

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



October 16, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, October 16, 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 the city's YouTube channel at <https://www.youtube.com/@CottonwoodHeights/streams>. **Please see the reverse side of this agenda for instructions on how to make public comment.**

5:00 p.m. Work Session

1.0 Review Business Session Agenda

The commission will review and discuss agenda items.

2.0 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 Items" 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 CUP-24-016

This item constitutes a request from Solstice Development to construct a 36-unit residential condominium building at 7367 S. Canyon Centre Pkwy. This request represents an amendment of a previously approved site plan and conditional use permit which granted approval to construct a 65,000 square-foot office building in the same location. If approved, the proposed condominium building will replace the previously entitled office building

4.0 Consent Agenda

- 4.1 Approval of Planning Commission Minutes from August 7, 2024

5.0 Adjourn

Next Planning Commission Meetings: October 29, 2024 (Joint Form-Based Code Work Session) & November 6, 2024

Public Comment Policy

Individuals may provide public comment verbally or via writing.

Verbal comments are accepted in person at the 6:00 p.m. Business Session, but not at the 5:00 p.m. Work Session. At the Business Session, public comment may be given during two intervals:

1. General Public Comment Period – An opportunity for general comments not relating to specific projects on the meeting agenda.
2. Specific Project Public Hearings – An opportunity for comments relating to specific projects on the meeting agenda which were noticed as public hearings.

Please note that verbal comments must be provided by attending the meetings in-person. Verbal comments cannot be provided via the electronic broadcast of planning commission meetings on the city's YouTube channel.

Verbal comment periods are an opportunity for individuals to share 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** may be 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, October 15, 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 considered in the following order: 1. Chair introduction of item, 2. Staff presentation, 3. Applicant presentation, if applicable, 4. Chair opens public hearing, if applicable, 5. Chair closes public hearing, if applicable, 6. Planning commission deliberation, 7. Planning commission motion and vote on item.

Applications may be tabled if additional information is needed in order to act on the item; or if 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, October 11, 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 11TH DAY OF OCTOBER, 2024, Attest: Maria Devereux, Deputy City Recorder

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



October 16, 2024

Summary

Project Number:
CUP-24-016

Subject Properties:
7367 E. Canyon Centre
Pkwy

Action Requested:
Conditional Use
Amendment

Applicant:
Chris Ensign, Solstice
Development

Recommendation:
APPROVE WITH
CONDITIONS

Context

Property Owner:
FSC Development
LLC ET AL

Acreage:
Approx. 0.6 acre



Request

The applicant is seeking approval of an amendment to an existing conditional use permit (CUP-13-011) to construct a 36-unit residential condominium building within the Canyon Centre development project. The existing entitlement for the subject property is for an office building. If approved, the amended conditional use permit will allow for the proposed residential condominium building in place of the entitled office building. The proposed condominium building would be constructed atop the southern portion of the existing parking structure on site.

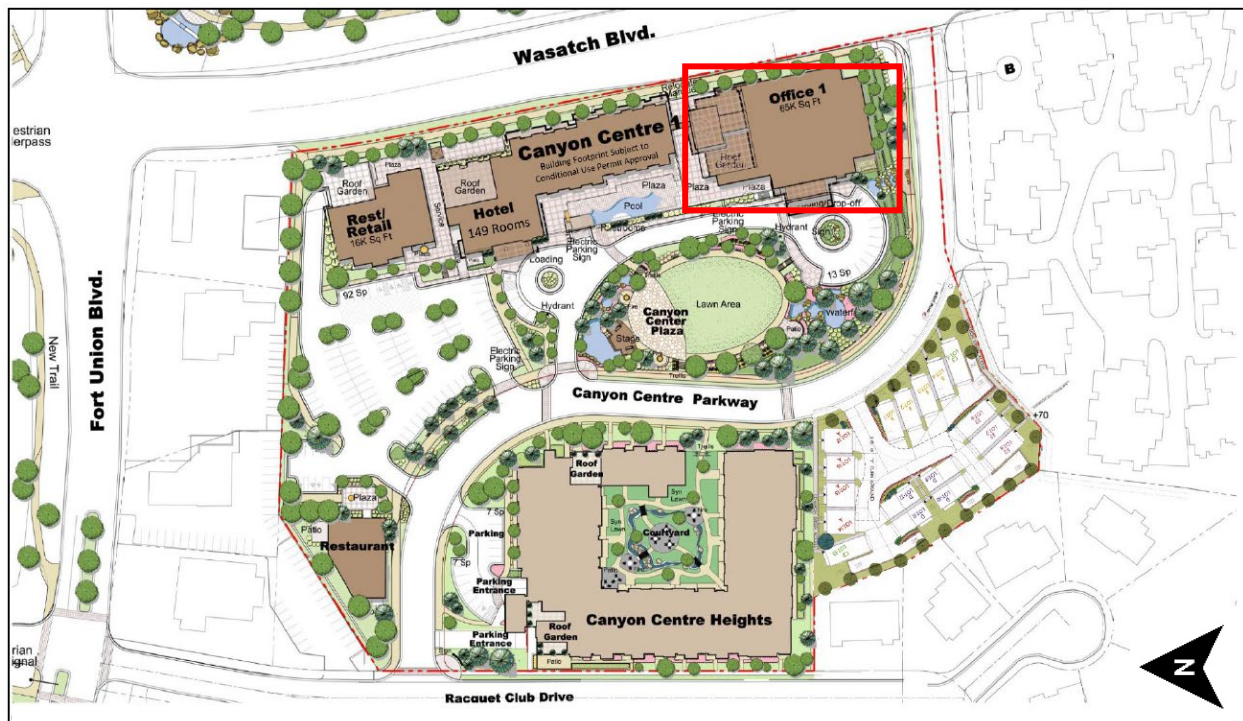
Background & Context

CANYON CENTRE MASTER DEVELOPMENT PLAN

The Canyon Centre project is a 10.89-acre site located in the city's Mixed Use zone that received original master development plan approval by the Planning Commission in 2014, with subsequent phases and uses receiving additional land use approvals in the subsequent years. Numerous buildings within the site are now constructed and occupied. The master development plan for the site includes a parking structure with mixed private and public parking, numerous commercial/retail spaces, a 149-room hotel, a 140-unit multi-family apartment building, a 17-lot single-family residential development, a 65,000 square-foot office building (the subject of this conditional use request), and a public plaza space.

No additional changes are proposed to any existing approvals except for the use conversion from an office building to a 36-unit residential condominium building. To date, all uses have been constructed except for the apartment building (labeled below as 'Canyon Centre Heights') the office building, and the public plaza. **If not for the requested change of use, no further Planning Commission approval is required for any additional development within the Canyon Centre project.**

CANYON CENTRE MASTER DEVELOPMENT PLAN



CANYON CENTRE COMMUNITY DEVELOPMENT AREA / TAX-INCREMENET FINANCING

The Canyon Centre project is part of an established Community Development Area (CDA). The project received approval from the city's Community Development and Renewal Agency, as well as applicable taxing entities (Salt Lake County, Canyons School District, Cottonwood Heights City, South Salt Lake

Valley Mosquito Abatement District, Central Utah Water Conservancy District, and the Cottonwood Heights Parks and Recreation Service Area) to initiate tax-increment financing for the project, which allows a portion of property tax revenue generated by the project over a 27-year span to be invested back into the project. This tax increment was approved to assist in the construction of the parking structure and other public amenities on site, including a future 1-acre public plaza. The CDA was originally approved in 2011, with several subsequent amendments. Collection of tax increment began in 2021. Approval of the original CDA and subsequent amendments relied on financial projections which assumed construction of an office building. The Canyon Centre developer is in the process of amending these projections to reflect the desired condominium building.

While not a direct part of the Planning Commission's role in reviewing the subject application, additional amendments will be required to CDA-related development agreements, interlocal agreements, etc. All CDA-related amendments and updates must be approved and finalized by the Community Development and Renewal Agency and any other applicable taxing entities prior to a submittal of a building permit for the applicant's proposed residential building.

