

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

Wednesday, February 7, 2024

5:00 p.m.

2277 East Bengal Boulevard

Council Work Room

ATTENDANCE

Members Present: Chair Dan Mills, Vice-Chair Lucy Anderson, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Sean Steinman, Commissioner Jessica Chappell

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

Excused: Commissioner Dan Poulson, Commissioner Jonathan Ebbeler, Youth City Council Member Alayna Dazley

WORK SESSION

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

1.0 Review Business Session Agenda.

The Agenda items were reviewed and discussed.

Senior City Planner, Samantha DeSeelhorst provided an overview of Project ZTA-24-001. She stated this item is a public hearing with possible action on a City-Initiated Zoning Text Amendment to make administrative updates to portions of Title 12 and Title 19 of City Code. The proposed changes included the following:

Proposed Change #1 – Public Utility Easements (“PUE”).

This is an invisible perimeter along lot lines set a certain number of feet in from each property line meant to serve as ongoing access for public utility companies. Staff considered it best practice to codify Public Utility Easement (“PUE”) standards through the addition of a small section to the Subdivision Ordinance in Title 12.

Proposed Change #2 – Monument Signs for Religious Institutions.

Monument signage is typical with most non-residential uses such as offices, retail establishments, academic institutions, and religious institutions. However, many religious institutions, including those in Cottonwood Heights, exist within residential zoning, which does not allow for monument signs. The proposed edit clarifies that monument signs are allowed on site at churches, rectories,

or temples, regardless of the underlying zoning. With regard to allowed size, Staff proposed that monument signs at religious institutions be limited to the smallest monument signage dimension that currently exists in City Code of 4 feet in height and 32 square feet in size. Staff also proposed several minor edits to the Monument Sign Table (Chart 19.82.03-01) to add missing zone information and clarify measurements.

Commissioner Anderson suggested that broader language be used as opposed to that of a church, rectory, or temple. Ms. DeSeelhorst stated that a motion can be made to add language referencing a religious institution or place of worship.

A question was raised regarding a home church and the allowance of signage in residential zoning. Ms. DeSeelhorst stated that home businesses are limited to a nameplate. She was unaware of any home churches currently in Cottonwood Heights but was in favor of anticipating one in the future. She noted that a home being utilized as primarily a residence and secondarily a church would be considered a Home Business Conditional Use. The primary use of the property was considered. It was suggested that language be added to read, "...properties at which the primary use is a religious institution."

The Monument Sign Table was referenced. Ms. DeSeelhorst reported that changes to the Table include a row referencing Church, Rectory, or Temple Monument signage of 32 square feet with a maximum four-foot height with a 36-inch setback. She confirmed that electronic signage is only allowed in specific areas. The Residential Office Zone was added to the Table to provide clarity. Another change included the addition of the Commercial Regional Zone with the same signage dimensions as the Neighborhood Commercial ("CR") Zone. She reported that the last change was the transition of "Signable Area" to "Size."

Commissioner Anderson asked if the CR Zone is allowed one group sign or as tenants turn over, if it becomes multiple individual signs. Mr. Johnson referenced the Sign Ordinance which states, "Where permitted, the premises may display one monument sign on each street highway on which it has frontage." He confirmed that occupants within shopping centers may not have individual monument signage but a group monument was allowed. Ms. DeSeelhorst believed language would prevent businesses from having both group and individual signage. She confirmed that pole signs are prohibited in the Code and no changes had been made with the most recent update. Historically, pole signs are tall and often obstruct skylines and views with an outdated feel that is reminiscent of highway-type development. In the Form-Based Code, Staff distinguished that there may be more pedestrian-scale wayfinding signage that is technically on a pole or marker.

Chair Mills wanted to revisit the signage item periodically. He encouraged the Planning Commission to be aware and find forward-thinking ways to help businesses advertise their locations.

Associate City Planner and Sustainability Analyst, Ian Harris stated that the next proposed change included the following:

Proposed Change #3 – Lighting for Recreation Facilities

When the Outdoor Lighting Ordinance (§19.77) was passed in 2019 to combat nighttime light pollution, it contained an Exceptions section designed to address instances where specific uses and circumstances may need supplementary or different regulations than standard commercial and residential zone regulations. Because the section is titled “Exceptions,” some applicants have been under the impression that all items listed in the section are exempt from lighting regulations. Staff proposed renaming this section to Supplementary Lighting Provisions and also proposed clarifying that the exception for recreational facilities only applies to those which are public or commercial..

