negative impact.
31 Mr. Johnson added that any requirement the City makes needs to be roughly proportional to the
32 impact. In the case of a bank moving out and a dental office moving into the space, the impact is
33 fairly minimal. It is important to be mindful of what is considered proportional. Commissioner
34 Steinman asked if there were impact fees associated with this type of application. Mr. Johnson
35 explained that there will only be impact fees if the impact is different than it was before. For
36 example, if a property shifts from one home to an apartment complex, there would be a different
37 impact. Shifting from a bank to a dental office would likely not create a different impact. It is
38 commercial to commercial, so the overall impact would be similar.
39

40 Chair Mills asked if plumbing and electrical would appreciably change on the site. This was
41 confirmed. Mr. Johnson stated that all of the work done on the inside of the building will need to
42 meet the Building Code. Commissioner Chappell pointed out that there are specific triggers within
43 the existing Building Code, such as the percentage of the property being substantially remodeled.
44 Those were issues the Building Official needs to pay attention to. In response to a question raised,
45 Ms. DeSeelhorst explained that the Health Department will need to sign off on the Business
46 License as part of that process.

1
2 Mr. Johnson explained that Staff wants to implement the Fort Union Area Master Plan. That being
3 said, this particular application is simply a change of use in an existing building. Commissioner
4 Steinman thought there should be some kind of coordination with the City Council to determine
5 what Redevelopment Agency ("RDA") can be put in place to incentivize Master Plan work moving
6 forward. He wondered if there was an opportunity to create an RDA to incentivize local business
7 owners and developers to meet the needs of the Fort Union Area Master Plan. Discussions were
8 had about the Hillside Plaza area. Mr. Johnson explained that when a reinvestment area is created,
9 there are normally other taxing entities included. As the property grows, changes, and redevelops,
10 the property value will theoretically increase. Participation from the taxing entities will ensure
11 that a portion of the increase in revenue is earmarked and can be used to reinvest in the site. The
12 process of negotiating and getting all of the taxing entities on board was difficult. The long-range
13 plan for the Hillside Plaza was to get taxing entities on board. Typically, the County and the
14 School District wanted to see a plan first to determine what is needed.

15
16 Commissioner Ebbeler pointed out that the General Plan is currently being worked on. There will
17 likely be opportunities to insert language into the General Plan to provide additional guidance.
18 Mr. Johnson reported that a draft of the General Plan will be shared with the Planning Commission
19 toward the end of the year. That deliberation process would commence shortly. Additional
20 discussions were had about the General Plan and Form-Based Code. Chair Mills thanked Staff for
21 the information shared and for answering the Commissioner's questions.

22 23 **3.0 Additional Discussion Items.**

24
25 Mr. Johnson reported that the City Council imposed a moratorium on permits for sports courts in
26 residential areas. It was driven by concerns about pickleball courts being built in backyards. There
27 were potential negative impacts on neighborhoods that need to be considered. The Council voted
28 to impose a moratorium, which meant that no sports courts over 500 square feet could be approved
29 for a maximum of six months. The intention was to put an ordinance in place. The City had six
30 months to work on that but the Council wanted to see it addressed much sooner. Staff was moving
31 quickly on the draft language and a Sport Court Ordinance would be presented shortly.
32 Mr. Johnson offered to send presentation slides from the City Council Meeting to Commissioners.

33 34 **4.0 Adjournment.**

35
36 *Commissioner Smith moved to ADJOURN. Commissioner Anderson seconded the motion. The*
37 *motion passed with the unanimous consent of the Commission.*

38
39 The Work Meeting adjourned at 5:57 p.m.

