

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

3
4 **Wednesday, March 2, 2016**

5 **6:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Members Present:** Chairman Paxton Guymon, Commissioner Sue Ryser, Commissioner Dennis
13 Peters, Commissioner Greg Griffin, Alternate Joseph Demma, Commissioner
14 Allen Orr

15
16 **Excused:** Commissioner James Jones

17
18 **Staff Present:** Senior Planner Glen Goins, Planner Mike Johnson, City Attorney Shane Topham,
19 Community and Economic Development Director Brian Berndt
20

21 **BUSINESS MEETING**

22
23 **1.0 WELCOME/ACKNOWLEDGEMENTS**

24
25 Chair Guymon called the meeting to order at 6:05 p.m. He clarified that some residents may have received
26 a notice stating that the Planning Commission would be considering public comments on a proposed home
27 preschool on Summerhill Drive. He noted that the matter was tabled to the April 6 meeting.
28

29 **2.0 CITIZEN COMMENTS**

30
31 (18:06:47) Nancy Hardy reported that the City appointed staff to consider the resident survey. She asked
32 if it would be helpful to have the City Council and Planning Commission give input on what should be
33 included in the survey. Chair Guymon asked staff if there was a reason why the Planning Commission
34 could not be involved in the survey. Staff responded that the City is currently preparing a Request for
35 Proposal (RFP) for consultants on the survey. Ms. Hardy commented that it is important for the survey to
36 be completed before any changes are made, particularly with regard to height and density.
37

38 Lynne Krause gave her address as 2407 East 7745 South and expressed support for the Bicycle and Urban
39 Trails Master Plan. She was concerned that updated recordings of City meetings and minutes are difficult
40 to access online. Commissioner Orr asked staff if recordings are supposed to be made available online.
41 Chair Guymon clarified that there have been glitches uploading the live-streaming of the meetings.
42 Ms. Krause indicated that she was trying to find additional information on Project #ZMA-15-003, which is
43 located on North Little Cottonwood Canyon. She stated that she could not find any information other than
44 the agenda.
45

46 Chair Guymon agreed that the situation needs to change and stated that the City should provide a link in
47 each staff report. Senior Planner, Glen Goins, stated that there are two options. First, the City can provide
48 the staff report or second, a PDF of the entire packet. Mr. Goins reported that the information is supposed
49 to be posted. He offered to look into the matter further.
50

1 Bill Kearn gave his address as 7430 South Wasatch Boulevard, Unit C3, and identified himself as the
2 President of the Canyon Racquet Club Homeowners Association. He asked to address the proposal relating
3 to the Bambu Restaurant. Chair Guymon informed him that the Citizen Comment period is intended for
4 comments on matters that are not on the agenda.

5
6 There were no further citizen comments.

7 8 **3.0 PUBLIC HEARINGS**

9 10 **3.1 (Project #GPA-16-001) Public Comment on a City-Initiated Proposal to Adopt a** 11 **Bicycle and Urban Trails Master Plan as an Addendum to the Cottonwood Heights** 12 **General Plan.**

13
14 City Planner, Mike Johnson, presented the staff report and stated that the proposal will not amend the
15 existing General Plan. Rather, it is an addendum to the plan and will act as a Master Plan for bicycle and
16 trail transportation throughout the City. He stated that classifying bicycle lanes is standardized by County
17 and National organizations and Cottonwood Heights has adopted the same standards in the proposed
18 Bicycle Plan. The following was presented:

- 19
20 • **Category One:** A Category One bicycle lane is sometimes referred to as a cycle trek, which is a
21 bike lane that is physically separated in some manner from the travel lanes.
- 22
23 • **Category Two:** A Category Two bicycle lane is the more prototypical bicycle lane. It generally
24 consists of a painted lane that is flush with the service of the vehicle travel lane, generally off to
25 the side. Examples in Cottonwood Heights are on Wasatch Boulevard, 2300 East, parts of Creek
26 Road, and Bengal Boulevard.
- 27
28 • **Category Three:** A Category Three bicycle lane is a shared roadway that may include signage as
29 well as painted, directional arrows in the lane of traffic with the intent to make vehicles aware that
30 the roadway is to be shared. Examples in Cottonwood Heights include Top of the World and
31 Danish Road. Mr. Johnson noted that the markers on Danish Road are very worn and difficult to
32 see.