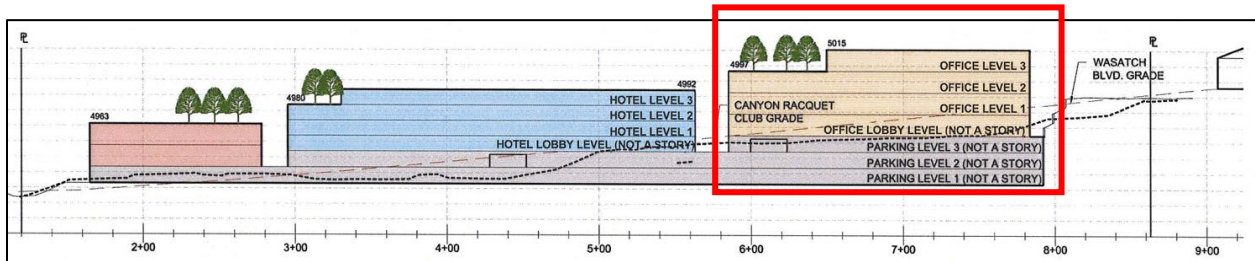
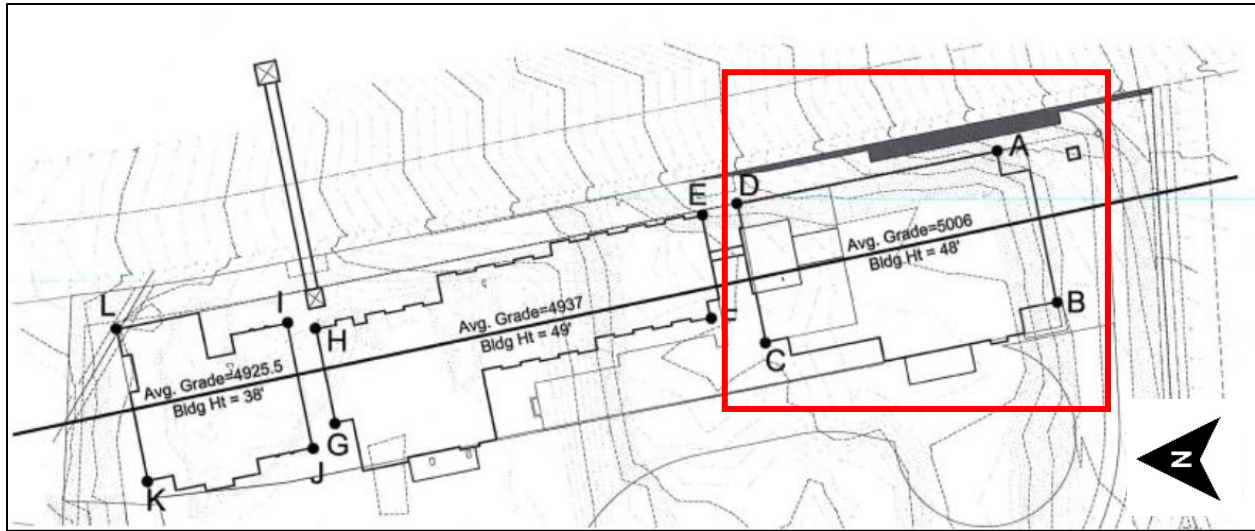
Background

PREVIOUS APPROVALS AND ENTITLEMENT

Each use within the Canyon Centre master development plan has received all necessary site plan/conditional use entitlements. Numerous phases of the development have been constructed and occupied, including the 17-lot single-family development, two restaurants (Eight Settlers and Saola), and the Courtyard Marriott Hotel, with two additional retail buildings nearly ready to occupy.

As part of these previous entitlement and permitting processes, the site has been reviewed and approved for compliance with all applicable city ordinances in place at the time of approval. Each phase has been required to comply with the original master development plan, the Mixed-Use ordinance, the city's Sensitive Lands Evaluation and Development Standards (SLEDs), Gateway Overlay District/architectural review standards, subdivision ordinance, etc. Substantial fault trenching and hazard studies were previously done to ensure that all development is mitigated from fault rupture hazards in a manner compliant with SLEDs requirements. The proposed condominium building is in the same location as the approved office building and sits on top of the constructed parking structure. Permits for the parking structure required careful scoping and review to ensure that all fault mitigation requirements were met.

Building height was also established as part of the original master development plan approved in 2014. While substantial site grading has subsequently occurred, approved building heights were derived from an established site grading that was in place prior to the Canyon Centre development. The following graphics were used to establish approved building heights for the buildings on the parking structure:



Phase One Options				
Building	Points	Avg Historic	Avg Prop	Bldg Ht
Office	ABCD	4957.838	5006	48.16
Hotel	EFGH	4936.855	4986	49.15
Restaurant	IJKL	4925.5	4963	37.50
Total	ABCDEFGHIJKL	4940.06	4985.00	44.94

The following ordinances were applied at the time of the master site plan approval to establish the allowable entitled building height and massing:

1. **Determination of Natural Grade (City Ordinance 19.76.030.D)** – City ordinance measures building heights from ‘original’ or natural grade (i.e., the grade of the property prior to any development of the Canyon Centre project). These grades were established and vested as part of the original master development plan approval (CUP-13-011).
2. **Stories Above Natural Grade (19.76.030.I)** – City ordinance does not consider building levels that are below original/natural grade as a story ‘for the purposes of measuring maximum building height.’
3. **Mixed Use Zone Third Story Exception (19.36.050)** – The Mixed Use zone typically limits buildings to a maximum of two stories, but allows for the expansion to a third story ‘upon a finding that such increased height will not adversely affect the public health, safety, or welfare.’ This expansion was approved to allow a third story on multiple buildings within the site, including the office building.

4. **Gateway Overlay District Total Height Limit (19.49.060.G.1)** – The Gateway Overlay District, which is an overlay zone applicable within the project site, allows an overall building height of 45 feet. The approved and entitled average height for all buildings on the parking structure complies with this provision and was approved and vested as part of the original master development plan approval.
5. **Parapets Not Part of Building Height (19.76.030.G)** – Roof structures that screen utilities ‘may be erected above the height limits prescribed in [Title 19] when approved by the planning commission.’ This was also approved as part of the original site entitlement, with the finding that parapet walls assist in the screening and housing of equipment and create a safety wall for any persons maintaining equipment or roofing areas.

OFFICE BUILDING BACKGROUND

The subject of this amended conditional use request is the office building. Building location, height, and massing have remained relatively unchanged since the original approval in 2014, but the architectural design received one subsequent update, approved by the Architectural Review Commission (ARC) in 2018. While proposed to be modified by the applicant, a review of these previous approvals is helpful in understanding and comparing what is currently entitled with what is now proposed. The approved renderings provide a sense of the building’s visual impact from adjacent roadways:

ORIGINAL OFFICE ARCHITECTURE AND MASSING APPROVAL (2014)



UPDATED OFFICE ARCHITECTURE AND MASSING APPROVAL (2018)



UPDATED OFFICE ARCHITECTURE RENDERING, VIEW FROM WASATCH BOULEVARD (2018)



Project Impact Analysis

The following analysis section pertains only to the proposed change in use from the approved and entitled office building to a 36-unit residential condominium building in the same location. Elements of the project that were previously entitled, permitted, and/or constructed are not included within the scope of the requested conditional use permit amendment. Additionally, the scope of any recommended or imposed conditions of approval must also be applied only to the proposed change of use, and not to other general aspects of the Canyon Centre development.

LAND USE

The updated proposed use is for-sale residential condominiums. Mixed residential housing is a permitted use in the Mixed Use ordinance, as long as it is located within a project area that contains more than one type of land use in close proximity. The proposed use, and the Canyon Centre project, meet this requirement. Approval of this project would result in a variety of different housing types within the Canyon Centre project area, including rental apartments, single-family homes, and for-sale condominiums. The project is addressed and fronts on a public street. As such, short-term rentals are prohibited.

Staff Analysis – In general, the proposed condominium use is a less intense use than the currently entitled office building, especially in terms of parking requirements and anticipated traffic generation. While mixed residential housing is listed as a permitted use in the Mixed Use zone (not a conditional use), staff finds that the conditional use permit is required for this proposal because it amends a previous conditional use permit granted for the site and utilizes previous site entitlements.

As noted previously, the Canyon Centre project is part of a Community Development Area and subject to additional review by the city and participating taxing entities. Staff recommends a condition of approval that the project receive all applicable approvals by the city, taxing entities, and other applicable entities prior to city review of a building permit for this project. Staff recommends an additional condition that these units be constructed as for-sale condominium units, as proposed, and that potential change to a rental product require approval by the Planning Commission, as rental products may result in different traffic generation patterns and site impacts.

