

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

Wednesday, June 4, 2014

6:00 p.m.

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

ATTENDANCE

- Members Present:** Vice Chair Paxton Guymon, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Dennis Peters, Commissioner Joseph Demma
- Excused:** Chair Gordon Walker, Commissioner Janet Janke, Commissioner Jeremy Lapin,
- Staff Present:** Community and Economic Development Director Brian Berndt, City Planner Glen Goins, Associate Planner Mike Johnson
- Others Present:** Gary McGee, Jill McGee, Susan Despain, Lynne Kraus, Serge Olszansky, Margaret Rawlins, Adam Baloch, Valerie Johnson, Catherine Buras, Russ Harmer, Jeannie Harmer, Gray Smith, Cathy Maxfield

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Vice Chair Paxton Guymon called the meeting to order at 6:01 p.m. and welcomed those in attendance.

2.0 CITIZEN COMMENTS

There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #CUP-14-003) Public Comment on a request from Adam Baloch, for a conditional use permit and site plan approval to develop and operate a restaurant (Cottonwood Café) at 7146 S Highland Drive

Vice Chair Guymon stated that the proposed request is for a conditional use permit and site plan approval to develop and operate the Cottonwood Café.

Associate Planner, Mike Johnson, presented the staff report and stated that the request is a relocation and essentially a reapplication. Due to a lack of substantial completion, the previous conditional use permit application expired after one year. The original application was submitted and approved in 2012. Staff recommends approval.

Vice Chair Guymon opened the public hearing. There were no public comments. The public hearing was closed.

3.2 (Project #ZMA 13-006) Public Comment on a request from Christian and Shellee Neff, for a general plan amendment from Low Density Residential to Medium Density Residential and approval of a zone change and zoning map amendment from R-1-8 to R-2-8 on approximately 1.49 acres of property located at 8595-8959 Wasatch Boulevard

Senior Planner, Glen Goins, presented the staff report and stated that the proposal will affect approximately 1.5 acres of property and allow a different residential unit to be requested for the property. Instead of single-family homes, twin homes will become an option. The proposed conditions were examined. The biggest concern is the protection of environmentally sensitive lands, view sheds, and open spaces. Potential traffic and safety concerns were described. Mr. Goins explained that the proposal will essentially double the current density. It is being revisited because when the application was submitted the prior year, the matter was removed from the agenda and never acted on. The applicant is asking to have the request reintroduced. Staff recommended denial of the proposed amendment.

Vice Chair Guymon questioned the extra wide lane adjacent to the property.

Mr. Goins confirmed that it is wide enough for a lane, but is not used as such.

Mark Neff, father of the applicant, stated that they have owned the property for 15 years. Finding a builder to construct a single-family residence has been a struggle and resulted in their request to rezone. The intended right-of-way needs to be improved and he agrees that there is a high volume of traffic.

Commissioner Demma asked Mr. Neff if in 2001, he was required to post a bond with the County.

Mr. Neff confirmed that everything has been done with the exception of running power to the center of the property.

Vice Chair Guymon opened the public hearing.

Nathan Anderson, representing the property owners to the south, is in favor of the rezone. He stated that traffic will not increase as a result of the rezone. The area is an alcove surrounded by the Wasatch Fault. He believes that the property would sell if it were priced appropriately.

Serge Olszansky expressed opposition to the request. He noted that adjacent duplexes are zoned R-1-8 and were grandfathered in. With all of the issues surrounding the property, he considers higher density zoning to be counterintuitive. He recommends that alternative solutions be explored.

Margaret Rawlins expressed concern with the excavation of the property and its instability. She believes traffic is also of concern.

Jean Harmer stated that if the property is excavated and perhaps undercut, they will never be able to regain that portion of land. In addition, undermining the hill could potentially interfere with the natural drainage. She also believes traffic flow is a concern. Ms. Harmer expressed opposition to the rezone.