Proposed Change #4 – Accessory Building Fixes.

This change is designed to clean up miscellaneous conflicting information that pertains to accessory structures and detached garages. City Code currently defines accessory buildings as being both possibly attached to or detached from primary structures. This has led to confusion since all zones treat accessory buildings as totally detached from the primary structure. Staff proposed clarifying that accessory buildings are always detached structures along with other miscellaneous fixes that codify staff interpretations. Staff also proposed changing the definition of a “private garage” to a detached garage, and removing a definition for an accessory dwelling above a detached garage that serves no purpose.

Mr. Harris reported that the proposed change would clarify that an accessory building shall not exceed 70% of the floor area of the main structure. Measurements are to be based on the total square footage of the main structure. Language would also change the definition of “private garage” to a detached garage. Changes would remove a redundant definition of garage/accessory dwelling.

Commissioner Shelton understood that size is more about coverage than comparison to the primary structure. Mr. Johnson commented that the proposed change would provide clarity regarding allowable structures. The Code has determined that part of the definition of secondary incidental is less than the primary use on the lot but is physically secondary and smaller in size. Chair Mills supported verbiage allowing for a secondary structure if a property owner has the space to construct a barn in the back corner of their property. He believed the reasoning was for those with smaller lots that max out a secondary garage for a workshop that creates issues. Specific verbiage was discussed. Staff confirmed that the recommended change would clarify language to read 25% rear lot coverage in any Rural Residential Zones and include RR-1-21 zones.

Proposed Change #5 – Detached ADU Clarifications.

Unlike other accessory buildings, Detached Accessory Dwelling Units (D-ADUs) are subject to stricter setback standards. The Code currently requires D-ADUs to meet the same setback standards as primary structures (single-family residences) in residential zones, while also being located in the rear yard. Staff’s proposed Code updates clarify this further in the ADU Chapter and the Supplementary and Qualifying Provisions Section for accessory building area regulations. Changes would include the following:

- Any D-ADU shall be located in the rear yard of a property and shall maintain a setback of at least six feet from the primary structure.
- Any D-ADU shall be subject to primary structure side and rear setback standards for the zone in which it is located.

- Unless otherwise expressly permitted in an underlying zone, no accessory building shall be located in the front, side, or corner side yard area of any lot, including a D-ADU.
- Any D-ADU shall maintain a setback of at least six feet from the main building in the rear yard of the property and shall be subject to all primary structure setback standards for the zone in which it is located.

2.0 Town Center Update.

Mr. Johnson presented the Town Center Update and reported that two Town Hall Meetings were held in January 2024. A project website was available at www.chtowncenter.com and created as a home base for project updates. The Town Hall public forum recordings can also be found on the project website. He reported that 200 responses had been received from the Public Survey. Staff would continue to provide updates.

Mr. Johnson reported that the Town Center Committee was appointed with a focus on making recommendations to convey the desires of the public to the City and Project Team. A consulting group comprised of developers, surveyors, and engineers was also appointed to assist with technical planning and public engagement opportunities. Staff was scheduled to meet with both groups at the end of February at which time they will begin generating concept plans based on previous input and other factors. Mr. Johnson anticipated wider public engagement in the spring and would continue to send out updates. He reported that comments and feedback may be submitted through the project website. A summary document would be made available detailing comments heard at the Town Hall Meetings.

Chair Mills commented that it was mentioned that of all the public meetings attended, the Town Hall Meetings were the most diplomatic and people were kind to one another. Enthusiasm and excitement for the project were shared. The comments received varied greatly but generally, the idea of a gathering spaces with something that generates revenue around the outside and buildings of variable height were agreed upon. Underground parking was also a preference and he shared the importance of the Form-Based Code meshing well with the project. During the Committee process, he listened to five-minute presentations from groups and others to coalesce into three separate groups. Each group will share their ideas with Staff and present features that ought to be considered. Although undecided, he recommended the Commission continue to listen and follow along with the discussions.

Hillside Plaza Committee Chair Randy Whitehead, Mayor Weichers, and Council Member Birrell took a recent trip to Carmel, Indiana. Chair Mills reported that Carmel is a City that has won multiple awards with a Mayor who is known for being a huge advocate for business and economic development. He has taken a dilapidated Indianapolis suburb and made it a place that people come to visit. Details of the improvements were discussed. Chair Mills encouraged the Commission Members to stay apprised of citizen comments.

Commissioner Steinman asked what requirements the City has to abide by with regard to bonds and taxing. Mr. Johnson stated that the City used Sales Tax Bonds to purchase the property. The return and tools available to offset the costs were at the discretion of the City Council. He explained that the Hillside Plaza is a Community Reinvestment Area (“CRA”) with the intent

being to pursue Tax Increment Financing (“TIF”) once a plan is in place to help offset the cost of infrastructure and other aspects of development. The intent is that as concepts are put together, they will be able to present revenue projections and have the tools in place to make those types of decisions. He recommended that the Commission Members get to know Mr. Whitehead and discuss any concerns or ideas with him.

Commissioner Anderson referenced the Sports Court Ordinance and reported that she listened to the City Council discussion on the matter from the previous night’s meeting. The City Council was very appreciative of the work of the Planning Commission and for their collaboration and time spent addressing the Ordinance. There was agreement and a consensus by the City Council on the direction provided and the collaborative efforts of the Planning Commission for their ability to craft an Ordinance that was agreed upon by all.

3.0 Adjournment.

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

The Work Meeting adjourned at 6:01 p.m.

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

Wednesday, February 7, 2024

6:00 p.m.

2277 East Bengal Boulevard

City Council Chambers

Members Present: Chair Dan Mills, Vice-Chair Lucy Anderson, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Sean Steinman, Commissioner Jessica Chappell

Staff Present: Deputy City Recorder Maria Devereux, Associate City Planner and Sustainability Analyst Ian Harris, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, System Administrator Alex Earl

Excused: Commissioner Dan Poulson, Commissioner Jonathan Ebbeler, Youth City Council Member Alayna Dazley

BUSINESS SESSION

Chair Dan Mills called the Business Meeting to order at 6:09 p.m.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no ex-parte communications of conflicts of interest to disclose.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items.

3.1 Project ZTA-24-001 – A Public Hearing and Possible Action on a City-Initiated Zoning Text Amendment to Make Administrative Updates to Portions of Title 12 and Title 19 of City Code. The Purpose of this Text Amendment is to Clarify Ambiguous Definitions and Procedures and Rectify Conflicting Provisions as Part of Ongoing City Code Maintenance.

Senior City Planner, Samantha DeSeelhorst presented the Staff report and stated that the above item involves a City-initiated Zoning Text Amendment to make administrative updates to portions of Titles 12 and 19 of City Code. Proposed changes included the following:

- Updating the definition or terminology surrounding places of worship to be a more broad term rather than specifying some that may be denominational. Language should also specify allowances for a monument sign on properties that are limited to those with a primary use as a place of worship.
- Consensus on the Accessory Building Regulations including a regulation for Accessory Buildings to be no more than 25% of the rear yard and 70% of the floor area of the primary structure except for in Rural Residential Zone, to which only the 25% applies.

MOTION: Commissioner Smith moved to forward a recommendation of APPROVAL to the City Council for Project ZTA-24-001 based on the following conditions:

- 1. Update the definition or terminology surrounding places of worship to be a more broad term rather than specifying some that may be denominational. Language should also specify allowances for a monument sign on those properties that are limited to those with a primary use as a place of worship.**
- 2. Consensus on the Accessory Building Regulations shall include a regulation that Accessory Buildings shall be no more than 25% of the rear yard and 70% of the floor area of the primary structure except for in Rural Residential Zone, to which only 25% applies.**

Commissioner Anderson seconded the motion. Vote: Commissioner Anderson-Yes, Commissioner Chappell-Yes, Commissioner Shelton-Yes, Commissioner Steinman-Yes, Commissioner Smith-Yes, Chair Mills-Yes. The motion passed unanimously.

4.0 Adjournment.

The Business Meeting adjourned at 6:15 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Wednesday, February 7, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____