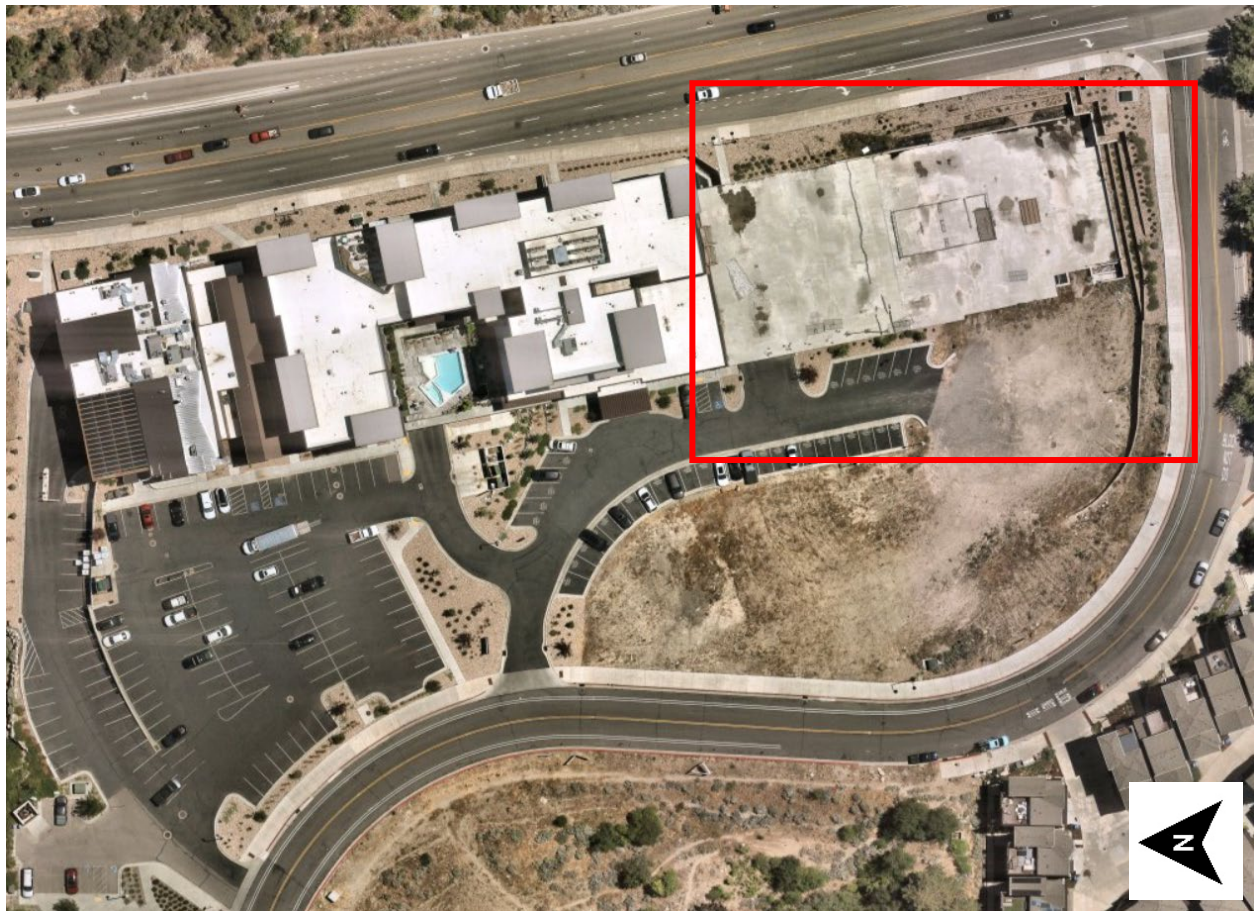
PARKING & CIRCULATION

The office building was approved with a parking ratio and provided parking of four stalls per 1,000 square feet. The total approved building size is 65,000 square feet, so that use currently has 260 stalls allocated to its use. Those stalls are located within various levels of the constructed parking structure and are governed by an approved 'Canyon Centre Shared Parking Plan' that is part of the city's Development Agreement with the original project developer.

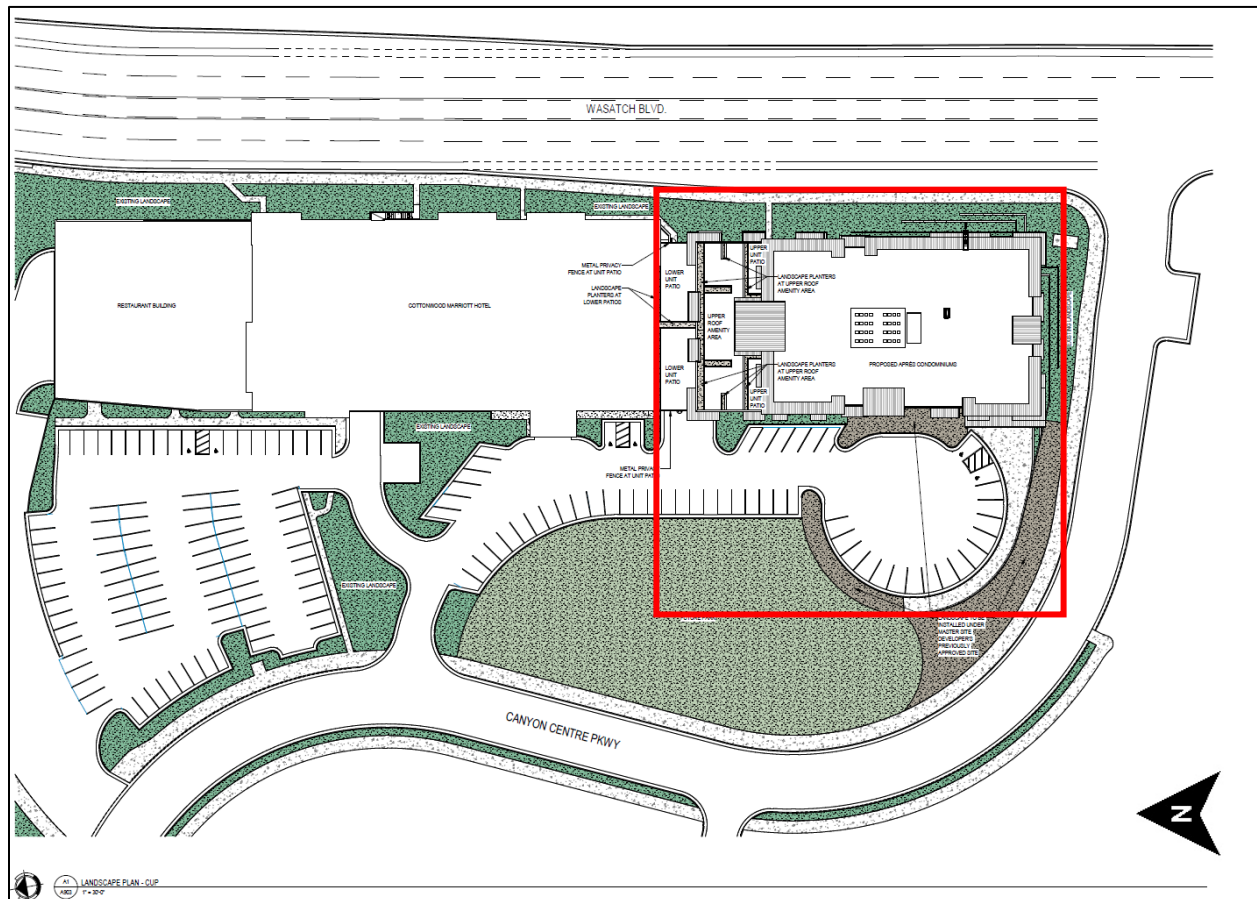
The city utilizes the International Transportation Engineers' most current Parking Generation Manual (ITE) to derive minimum parking requirements. A residential condominium building is defined as 'Multifamily Housing – Low Rise' in the ITE. The required parking for that use is 1.27 stalls per dwelling unit, which requires a minimum of 46 total parking stalls. Based on the existing parking set aside for the approved office (260 stalls), the applicant has parking capacity that is already constructed and is substantially greater than what is required.

The applicant will also be required to complete the turnaround in front of the proposed condominium building location. This turnaround is shown to include additional surface parking stalls. Construction of those site improvements is subject to review by all relevant city departments and compliance with the Canyon Centre master development plan.

EXISTING CONDITION (August 2024)



REQUIRED CIRCULATION IMPROVEMENTS (SHOWN VIA LANDSCAPE PLAN)



Staff Analysis – A condition of approval is recommended that the applicant work with the original project developer to amend the Shared Parking Agreement in the development agreement to reflect the condominium use, and that excess parking be utilized in other ways, such as additional public parking, guest parking for visitors in the surrounding area, bicycle parking, or other ways that are more beneficial to the public and to the overall project. Final use of excess parking will be determined by the City's Community Development and Renewal Agency as part of the required development agreement amendment.

