

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



January 17, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, January 17, 2024** 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 Review Business Session Agenda

The Commission will review and discuss agenda items.

2.0 Form Based Code Discussion

As part of its General Plan update process, the city is working on a form-based code ordinance. The city’s consultant, VODA Landscape + Planning, will share an update on this process with the Planning Commission, in anticipation of the project being scheduled for public hearing and potential action at an upcoming meeting.

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 Business Items

3.1 Project ZMA-23-002

A public hearing and possible action on a zoning map amendment request to rezone 0.45 acres of property at 7980 S. Danish Oaks Dr. from RR-1-21 (Rural Residential Single-Family) to R-1-10 (Residential Single-Family).

3.2 Project ZTA-23-004

A public hearing and possible action on a city-initiated zoning text amendment to establish standards and permitting requirements for outdoor sport courts in residential areas.

4.0 Adjourn

Next Planning Commission Meeting: February 7, 2024

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, January 16, 2024, 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, January 12, 2024, 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 12TH DAY OF JANUARY, 2024

Attest: Paula Melgar, City Recorder

Cottonwood Heights Form-Based Code (FBC)	
Question	Response
1	<p>How were the boundaries determined for the fbc?</p> <p>Working with city planning staff, boundaries were determined early in the process with a few modifications during the development of the code. For the most part, FBC boundaries were aligned with properties currently zoned for 'mixed use' development and only in the three areas along Fort Union Boulevard. In the future, additional FBC could be developed and applied to other areas of the city.</p>
2	<p>How will the public be involved in development approval process in FBC areas?</p> <p>Most of the areas regulated by FBC will go through a public hearing process as they currently do. Requirements for the FBC reflect community goals and objectives set by the community during the recent General Plan update process.</p> <p>Adoption of the FBC code will be considered in the first quarter of 2024, with public hearings and outreach to property owners, and further hearings with the planning commission before it is considered by the city council.</p>
3	<p>Will other areas of the city use FBC in the future?</p> <p>Most cities expand the use of an FBC over time once they become more comfortable with them. For the most part, an FBC will benefit redevelopment of commercial/mixed use areas of a city, or new build areas of a city.</p> <p>Expansion of FBC in the future will require city council approval.</p> <p>FBC is not usually used to regulate single family neighborhood areas.</p>
4	<p>How were the thresholds for administrative approval determined?</p> <p>Determining an appropriate threshold for parcels that could benefit from a faster, administrative approval process has been part of the FBC process. Approval of application will be administrative only once all code requirements are met, as well as these criteria:</p> <p>Development parcel is smaller than 1 acre.</p> <p>Structure size is below 20,000 square feet. Development located in FUB, TC, or UPC form districts. Note: All development applications in the Residential Transition (RT) districts will be required to appear in a public hearing.</p> <p>A small percentage of the overall area could qualify for an administrative approval of a development application, but would benefit city officials in keeping smaller projects (under 1 ac) off their agenda and allowing for more focus on larger projects with larger community impact.</p>
5	<p>How are the FBC setbacks different than current setbacks?</p> <p>The FBC sets a minimum AND maximum setback, unlike the current city code that only sets a minimum setback.</p>