1
2 Ms. DeSeelhorst reported that the request was for a Conditional Use Permit to operate a dental
3 clinic within the Neighborhood Commercial (“NC”) Zone. All uses are considered conditional in
4 the NC Zone, which was the reason the item had been brought to the Planning Commission. Staff
5 had done a comprehensive review of the proposal and found that the proposal complied with all
6 relevant standards. As a result, Staff recommended that the Conditional Use Permit be granted
7 with three Conditions of Approval. The proposed Conditions of Approval were enumerated.
8

9 The applicant, Adam Van Leeuwen, introduced himself and stated that Van Leeuwen Dental has
10 been in Cottonwood Heights for more than 40 years. He joined his father in the business
11 approximately 16 years ago. The business has outgrown the current space and there was a desire
12 to move to a more appropriate location. He was excited to aesthetically improve the building.
13

14 Commissioner Smith asked if there would be additional dentists working at Van Leeuwen Dental.
15 Mr. Van Leeuwen explained that his father is on the cusp of retirement, but he has an associate
16 who joined the practice a few months earlier. There will be two dentists. If there is continued
17 growth, another dentist could be brought on in the future.
18

19 Commissioner Anderson thought it was exciting that Van Leeuwen Dental was reinvesting in the
20 community. She reported that during the Work Session, there was a question regarding dental
21 sleep treatment, and asked for additional clarification. Mr. Van Leeuwen clarified that dental sleep
22 treatment or dental sleep therapy is for people who suffer from sleep apnea. Often, people with
23 sleep apnea use a CPAP machine. Another approved treatment for that is an oral appliance. He
24 noted that nothing would occur outside of the hours of operation.
25

26 Commissioner Chappell suggested that the Commission discuss the Conditions of Approval
27 suggested by Staff. She reviewed the three conditions and expressed her support. Commissioner
28 Steinman was excited about the application and redevelopment within Cottonwood Heights. The
29 site is in the Gateway Overlay Zone and there are a lot of Master Plan goals for the area. He
30 encouraged the applicant to consider what is contemplated in the Master Plan.
31

32 ***Commissioner Anderson moved to APPROVE Project CUP-23-012, subject to the following:***
33

34 ***Findings:***
35

- 36 1. ***The proposed use is one of the conditional uses specifically listed in the zoning***
37 ***district in which it is to be located.***
- 38 2. ***Such use will not, under the circumstances of the particular case, be detrimental***
39 ***to the health, safety, comfort, order, or general welfare of persons residing or***
40 ***working in the vicinity.***
- 41 3. ***The use will comply with the intent, spirit, and regulations of this title and will be***
42 ***compatible with and implement the planning goals and objectives of the City.***
43
44
45

- 1 4. *That the use will be harmonious with the neighboring uses in the zoning district*
2 *in which it is to be located.*
- 3
- 4 5. *That nuisances which would not be in harmony with the neighboring uses, will*
5 *be abated by the conditions imposed.*
- 6
- 7 6. *The protection of property values, the environment, and the tax base for the city*
8 *will be assured.*
- 9
- 10 7. *That the use will comply with the City's General Plan.*
- 11
- 12 8. *That some form of a guarantee assuring compliance to all imposed conditions*
13 *will be imposed on the applicant or owner.*
- 14
- 15 9. *That the internal circulation system of the proposed development is properly*
16 *designed.*
- 17
- 18 10. *That existing and proposed utility services will be adequate for the proposed*
19 *development.*
- 20
- 21 11. *Appropriate buffering will be provided to protect adjacent land uses from light,*
22 *noise, and visual impacts.*
- 23
- 24 12. *That architecture and building materials are consistent with the development and*
25 *surrounding uses, and otherwise compatible with the city's general plan,*
26 *subdivision ordinance, land use ordinance, and any applicable design standards.*
- 27
- 28 13. *That landscaping appropriate for the scale of the development and surrounding*
29 *uses will be installed in compliance with all applicable ordinances.*
- 30
- 31 14. *The proposed use preserves the historical, architectural, and environmental*
32 *features of the property.*
- 33
- 34 15. *That operating and delivery hours will be compatible with adjacent land uses.*