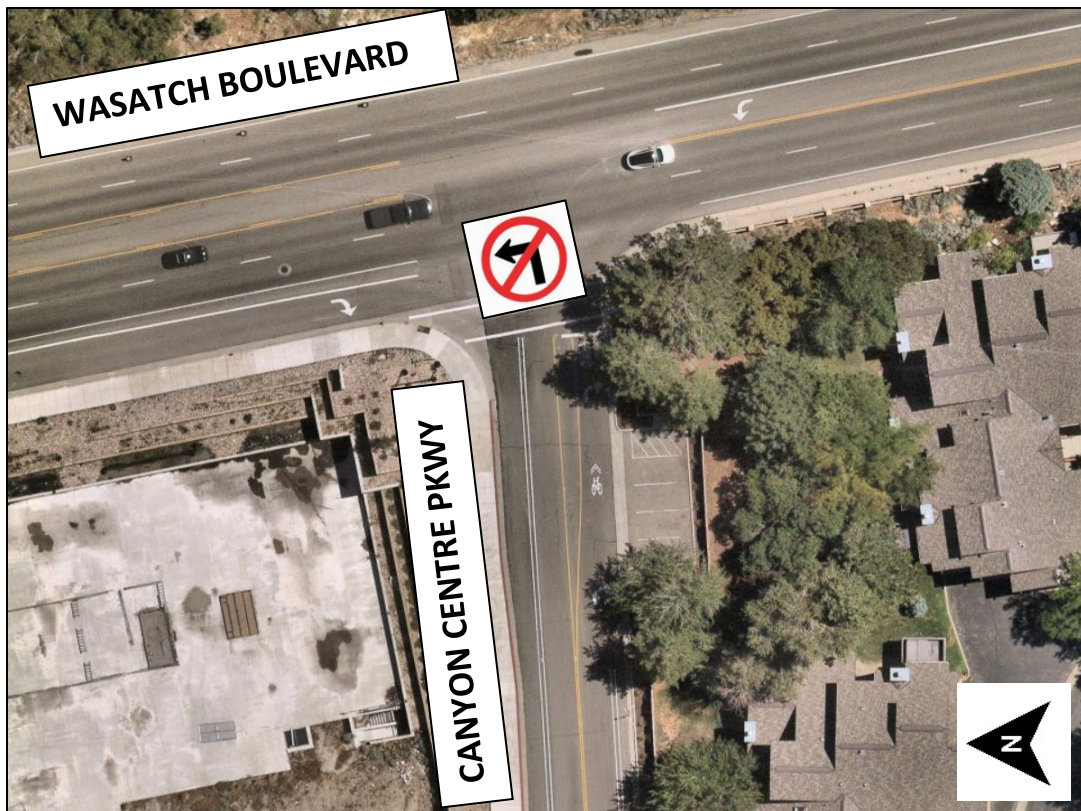
TRAFFIC

The applicant submitted an updated trip generation memo, completed by Hales Engineering, to address the traffic impact of the proposed 36-unit condominium as it compares to the impact of an office building. This memo has been reviewed by the City Engineer and found to be a reasonable projection of the traffic impact in the change of use. The memo concludes that the office building was estimated to generate approximately 746 trips on an average weekday. The condominiums are estimated to generate approximately 164 trips on a weekday. This results in much less projected traffic generated by the condominium units as opposed to the office:

2024 TRAFFIC IMPACT MEMO TRIP GENERATION TABLE

Trip Generation Cottonwood Heights Canyon Center Condominiums TGS									
Land Use ¹	# of Units	Unit Type	Trip Generation			New Trips			
			Total	% In	% Out	In	Out	Total	
Weekday Daily									
General Office Building (710)	60	KSF	746	50%	50%	373	373	746	
Multifamily Housing (Mid-Rise) (221)	36	DU	164	50%	50%	82	82	164	
AM Peak Hour									
General Office Building (710)	60	KSF	108	88%	12%	95	13	108	
Multifamily Housing (Mid-Rise) (221)	36	DU	14	23%	77%	3	11	14	
PM Peak Hour									
General Office Building (710)	60	KSF	110	17%	83%	19	91	110	
Multifamily Housing (Mid-Rise) (221)	36	DU	16	61%	39%	10	6	16	
1. Land Use Code from the Institute of Transportation Engineers (ITE) <i>Trip Generation</i> , 11th Edition, 2021. SOURCE: Hales Engineering, September 2024									

While the projected traffic impact from the change of use results in much less traffic than the office building, there is a yet unaddressed recommendation for the Canyon Centre project to prohibit the north-bound turn from Canyon Centre Parkway onto Wasatch Boulevard. Previous project traffic studies and staff analysis, dating back to 2014, have identified that specific turn movement as operating at a level of service 'F.' By restricting that left-hand turn movement, the level of service at that intersection increases to 'C,' and increases intersection safety by reducing turns across high-speed traffic on Wasatch Boulevard:



Staff Analysis - While the change of use from office to residential reduces traffic impact, construction of the condominium building still adds vehicular trips to the site, further exacerbating an already failing condition. As such, staff recommends a condition of approval that the applicant install infrastructure to restrict the left-hand turn movement from Canyon Centre Parkway to Wasatch Boulevard. This should be done in coordination with the city's Public Works Department to be compliant with all applicable infrastructure and roadway design standards. Canyon Centre Parkway was recently restriped to prohibit that left turn, but staff finds that physical infrastructure will further increase compliance with the striping and improve traffic and safety conditions.

BUILDING HEIGHT, MASSING, AND ARCHITECTURE

The proposed condominium building does not (and is not allowed to) exceed the approved height of the office building originally established as part of the master development plan for Canyon Centre. Massing has been updated to reflect a residential design instead of an office design, and now includes additional features such as private patios. The proposal also includes a rooftop deck area, like the office use. In general, massing remains similar to the approved office building. The city's Gateway Overlay District Ordinance requires that this updated architecture and building design be reviewed by the city's Architectural Review Commission (ARC) and receive a Certificate of Design Compliance. The ARC has the authority to review architectural details, building materials, colors, massing, landscaping, and other architectural and site design elements. A meeting with the ARC is scheduled for Thursday, October 24, 2024.

PROPOSED BUILDING - WEST ELEVATION RENDERING



PROPOSED BUILDING - EAST ELEVATION RENDERING



PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



Staff Analysis – Staff recommends a condition of approval that the building cannot exceed previously established standards regarding building height and massing, and that building and site design is subject to review and approval by the ARC.

DENSITY

The Canyon Centre project area consists of 10.89 acres. The Mixed-Use zone allows a permitted density within project areas of 35 units per acre. Previously approved residential uses include a 140-unit apartment building and a 17-lot single-family project. Including the proposed 36 condominiums, the total units on site at full buildout would be 193, resulting in a density of 17.7 units per acre.

UTILITIES

Staff has not received will-serve letters from the water and sewer providers for this project. Will-serve letters were provided during initial master development approval but would have reflected utility feedback on an office use rather than a residential use. While the building is proposed to be located on the existing parking structure, storm-drain runoff and capacity will still need to be analyzed and approved by the city's Public Works Department. Air conditioning units are proposed to be located within a screen wall on the roof of the building.

Staff Analysis – A condition of approval is recommended that the applicant provide will-serve letters from the water and sewer providers, and that the project be reviewed and approved by the city's Stormwater Manager for compliance with all stormwater retention and drainage requirements. Staff also recommends a condition to ensure that all roof-mounted utilities are properly screened, and that such utility screening is compatible with the architectural design of the building.

LANDSCAPING

The proposed building is located on a pad atop the parking structure, so minimal landscaping is proposed. However, any landscaping that is done in common areas, within the internal circulation road and adjacent to surface parking areas should be done in a manner that is compatible with the rest of the Canyon Centre site landscaping, and compliant with the city's waterwise landscaping standards. A detailed landscaping plan is also subject to review and approval by the ARC as part of the required Certificate of Design Compliance process. The applicant submitted a generic landscaping plan, but it does not include specific planting types.

Any landscaping shown on plans that is part of the city's future plaza area should be done in conjunction and subject to approval by the city as part of that future project.

Staff Analysis – A condition of approval is recommended that a landscaping plan be submitted, and that any new landscaping activity be compatible with the rest of the Canyon Centre site landscaping and compliant with the city's current waterwise landscaping standards.

SENSITIVE LANDS

Prior to the construction of the parking structure and other buildings on site, extensive fault hazard study was completed for the Canyon Centre project. The parking structure, and therefore the proposed condominium building on top of the parking structure, are located outside of fault hazard zones (shown in the hashed shading below). No additional sensitive lands scoping work is anticipated for the condominium building, although building permit submittals are subject to review by the Development Review Committee (DRC).

AS-BUILT SITE CONDITIONS (FAULT HAZARD ZONES SHOWN AS SHADED AREAS)



LIGHTING

Although some lighting details were provided, a full site lighting plan has not been submitted. Any new lighting proposed as part of the condominium building is required to be compatible with the city's current outdoor lighting ordinance (19.77). That ordinance requires that a full site and building lighting plan be submitted and reviewed prior to issuance of a building permit.

Staff Analysis – A condition of approval is recommended that the applicant submit a lighting plan compliant with the city's outdoor lighting ordinance prior to approval of a building permit.

TRASH PICK-UP AND SITE MAINTENANCE

Trash pick-up will utilize a dumpster location within the existing parking structure along the north side of the site, within the existing at-grade parking structure entrance. If visible from the public right of way, any new trash enclosure is required to be properly screened and should not conflict with the regular anticipated flow of traffic in and out of the parking structure. There is an HOA in place within the Canyon Centre project that governs common area maintenance. A copy of this should be provided to the city to ensure that all maintenance needs are covered within that agreement (particularly snow removal).

Staff Analysis – A condition of approval is recommended that the applicant submit a detailed trash pick-up plan to the city, and that any new dumpster visible from the public right of way be properly screened and not interrupt the regular flow of traffic from the parking lot and parking structure. The applicant should also submit copies of all common area maintenance documents to verify that all snow removal and maintenance services are properly addressed.

CONSTRUCTION

Prior to issuance of a building permit, the applicant shall be required to submit a construction mitigation plan, pursuant to city ordinance 19.76.030.M, which addresses construction logistics such as permissible hours of construction, parking, deliveries, stockpiling and staging, construction phasing, trash management, dust control, noise, grading, temporary lighting, and construction signage.

Conditional Use Procedure

As the land use authority, the Planning Commission is responsible for analyzing the proposed conditional use amendment. Per city ordinance 19.84.020.B, 'A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.'