6	What is the definition of the city's goals for mode split?	Reducing the overall commute to work travel mode for 'single person in vehicle' to less than 50%
7	How was the Residential Transition zone defined?	Areas already residential in character or directly adjacent to SF neighborhoods
8	p. 34 - Table 5 - Under Use - Accessory Structure not permitted in RT. Is this different than an ADU?	Yes, these districts would not have ADU units
9	p. 76 - Table 8.3 - Fractional parking spots - definition is provided in verbiage, table is confusing. Could table reflect what is required after rounding (per definition)? Also, what is .2/.25 parking space?	Will update, fractional space is multiplied by unit to give final required stall count.
10	Who will be involved in steps 1 & 2 in the administration of the code?	Steps 1 & 2 are primarily city planning staff and applicant for official review
11	How were parking regulations determined?	Consulting with other cities that have used a form-based code, parking requirements were developed specifically for Cottonwood Heights. These requirements don't vary much from current parking requirements that the city has in existing code, but does allow for more shared parking to reduce overall amount of surface parking lots sitting vacant during 'off' hours in the city.
12	How are maximum building heights regulated?	A form-based code regulates building heights in a couple ways: Overall number of stories defined Sets a minimum and maximum for floor heights, with special attention to ground floor height.
13	Are we requiring a structural 'Soft Story' with transparency requirements?	ASCE 716, table 12.3-2 lateral stiffness. The code seeks to find a balance in structural costs for new construction and transparency of ground floor spaces.
14	Is neighborhood lighting a requirement in the FBC?	City has outdoor lighting ordinances for any site lighting, Public Works has standards for street lighting
15	Will those who occupy or do business at the town center have an advantage? Will public monies be used to incentivize some businesses while not doing so for others?	This would be determined through the town center master planning process, not through the form based code process. The FBC does regulate use to a degree, but the council's decision about incentivizing via public money is not within the FBC's scope.
16	Is an auto repair business excluded in this code? or is it aimed at car dealerships?	Auto oriented businesses are only discouraged in areas that the FBC would be applied to where the goal is to create a more walkable center as opposed to an auto oriented area.

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



January 17, 2024

Summary

Project Number:
ZMA-23-002

Subject Property:
7980 S. Danish
Oaks Dr.