35
36 **Conditions:**

- 37
- 38 1. *The Applicant shall obtain a Certificate of Design Compliance from the*
39 *Architectural Review Commission ("ARC") for site and building exterior*
40 *changes.*
- 41
- 42 2. *The Applicant shall comply with all Staff corrections, including those for ADA*
43 *accessibility and site circulation.*
- 44
- 45 3. *The Applicant shall obtain a Building Permit for any work requiring a permit.*
46

1 *The motion was seconded by Commissioner Steinman. Vote on Motion: Commissioner*
2 *Ebbeler-Aye; Commissioner Steinman-Aye; Commissioner Chappell-Aye; Commissioner*
3 *Anderson-Aye; Commissioner Smith-Aye; Commissioner Poulson-Aye; Commissioner Mills-*
4 *Aye. The motion passed unanimously.*

5
6 **4.0 Consent Agenda**

7
8 **4.1 Approval of Planning Commission Meeting Minutes from July 5, 2023.**

9
10 Chair Mills reported that Commissioner Poulson would not vote on the Consent Agenda, as it
11 included Meeting Minutes from July 5, 2023, and he was not a Commissioner at that time.

12
13 *Commissioner Chappell moved to APPROVE the Consent Agenda. Commissioner Anderson*
14 *seconded the motion. The motion passed with the unanimous consent of the Commission.*
15 *Commissioner Poulsen did not participate in the vote.*

16
17 **5.0 Adjourn.**

18
19 *Commissioner Ebbeler moved to ADJOURN. Commissioner Anderson seconded the motion.*
20 *The motion passed with the unanimous consent of the Commission.*

21
22 The Planning Commission Meeting adjourned at 6:15 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, September 6, 2023.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

DRAFT

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

3
4 **Wednesday, October 4, 2023**
5 **5:00 p.m.**
6 **2277 East Bengal Boulevard**
7 **City Council Work Room**
8

9 ***ATTENDANCE***

10
11 **Members Present:** Chair Dan Mills, Commissioner Mike Smith, Commissioner Lucy
12 Anderson, Commissioner Mike Shelton, Commissioner Dan Poulson,
13 Commissioner Jonathan Ebbeler (via Zoom), Commissioner Sean Steinman
14

15 **Staff Present:** Community and Economic Development Director Michael Johnson,
16 Associate Planner & Sustainability Analyst Ian Harris, Systems Administrator
17 Alex Earl, and Maria Devereux, Deputy City Recorder.
18

19 **Excused:** Commissioner Jessica Chappell
20

21 **WORK SESSION**

22
23 Chair Dan Mills called the Work Meeting to order at 5:04 p.m.
24

25 **1.0 Form-Based Code Update.**
26

27 Community and Development Director, Michael Johnson, introduced the Form-Based Code
28 update, which describes progress over the last several months. Mark Morris, Principal Landscape
29 Architect/Founder of VODA Landscape + Design presented the Form-Based Code update and
30 stated the current draft is 90 pages. The Form-Based Code is being applied to three areas within
31 the City, all of which are on Fort Union Boulevard. The intention is for it to apply to areas that
32 are already commercial. The Code is made up of Form Districts which are similar to zones and
33 driven by the intensity of development and the context of where the area is defined. The first
34 District is specific to the Union Park Center with mixed-use, office, and commercial. It will be
35 developed as primarily mixed-use. As currently written, the minimum height will be three stories
36 with a maximum of eight.
37

38 The second Form District is specific to the Town Center Area. The intention is to focus on how
39 this area develops. It was noted that it is not a site plan or specific development. Mr. Morris
40 reported that the Hillside Plaza corner is one part of the Town Center and the Code will apply to
41 the entire Town Center area. The hope was that the Hillside Plaza Development would catalyze
42 additional change as private property redevelops.
43

44 The Third Form District is specific to Fort Union Boulevard and contains larger commercial
45 development along Fort Union. The intensity is less than in the other two Districts and will
46 encourage more intensity of development in commercial areas.