This proposal represents an amendment of an existing conditional use permit approved for the site. The Planning Commission's analysis, and imposition of any conditions of approval, should be narrowly focused only on the portion of the existing approval being proposed for amendment (i.e., change from office building to residential condominiums). The Commission cannot impose conditions on the subject application to address broader issues or concerns with the existing Canyon Centre development. The findings and recommendations in this staff report are focused on the impacts of the proposed change of use only and compare the anticipated impacts of the residential condominium building to the impacts of the entitled office building.

The Planning Commission's role as the land use authority is separate from the City's Community Development and Renewal Agency's role in reviewing an amendment to the existing Community Development Area development agreement, and in working with other taxing entities on an amendment to the existing tax-increment financing structure active on the site. Both processes are required before the proposed condominium building can receive final approval. Staff's review, analysis and recommendations within this report were completed exclusively from a land use perspective as well.

The burden is on the applicant and project developer to propose all necessary changes to all proper authorities, and staff is aware that they are currently working to prepare amended development agreements for discussion by the Community Development and Renewal Agency.

Recommendation

Staff finds that the proposed change of use complies with all applicable land use ordinances, city regulations, and previous site entitlements. The construction of a residential condominium building in place of an office building generally results in a less intense land use, with decreased projected traffic impact and parking demand. As such, staff recommends APPROVAL with the following recommended conditions:

1. The applicant (or Canyon Centre project developer) shall receive approval of all necessary amendments to the Community Development Area (development agreements, interlocal

- agreements, project area plans, financial projections, etc.) by the city and any other applicable entities prior to submittal of a building permit for the proposed condominium project;
2. The applicant shall construct for-sale condominium units, as proposed. An increase or decrease of more than two units, or a change to a rental apartment product shall require additional review and consideration by the Planning Commission;
 3. The applicant shall submit an updated shared parking agreement, as part of its required development agreement update, that demonstrates the requisite amount of parking allocated for the proposed use. Additionally, the applicant should utilize excess parking in beneficial ways such as additional public parking, overnight guest parking, bicycle parking, etc. Alternate utilization of excess parking is subject to approval by the city's Community Development and Renewal Agency;
 4. Based on evidence provided by Hales Engineering in previous Canyon Centre traffic studies, as well as staff review, the applicant shall install permanent infrastructure prohibiting left-hand turns from Canyon Centre Parkway onto Wasatch Boulevard, subject to review and approval by the city's Public Works Department, prior to issuance of Certificate of Occupancy for any condominium unit;
 5. The proposed building shall not exceed the originally entitled standards for building height and massing;
 6. The proposed building is subject to review and approval by the city's Architectural Review Commission, and shall receive a Certificate of Design Compliance as required by the city's Gateway Overlay District ordinance;
 7. Prior to issuance of a building permit, the applicant shall provide current will-serve letters from both the water and sewer provider for this site (Salt Lake City Public Utilities and Cottonwood Improvement District, respectively);
 8. Prior to issuance of a building permit, the proposal is subject to review and approval by the city's Stormwater Manager for compliance with all stormwater runoff, drainage, and retention requirements;
 9. All roof-mounted mechanical equipment shall be properly screened, and such screening shall be designed to be compatible with the architectural design of the building;
 10. The applicant shall submit a more detailed building and site landscaping plan, subject to review and approval by the city's Architectural Review Commission via a Certificate of Design Compliance. New landscaping shall be compatible with existing site landscaping and compliant with current city waterwise landscaping standards to the greatest extent possible;
 11. The applicant shall submit a full building and site lighting plan, compliant with the city's outdoor lighting ordinance (19.77) prior to issuance of a building permit;
 12. The applicant shall submit a detailed trash pick-up plan. Any new dumpster visible from the public right of way shall be properly screened, and service to the dumpster shall not interrupt the regular flow of traffic from the parking lot and parking structure;
 13. The applicant shall submit a site maintenance plan for all common areas on site, which shall address how standard maintenance procedures are handled, including site snow removal;
 14. The applicant shall address all other technical correction items required by ordinance and identified by all applicable city departments;

Findings of Fact

Findings of fact are required for conditional uses, pursuant to city ordinance 19.84.080. In support of the recommendation and proposed conditions of approval, staff finds:

1. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
3. That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;
4. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
5. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
6. That protection of property values, the environment, and the tax base for the city will be assured;
7. That the use will comply with the city's general plan;
8. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;
9. That the internal circulation system of the proposed development is properly designed;
10. That existing and proposed utility services will be adequate for the proposed development;
11. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;
12. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;
13. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;
14. That the proposed use preserves historical, architectural and environmental features of the property; and
15. That operating and delivery hours will be compatible with adjacent land uses.
16. The foregoing approval standards shall be subject to any contrary requirements of *Utah Code Ann.* § 10-9a-507, as amended.

Model Motions

APPROVAL

"I move to approval project CUP-24-016, a request by Chris Ensign to amend CUP-13-011 and construct a 36-unit residential condominium building in place of the currently entitled office building at 7367 S. Canyon Centre Parkway, subject to the findings and conditions listed in the project staff report dated October 16, 2024."

- List additional conditions of approval...
- List additional findings...

DENIAL

"I move to deny project CUP-24-016, based on the following findings:"

- List findings for denial...

Attachments

- Applicant's Narrative
- 9-17-2024 Traffic Impact Memorandum

[GENERAL LETTER]

TO: Cottonwood Heights Building Department
Michael Johnson

DATE: 09.17.2024

RE: Après Condominium Project
Conditional Use Submittal

Après Condominium project is proposed to be a 4 story 36 unit residential condominium building to include an exterior roof top amenity space and an owner's lounge with ski storage area. The building will house 36 high end condominium units with exterior balconies. The unit mix will include 3-bedroom and 2-bedroom units. The north portion of the fourth floor will be an exterior amenity deck for the residents to include seating areas with fire pits, (2) spas, and landscaping. The area between the Hotel and the condominiums will be exterior patio space for the adjacent condo units and will provide a visual buffer with landscaping. The existing parking garage third level parking directly below the condos is reserved for the building use and contains 55 parking stalls for use for the condominiums. The residential use should have less requirements than the previously approved office use and as such parking is adequate for the zoning requirements.

Previously proposed and approved use for this site was to be an office building. We believe that the residential condos are a much better fit for the development and will meld in nicely with the adjacent hotel, surrounding townhomes and single-family residences. The project will be aligned with the Cottonwood Heights zoning ordinance and master plan requirements by maintaining the building height to be under the previously approved 48' from the established average historical grade, being constructed of approved exterior materials and finishes, along with providing a building use that is aligned with Cottonwood's master plan. The project style will lean towards mountain contemporary and proposes exterior materials that will create an architectural language that will complement well with the adjacent Hotel and townhomes. Materials proposed will be of high quality and durable and will reflect the building style with colors that tie to a neutral palette. Overhanging roof elements with accent lighting and decks will help to break the building mass down and provide the residents with outdoor lounge areas and valley and mountain views.

The project will be constructed atop the previously constructed existing concrete parking structure. The site area surrounding the parking structure has already been reviewed, approved and for the most part constructed by the previous owner/developer. Proposed residential traffic use is assumed be less than the previous proposed office use and such updated traffic study recommendations will be presented. Site access is from the existing drive lane off of Canyon Center Parkway with the parking garage entrance located at the north end of the condominium project. This is a private entrance level for the parking reserved for the condominium building with elevator access into the building above. The main entrance to the building will be located towards the south end adjacent to the cul-de-sac parking. This entrance will be at the owner's lounge area. There will be a secondary building entrance/exit from Wasatch Blvd. The site area of the cul-de-sac parking and new building entrance was not constructed yet to allow for construction use area for the condominium building project. It is assumed that this will be completed by the overall site developer as the condominium building completes.

The condominium units will be serviced by individual mechanical systems with roof top condensers. The common building area will be serviced with roof top mechanical units. All roof top equipment will be screened as/if required in the zoning documents. Building parapets and raised dog house areas are not to be considered in establishing the building height based on the zoning and previously approved height study.

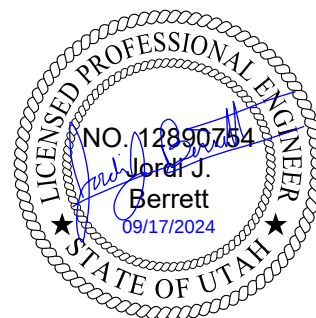
Sincerely,
Beecher Walker & Associates

ISSUED BY:

Gary Gowers
(Signature)

09.17.2024
(Date)

MEMORANDUM



Date: September 17, 2024
To: Cottonwood Heights
From: Hales Engineering
Subject: **Cottonwood Heights Canyon Center Condominiums Trip Generation Study**

UT24-2863

Introduction

This memorandum discusses the trip generation study completed for the proposed Canyon Center Condominiums development in Cottonwood Heights, Utah. A vicinity map of the proposed development is shown in Figure 1.



Figure 1: Vicinity map of the proposed development in Cottonwood Heights, Utah

Background

The proposed development is located on the northwest corner of the Canyon Center Parkway / Wasatch Boulevard intersection in Cottonwood Heights, Utah. The project includes 36 condominium units in a four-story building. A site plan for the proposed development is included in Appendix A.