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

3.3 (Project #ZTA 14-002) Public comment on proposed amendment to Chapter 19.78 Planned Unit Development to update certain portions, including a provision for attached housing

Mr. Goins presented the staff report and stated that the request is for reexamination of the current Planned Unit Development (PUD) Code. Staff feels that the amendments provide a greater opportunity for open

space subdivisions in general as well as site design. Upon examination, it was determined that the current Code lacks one of the main provisions that PUD codes offer, which is a density bonus. Currently, the Code distinguishes between PUDs of three to five acres and five acres and above. Items that define the provision are attached housing components, the location of the attached housing, greater flexibility in the open space approval, components of the open space, and the addition of a specific requirement for compatibility with adjacent developments. It is apparent that attached housing, if approved, would be allowed in any R-1 zone. Types of allowable home designs were presented.

Vice Chair Guymon opened the public hearing.

Gary McGee is of the opinion that the City has operated just fine without the amendment. He expressed his opposition.

Susan Despain is of the opinion that density bonuses should be considered on a case-by-case basis. She stated that there should not be a percentage restriction.

Commissioner Peters suggested keeping the public hearing open.

Mr. Goins confirmed that with regards to the Despain property, they had to amend the General Plan and then rezoned the property to R-1-8. He explained that the impact would essentially be the same, if it were a minimum one-acre property as well. The most notable impacts of the PUD amendment are the attached housing, that the 20% minimum open space dedication has to be on developable ground and that there can be reduced lot sizes approved by the Planning Commission.

Mr. McGee reiterated his opposition and suggested that limiting the number of units that may be attached might be more appropriate.

Commissioner Peters moved to keep the public hearing open. The motion was seconded by Commissioner Bolyard and passed unanimously on a voice vote.

Mr. Goins stated that staff would be open to recommendations and suggestions pertaining to the proposed amendment and can help craft the proposed text.

4.0 ACTION ITEMS

4.1 **(Project #ZTA 14-001) Action on a city-initiated Zoning Ordinance Text Amendment to the PF (Public Facilities) zone to allow structures up to 45 feet in height**

Vice Chair Guymon stated that the proposed request is for action on a City-initiated Zoning Ordinance Text Amendment to the PF (Public Facilities) zone to allow structures of up to 45 feet in height.

Community and Economic Development Director, Brian Berndt, described the proposed amendment and the item was open to further discussion.

Commissioner Peters raised a question about primary benefits.

Mr. Berndt explained that a proposal for any increase in height above 35 feet will require moving the building back an additional two feet. Any request for an increase in height would require the building to be moved further into the site. If the height is increased, mitigating the impact needs to be further reviewed. The 40-foot exception is allowable as long as it is located on property zoned PF.

Commissioner Peters stated that he is of the belief that if the proposed code amendment is connected to City Hall, it would be bad form on the part of staff and the Planning Commission to endorse the amendment. He recommended denial of the application.

Commissioner Jones also expressed opposition.

Motion: Commissioner Jones moved to forward a negative recommendation to the City Council for Project #ZTA 14-001 the Public Facilities text amendment initiated by the City for an increase in building height from 35 to 45 feet based on meeting additional setbacks. The motion was seconded by Commissioner Peters. Vote on motion: James S. Jones-Aye, Dennis Peters-Aye, Perry Bolyard-Aye, Joseph Demma-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously.

4.3 Approval of May 7, 2014 Minutes

Motion: Commissioner Demma moved to approve the May 7, 2014, minutes. The Motions was seconded by Commissioner Jones. Vote on motion: James S. Jones-Aye, Dennis Peters-Aye, Perry Bolyard-Aye, Joseph Demma-Aye, Vice Chair Paxton Guymon-Aye. The motion passed unanimously

5.0 ADJOURNMENT

Motion: Commissioner Bolyard moved to adjourn. The motion was seconded by Commissioner Demma and passed unanimously on a voice vote.

The Planning Commission meeting adjourned at 7:13 p.m.

Minutes approved: 07/02/2014