1
2 Mr. Morris next described the Residential Transition District. It is typical of a Form-Based Code
3 and is used to identify areas that make sense to buffer commercial development from the
4 surrounding single-family neighborhoods. These areas are most often completely developed.
5 When redevelopment occurs, the Residential Form-Based Code will be applied to any
6 development change. Boundaries were discussed. Mr. Morris reported that Mixed-Use and Form-
7 Based Code are complimentary parallels and it makes the most sense to start with those areas.
8 Mr. Johnson reported that the idea behind Form-Based Code is to determine what works in a
9 Mixed-Use Zone, such as Canyon Center, versus what works in a Mixed-Use Zone on smaller
10 parcels.

11
12 Commissioner Mills referenced the Cottonwood Mall property and the planned underground
13 structure. He asked if VODA has found anything structurally that would impact the effective
14 grade, even if from the street level. Mr. Morris explained that Form-Based Code does not consider
15 underground portions and is based on the finished grade. It, however, treats ground floor heights
16 separate from upper floor heights, specifically with commercial development. He reported that
17 VODA Landscape + Design has developed a prototype where they have selected a sample parcel
18 that addresses the main parameters of the Form-Based Code. The focus is on the form of
19 development where uses can come and go. The intent is to create something that is infinitely
20 reusable. The prototype goes through site-specific parameters including the following:

- 21
- 22 1. Building location;
- 23
- 24 2. Building footprint; and
- 25
- 26 3. The layout of the parcel.
- 27

28 Mr. Morris next identified which districts have minimum and maximum heights with ground floor
29 and upper floor height being considered separately. As with any other development, the amount
30 of parking that will fit on the site will drive the determined height. Building height is considered
31 the articulation of a façade. Parking requirements are still a work in progress but are not vastly
32 different from the current requirements. He noted that Form-Based Code strives to put a maximum
33 on parking to allow the applicant to determine how much parking is needed, which makes it more
34 market-driven. Shared parking options may also be considered. Chair Mills believed that most
35 challenges will not be with those patronizing the building but with building employees. The City
36 is faced with the complicating factor that if they want a gathering area, especially in the Town
37 Center, parking must be supplied. Creative solutions were recommended. Mr. Johnson
38 commented that a similar issue took place with the northern Gravel Pit Development where shared
39 parking was implemented with discussion of alternate options. He acknowledged that parking is
40 important and felt that reasonable numbers provide flexibility. Transit-oriented options were
41 discussed.

42
43 Mr. Morris next reviewed pedestrian area improvements. These areas will include improvements
44 with street trees, furnishings, and landscaping to improve the public realm beyond the
45 responsibility of the development. Use of the areas is the first and the last question where there
46 they are giving flexibility to consider multiple use directions. This also considers ground floor

1 and upper floor use separately. The intention is to determine the most activated uses that can be
2 required for the ground floor and things that do not necessarily activate the street but are essential.

3
4 Administrative approval was next addressed. Mr. Morris reported that they reviewed the
5 percentage of parcels in the proposed areas that will be less than one acre in size. A map rendering
6 was presented. For properties that are less than one acre in size, there are prerequisites that a
7 property owner would need to meet before going through the administrative process. Allowing
8 attention to be focused on larger redevelopment projects and for smaller ones to be
9 administratively approved would be beneficial. A question was raised as to whether there is a
10 method to coordinate efforts with other area municipalities. Mr. Johnson explained that there are
11 no specific coordinating efforts but they communicate and work together when necessary. It was
12 noted that when the Form-Based Code expands to other nodes such as Creek Road and Highland
13 Drive, there will be coordination of overlapping goals.

14
15 Commissioner Poulson reported that Millcreek City is long and narrow. He questioned where they
16 consider their town center to be and where the Form-Based Code would be implemented.
17 Mr. Morris reported that the Millcreek City Center is located at 3300 South and Highland Drive,
18 just west of Tres Hombres. VODA was involved in the Master Plan for that area and the Form-
19 Based Code was adopted shortly thereafter.