33
34 Mr. Johnson added that Urban Trails were also included in the plan. These trails are physically separated
35 from the road and no vehicular traffic is allowed. They are generally intended for pedestrian traffic and
36 cyclists for general transportation and recreational purposes. One example was given as the Big
37 Cottonwood Canyon Trail. Crestwood Park was included as an example although it does not meet the
38 technical definition of an Urban Trail because it is not paved. Mr. Johnson stated that it is important to the
39 overall Master Plan. No additions or upgrades were proposed to Crestwood.

40
41 Mr. Johnson provided slides illustrating examples and an existing conditions map. The map clarified that
42 there were bike lines in place but few connect to each other. They do not lead from anywhere and do not
43 lead to anywhere. Mr. Johnson stated that the goal is to create a connecting network that will allow feasible
44 and effective non-motorized travel from one area to another. Many of the proposals are Category Three
45 bicycle lanes, which are a low-cost option. The City is also proposing Category Two bicycle lanes to
46 connect the areas to one another.

47
48 Mr. Johnson added that the plan will allow the City to seek grant opportunities, make improvements, and
49 improve the bicycle network without major financial cost to the City. In addition, bicycle improvements
50 could be incorporated into development requirements, similar to curb, gutter, and sidewalk, as part of the
51 way building permits are done now, to help offset the cost.

1 Chair Guymon opened the public hearing.

2
3 (18:22:37) Nancy Hardy expressed concern that the barriers on Wasatch Boulevard between Bengal
4 Boulevard and Big Cottonwood Canyon make the bike lanes very narrow. She asked if the City could ask
5 UDOT to move the barriers to make it a more standard bike width. Mr. Johnson responded that the City
6 could certainly ask.

7
8 Pam Palmer gave her address as 3523 East 8740 South and thanked Mr. Johnson for his work on the plan.
9 She asked if there was a way to promote public education regarding their responsibilities to bike riders as,
10 she believed, State law requires a three-foot distance from riders. She also wondered how the plan could
11 address parking in bike lanes because parked cars force bikers out of the bike lanes.

12
13 Mr. Johnson explained that many organizations in Utah offer educational resources that are inexpensive
14 and easy to distribute. He stated it is something the City wants to promote and they are looking into
15 facilities, such as the Recreation Center, the Library, and schools to distribute the literature. He added that
16 the City could look into a general mailer as well. With regard to parking in bike lanes, Mr. Johnson
17 informed the Commission that parking is allowed in Category Three lanes but generally not in Category
18 Two lanes.

19
20 Commission Ryser recommended articles be printed in the City newsletter and *The Journal*. Mr. Johnson
21 agreed with that suggestion.

22
23 Stan Rosenzweig gave his address as 3661 Macintosh Lane and thanked the Planning Commission for their
24 work. He warned that it was easy to plan and difficult to maintain. He asked that plans be made specifically
25 for maintenance. Commissioner Ryser asked who was responsible for maintaining the trails. Chair
26 Guymon responded that if they are City trails, the City is responsible. Mr. Johnson added that the Trail
27 Plan has a Maintenance section that addresses the need for continual maintenance. For example, the plan
28 suggests street sweeping more often to keep gravel and rocks off of the bike lanes. Commissioner Peters
29 asked if grants could be obtained to help pay for maintenance. Mr. Johnson thought that was a possibility.

30
31 Mark Machlis gave his address as 7613 South Prospector Drive and stated that he lives above the funnel
32 point addressed by Ms. Hardy. He suggested that the City utilize the Prospector Overflow parking area.
33 He also expressed concern that the plan does not take into account mountain biking. He encouraged more
34 mountain biking opportunities, similar to the plans that are in place in Draper.

35
36 Heather McKell gave her address as 8804 South Russell Park Road and expressed support for the plan as a
37 biker and a runner. She expressed concern that some of the shoulders on Danish Road are non-existent
38 which can be challenging for runners. She asked if the shoulder could be increased.