Action Requested:
Zoning Map
Amendment from
RR-1-21 to R-1-10

Applicant:
Josh Cameron

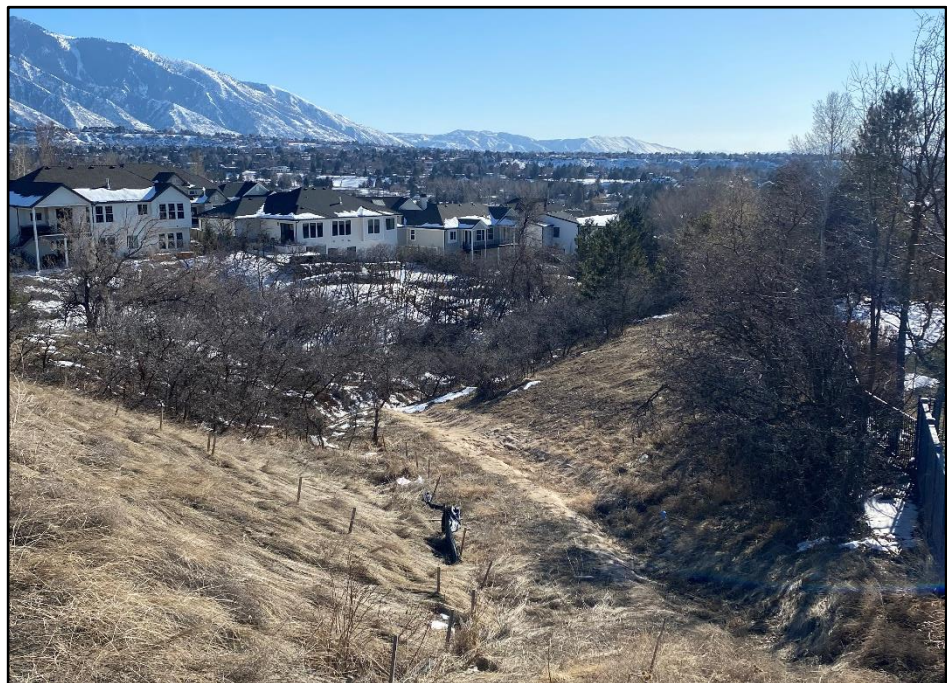
Recommendation:
Approval



Context

Property Owner:
Josh Cameron &
Kathryn Cameron

Acres:
0.45

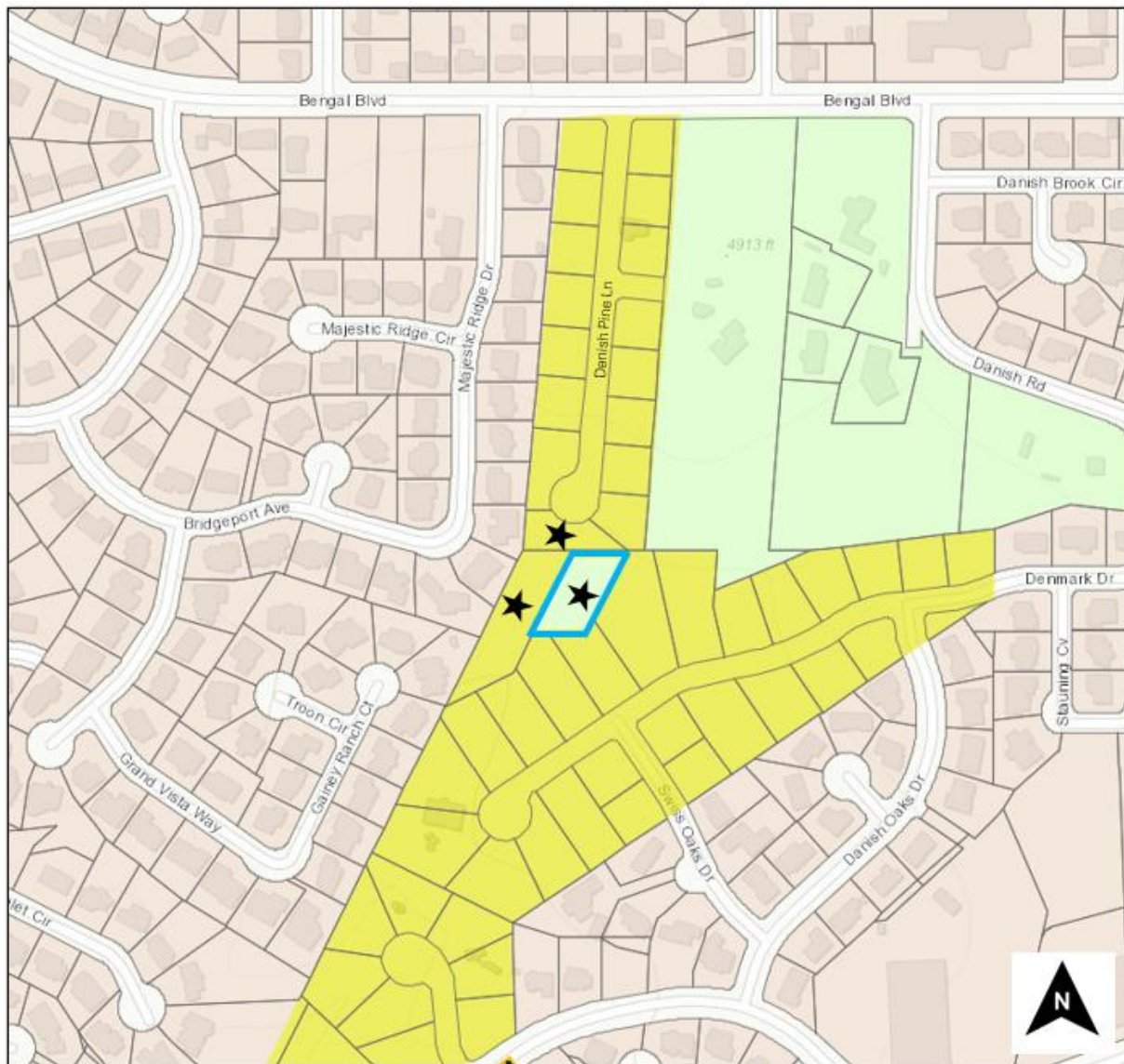


Request



The owner of 7980 S. Danish Oaks Dr. has applied for a zoning map amendment to rezone 0.45 acres of property from RR-1-21 (Rural Residential Single-Family) to R-1-10 (Residential Single-Family). In addition to owning the subject property, the applicant owns the adjacent parcels to the north and west, and would like to consolidate all three in order to construct a home on the resulting property.