20
21 Chair Mills thanked Mr. Morris for his continuing efforts.

22 23 **2.0 Pickleball Court Ordinance Introduction.**

24
25 Chair Mills introduced the Pickleball Court Ordinance discussion and stated that several months
26 earlier there were strong concerns voiced by residents of the community. This matter comes to
27 the Planning Commission by way of the City Council. Mr. Johnson reported that a moratorium
28 was placed on outdoor residential sports courts at a recent City Council Meeting. Concern was
29 expressed with any sports court that is greater than 500 square feet in size. There has been an
30 increase in pickleball courts being built and neighbors expressing concerns over lighting and noise.
31 The moratorium was issued to specify that no residential sports courts be constructed from the date
32 of the Ordinance for a maximum of six months. As a result, the City has a maximum of six months
33 to adopt regulations or the moratorium lifts. What is proposed is an Ordinance in response to that
34 moratorium and issues with noise and lighting. Because the City Council's direction was to act
35 quickly, the proposed Ordinance focuses particularly on pickleball courts. Staff will return with
36 more general regulations with an immediate emphasis on pickleball courts.

37
38 Mr. Johnson reported that the City has defined General Sports and Indoor Pickleball Courts to
39 clarify that the two are different than the current regulations for outdoor pickleball courts. The
40 intent is to address pickleball courts that are in or adjacent to residential zoning or residential uses
41 to mitigate unique impacts with noise, lighting, and fencing. He stated that the best way to mitigate
42 noise is distance. Requirements may be added for hours of play and specific surfacing, paddles,
43 and equipment but may be difficult to enforce. He reviewed a study that shows that pickleball
44 courts that are 150 to 200 feet from a property line can reach 65 to 70 decibels. This is a widespread
45 issue and the USA Pickleball Association is presently looking to update its standards to specifically
46 address noise impacts. Staff has proposed that a Building Permit be required, that an applicant

1 include a site plan showing the distance to the property line, and provide fencing details. He
2 reported that there are no current requirements in most areas of the City and only areas with
3 groundwater or sensitive lands issues have an impervious surface requirement. Enforcement issues
4 were discussed. Mr. Johnson explained that if a patio were converted into a pickleball court, it
5 would now fit the definition of a pickleball court. If it is being used in a manner that does not
6 comply with the adopted standards, it becomes enforceable.

7
8 Staff was proposing a 150-foot setback from property lines to mitigate noise impacts. A parcel-
9 by-parcel analysis had not been completed. Mr. Johnson stated that this would make it difficult to
10 fit a pickleball court on any single-family residential property in the City. He reported that there
11 are current standards for lighting, fencing, and a current Noise Ordinance, which he did not expect
12 to be modified. The most important matter for consideration was the proposed setback. He
13 reported that the setback may be reduced by one-half with the completion of a qualified noise study
14 to show how the sound will be buffered. Noise levels may not exceed 65 decibels at the property
15 line with the additional mitigation.

16
17 Commissioner Anderson asked if there should be additional clarifying language to specify that
18 they are not responsible for noise. Commissioner Shelton expressed frustration with the potential
19 for the proposed setback to eliminate the construction of tennis courts, pickleball courts, basketball
20 courts, swimming pools, and music being played in residential areas.

21
22 Chair Mills stated that there have been numerous complaints received throughout the City and
23 questioned the direction the matter will go. When discussing the Noise Ordinance, it may simply
24 serve as a reminder that it applies throughout the City regardless of circumstance. He was curious
25 about the outcome if no changes were made. It was noted that noise can be measured and a
26 complaint was filed with the Salt Lake County Health Department.

27
28 Commissioner Shelton commented that the primary concern is noise. He was concerned when a
29 use is singled out rather than the specific offense. So far, discussion has focused on the issue of
30 noise. He felt there were multiple ways to mitigate the issue including the use of different
31 equipment. He felt strongly that the City is missing the point if noise is what they are trying to
32 regulate.