39
40 (18:34:15) There were no further public comments. Chair Guymon closed the public hearing.

41
42 **3.2 (Project #CUP-16-002) Public Comment on a Request by Kenney Nichols for a**
43 **Conditional Use Permit for Canyon Centre Phase 3, Bambu Restaurant, located at**
44 **7350 South Canyon Centre Drive.**

45
46 Chair Guymon clarified that the above matter is a public hearing and no action would be taken tonight.
47 Senior Planner, Glen Goins, stated that the proposal is for a Conditional Use Permit for the Bambu
48 Restaurant. The project is considered Phase 3 of the Canyon Centre Development and is located on the
49 northwest corner of the property. The Architectural Review Commission (ARC) approved the project as a
50 single-story building with an additional architectural element around the chimney, which gets as high as 29
51 feet. Mr. Goins added that the ARC recommended that the architecture and landscaping follow the Master

1 Plan drawing. He stated that there is parking on the site and it is entirely self-contained. The parking
2 requirement is 33 stalls and all 33 have been provided on-site. Staff recommended approval with the
3 conditions listed.

4
5 Kenny Nichols from Think Architecture stated that the proposal is for a Vietnamese Restaurant that will be
6 operated by a couple who have established and currently run several successful restaurants. He added that
7 the restaurant self-parks. The area around the restaurant has 33 stalls and the capacity of the restaurant is
8 80 inside and 20 on the outside seating deck, which results in the ratio of .33 stalls per seat. Architecturally,
9 Mr. Nichols stated that they are maintaining the overall theme of the development and using the same stone
10 that was used on other structures. Fire pits were the follow-through to this location, making it a cohesive
11 part of the development.

12
13 (18:43:50) Chair Guymon opened the public hearing.

14
15 Bill Kearn, who resides at 7430 South Wasatch Boulevard, Unit C3, was present representing the Canyon
16 Racquet Club. He stated that they were originally concerned about the setbacks, height, and noise.
17 However, they believe that the setbacks and height limitations are adequate and appreciate the fact that the
18 restaurant abuts more commercial than residential. He still had concerns about late night noise and asked
19 for noise abatement to protect the residents.

20
21 Mark Machlis gave his address as 7613 South Prospector Drive and expressed concern that the height will
22 change as he witnessed with another project. He asked that the Planning Commission be definite in terms
23 of what is being approved, which is a one-story building, so that it cannot change in the future.

24
25 Heather McKell gave her address as 8804 South Russell Park Road and stated that she works for Think
26 Architecture and lives in the area. She expressed excitement for the proposed development.

27
28 Stan Rosenzweig gave his address as 3661 McIntosh Lane and stated that the restaurant will essentially be
29 in his backyard, however, he supports the restaurant as planned. He asked that the project not be allowed
30 to get out of hand and that the Planning Commission be very specific with regard to what was allowed.

31
32 Judy Webb, who resides at 3560 Macintosh Lane, asked where the employees will park. Chair Guymon
33 had the same question and asked how the employee parking will fit into the ratio.

34
35 Mr. Nichols explained that the ratios include employee parking. He added that the proposed restaurant is
36 much smaller than The Porcupine Restaurant, which has caused traffic concerns. It was noted that the
37 restaurant will only require a handful of employees to manage.

38
39 Commissioner Orr asked if the development includes cross parking access into Canyon Center's overall
40 parking matrix. Mr. Nichols responded that it was factored into the Shared Parking Analysis, although they
41 did not want to represent that they were relying on that. Mr. Goins added that Canyon Centre Parkway is
42 a City road, which will also allow for public parking.

43
44 Commissioner Peters asked if staff saw a time when parking could be closed on Canyon Centre Drive.
45 Mr. Goins responded that the City can prohibit parking anywhere they feel it is a detriment, but it would
46 require discussion with engineering staff and the City Council.

47
48 Chair Guymon asked if Mr. Nichols had read the proposed conditions in the staff report. Mr. Nichols
49 confirmed that he had read them and agreed to them. Chair Guymon asked if there was an objection to
50 clarifying that it would be a single-level building consistent with the renderings provided. Mr. Nichols had
51 no objection. Chair Guymon asked staff to include it, expressly, as a condition.