The proposed land use for the development has been identified as follows:

- Multifamily Housing 36 units

Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation (11th Edition, 2021)*. Trip generation for the proposed project is included in Table 1.

The site was previously planned as 60,000 square feet of office space. However, the updated land use will be 36 residential condominium units.

As shown in Table 1, the previously proposed office building was estimated to generate approximately 746 trips on an average weekday, including 108 trips during the morning peak hour, and 110 trips during the evening peak hour. However, the currently proposed condominium units are estimated to generate 164 trips on an average weekday, including 14 trips during the morning peak hour, and 16 trips during the evening peak hour. Therefore, it is estimated that the condominium units will generate 582 fewer trips on an average weekday, including 94 fewer morning peak hour trips and 94 fewer evening peak hour trips.

Table 1: Trip Generation

Trip Generation Cottonwood Heights Canyon Center Condominiums TGS									
Land Use ¹	# of Units	Unit Type	Trip Generation			New Trips			
			Total	% In	% Out	In	Out	Total	
Weekday Daily									
General Office Building (710)	60	KSF	746	50%	50%	373	373	746	
Multifamily Housing (Mid-Rise) (221)	36	DU	164	50%	50%	82	82	164	
AM Peak Hour									
General Office Building (710)	60	KSF	108	88%	12%	95	13	108	
Multifamily Housing (Mid-Rise) (221)	36	DU	14	23%	77%	3	11	14	
PM Peak Hour									
General Office Building (710)	60	KSF	110	17%	83%	19	91	110	
Multifamily Housing (Mid-Rise) (221)	36	DU	16	61%	39%	10	6	16	
1. Land Use Code from the Institute of Transportation Engineers (ITE) <i>Trip Generation</i> , 11th Edition, 2021.									
SOURCE: Hales Engineering, September 2024									

Parking Comparison

The Cottonwood Heights City Code defers to the ITE parking generation rates for their off-street parking requirements. For multifamily housing units, the 85th percentile rate is 1.45 parking spaces per unit. Based on this rate, the parking demand would be approximately 53 vehicles. For an office building, the 85th percentile rate is 2.98 parking stalls per thousand square feet. This would translate to an estimated parking demand of 179 vehicles. When comparing the two, the office building would have a higher parking demand of 126 more vehicles than the condominiums. Typical parking standards suggest that a supply 5% greater than the anticipated parking demand should be planned for residential projects.

Conclusions

The findings of this study are as follows:

- The proposed development includes 36 condominium units.
- It is anticipated that the proposed project will generate approximately 164 trips on an average weekday, including 14 trips during the morning peak hour, and 16 trips during the evening peak hour. These trips comprise a significant reduction in trips compared to the previous office building land use.
- It is anticipated that the parking demand from the condominiums will also decrease significantly compared to the demand generated by an office building.

If you have any questions regarding this memorandum, please contact us at 801.766.4343.

APPENDIX A

Site Plan

LEVEL 1 UNITS:

UNIT 3A TYPE B (+ PRIVATE PATIO) : 1 UNIT
UNIT 3A1 TYPE B + PRIVATE PATIO : 1 UNIT
UNIT 2B TYPE B (1,862 SF) : 1 UNIT
UNIT 2D TYPE B (1,907 SF) : 1 UNIT
UNIT 2C TYPE B (1,916 SF) : 1 UNIT
UNIT 2D ACDA (1,916 SF) : 1 UNIT
UNIT 2D AD (1,507 SF) : 1 UNIT
UNIT 2D1 TYPE B (1,526 SF) : 1 UNIT

LEVEL 2 UNITS:

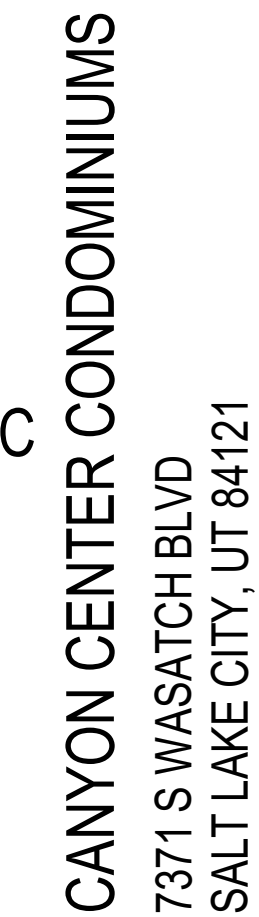
UNIT 3A TYPE B (2,103 SF) : 1 UNIT
UNIT 3A1 TYPE B (2,112 SF) : 1 UNIT
UNIT 2B TYPE B (1,882 SF) : 1 UNIT
UNIT 2B2 TYPE B (1,880 SF) : 1 UNIT
UNIT 2C TYPE B (1,916 SF) : 2 UNITS
UNIT 2D TYPE B (1,907 SF) : 1 UNIT
UNIT 2D1 TYPE B (1,526 SF) : 1 UNIT
UNIT 3E TYPE B (2,287 SF) : 1 UNIT
UNIT 3E1 TYPE B (2,292 SF) : 1 UNIT

LEVEL 3 UNITS:

UNIT 3A TYPE B (2,103 SF) : 1 UNIT
UNIT 3A1 TYPE B (2,112 SF) : 1 UNIT
UNIT 2B TYPE B (1,882 SF) : 1 UNIT
UNIT 2B2 TYPE B (1,880 SF) : 1 UNIT
UNIT 2C TYPE B (1,916 SF) : 2 UNITS
UNIT 2D TYPE B (1,907 SF) : 1 UNIT
UNIT 2D1 TYPE B (1,526 SF) : 1 UNIT
UNIT 3E TYPE B (2,287 SF) : 1 UNIT
UNIT 3E1 TYPE B (2,292 SF) : 1 UNIT

LEVEL 1:
OWNER'S LOUNGE: 1,135 SF
SKI STORAGE: 1,531 SF

LEVEL 4:
SHARED DECK #1: 710 SF
SHARED DECK #2: 1,207 SF
SHARED DECK #3: 708 SF

[illegible]

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

Wednesday, August 7, 2024

5:00 p.m.

**2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Mike Smith, Commissioner Mike Shelton, Commissioner Sean Steinman, Commissioner Dan Poulson

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, Alex Earl System Administrator

WORK SESSION

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

1.0 Review Business Session Agenda.

Community and Economic Development Director, Michael Johnson, provided an overview of Project SPL-24-001, a request from Ivory Homes for approval of a private gate within the Butler Hills View Subdivision at approximately 7496 South Orion View Circle. The private street provides access to three new lots, which are currently under construction, and does not provide access or connection to any other properties. The gate is proposed to be a 'slide' gate, meaning it will slide open for access along a horizontal (east/west) plane and does not swing open to the north or south. The proposed gate is 6' in height and 39' in width. The proposal also includes a separate proposed pedestrian gate on the sidewalk, with the same architectural style. A rendering of the proposed gate was detailed. A grading plan is part of the subdivision with existing curbing and infrastructure. The gate will require a mechanism to extend past the right of way to the west. When that structure is installed, he confirmed there will be retention work located between the new development and the existing home to the south.

Chair Mills asked where the responsibility lies for gate maintenance and drainage. Mr. Johnson stated that there is a note placed on the lot where the gate will be located that specifies that any grading must be properly retained and subject to review before final inspection. Site grading is also addressed on the Building Permit rather than the gate application. He confirmed that the fire turnaround has been approved with recommended conditions addressing their needs. A Knox box mechanism will allow for emergency access at any point. Gates are allowed on a case-by-case basis and require Planning Commission approval per Title 14.

Staff has reviewed the proposed privileged access gate in accordance with the above Ordinance provision and recommended the following findings and conditions:

Findings:

1. The proposed private access gate is located entirely within a private portion of a subdivision.
2. The location of the proposed gate does not propose any substantial concerns related to traffic or vehicular queues and does not present any significant circulation concerns, as the gate only impacts three lots.
3. The gate must be reviewed and approved by the Fire Department and meet Fire Code requirements for emergency access. Typically, this means that a Knox box must be installed, to the satisfaction of the Fire Department, to allow access.
4. The proposed gate is subject to building permit requirements and must obtain approval from all relevant city departments.
5. The requirement to obtain architectural approval is not applicable, due to recent State Code provisions that prohibit cities from imposing design standards on single-family development located outside of Planned Unit Developments.
6. The applicant should provide verification that there is a maintenance plan in place for the proposed gate.
7. Any gate malfunctions should result in the gate being left in the open position, so as not to temporarily prohibit access to the three subdivision lots within the Butler Hills View subdivision. Historically, a gate existed in the same location limiting access to the private property that existed before the subdivision was developed.

Conditions:

1. The applicant shall obtain a building permit, subject to review by all relevant city departments.
2. The applicant shall comply with all fire department standards and requirements to provide emergency access.
3. The applicant shall submit an operations and maintenance manual for the proposed gate.
4. Upon any malfunction, the gate shall be programmed to remain in the 'open' position.

Commissioner Anderson asked if gate maintenance contact information would be provided. Mr. Johnson stated that contact information would be covered in the Operations Maintenance

Manual to ensure those types of issues are addressed although gate functions were unavailable at present. Access was reviewed.