33
34 The comment was made that from a use standpoint, the City should look at ways to alleviate noise
35 and address it as a Code Enforcement issue. It was suggested that the focus be on the noise itself
36 rather than from a land use standpoint. Land use primarily detracts from property rights. The
37 comment was made that this issue has more to do with a lack of respect for neighbors and hours
38 of use and should be addressed as noise compliance with the Health Department. The use is
39 difficult to restrict and there was uncertainty as to whether it is within the City's purview to restrict.
40 It was emphasized that the issue should be considered from a noise standpoint rather than a land
41 use issue. The proposed Ordinance would ban any outdoor activity and use while they should
42 instead encourage residents to spend more time outside.

43
44 Commissioner Anderson did not disagree with the concerns raised but did not think it was helpful
45 to the spirit of the community to have something on private property that generates excessive noise.
46 Chair Mills recognized that the general feeling was that what someone does on their property

1 should be protected to the extent possible. He felt that the concern arises when actions start to
2 impact the neighbors.

3
4 **3.0 Review Business Session Agenda.**

5
6 The Business Session Agenda items were reviewed.

7
8 **4.0 Adjournment.**

9
10 *Commissioner Anderson moved to ADJOURN. Commissioner Shelton seconded the motion.*
11 *The motion passed with the unanimous consent of the Commission.*

12
13 The Work Meeting adjourned at 6:02 p.m.

DRAFT

1 Transportation Master Plans including the Wasatch Boulevard Gravel Pit Area Master Plan, the
2 Fort Union Master Plan, and the Mid-Valley Active Transportation Plan. The Plan objectives
3 included the following:

- 4
- 5 • Enhance neighborhood connectivity and pedestrian safety;
- 6
- 7 • Improve active transportation networks to promote use;
- 8
- 9 • Provide safe and efficient traffic movement; and
- 10
- 11 • Support regional coordination and cooperation
- 12

13 Roadway Cross Sections were identified. The four primary classifications include the following:

- 14
- 15 • Freeway/Expressway;
- 16 • Urban Core Arterial;
- 17 • Urban Arterial;
- 18 • Urban Collector; and
- 19 • Local Streets.
- 20

21 A map of the existing roadway network was displayed. Cottonwood Heights separates its active
22 transportation facilities into three categories:

- 23
- 24 • Level 1 Protection offers the most protection. These facilities are separated by grade,
25 physical barriers such as bollards and parked vehicles, and other elements that separate the
26 bicyclists and vehicles.
- 27
- 28 • Level 2 Protection includes a road with striping that designates a bike lane. This can
29 sometimes take the form of a typical bike lane, shoulder space for bicyclists, or a buffered
30 bike lane with increased space between bicyclists and vehicles.
- 31
- 32 • Level 3 Protection includes roads that are shared between bicyclists and vehicles. These
33 roads are sometimes marked with road striping or a sign.
- 34

35 Mr. Ginsberg reported that Active Transportation Projects are intended to provide a list of
36 improvements that are needed to form the Backbone Network. Prioritizing the development of the
37 Backbone Network will benefit regional connectivity and create a multi-jurisdictionally connected
38 Active Transportation System. The existing Active Transportation Plan was discussed. The model
39 used to develop the Transportation Master Plan is based on the Wasatch Front Regional Council's
40 ("WFRC") TAS Model, which was developed for the entire Salt Lake County Region and includes
41 the employment and residential population for different areas. The transportation model uses
42 socioeconomic data that includes both the future demand on the roadway from the existing
43 population and growth in the valley.