1 Mr. Goins added that noise regulations were addressed by City Code and there are already protections in
2 place. Commissioner Orr asked for clarification on the noise provision. Mr. Goins stated that there is a
3 Code provision that applies to every property. There are decibel controls, although it is a complaint-based
4 issue. Once it is documented, it is treated like any other Code violation.

5
6 (18:59:39) There were no further public comments. Chair Guymon closed the public hearing.

7
8 **3.3 (Project #ZMA-15-003) Public Comment on a Request from Grant Kesler for a**
9 **General Plan Amendment, Zone Map Amendment and Development Agreement on**
10 **approximately 15 acres of land located at 9361 South North Little Cottonwood**
11 **Canyon Road.**
12

13 Chair Guymon indicated that the above matter is a public hearing and no action would be taken tonight.

14
15 Mr. Goins reported that the application consists of a General Plan Amendment as well as a Zoning Map
16 Amendment. He clarified that the item was heard previously by the Commission for an RR-1-21 Zone
17 which is a rural residential, single-family, one-half acre minimum zone. The Commission voted
18 unanimously to reject the application, citing concerns that the use of a potential PUD would be problematic.
19 The applicant worked with staff and asked how the zoning could be changed to prevent that from occurring.
20 They discovered that there was no Code allowance restricting a future PUD request. The applicant asked
21 the City Attorney for help and he drafted a Development Agreement to address the City's concerns.

22
23 Mr. Goins explained that effectively, the Development Agreement makes a special set of rules for the
24 property of concern. The proposal would change the current land use plan from its Open Space designation
25 to a Rural Density Residential. The zoning would also change to F-20 and the proposal would match the
26 land use designation. The development agreement crafted by the City Attorney addressed the concerns of
27 the Commission and residents. It asks for a concept plan, or a good faith declaration of what the future
28 development proposal could look like. If approved, an RR-1-21 Zone would apply to the property.
29 Therefore, it would not be possible to apply for a PUD. The zone also excludes other uses except for single-
30 family residential and home occupations with no clients. Mr. Goins added that the concept plan is a good
31 faith declaration of what the development could look like. Access to the property would be shared with the
32 property to the south, which is owned by the Despains, and could have up to seven units. If further studies
33 preclude development, the lot would have to be eliminated. Staff recommended approval.

34
35 Commissioner Peters asked about the shared roadway and if an agreement between the two landowners
36 would need to be reached. Mr. Goins explained that it would be a condition of the subdivision and the City
37 would ask for a cross-access agreement in perpetuity, which would be a site plan issue.

38
39 Commissioner Orr asked where UDOT factors into this situation regarding access to Highway 210.
40 Mr. Goins responded that the City Engineer would explore that as part of his review. Commissioner Orr
41 asked when UDOT would be contacted. Mr. Goins responded that when the City receives a development
42 proposal or a subdivision application the applicant will be encouraged to pursue UDOT approval. Chair
43 Guymon asked if UDOT could prohibit access to the roadway. Mr. Goins responded that it was possible
44 and explained that it would be up to the applicant to seek that approval.

45
46 City Attorney, Shane Topham, clarified that the concept plan covers only 4.4 acres of the 15.4-acre total
47 parcel. The 11-acre balance is generally applied to slopes exceeding 30%. The Development Agreement
48 requires the developer to publicly dedicate the remainder as public open space. Although some of the
49 property will be developed, most of the uphill portion will become public perpetual open space.