As shown below, two of the applicant's parcels are zoned R-1-10, while the subject parcel is currently zoned RR-1-21. Lot consolidation requires unilateral zoning across all parcels being combined, and as such, the applicant has applied for this zoning map amendment.

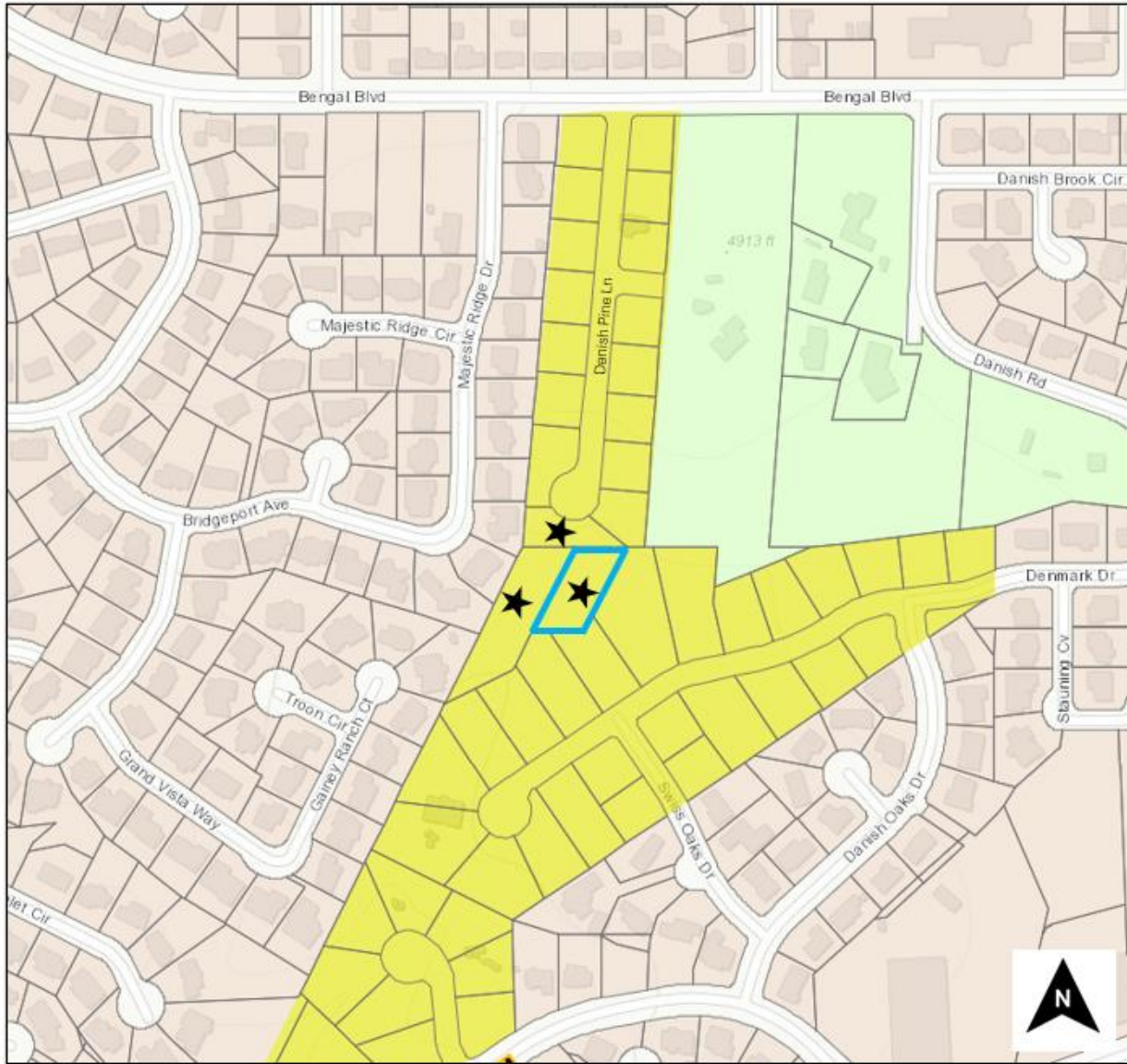
Current Zoning



Residential Single-Family (R-1-8)	Residential Single-Family (R-1-10)	Rural Residential Single-Family (RR-1-21)
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-  = Subject Property for ZMA-23-002
-  = Parcel Owned by Project Applicant


Proposed Zoning




Residential Single-Family
(R-1-8)

Residential Single-Family
(R-1-10)

Rural Residential Single-Family
(RR-1-21)