44

45 Level of Service was next discussed. Mr. Ginsberg reported that the Level of Service is the process
46 of measuring the delay on a road based on the total number of cars in one day. Level of Service

1 ranges from 'A' which involves a free flow of traffic where users are virtually unimpeded by other
2 vehicles on the roadway, to 'F' where traffic exceeds the operating capacity of the roadway. A
3 road map rendering was displayed. Mr. Ginsberg explained that the lanes being recommended on
4 2300 East, 2600 East, and 1700 East will expand from two to three lanes or through the addition
5 of a dual left turn or center lane. He emphasized that widening the road for additional lanes is not
6 recommended for any of the projects. The majority of projects will attempt to address pedestrian
7 safety and walkability. The Plan encourages pedestrian safety and walkability along Wasatch
8 Boulevard with a multi-use trail. The roadway will also be reconfigured from two to three lanes.
9

10 Commissioner Anderson asked how projects are prioritized. Mr. Ginsberg responded that the
11 projects are from the 2019 Capital Facilities Master Plan and priorities are determined when
12 identifying the needs of the City. A question was raised regarding parking in a buffered bike lane.
13 Mr. Ginsberg commented that the City Code does not prohibit parking in bike lanes. It was his
14 understanding that buffered bike lanes may include a bike lane with parking. A cross-section
15 rendering was reviewed. Chair Mills wondered if there were any solutions other than completely
16 isolating the bike lane, to prevent cars from being in the car lane. Mr. Ginsberg stated that a
17 shared bike lane is not recommended on a road with speeds greater than 35 MPH and is the reason
18 the buffered bike lane was proposed. It was noted that traffic calming could also be implemented.
19 Mr. Johnson reported that from a planning standpoint, level of service and traffic flow do not
20 always correspond to speed. Design elements can mitigate speed while still maintaining a good
21 level of service to allow vehicles to move efficiently but at safer speeds. The critical element is to
22 ensure that all of the plans are compatible while achieving different goals.
23

24 Commissioner Ebbeler referenced the Streetscape diagram and stated that in other countries,
25 vehicle and bicycle parking has been switched so that cars provide a physical buffer for bicycles.
26 He supported a separation between the two. Mr. Ginsberg commented that the diagram for Level 2
27 comes from a company that has a configuration with car parking on the inside of the road. This
28 design would include a landscape buffer and some sort of curb. He confirmed that placing parking
29 for vehicles on the inside of the lane could be considered.
30

31 Chair Mills indicated that he is an avid cyclist and while riding, he has had vehicles drive very
32 close to him. He appreciated any efforts to increase safety. Chair Mills encouraged Staff to obtain
33 Strava data to ensure that they understand the movement of bicycles and pedestrians. Buffering
34 issues were discussed.
35

36 Chair Mills opened the public hearing.
37

38 *Audrey Pines* has been reviewing the Transportation Master Plan and wanted more information on
39 how attached the City is to losing sovereignty. She lives near 3500 South and Bengal Boulevard
40 and was opposed to the construction of a roundabout. She questioned the conflicting views on
41 cars idling in the City in cold and hot weather. She reported that parking is abundant around Alpha
42 Coffee and the new coffee shop on 3000 East is near multiple trails. Ms. Pines questioned whether
43 the desire is for patrons to use alternate transportation.
44

45 There were no further public comments. The public hearing was closed.
46

1 *Commissioner Anderson moved to FORWARD a positive recommendation for Project GPA-23-*
2 *001 to the City Council. Commissioner Ebbeler seconded the motion. Vote on motion:*
3 *Commissioner Anderson-Aye, Commissioner Poulson-Aye, Commissioner Shelton-Aye,*
4 *Commissioner Steinman-Aye, Commissioner Smith-Aye, Commissioner Ebbeler-Aye, Chair*
5 *Mills-Aye. The motion passed unanimously.*
6

7 Chair Mills commented that the issue of traffic calming will be discussed in more detail as they
8 continue to address walkability and bike-ability. He commended Staff for their efforts.
9