1 Commissioner Ryser asked if the Development Agreement will run with the property. Mr. Goins responded
2 that the Development Agreement will follow all future owners, successors, or assigns.
3

4 The applicant, Grant Kesler, gave his address as 3739 Brighton Point Drive and addressed the point of
5 access, which is a UDOT road. He stated they have already conducted the studies necessary for access.
6 UDOT determined where the access would be allowed and required the access point to be shared with the
7 Despain family. Mr. Kesler added that they have also completed geotechnical and seismic studies, and
8 prepared for utility access. The remaining acreage would be deeded, free of charge, to the public.
9 Mr. Kesler was not certain how much recreational use the property has, but stated that it is beautiful and
10 may eventually serve as an extension to the Bonneville Shoreline Trail.
11

12 Commissioner Orr asked Mr. Kesler if he had spoken to UDOT. Mr. Kesler responded that they have
13 spoken to UDOT who will require deceleration and acceleration lanes with the cost being borne by the
14 Kesler family. Commissioner Orr asked Mr. Kesler to comment on the request made to develop the
15 property with Salt Lake County. Mr. Kesler stated that they asked Salt Lake County to rezone the property
16 R-1-15, exactly like Granite Oaks. It was recommended by the Salt Lake Planning Commission, voted on
17 by the Salt Lake County Planning and Zoning Commission, and forwarded on to the City Council, where
18 it was approved with a 4-to-3 vote. It was then published in the newspaper. Two weeks later, a
19 Commissioner brought it back for review and changed his vote, at which time it failed 4-to-3. Mr. Kesler
20 was advised that this was considered a taking and the matter went to the Supreme Court. The Court ruled
21 against the Keslers. It was noted that if the Keslers had gone to the Board of Adjustment rather than pursue
22 litigation, the Court would have ruled in their favor because there was a Constitutional right that was
23 violated. In conjunction with the annexation that took place, it seemed logical to come to Cottonwood
24 Heights and start over again.
25

26 Chair Guymon opened the public hearing.
27

28 Pam Palmer gave her address as 3523 East 8740 South and stated that the City needs to seek approval from
29 neighboring residents. She noted that even though it is only five acres, it still involves seven homes with
30 walls and fences, which ruins the original purpose of creating open space. She stated that once open space
31 is gone, it is lost forever. She appreciated that it was privately owned but asked that the owner seek options
32 other than development.
33

34 Chair Guymon stated that the Planning Commission would not approve or deny the application as that is
35 the duty of the City Council. Rather, the Planning Commission will provide a recommendation to the City
36 Council.
37

38 Michael Day gave his address as 9417 Granite Vista Drive and asked for information regarding the current
39 zoning of the property. Mr. Goins responded that it is zoned F-20. Mr. Day opposed the zone change,
40 particularly because access to the property is on a blind corner. He also cited concerns with traffic speeds
41 and congestion.
42

43 Irvin Eastham, who resides at 7561 Brighton Point Drive, identified himself as Mr. Kesler's partner. He
44 pointed out that the property is not open space and has been buildable for some time. He also expressed
45 faith that UDOT will be responsible with regard to where to place an access.
46

47 Richard Schutt gave his address as 3634 Granite Bench Lane and stated that there is not an unconditional
48 right to change the zoning of a piece of property. He explained that the property was purchased with the
49 understanding that this was the zoning, and a change is not fair to the community.
50

1 Commissioner Ryser asked if the proposal was for less density than the original zoning. Mr. Goins
2 responded that it is annexed property and Cottonwood Heights tried to apply a zoning similar to the County
3 zoning, which was Forestry Recreation. Commissioner Ryser asked what could occur under the existing
4 zoning. Mr. Goins responded that they could develop one lot under the county zoning, although the General
5 Plan recommended the property for up to two units per acre. Commissioner Orr asked if Salt Lake County
6 had a zoning that allows for 1 unit per 20 acres. Mr. Goins stated that Cottonwood Heights selected a zone
7 when the property was annexed that was as closely related as possible to the County zoning, which was 1
8 unit per 20 acres. Chair Guymon clarified that if the application is approved, the maximum density would
9 be seven units, but it could be less based on what the studies find with regard to buildability.

10
11 Nancy Hardy commented that a survey would be beneficial as a way of ensuring that developers do not
12 always get their projects approved against the will of the community. Chair Guymon responded that many
13 projects are brought to staff and never make it to the Planning Commission because they do not comply
14 with City standards. Ms. Hardy responded that just because a project complies does not mean it is right for
15 the community.