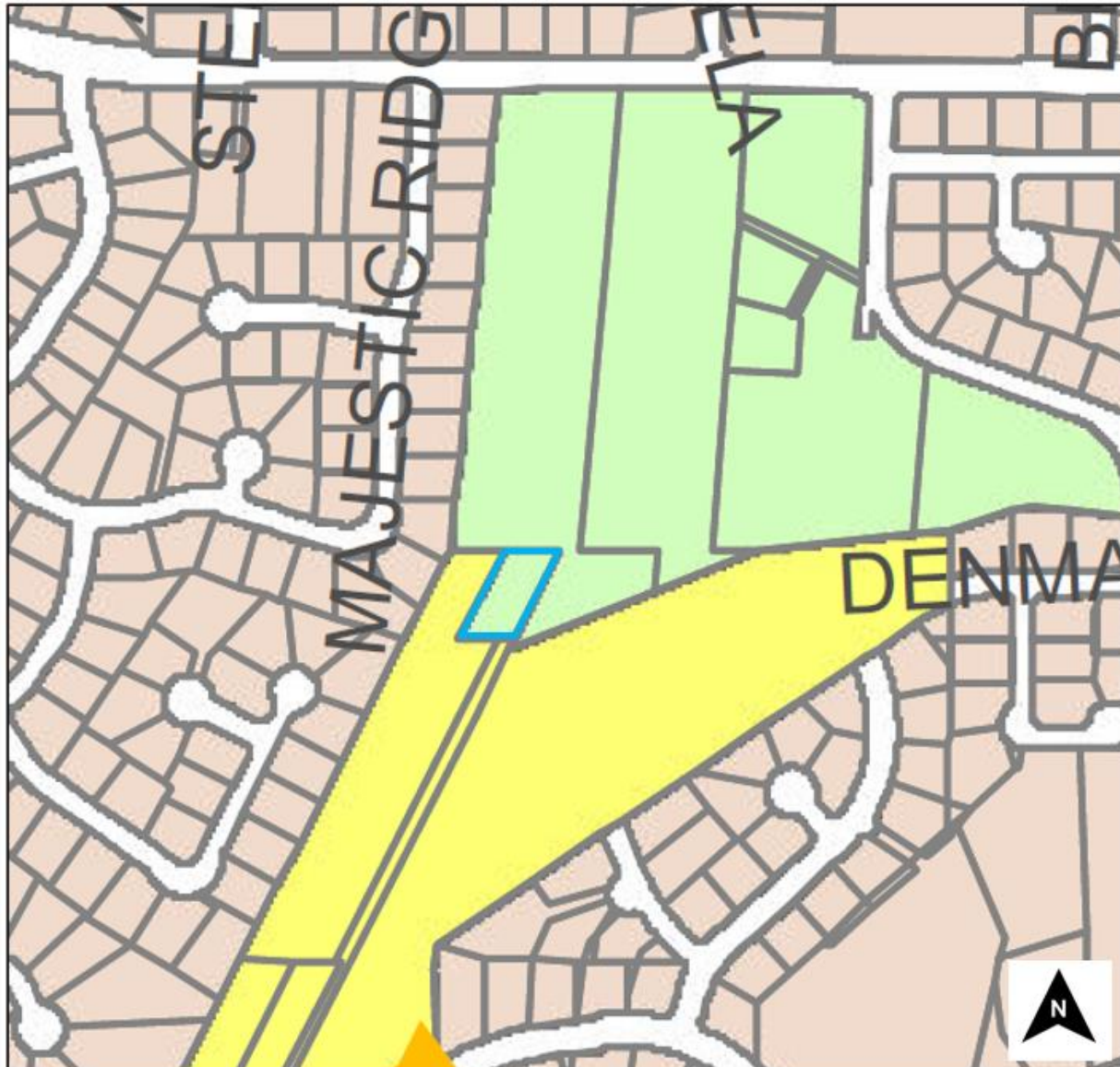
 = Subject Property for ZMA-23-002

 = Parcel Owned by Project Applicant

Background

The isolated RR-1-21 zoning of the property is a recent circumstance. Prior to 2019, the area to the north of the subject property was also zoned RR-1-21, as shown in the below zoning map from 2012.

2012 Zoning



Residential Single-Family (R-1-8)	Residential Single-Family (R-1-10)	Rural Residential Single-Family (RR-1-21)
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 = Subject Property for ZMA-23-002

To create the Danish Pines Subdivision, a zoning map amendment was approved in 2019 which reclassified the properties to the north as R-1-10, notably exempting the subject property from this rezone. Staff recalls that the former owner of this property was approached about including the parcel in the rezone and subsequent subdivision, but this owner declined this option, resulting in the isolated RR-1-21 zoning that exists today.

Analysis

Zoning and Land Use

The current zoning designation for the property is RR-1-21, which is a Rural Residential Single-Family zone, with a lot size minimum of 21,780 square feet. The proposed zoning designation, R-1-10, is a Residential Single-Family zone, with a lot size minimum of 10,000 square feet. The city's Land Use Map, which designates the long-range vision for properties, calls for "Low Density Residential" on site.

Staff Analysis: At approximately 19,602 square feet, this parcel does not comply with the lot size requirement for the underlying RR-1-21 zoning. This size does, however, comply with the lot size requirement for the proposed R-1-10 zone, and as such the rezone would bring the property into greater conformity with the city's Zoning Ordinance. Additionally, a rezone to R-1-10 is consistent with the Land Use Map, as R-1-10 matches the "Low Density Residential" land use envisioned for this map, while the current zoning of RR-1-21 is considered a "Rural Residential" land use. Thus, a rezone would also bring the property into greater conformity with the city's General Plan.

Potential Development

Permitted uses are largely similar between the RR-1-21 zone and R-1-10 zone, with the only difference being the allowance of agriculture, farm, and farm animals as permitted uses in the RR-1-21 zone. The primary purposes of both zones are to provide for residential development. Conditional uses in either zone would require review and approval by the Planning Commission.

Staff Analysis: Should the rezone be approved, any future development on the subject property will be required to comply with standards for the R-1-10 zone, as well as any relevant standards from the city's Sensitive Lands Evaluation and Development Standards ordinance, as it falls within the Sensitive Lands Overlay Zone.

Zoning Map Amendment Procedure

Chapter 19.90.010 of the Cottonwood Heights Municipal Code details the procedure for zoning map amendments:

19.90.10 Amendment Procedure.

- A. *The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. **The city council may not make any amendment authorized by this section unless the amendment is proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have received the positive recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.***
- B. *Zoning amendment applications which receive a recommendation of denial by the planning commission shall thereafter be considered by the city council.... The city council, after review of the recommendation by the planning commission, may affirm, reverse, alter or remand for further review and consideration any recommendations made by the planning commission.*

Zoning map amendments are legislative actions, meaning that the Planning Commission’s authority is to take public comment, discuss the merits of the proposal, and make recommendations to the City Council. The City Council is the final approval authority for this application.

Noticing

Notices were posted and mailed at least 10 days prior to the meeting. Individual letters were sent to property owners within 1000’ feet of the subject property, and a public notice sign was posted on the property, visible from Danish Pine Ln.

Recommendation & Findings

Based on the analysis in this staff report and the below findings, staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council to amend the Zoning Map classification for this property from RR-1-21 to R-1-10.

Findings of Fact Include:

1. A zoning map amendment to R-1-10 would bring the property into conformity with the minimum lot size requirement, whereas the property currently does not comply with this requirement for the underlying RR-1-21 zone.
 2. The proposed zoning map amendment is consistent the Land Use Map’s designation of this property as “Low Density Residential.”
 3. The proposed zoning map amendment is consistent and compatible with the surrounding neighborhood.
 4. The application was made pursuant to 19.90 of the Cottonwood Heights City Code.
 5. A public hearing was held in accordance with the local and state requirements.
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Model Motions

Approval

I move to recommend APPROVAL to the City Council for ZMA-23-002, based on the findings and recommendations listed in the staff report dated January 17, 2024.

- *List any other findings or recommendations for approval...*

Denial

I move to recommend DENIAL to the City Council for ZMA-23-002, based on the following findings:

- *List findings for denial...*



PLANNING COMMISSION MEMO

ZTA-23-004 – Sport Court Ordinance

Meeting Date: January 17, 2024

Staff Contact: Mike Johnson, CED Director

Request

This application represents a city-initiated request for a zoning text amendment to enact regulations pertaining to outdoor sport courts in or near residential properties. This amendment is being drafted in response to a city-issued moratorium on sport courts due to concerns regarding noise, lighting, and fencing.

Background & Overview

On September 6, 2023, the City Council issued a moratorium on the construction of outdoor sport courts over 500 square feet in size. The moratorium resulted from concerns raised by residents regarding noise, lighting, and fencing associated with private, residential pickleball courts.

Following the moratorium, staff prepared a draft ordinance addressing the negative impacts of sound, lighting, and fencing, and held several work session discussions with the Planning Commission. Several solutions were recommended specific to pickleball use, including establishing a substantial minimum setback to offset noise impacts, requiring building permits for sport courts, and ensuring that lighting and fencing standards were met by all sport court permits. After two meetings, the Commission requested additional input from the City Council regarding ordinance direction, particularly as it relates to setback requirements and regulating pickleball use separately from other court sports.

The City Council provided general input and recommendations, summarized below:

- Ordinance should apply to all outdoor sport courts in or adjacent to residential zones and/or uses;
- Ordinance should establish a substantial minimum setback for all sport courts if no sound mitigation is proposed;
- Ordinance should allow a reduction in that setback based on a qualified noise study that proposes methods for mitigating the noise impacts (with no minimum point of reduction. More mitigation may result in less setback);
- Ordinance should require a building permit for all sport courts, including minimum requirements for fencing and outdoor lighting, compliant with existing city ordinances;
- Ordinance should require a signed, recorded affidavit for the property owner of record to acknowledge understanding of all sport court standards and noise standards.

While the direction has been to create an ordinance that applies to all sport courts, staff recommends that the Commission consider the unique impacts of pickleball as opposed to other common sport court uses. This finding is based on substantial research conducted by staff regarding the noise and frequency impacts that are generally unique to pickleball.

A revised draft ordinance has been prepared (attached to this memo). A public hearing has been held on both December 6, 2023 and January 3, 2024. Another public hearing is scheduled for the January 17, 2024 Commission meeting. All written comments received to date have been distributed to the Commission, and all additional comments received since the January 3 meeting will be sent to the Commission prior to the January 17 meeting.

Recommendation & Model Motions

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed sport court regulations.

Approval

I move that we forward a recommendation of approval to the City Council for project ZTA-23-004, based on the finding listed in the staff memo and attachments dated January 17, 2024

- List any other findings or conditions for recommendation of approval...

Denial

I move that we forward a recommendation of denial to the City Council for project ZTA-23-004, based on the following findings...

- List findings for negative recommendation...

Attachments

1. Proposed Sport Court Regulations

Draft Sport Court Ordinance

December 5, 2023

19.76.010 Definitions

“*Sport Court*,” means any horizontal playing area of over 500 square feet that is paved or otherwise covered with a non-vegetative surface reasonably usable or intended for use for multi-player sports activities such as tennis, pickleball or basketball, together with all related fencing and exterior lighting.

“*Indoor Sport Court*,” means a sport court enclosed by solid walls and a roof which comply with the adopted building code’s standards for framing, insulation, dry walling, and roofing of a structure.

“*Outdoor Sport Court*,” means a sport court which is unenclosed by solid walls and a roof.

“*Qualified Noise Study*,” means a noise study prepared by a certified professional that has simulated the impact of the proposed outdoor sport court through use of engineering models, field noise level data collection, computer generation or similar techniques. The noise study shall indicate the noise impact at any property line nearer to the court than 150’. The noise study must also show what alternatives have been considered for the mitigation of noise with the pre- and post- development noise levels. The noise study shall demonstrate that the outdoor sport court will be constructed and utilized in compliance with the noise regulations instituted by the Salt Lake Valley Health Department. The applicant shall pay for the third-party review of the submitted noise study. The Development Review Committee may require applicants to submit and fund additional studies, including a visual analysis of the proposed outdoor sport court. If the Development Review Committee requires the applicant to submit additional studies, the Development Review Committee may recommend the scope and method of study.

19.76.060 Outdoor Sport Courts

- A. Purpose. This chapter regulates outdoor sport courts in or adjacent to residential zoning and/or approved residential uses in a non-residential zone, in order to mitigate the unique impacts the use of such courts presents in terms of noise, outdoor lighting, and fencing.
- B. Applicability. The regulations of this chapter apply to all outdoor sport courts constructed after the effective date of this ordinance, within a residential zone, or on a parcel adjacent to residential zoning, and/or an approved residential use. The regulations herein do not apply to sport courts legally constructed and already in existence, including the routine maintenance and repair of said courts, nor do they apply to indoor sport courts.
- C. Standards for Approval.
 - a. Building Permit Required. Outdoor sport courts require a building permit issued by the Cottonwood Heights Building Department, including review by all relevant city departments. The specifications for building permit plans will vary by project scope, but at a minimum shall include a site plan with setbacks from the proposed sport court to all property lines, fencing details including material, height, and setback to property lines,

outdoor lighting details including fixture height, bulb lumen, bulb kelvin, and lamp cut sheets, and materials information for sport court surfacing.

- b. *Setback Requirements.* All outdoor sport courts shall be located in the rear yard of the primary structure, or within a common area of a multi-family project, and shall be at least 150' from all property lines. A reduction in minimum setback may be approved by the Development Review Committee following the submission and approval of a qualified noise study as defined in this title, which indicates buffering measures that result in a decibel rating of no more than 65 dBA at property lines. In the case of a multi-family project with internal property lines designating the separate ownership of units, the outermost project boundary property lines shall be used in determining minimum setbacks required. In the case of a sport court located in a multi-family project, all unit owners within 150' of the court location must provide consent for the construction.

- c. *Fencing Regulations.* All sport court fencing is subject to the same height regulations for accessory structures in the underlying zone, as measured from existing grade. Uncoated chain link fencing is prohibited.

- d. *Outdoor Lighting Regulations.* All outdoor lighting shall be in conformance with the standards outlined in 19.77 of this title, "*Outdoor Lighting.*"

- e. *Affidavit Required.* All applications for sport courts shall include a notarized affidavit, signed by the record owner of the property, including a statement that use of the approved outdoor sport court is subject to ongoing compliance with all applicable land use regulations, including maintaining compliance with all applicable noise ordinance requirements.