10 **3.2 Project ADU-23-010 – A Public Hearing and Possible Action on a Conditional**
11 **Use Permit Request for a Detached Accessory Dwelling Unit (“ADU”) in the**
12 **Rear Yard of 1787 East 7200 South. Detached ADUs are Allowed as**
13 **Conditional Uses in the R-1, RR-1, and F-1 Zones in Cottonwood Heights.**
14

15 Associate Planner, Ian Harris, presented the Staff Report and identified the property owner as Ilse
16 Wilson. The subject property is in an R-1-8 Single-Family Zone where detached ADUs are a
17 Conditional Use. The proposed ADU is 10’ x 16’, approximately 13 feet in height, and will be
18 affixed to a permanent foundation. The proposed parking will be provided in the subject property’s
19 existing driveway, which exceeds 100 feet in length. A property rendering was displayed. The
20 ADU is to be located 20 feet from the rear property line, and eight feet from the side property line,
21 and meets the setback and parking requirements. Staff found the request to be compliant with
22 Chapters 19.75 and 19.84 of the City Code with the requirement of continually meeting those
23 provisions. There is landscaping and fencing to mitigate the visual impacts of both the parking
24 areas and the ADU entrances on the neighbors. Staff recommended approval subject to the
25 findings and conditions listed in the Staff Report.
26

27 A question was raised regarding the defined parking for both the home and ADU. Mr. Harris
28 reported that the ADU Code specifies that two non-tandem parking spaces are required for a
29 Detached ADU. The primary dwelling parking spaces will be maneuvered with the two ADU
30 parking spaces for a total of four spaces. It was confirmed that this will be a long-term rental,
31 which requires the property owner to reside in the ADU or primary dwelling.
32

33 Chair Mills opened the public hearing.
34

35 *Ms. Burns* identified herself as the spouse of Kendall Brady, the owner of record of the property
36 directly behind the subject property. They have had discussions with the applicant and had no
37 issues with the request.
38

39 *Kevin Chappy* identified himself as the property owner to the west of the subject property. He did
40 not feel it makes sense to have a rental space in a Single-Family Zone where the neighbors are
41 burdened with ensuring that regulations are being met. He stated that the utilities may be a
42 disruption and impact the neighborhood. He was opposed to a rental unit that is separate from the
43 main home.
44

45 There were no further public comments. The public hearing was closed.
46

1 Commissioner Steinman supported the request and stated that the State Legislature recently passed
2 legislation to create affordability and accessibility, especially on the east side of the Valley.

3
4 With respect to utility concerns, Mr. Johnson reported that any ADU must meet building
5 requirements for habitable space and cannot have a separate meter. All utilities must be extended
6 from the main utility line with the owner being required to obtain permission from the Sewer
7 District. He confirmed that a long-term ADU requires a minimum rental of 30 consecutive days,
8 the owner of record must live on the property, and a Building Permit, inspection, and Business
9 License are required.

10
11 ***Commissioner Shelton moved to APPROVE ADU-23-010 subject to the following:***

12
13 ***Conditions:***

- 14
15 ***1. The applicant shall obtain an approved Building Permit for the construction of***
16 ***the ADU, including a passed final inspection which confirms the ADU's***
17 ***compliance with all relevant Codes.***
18
19 ***2. The applicant shall obtain an approved Business License to act as the landlord***
20 ***for the ADU.***

21
22 ***Commissioner Steinman seconded the motion. Vote on motion: Commissioner Anderson-Aye,***
23 ***Commissioner Poulson-Aye, Commissioner Shelton-Aye, Commissioner Steinman-Aye,***
24 ***Commissioner Smith-Aye, Commissioner Ebbeler-Aye, Chair Mills-Aye. The motion passed***
25 ***unanimously.***

26
27 **4.0 Adjourn.**

28
29 ***Commissioner Smith moved to ADJOURN. Commissioner Anderson seconded the motion. The***
30 ***motion passed with the unanimous consent of the Commission.***

31
32 The Planning Commission Meeting adjourned at 7:06 p.m.
33

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, October 4, 2023.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____

DRAFT