



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  
39 2. ***Such use will not, under the circumstances of the particular case, be detrimental***  
40 ***to the health, safety, comfort, order, or general welfare of persons residing or***  
41 ***working in the vicinity.***
- 42  
43 3. ***The use will comply with the intent, spirit, and regulations of this title and will be***  
44 ***compatible with and implement the planning goals and objectives of the City.***  
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.  
23

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: \_\_\_\_\_