Senior City Planner, Samantha DeSeelhorst, reported that gate applications are not received frequently and encouraged questions to assist Staff with future consideration. Mr. Johnson confirmed that this item was noticed and one written comment was received expressing concern with the rock landscaping. Staff noted public comment is to be sent to the Commission in advance of a meeting prior to the noon deadline one day in advance.

2.0 Short-Term Rental Discussion.

Mr. Johnson presented the Short-Term Rental agenda item and stated that a policy-level discussion was held previously with the City Council. The topic of the City's current policy and its challenges were communicated. The previous Council feedback was to refine policy recommendations to help enforcement challenges and address current concerns and impacts of illegal rentals. There is currently an Ordinance that allows for Short-Term Rentals that was put in place prior to the prevalence of VRBO and Airbnb. The current Ordinance states the following:

- Short-term rental is anything that is rented for fewer than 30 consecutive days.
- They are allowed by a business license and Conditional Use but only in areas that are zoned for multi-family development, contain at least eight units, and all accessed via private roadway.
- There are approximately 100 legal licenses within the City, primarily located at the Oaks at Wasatch Condominium Development, the old Canyon Racquet Club Development, and Canyon Place.
- There are no owner occupancy requirements.
- No parking allowed on private right of way.
- Posted license and contact license if visible with a 24/7 hotline.
- Operations of unlicensed Short-Term Rentals is functional as a Class C Misdemeanor upon conviction with each day representing a separate violation.

Mr. Johnson reported that Staff receives numerous enforcement calls about illegal rentals being operated in predominately single-family neighborhoods. The licensing process for Conditional Use Permits covers concerns or questions regarding compliance. An additional challenge comes with the current State Code provision that prohibits a City from using an online listing of a short-term rental as the sole basis for enforcement. The City is required to gather evidence of actual use of a property as a short-term rental that violates City Code. Enforcement collects evidence that is then referred over to the City prosecutor through the criminal citation process and processed through the Justice Court. Enforcement is difficult as the City Enforcement is a Staff of two creating additional challenges in the regulatory climate.

Mr. Johnson reported that there has been a rise in third-party sites and the adoption of an Accessory Dwelling Unit ("ADU") Ordinance since the inception of the City Ordinance. Prior to 2020, ADUs were not allowed in the City which has changed with the recent State Code update. The update allows ADUs as a permitted use in all single-family residential zones. He explained that the difference between a short-term rental and an ADU is that an ADU may be rented for more than

30 consecutive days. The City drafted a response to the State Code with the primary difference being that owner/occupancy is required and the owner must prove they are a permanent year-round resident. The Business License is tied to the owner and must be updated should ownership change. A signed affidavit is also required acknowledging the owner/occupancy requirements and standards to be met.

Commissioner Shelton raised a question about the difference between an ADU and the rental of a single-family home. Mr. Johnson clarified that an ADU allows two families to occupy the same home or even a single-family home by zoning. The City has defined occupancy requirements for short-term rentals as up to four bedrooms and no more than 12 people per unit.

Previous City Council feedback was reviewed. Mr. Johnson reported that the City is in an environment from a policy and regulation level where website services create difficulty with enforcement. The Planning Department, Police Department, and Staff have proposed the following options be considered by the City Council to provide updates on the current situation:

- Increase penalties for unlicensed short-term rentals.
- Explore expansion of areas allowed in the City with additional regulations added to address most common concerns.
- Mandate owner occupancy.
- Require licenses to allow for ease of enforcement.
- Add additional parking requirements.

Commissioner Shelton felt that the recommendations did not match the enforcement issue and those unwilling to license. He believed the increase in fees also relates to the lack of licensing and the recommendations may attack those that comply and abiding by the requirements. Ms. DeSeelhorst stated that Staff will further research what other cities have been doing. She did not believe the issue had been researched closely enough to make definitive recommendations as opposed to suggested options.

Chair Mills stated that in his experience, enforcement of short-term rentals located in Big Cottonwood Canyon has been successful. Without skirting the rules, he pointed out that there are organizations that will assist in identifying the location of rentals without utilizing a VRBO or Airbnb search. He concurred with Commissioner Shelton's belief this may be a drag on resources unless it can be at least a break-even proposition.

Mr. Johnson reported that enforcement will also address those in non-compliance and acknowledge if the spaces are safe or up to Code. Ms. DeSeelhorst wondered if one benefit to expanding the Ordinance would be to provide a type of pathway to compliance in single-family neighborhoods. Commissioner Shelton did not feel providing a pathway would solve the complaints and those opposed to the short-term rentals will not consider that an adequate solution. He believed one solution would be to confront the renter and notify them they must vacate the property. Doing so would create an enforcement issue and cause them to confront the property owner. He also suggested going after the listing companies with charges of false advertising. This would not be the primary piece of evidence but a contributing factor in the investigation.

Staff stated that the matter will return to the Commission as the City Council is interested in receiving public input. It would then be reviewed by the Planning Commission process in some sort of draft Ordinance format.

Commissioner Steinman stated that he has seen this issue managed in many different ways. He believed the main concerns were health, safety, noise, parking, and those accommodated within a Building Code. He considered it an educational issue as there are many illegal single-family homes that are rented for \$600 to \$2,000 per night in Cottonwood Heights. He suggested instead of underwriting the penalty that there be licensure based on revenue that is detailed in a mailed letter notifying the property owner of the violation. This would create more stringent rules and education in terms of the property being up to Code and current on taxes. He explained that the owners of short-term rentals in Anaheim, California are required to sign a three-page affidavit notifying the renter of Noise Ordinance violations and the associated fines. A pre-disclosure included with those who sign up through Airbnb was discussed. Chair Mills recommended determining in the most legal way possible who would be the most aggressive in ensuring that owners are abiding by the rules. He did not appreciate the City prosecutors taking it upon themselves to reduce the associated fines. Mr. Johnson confirmed that the reduction has been implemented through the courts. Conveying that they are not representing the City in a judicious manner was requested.

Commissioner Anderson stated that this item will require community support. She suggested that very clear requirements be in place to allow residents to understand the enforcement process. Chair Mills appreciated the work of Staff and the suggested options. Mr. Johnson confirmed that staff will continue to determine the framework of regulations and enforcement solutions.

3.0 Town Center Update.

Mr. Johnson led the Town Center Update discussion and stated that as reported, the City is now pursuing a General Obligation (“GO”) Bond to subsidize public improvements for the project. Highlights include the following:

- Finalized Site Plan concepts.
- Projects branding “The Heights.”
- Project information is available online at CHtowncenter.com.
- Butlerville Days information booth.
- The August City Newsletter article.
- Public Open House scheduled for Monday, August 12th.
- Coordinating neighborhood meetings with Advisory Committee Members.
- Refining and finalizing the frequently asked questions page.
- Printed informational signage publicizing this effort by the City providing resources.
- Drop ballot language at a technical level according to the State Code requirements.

Commissioner Anderson asked where public feedback is directed. Mr. Johnson confirmed that feedback is sent to the project team. He further explained that the Council will vote on the Bond Parameters Resolution on August 20 which is the formal vote placing the GO Bond on this year’s ballot. The City has until August 22 to send that information to the Salt Lake County elections office to ensure its ballot placement. Mr. Johnson encouraged Open House attendance allowing

for additional educational opportunities. It was confirmed additional information is available on the City's website.

Commissioner Smith asked for clarification on the timeframe once the GO Bond has passed. Mr. Johnson explained that the result of the election influences the timeframe and whether it does or does not pass. The idea would be to put out an RFP document to find a development partner that would implement the City's direction. Bonds that are voted on in November cannot be issued until January 2025. If the Bond passes, Mr. Johnson stated that it would be the intent of the City to take immediate action and remain aggressive in implementing their decision. He noted after the official vote and if it becomes an official Resolution, the role of the City is educational, not persuasive.

4.0 Adjourn.

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

The Work Meeting adjourned at 5:53 PM.

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

Wednesday, August 7, 2024

6:00 p.m.

**2277 East Bengal Boulevard
City Council Chambers**

Members Present: Acting Chair Lucy Anderson, Commissioner Mike Smith (via Zoom), Commissioner Mike Shelton, Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler, Commissioner Dan Poulson

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, Alex Earl System Administrator

BUSINESS SESSION

Chair Dan Mills called the Business Meeting to order at 6:00 PM.

1.0 Welcome and Acknowledgements.

1.1 Ex Parte Communications or Conflicts of Interest to Disclose.

There were no Ex Parte communications or conflicts of interest to disclose.

2.0 General Public Comment.

Nicki Baltz stated that she is a new Cottonwood Heights resident living in Danish Pines. They are experiencing two illegal short-term rentals on her street. One has been operating for over one year and the other for six months. Both are working around the system by having occupants sign agreements that they are staying 30 days when in fact they are staying an average of three to eight days. One home had at least 25 people stay overnight for multiple days. They have had children climbing retaining walls and numerous cars parked on the street. Ms. Baltz has been in communication with Officer Wendell with Code Enforcement and sent photographs and license plates to prove that the renters are there for a brief time. She emphasized that none of the neighbors support the short-term rentals which are being rented for \$600 to \$1,200 per night. Renters have been instructed not to speak with law enforcement or neighbors and she did not feel that the owners of the rentals are impacted by the \$100 fee. She expressed her opposition to allowing short-term rentals in her neighborhood.

Joel Hulcalter reported that he and his wife moved from Las Vegas and now reside in Danish Pine. They reviewed the City's Short-Term Rental Ordinance with the understanding that no rentals

would be allowed. At closing, homebuyers sign a contract stating that this is their primary residence and that it may not be rented or sold for the first year. Mr. Hulcalter invested well over \$1 million in his home, which he felt was decreasing due to a lack Code enforcement. Their camera footage shows renters coming and going at various hours. He felt strongly that having to wait six to eight months for a solution was not acceptable. He reported that the City's Code Enforcement has asked residents to speak to the renters and are being asked to act as law enforcement. It was his understanding that the homeowners have signed residential exemptions that resulted in the City losing thousands of dollars in revenue.

Marilyn McGill, a 48-year Cottonwood Heights resident, wanted to see the Old Mill area remain historic and potentially be redesigned. She understood that the cost may be prohibitive and urged the City to preserve the property.

Chad Mortensen commented that the Cottonwood Paper Mill opened in 1883, it served as a paper mill for *The Deseret News*. At the time of construction, it was the largest structure in the valley and opened 10 years before the Salt Lake City LDS Temple. Most of the exterior stones of the temple were quarried near the mouth of Little Cottonwood Canyon. He reported that the Old Mill is one of the last vestiges of the pioneer era that still stands and it has hosted numerous social events over the years. He appreciated the testament of the Old Mill to the industrious nature of the early settlers of Utah territory. It was his desire that the Old Mill be added to the National Registry of Historic Places and allowed to remain and eventually be restored.

Michael Bowd grew up near the Old Mill and it was part of his childhood. He considered the Old Mill a treasure and that is an iconic gateway to Big Cottonwood Canyon. He suggested it be turned into a money-making venue to maintain its integrity. He commented that there is nothing like the Old Mill in the State of Utah and he was in favor of exploring possible funding options to restore it.

3.0 Business Items.

3.1 Project SPL-24-001 – A Public Hearing and Possible Recommendation on a Request from Ivory Homes for Approval of a Private Gate within the Butler Hills View Subdivision at approximately 7496 South Orion View Circle.

Community and Economic Development Director, Michael Johnson, presented the Staff Report and stated that the property is located directly north of City Hall and is part of the Butler Hills View five-lot subdivision. The private street provides access to three new lots that are currently under construction. It does not provide access or connection to any other properties. The gate is proposed to be a 'slide' gate that will slide open for access along a horizontal (east/west) plane. It will not swing open to the north or south. The proposed gate is 6' in height and 39' in width. The proposal also includes a separate proposed pedestrian gate on the sidewalk with the same architectural style. A rendering of the proposed gate was displayed. Mr. Johnson reported that private gates must be reviewed by the Planning Commission on a case-by-case basis and can only be installed on private roadways within the City. The gate is proposed to be installed directly north of the existing property on-site.

Staff proposed the following recommended conditions of approval:

1. The applicant shall obtain a building permit, subject to review by all relevant city departments.
2. The applicant shall comply with all fire department standards and requirements to provide emergency access.
3. The applicant shall submit an operations and maintenance manual for the proposed gate.
4. Upon any malfunction, the gate shall be programmed to remain in the 'open' position.

Ivory Homes Development representative, Peter Gamvroulas, reported that Ivory Homes has agreed to the recommended conditions. With regard to emergency services, the gate includes a Knox box and will comply with all Codes pertaining to fire and emergency services. The main operation will be a remote entry for primary residents with a keypad for alternate access located to the right of the entryway. They are undecided regarding the incorporation of a Homeowners Association ("HOA") with so few homes. If acceptable, Ivory Development will draft a Private Maintenance Agreement recorded over all three lots requiring homeowners to conduct snow and trash removal services. With regard to public comment, there has been concern with retaining, which will be addressed with respect to the required retention outside of their landscaping plans.

Commissioner Poulson questioned the advantage of having a gate for three homes on a circle. He asked who will be responsible for gate maintenance. Mr. Gamvroulas stated that it is a business decision from Ivory Development to provide additional security due to the price point of the homes. With regard to gate maintenance, the gate could theoretically be pulled open. The standard operating system does have a method to open in case of any operational issues.

Commissioner Smith asked if there were plans to assess fees for gate and road maintenance. Mr. Gamvroulas did not believe they would have an escrow in place but maintenance would be determined through a Maintenance Agreement with the homeowners. Staff confirmed that there is no requirement to form an HOA and they typically address how snow and trash removal will be managed.

Chair Mills asked for clarification regarding retention on the subject property and on neighboring properties. Ivory Development recently received a citizen comment expressing concern with grading and retention on their property. The original grading plan was approved by the City Engineer and included a gentle slope into the neighboring property where no retention will be necessary. With regard to the landscaping of the existing home in preparation for the Parade of Homes, it has become obvious that retention will be necessary. He confirmed that the retention will be located 100% within the Ivory Homes Development and any maintenance or repair would be the responsibility of the property owner.

Commissioner Poulson suggested waiting until the homes are occupied to make any decisions regarding landscaping and retention. Mr. Gamvroulas stated that disclosures are included with the private contracts that address the landscaping and retention details with potential buyers. It was not their intention to install right-of-way with the preference being to complete the home prior to installation. He confirmed that the disclosures have been set from the beginning and Ivory Homes may elect to install those features.

Chair Mills opened the public hearing.

Tori Horsley expressed concern with the gate maintenance. She has been involved in a lawsuit regarding property retention for five years and she requested confirmation of the maintenance. She was concerned about the potential call box being located along the west side of her parent's yard.

There were no further public comments. Chair Mills closed the public hearing.

Commissioner Poulson had no concerns with this item moving forward. He appreciated the discussion and concern for nearby property owners.

Commissioner Anderson had no concerns. She supported addressing the property rights of nearby property owners. Mr. Johnson reported that staff added a note to the Building Permit file indicating that the grading issue must be resolved prior to final approval.

Commissioner Poulson was not opposed to the gate but considered it to be a timing issue with Ivory Development making the decision as opposed to the property owners. Mr. Gamvroulas confirmed that it is the decision of Ivory Homes to install the gate. The home that will be impacted by the gate is under contract and the prospective owner has agreed to the developer's disclosure.

Commissioner Steinman considered it a safe practice to be included with the Building Permit. He felt this was irrelevant to the gate construction as long as it is within the property line and engineered appropriately. Moving forward, he felt that the gate was a great feature that allows Ivory Homes to charge a premium for additional security. He was unsure if there was a requirement for property owners to agree to the gate as it is a mechanical device that will be installed on the property line. Mr. Johnson reiterated that these types of requests are considered on a case-by-case basis. He recommended a condition be added to state that if the gate is on a shared property the consent of both property owners is required. Otherwise, he recommended that the gate and keypad be located solely on Ivory Development property to avoid confusion.

Commissioner Anderson moved to APPROVE Project SPL-24-001 based on the following:

Findings:

- 1. The proposed private access gate is located entirely within a private portion of a subdivision.***

2. *The location of the proposed gate does not propose any substantial concerns related to traffic or vehicular queues and does not present any significant circulation concerns, as the gate only impacts three lots.*
3. *The gate must be reviewed and approved by the Fire Department and meet Fire Code requirements for emergency access. Typically, this means that a Knox box must be installed, to the satisfaction of the Fire Department, to allow access.*
4. *The proposed gate is subject to building permit requirements and must obtain approval from all relevant city departments.*
5. *The requirement to obtain architectural approval is not applicable, due to recent State Code provisions that prohibit cities from imposing design standards on single-family development located outside of Planned Unit Developments.*
6. *The applicant should provide verification that there is a maintenance plan in place for the proposed gate.*
7. *Any gate malfunctions should result in the gate being left in the open position, so as not to temporarily prohibit access to the three subdivision lots within the Butler Hills View subdivision. Historically, a gate existed in the same location limiting access to the private property that existed before the subdivision was developed.*

Conditions:

1. *The applicant shall obtain a building permit, subject to review by all relevant City departments.*
2. *The applicant shall comply with all fire department standards and requirements to provide emergency access.*
3. *The applicant shall submit an operations and maintenance manual for the proposed gate.*
4. *Upon any malfunction, the gate shall be programmed to remain in the 'open' position.*
5. *If this is on shared property lines, both property owners must be in agreement.*

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

4.0 Consent Agenda.

4.1 Approval of Planning Commission Meeting Minutes from June 5, 2024, Meeting.

4.2 Approval of Planning Commission Meeting Minutes from July 11, 2024, Meeting.

Commissioner Shelton moved to APPROVE the Consent Agenda as presented. Commissioner Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

Commissioner Steinman moved to ADJOURN. Commissioner Smith seconded the motion. The motion passed with the unanimous consent of the Commission.

The Business Meeting adjourned at approximately 6:55 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, August 7, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

DRAFT