16
17 Commissioner Orr asked Mr. Goins to address the staff process. Mr. Goins explained that if someone has
18 a development interest, they should approach staff and request information with regard to rules for their
19 property. Staff then reviews the General Plan with the applicant along with the existing zoning and how
20 the property can be rezoned. There is also a Development Review Committee Meeting where staff and
21 City staff identify potential hazards, the regulatory process, and timing. Mr. Goins explained that staff tries
22 to provide as much information as possible, including notification of neighbors, up to 1,000 feet. If the
23 projects do not comply with the Code and other applicable standards, the developer is warned. Mr. Goins
24 added that it is not a negotiation but they work with everyone as a courtesy. He concluded that staff sees
25 many projects that never make it to the Planning Commission because they do not meet City standards.

26
27 Jill McGee asked to for clarification on what would happen with the Despain property. Mr. Topham
28 responded that there would be a separate Development Agreement on the Despain parcel. He anticipated
29 that they would be almost identical. Ms. McGee stated that when it comes to the area in question, a 1,000-
30 foot notification does not reach many people, which she recommended the City consider.

31
32 Chair Guymon recognized the scouts in attendance. Commissioner Orr responded that it was an exemplary
33 meeting to witness because all parties are presenting their ideas and concerns in a respectful manner. Mr.
34 Machlis added that the Planning Commission should not rely on UDOT to make a responsible decision.
35 He stated that the City should take a look at this matter independently.

36
37 Commissioner Orr asked that the hearing remain open to allow for additional comments. Commissioner
38 Peters disagreed and stated that concerned citizens can submit comments in writing to staff. He saw no
39 reason to keep the public hearing open. Commissioner Griffin stated that the property has seen a great deal
40 of activity over time and comments have been received on the matter. Commissioner Demma disagreed
41 with Commissioner Orr and stated that there have been at least three public hearings on the property. As a
42 result, he did not support keeping it open. Commissioner Ryser opted to keep the public hearing open.

43
44 ***Commissioner Orr moved to keep the public hearing open on Project #ZTA-15-003, public comment on***
45 ***a request from Grant Kesler for a General Plan Amendment, Zone Map Amendment, and Development***
46 ***Agreement on approximately 15 acres of land located at 9361 South North Little Cottonwood Canyon***
47 ***Road. Commissioner Ryser seconded the motion. Vote on motion: Sue Ryser – Aye, Allen Orr – Aye,***
48 ***Dennis Peters – Aye, Greg Griffin – Aye, Joseph Demma – Aye, Allen Orr – Aye, Chair Paxton Guymon***
49 ***– Aye. The motion passed unanimously.***

1 Chair Guymon stated that the hearing cannot remain open indefinitely because the applicant made a timely
2 motion. His intent was to close the public hearing at the April 6 meeting.

3
4 **4.0 ACTION ITEMS**

5
6 **4.1 (Project #ZTA-15-003) Action on a City-Initiated Text Amendment to Chapter 19.36**
7 **(Mixed Use Zone) of the Cottonwood Heights Municipal Code.**
8

9 Chair Guymon stated during the Work Meeting it was determined that no action would be taken on the
10 above item in order to give staff time to prepare language alternatives for the Commission consideration.
11 Chair Guymon asked that the proposed language be distributed in the next two weeks.

12
13 **4.2 Approval of Minutes for January 20 and February 3, 2016.**
14

15 Chair Guymon asked that the minutes be considered separately.

16
17 *Commissioner Demma moved to approve the minutes, as prepared, for the January 20, 2016, Planning*
18 *Commission Meeting. Commissioner Griffin seconded the motion. The motion passed with the*
19 *unanimous consent of the Commission.*
20

21 *Commissioner Orr moved to approve the minutes, as prepared, for the February 3, 2016, Planning*
22 *Commission Meeting. Commissioner Peters seconded the motion. The motion passed with the*
23 *unanimous consent of the Commission.*
24

25 **5.0 ADJOURNMENT**

26
27 The Planning Commission Meeting adjourned at 7:55 p.m.
28

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights*
2 *City Planning Commission Meeting held Wednesday, March 2, 2016.*

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5
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7
8
9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14
15 Minutes approved: