

Samantha DeSeelhorst

From: Adrienne Cox [REDACTED]
Sent: Monday, January 20, 2025 2:01 PM
To: Planning
Cc: Sean Cox
Subject: [EXT:]Opposition to Conditional Use Permit (CUP-24-019) and Subdivision (SUB-24-008) for Proposed Development at 3425 E. Bengal Blvd.

Sean & Adrienne Cox
[REDACTED] Oakshadow Circle
Cottonwood Heights, UT84121
January 20, 2025

Cottonwood Heights Planning Commission
2277 East Bengal Blvd
Cottonwood Heights, UT 84121

Dear Members of the Cottonwood Heights Planning Commission,

As the direct north neighbor to the proposed development at 3425 E. Bengal Blvd., I am writing to express my opposition to the Conditional Use Permit (CUP-24-019) and Subdivision (SUB-24-008) applications for the proposed 10-unit live-work townhome project. My home shares a property line with this site, and the potential impacts of this development on my family's privacy, safety, and quality of life are profound.

1. Privacy Concerns

The proposed development's height of 30 feet, spanning three stories, will directly infringe on my family's privacy. My bedroom windows face the shared property line, and this development will introduce multiple units with elevated views directly into my home. This invasion of privacy will drastically alter our daily lives and reduce the enjoyment of our property.

2. Noise and Proximity

The proximity of this high-density project raises significant noise concerns. Daily activity from multiple families, visitors, and live-work operations is likely to generate constant noise outside my bedroom window. The addition of business-related activities, increased vehicular traffic, and shared fencing further exacerbate these concerns.

3. Zoning Compatibility and Neighborhood Character

This project's density is inconsistent with the adjacent R-1-6 single-family zoning. The General Plan Section 3.1 emphasizes land use compatibility, which this development does not achieve. The transition from a low-density residential zone to a high-density live-work development is stark and unmitigated. The proposed minimal setbacks and lack of significant buffering fail to address this incompatibility.

4. Visual and Aesthetic Impacts

The development's design, particularly the three-story configuration, will significantly alter the neighborhood's visual character. Zoning Code Section 19.37.130 requires compatibility with adjacent properties and measures to avoid undue visual impacts. However, the project introduces towering structures that will dominate the skyline, obstruct natural views, and disrupt the cohesion of the neighborhood.

5. Parking, Traffic, and Waste Management Impacts

The project's proposed parking allocation is insufficient, with only four visitor spaces for ten units. This shortfall will likely result in overflow parking onto Oakshadow Circle, a small cul-de-sac that cannot accommodate

increased congestion. Additionally, the live-work designation suggests potential for business visitors, further straining available parking. General Plan Section 5.2 prioritizes traffic safety, which this development jeopardizes.

The waste management plan for 10 units includes 20 individual garbage and recycling bins, all of which will need to be placed on Bengal Blvd. for weekly collection. This creates logistical challenges and potential hazards, as the volume of bins may obstruct pedestrian walkways and create visual clutter along the street. The lack of an effective centralized waste solution fails to account for the density of the project and its impact on the neighborhood's aesthetics and functionality.

6. Buffering and Transition Deficiencies

The development fails to provide appropriate buffering measures to mitigate its impact on my property. General Plan Section 4.4 and Zoning Code Section 19.37.060 call for transition designs, such as step-down heights, increased setbacks, and landscaping. None of these measures are adequately addressed in the current proposal, leaving my property exposed to heightened visual, auditory, and privacy intrusions.

Requested Actions

In light of the above concerns, I respectfully request the Planning Commission to:

1. Deny the Conditional Use Permit (CUP-24-019) and Subdivision (SUB-24-008) applications as currently proposed.
2. Require substantial modifications to the project, including reduced height, increased setbacks, robust landscaping buffers, and limitations on the live-work components to mitigate noise and privacy issues.
3. Conduct a comprehensive traffic and parking impact study to address safety and congestion concerns.

I urge the Commission to uphold the principles of zoning integrity, neighborhood compatibility, and responsible development to preserve the character and livability of our community. Thank you for considering my concerns.

Kind Regards,

Sean & Adrienne Cox

Samantha DeSeelhorst

From: A. Thomas [REDACTED]
Sent: Thursday, January 16, 2025 3:55 PM
To: Planning
Subject: [EXT:]high density building in normal neighborhood\

I am making a comment concerning the proposed plan on 3425 E Bengal blvd.
It is rather shocking actually that directly next to single family homes to the north and west that you would consider a high density 10 dwelling home project on a space only large enough for a single home or perhaps two at the most.
Please consider carefully and accept the comments seriously of those who oppose this change to the current neighborhood.

Please have the courage to say NO. This plan does not enhance the already established neighborhood plan directly to the north and west bordering boundaries.

This area should not turn into Air B & B haven for tourist skiers.. This is a family neighborhood, a traditional neighborhood .

There are apartments located west on Bengal but they are not high density but spacious and were built before the current of concept of stacking living space to create more income for the developer.

We are not Lehi , Herriman but Cottonwood Heights. Please represent the families who have lived here for years not a developer whose plan is personal financial gain at the expense of Cottonwood Heights families . Please remember your job is protect the culture of our city,not transform it into south Salt Lake Valley.

. You did not allow this type of project to go forward with the Homes built replacing the LDS chapel at Dover Hills just three block east/

Please give our neighborhood the same consideration and protect us from developers plans that do not consider the already established homes of current Cottonwood Heights residents who certainly did not plan on the city allowing this to go forward.

Alan Thomas [REDACTED] Summerhill Drive- 1 block south of this proposed plan .

Samantha DeSeelhorst

From: HENRY HILDA DERRES [REDACTED]
Sent: Thursday, January 16, 2025 7:08 PM
To: Planning
Subject: [EXT:]Former Wells Fargo bank use

I live on Summerhill Ct. In looking at the map provided the area proposed for ten live-work townhouses appears to be about two building lots compared to the area around it. These would degrade the property values in the area. Veto the project.

Gabriel and Jade Velazquez

██████ Oakshadow Circle
Cottonwood Heights, UT 84121
1/21/2025

Cottonwood Heights Planning Commission
2277 Bengal Blvd
Cottonwood Heights, UT 84121

Subject: Opposition to the Brighton Lofts Project

Dear Members of the Planning Commission,

Your role as members of the Cottonwood Heights Planning Commission is essential to our community. You are tasked not simply with reviewing and approving development proposals, but with **evaluating** how these projects fit into the greater context of our neighborhoods and contribute to a healthy, well-planned community. If your duty was to rubber-stamp every project that met basic code requirements, we could have artificial intelligence take on that responsibility. Instead, your commission represents the **interests of the citizens** and ensures that every decision reflects thoughtful, deliberate care for Cottonwood Heights as a whole.

Your own mission underscores the importance of balance and community representation:

The Planning Commission was created to represent the concerns of diverse citizen groups and the broad interests of the community as a whole. It makes recommendations to the city council on legislative land use decisions, including property rezoning and ordinance changes. It also grants final approval of conditional use permits, site plan approvals, and subdivisions.

*The commission provides balanced representation in terms of geographic, professional, neighborhood, and community interests to **develop a healthy, well-planned community.***

The Brighton Lofts project is a clear failure of that vision. This proposed development does not align with our master plan and represents the only instance of live-work zoning embedded in a residential neighborhood. While I am not opposed to increased density—in fact, I would welcome thoughtfully designed duplexes or smaller townhomes, which are consistent with the character of our area—**this project does not fit**. It ignores the needs and context of the current neighborhood, raises numerous logistical and safety concerns, and compromises the integrity of Bengal Boulevard.

Parking and Business Licensing Concerns

The project design raises serious questions about its feasibility. Each unit has a two-car garage, but there is insufficient turning radius to realistically accommodate two vehicles alongside trash and recycling bins. How can 10 businesses operate out of these units with the existing parking

constraints? What safeguards will be in place to ensure all 10 businesses maintain active licenses and comply with regulations?

Safety Risks

There are significant safety concerns if a fire were to occur. With no proper fire truck access, how can the safety of the residents and the surrounding community be ensured?

Trash Collection Issues

With 10 planned units, the project will generate at least 20 trash and recycling bins. There is no room on-site for a garbage truck to maneuver, meaning all bins will be placed on Bengal Boulevard for collection. This is impractical and will create an unsightly and hazardous condition along this major thoroughfare.

Blending and Step-Down Design Violations

The Neighborhood Commercial code emphasizes the importance of blending and appropriate step-down transitions between commercial and residential spaces. At 30 feet tall, this building will be the largest structure on Bengal Boulevard apart from Brighton High School, exceeding the height of City Hall. While the design may meet technical code requirements, this project will dominate the surrounding residential area and destroy the visual harmony of the neighborhood. Simply put, just because something is allowed does not mean it is appropriate.

Privacy and Visual Impact

As shown in the attached photos, this development will significantly affect my privacy. The proposed condos will look directly into my front bedroom window, while the building's façade will block previously unobstructed views. Unlike the bank across the street, which maintains appropriate setbacks, this project will place a wall of windows unnervingly close to my property.

Before



After



For these reasons, I respectfully urge the Planning Commission to vote against the Brighton Lofts project. This development is not just an inappropriate fit for our neighborhood—it also sets a dangerous precedent for undermining the values and goals outlined in our master plan.

I trust you will weigh these concerns carefully and prioritize the needs of our community over the interests of developers.

Thank you for your time and consideration.

Respectfully,
Gabe Velazquez

Jade Velazquez

Jonny Matich
[REDACTED] Oakshadow Circle
Cottonwood Heights, UT 84121

January 21, 2025

To Whom It May Concern,

I am writing to formally express my opposition to the proposed townhome project on Bengal Blvd. in the area surrounding Oakshadow Circle. As a resident of Oakshadow Circle, I have significant concerns about the impact this development will have on our community, particularly regarding overcrowding, traffic congestion, parking issues, and waste management.

Firstly, the addition of ten townhome units in such a confined area will exacerbate existing traffic problems. Bengal Blvd. is already a busy road, and the construction of multiple townhomes will only increase the flow of vehicles. This could lead to further congestion, particularly during peak hours, making it difficult for residents and visitors to navigate the area safely and efficiently.

A significant concern is also the issue of parking. With two parking spaces per unit, the project will require a total of 20 spaces, which could overflow into the surrounding streets, including Oakshadow Circle. The increased demand for parking will create problems for current residents, as the available space is limited. This will not only inconvenience homeowners but may also cause traffic bottlenecks as residents seek available parking spots.

Additionally, the proposed development will add a substantial burden to waste and recycling management. With two garbage cans and two recycling bins required per unit, that's an extra 20 bins to be placed on the streets each week. The lack of sufficient space for all these bins will lead to unsightly clutter in front of homes, posing not only a logistical issue but a potential sanitation concern. The waste management infrastructure in the area is not equipped to handle such an increase in waste, and this will likely lead to overflow, unpleasant odors, and a decrease in the overall aesthetic quality of our neighborhood.

For these reasons, I urge you to reconsider the proposed townhome project. The impact on our community would be far-reaching and disruptive, and I believe that other areas better suited for such a development exist.

Thank you for your time and attention to this matter. I trust that you will consider these concerns when making your final decision.

Sincerely,
Jonny Matich
[REDACTED] Oakshadow Circle
Cottonwood Heights, UT 84121

Samantha DeSeelhorst

From: Matt Anderson [REDACTED]
Sent: Sunday, January 19, 2025 1:42 PM
To: Planning
Subject: [EXT:]Brighton Lofts PUD

As neighbors living close to this proposed property and using Bengal Blvd as our main access into our home, we are opposed to adding this many units in such a small property parcel. Sounds like they will be much taller than any buildings around them making an eyesore and add many more vehicles to an already busy Bengal Blvd.

Sincerely,
Matt Anderson

January 20, 2025

Cottonwood Heights City Planning Commission

RE: Formal Comments and Objection to the Proposed Conditional Use Permit & Preliminary Subdivision Plat Approval – Project Nos. CUP-24-019 & SUB-24-008, Located at 3425 E. Bengal Blvd. (the “Subject Property”)

Dear Members of the Planning Commission,

We are writing to formally object to the proposed Conditional Use Permit and development of the Subject Property.

Upon review of the submitted Site Plans, this project appears to fail in compliance with multiple zoning and planning requirements and should not be approved as submitted.

The proposed development manipulates the intent of NC zoning by classifying high-density residential townhomes as live/work units, effectively bypassing the stricter density, height, and transition requirements of multifamily zoning, and is **fundamentally incompatible with adjacent R-1-6 single-family residential homes**. This Plan envisions NC-zoned areas as spaces for neighborhood-serving businesses, yet this project attempts to convert the site into a residential cluster of townhomes, violating General Plan Section 2.3.

Thank you for your attention to this matter.

Best regards,


Paul Hatfield


Karen Cordner


Cottonwood Heights, Utah 84121



Robert & Jillene Farnsworth
[REDACTED]
Cottonwood Heights, UT 84121

January 20, 2025

Cottonwood Heights Planning Commission
2277 Bengal Blvd
Cottonwood Heights, UT 84121

Dear Planning Commission and Staff,

The Planning Commission should deny CUP-24-019 and SUB-24-008 for the following reasons:

- **Misclassification of live-work units.** These are residential units disguised as live-work units.
 - The staff report states ***“The details of this specific live-work development proposal include: Ten townhome units, each with three bedrooms, four bathrooms...”***. The plans provided to the community DO NOT reflect this. *The plans provide for two bedrooms and four bathrooms with a home office on the main floor. Is this a three-bedroom townhome or a two-bedroom with a HOME OFFICE? According to the Zoning Code Section 19.37.010, NC zoning is intended for small-scale commercial services, not high-density residential use.*
 - Live-work units have common features that this project doesn’t include, thereby not conforming to the purpose of the NC Zoning, section 19.37.010.
 - Dedicated store fronts, retail signage, commercial or office space within the residential area. *The plans show a small home office at the rear of the garage with a closet and a bath. This doesn’t provide convenience goods and services used frequently by local residents as required by General Plan Section 3.1 and Zoning Code Section 19.37.010.*
 - Dual entrances. Direct access from the street or a clear separate entrance from the living quarters. *The access to the home office is from a foyer that can be accessed either through the garage, patio area or living area. There is no direct access for guests or customers.*
 - Live-work units are most often situated in urban areas where there is a high demand for both residential and commercial activities. *Again, the purpose as stated in 19.37.010 is to attract and promote walk-in clientele. This location is not an urban area. It is an old zoning for this area that was designed for activities that support the residential neighborhood not urban growth.*
 - Typically allows for business signage, employees guest parking and aims to integrate residents into the local business economy. *This proposal lacks features that facilitate meaningful engagement, such as street-facing commercial spaces or pedestrian-friendly layouts because it’s not located in an urban setting.*
 - The proposed live-work designation undermines the integrity of the Neighborhood Commercial Zone by failing to foster a symbiotic relationship between residential and commercial uses. *This plan certainly doesn’t*

provide a transition between neighborhood commercial and the adjacent residential uses as directed by the purpose in 19.37.010.

- 5.54.010 Home Occupations Defined. “Home occupation” means any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there can be a display of stock in trade. The storage of stock in trade shall be a maximum of 250 cubic feet. “Stock in trade” is any item offered for sale which was not produced on the premises. *The Code clearly describes the units being proposed. They’re home offices, NOT live-work units.*
- **Neighborhood compatibility and Density**
 - Code 19.37.130 - Developments in the NC zone are intended to blend with the surrounding land uses, whether they are residential or non-residential.
 - The proposal is for 20 units/acre on .483 acres. Subject property is 129’ x 166’.
 - Adjacent zoning is R-1-6 and R-1-8.
 - R-2-8 is nearby.
 - R-1-6 or R-2-8 are the only compatible zones with the neighborhood for maximum density.

Density Comparison for .48 acres				
NC	RM	R-2-8	R-1-6	R-1-8
Proposed	<u>19.34.040 Minimum Lot Size</u>	<u>19.31.040 Minimum Lot Size</u>	<u>19.29.040 Minimum Lot Size</u>	<u>19.26.040 Minimum Lot Size</u>
10	6-7	4	3	2
lot 20'-23'.18"	lot width 65'	lot width 65'	lot width 60'	lot width 70'

- **Parking**
 - This picture is of my neighbors to the west in an R-2-8 zoning. *Tenants and guests park in front of the garages many times for long periods protruding into the narrow road access. This is what occurs when guest parking is inadequate or too far away.*



- Is one of the parking stalls 13' x 18' - 20' and designated for handicapped as required? It doesn't appear on the concept plans and the application **MUST BE REJECTED** until it complies with the ADA requirements.
- 19.80.120 Required Parking by Land Use. The city adopts the ITE manual of parking generation rates. The city requirement shall be the average rate of parking for the most intense parking period listed in the most current edition of such publication for each land use.
 - THE PARKING REQUIREMENTS SHOULD BE AVAILABLE TO THE PUBLIC IN THE CODE WITHOUT ADDITIONAL SUBSCRIPTIONS!
 - Live-Work Units: For mixed-use developments, like live-work units, the ITE suggests that parking should be calculated based on a shared parking analysis that considers the peak hour of parking demand for each use. This implies that guest parking for live-work units would be part of an overall parking calculation rather than a standalone requirement. The exact number of spaces for guests would depend on the specific mix of residential and commercial uses and their respective peak demand times. *Was a study or analysis completed? The community would like to see it.*
 - Town Home Developments: For town homes, the general zoning codes often stipulate that approximately 25% of the required parking for town homes should be allocated for guest parking. This is to ensure there's adequate space for visitors without impacting residents' daily parking needs. For instance, if each townhome unit requires two parking spaces, 25% of those spaces might be designated for guest use, meaning one guest space for every four units at a minimum.
 - *As I stated earlier, this is not an urban setting with mass transit opportunities. Vehicles are the main transportation option. Parking for those vehicles is a must.*
- **Guest Parking.** Staff acknowledged the parking concern on page 8 of the Planning Commission packet. However, Staff inappropriately left the decision up to the applicant. I quote **“Should the applicant desire additional visitor parking to be available for the development’s tenants and their visitors, they will need to provide such parking onsite, or through a shared parking agreement with neighboring businesses.”**
 - Additional parking should be required on site. *At a minimum guest parking for the residential units should be equivalent to the .25 per unit requirement for townhome projects AND the required office ratio parking of 3 plus the ADA space for a minimum total of 6.*
 - Potential shared parking agreements with neighboring businesses are unlikely. Is staff suggesting they walk across the street without a crosswalk? What about at night, with snow?
 - Liability. The three neighboring “businesses” would be the LDS Church, Smiths and Brighton Pointe Partners are all sophisticated landowners. They will never allow parking on their property unless each individual owner holds them harmless for any accidents.
 - Two of the businesses are located across a very busy street. The 2022 traffic count at Oakshadow Cir and 7800 S is 10,228 VPD, Source CoStar.
 - *19.80.110 Shared Parking and Curb Cuts. Up to 50% of the required parking may be shared with the other required parking areas upon approval by the*

planning commission. *The developer must show: An agreement granting shared parking or mutual access to the entire parking lot.*

- **Lot Coverage** – Over 50%!
 - **19.37.090 Maximum Lot Coverage** – 50% max. should include impervious surfaces.
 - Buildings are 8,963 sf or 42.62%.
 - Can't find a coverage total. Sidewalks are approximately 1,690.69 sf or 8.04%. Concrete patios surfaces are impervious?
- **Fencing**
 - The property currently has fencing compatible with the neighborhood. Lot's 1 thru 5 rear yards would be open to Oakshadow Cir with no privacy. Plans call for a 4' iron fence with a gate that opens to sidewalks through the common areas to Oakshadow Cir. *This will only promote parking violations on Oakshadow Cir.*
 - The adjoining single-family homes on Oakshadow Cir have privacy fences ranging from over 5 1/2' to 7'.
 - The shared white vinyl fence on the rear yards of Oakshadow Cir and the adjoining R-2-8 units to the west is 7 feet.
 - The makeup of the neighborhood is 6-foot privacy fences, thereby hiding barbeques, patio furniture or other items stored in yards. *The community doesn't want to look across their beautiful front yards and see the stuff across the street.*
 - The Residential Office Zone 19.35.130 reads, *private fences along streets should help to form a coherent street transition and should create an attractive boundary between public and private realms.*
 - *The proposed development fails to provide adequate transition measures between NC zoning and adjacent R-1-6 single-family homes, violating Zoning Code Section 19.37.060 and General Plan Section 4.4, which require step-down designs, increased setbacks, and landscape buffers to ensure compatibility.*
- **Garages**
 - Garbage Cans smell foul in the summer. My family owns four townhomes that require their garbage cans to be kept in the garages. Our tenants and the other owners hate it, but they don't have a choice like this proposal. Poor design.
- **HOA Maintenance.**
 - Oakshadow Circle sidewalk accumulates leaves and snow. Development should be required to maintain this space as the current owner has.
- **Garbage Cans**
 - 20 Total garbage cans. This will simply look trashy. Overflow garbage will likely spill into public streets and neighboring properties, leading to sanitation issues
 - The proposal can't have a community trash receptacle because it requires screening and to be located 50" from Residential.
 - Garbage cans are 31" wide. Online placement charts recommend separation at the curb by THREE feet.
 - West frontage is 34' plus a 25' radius being dedicated to Cottonwood Heights. The East frontage is 44'.
 - 10 cans separated by 2 feet use 45.83 feet. Westside cans would set 10' into the radius next to Oakshadow Cir and the Eastside cans would extend into the church parcel by 1.83'

- *10 cans separated by THREE feet use 55.83 feet. Westside cans would set 21' into the radius next to Oakshadow Cir and the Eastside cans would extend into the church parcel by 11.83'*

Here are Wasatch Front's garbage can requirements.

The image shows a screenshot of the Wasatch Front Waste & Recycling District website. At the top, a yellow banner contains the text: "We will continue regular Garbage and Recycling collection on Monday, January 20. There will be no changes to the collection schedule for the Luther King, Jr. Day holiday. Please note that our offices will be closed on Monday, January 20, in observance of the holiday." Below the banner is a blue header with a search bar and a "Search" button. The main content area features the Wasatch Front logo and a search bar with the text "can separation" entered. Below the search bar, it says "Your search yielded no results." To the right of the website screenshot is a chatbot interface titled "Bot". The chatbot says "Welcome" and "I'm WFWRD Bot. I can help you with the following topics". A blue button asks "How far apart should garbage cans be separated at the curb?". Below this, a message states: "Garbage cans should be placed at least 3 feet away from vehicles and other objects to ensure proper collection and prevent any obstruction." At the bottom of the chatbot is a text input field with the placeholder "Type your message here and press Enter to send..." and a "Powered by LiveChat" logo.

We will continue regular Garbage and Recycling collection on Monday, January 20. There will be no changes to the collection schedule for the Luther King, Jr. Day holiday. Please note that our offices will be closed on Monday, January 20, in observance of the holiday.

Enter your keywords
can separation

[About searching](#)

Your search yielded no results.

Powered by LiveChat

- **Views.** Most residents have lived in the cul-de-sac for decades. One of its most appealing features is the view. The General Plans and Codes emphasize that new developments should not intrude upon scenic skylines and should avoid visual impacts on adjacent residential areas. *The proposed structure would appear at the height of the trees blocking all but the tops of the mountains.* **General Plan Section 4.3:** New developments must not intrude upon scenic skylines.



The proposed development, CUP-24-019 and SUB-24-008, fails to meet the requirements and expectations of a live-work community, is incompatible with the surrounding neighborhood, and introduces significant concerns regarding safety, livability, and adherence to zoning regulations. As presented, this project poses numerous unresolved questions and potential hazards that clearly demonstrate why it should not be approved.

- How can these units be classified as live-work when they lack essential features such as storefronts, business signage, direct entrances for commercial use, and customer-friendly spaces? They should be treated as the residential units with home offices that they are.
- Why does the design include small, tucked-away "offices" instead of functional commercial areas that genuinely support business activity?
- With no ADA-compliant parking spaces and insufficient guest parking, how will this project accommodate visitors and residents without creating an overflow onto nearby streets? A sign isn't enough.
- Why is a high-density project being proposed in an area surrounded by low-density R-1-6 and R-2-8 zoning?
- How will the placement of 20 garbage cans along the curb be managed without disrupting traffic or infringing on neighboring properties?
- Why does the proposal include only 4-foot iron fences, which fail to provide privacy or align with the existing 6–7-foot privacy fences in the area?
- How can the proposal open the rear yards along Oakshadow Cir that will impact the visual appeal and privacy of the community?

In conclusion, this project & development is seeking extreme high density residential units deceptively disguised as mixed use (live-work) residential.

I urge the Planning Commission to deny CUP-24-019 and SUB-24-008 and require the developer to return with a proposal that reduces the density to R-1-6 or R-2-8 in respect of the neighborhood, and addresses the concerns raised by the community.

Respectfully,

Robert Farnsworth
[REDACTED] Oakshadow Cir
Cottonwood Heights, Utah 84121
[REDACTED]

Examples of live-work and mixed-use projects.

[Cottonwood Heights Website](#) | [Books](#) | [Manage](#)

Cottonwood Heights

2277 Bengal Blvd, Cottonwood Heights, UT 84121 / 801-944-7000

Municipal Code



19.37.040 Mixed-Use Building

A. A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

B. An example of a mixed-use residential building with a retail storefront on the main floor and one floor of residential living above the main floor is below:







Apartment Buildings / Utah / Heber City / 1922 S Highway 40 Hwy, Heber City, UT 84052







Samantha DeSeelhorst

From: Shannon M [REDACTED]
Sent: Monday, January 20, 2025 6:36 PM
To: Planning
Subject: [EXT:]Objection to Project CUP-24-019 & SUB-24-008

To the planning committee and staff:

We would like to formally object to the proposed Project CUP-24-019 & SUB-24-008. We live directly across the street from this site. This project will greatly disrupt the neighborhood aesthetic, traffic pattern and drastically change the view from my home.

The project proposed at the former site of the Wells Fargo bank introduces high-density residential use which is inconsistent with the surrounding zoning. Also, subdivision code section 12.20.060 mandates that new subdivisions maintain compatibility with adjacent uses. The proposed rendering of the townhome complex does not match the surrounding areas.

There is no privacy fence on the west side of the project which faces my house. This has up to 5 units with a back patio or rooftop patio directly facing my home. The rest of the neighborhood has 6- or 7-foot privacy fences framing backyard spaces where you would expect someone to be able to enjoy their living space without a direct audience.

While the proposal discourages the residents from parking on the Oakshadow Circle side of the property, some of the townhomes have a patio with a small walkway that leads directly to that street. The walkway gives a visitor direct access to the townhome and more convenient parking options. Also on garbage day, potentially up to 20 cans, or more if residents opt into additional cans, will line the Bengal Boulevard side of the townhomes. It is not unreasonable to assume a lot of these will be there all day, so as you leave Oakshadow it will make it difficult to see oncoming traffic.

With a maximum height of 30 feet the proposed building will obstruct a large part of my mountain view. The project's height configuration is inconsistent with the General Plan's view protection policies, referenced in general plan section 4.3 that "emphasizes that new development should not intrude upon scenic skylines". As I mentioned previously, the proposed building doesn't blend into the surrounding area. General plan section 4.1 "requires that new development preserve neighborhood character and complement the existing built environment". The style of the townhomes looks nothing like anything in the Oakshadow cul-de-sac or in the surrounding area.

Thank you for your consideration and reviewing our concerns.

Shannon and Asad Mohyuddin

January 20, 2025

Cottonwood Heights City
Planning Commission

RE: Formal Comments and Objection to the Proposed Conditional Use Permit & Preliminary Subdivision Plat Approval – Project Nos. CUP-24-019 & SUB-24-008, Located at 3425 E. Bengal Blvd. (the “Subject Property”)

Dear Members of the Planning Commission,

I am submitting this formal objection regarding the proposed development at the Subject Property, a 0.48-acre site currently zoned Neighborhood Commercial (NC). The developer seeks approval for a 10-unit live/work townhome development, which requires both Conditional Use Permit (CUP) approval and subdivision approval.

After careful analysis of the Zoning Code, General Plan, Subdivision Code, Planning Commission Review, and Site Plans, it is evident that this project violates multiple zoning and planning regulations and should be denied. The development, as proposed under NC zoning, circumvents the stricter density limitations of multifamily zoning, effectively disguising high-density townhomes as live/work spaces to slip past the Commission.

Below is a summary of the key concerns that will be discussed in detail:

1. Density and Land Use Compatibility Concerns.

- a. Excessive Density and NC Zoning Violations: The project exceeds the intended density for NC zoning and introduces a high-density residential use that contradicts NC zoning’s commercial purpose. The proposed density aligns more with high-density multifamily zoning (R-M) rather than NC, creating a land-use incompatibility with adjacent single-family homes.
- b. Circumventing Multifamily Zoning Restrictions: The development, as proposed under NC zoning, circumvents the stricter density, height, and setback limitations of multifamily zoning, effectively disguising high-density townhomes as live/work spaces to slip past the Commission.
- c. Exploiting a Zoning Loophole: By including a small 9x12 office/room in each unit, the developer is exploiting a zoning loophole to avoid compliance with multifamily residential restrictions that would otherwise apply. This misuse of NC zoning allows the project to bypass density limitations that would be required under proper multifamily zoning designations, leading to an inappropriate and unregulated increase in housing density in a zone not intended for it.

2. Building Height and View Obstruction Concerns. The three-story, 30-foot-tall townhomes will obstruct scenic mountain views for nearby homeowners. The project fails to comply with General Plan view protection policies and zoning requirements for compatibility with surrounding properties. The lack of mitigation measures, such as step-down designs or buffering, exacerbates the issue.

3. Lack of Adequate Transition and Buffering Between NC and R-1-6. The development does not provide adequate transition measures between NC zoning and adjacent R-1-6 single-family homes. The absence of appropriate step-downs, landscaping, and setbacks violates both zoning and subdivision codes, which require compatibility with surrounding land uses.
4. Parking and Traffic Impact. The parking plan is inadequate, as the project only provides four visitor parking spaces for 10 units, which is insufficient given the live-work designation. The project also lacks a comprehensive traffic impact study, despite concerns about increased congestion and parking spillover into residential areas.
5. CUP Approval is Not Guaranteed and Should Be Denied. CUP approval is discretionary, and the developer has failed to demonstrate compliance with CUP requirements. The project does not mitigate its adverse impacts, violating General Plan policies and subdivision regulations requiring compatibility with zoning objectives.
6. General Plan Conflicts Require Project Rejection. The project directly conflicts with the General Plan's long-term objectives, as it introduces a high-density residential use in an area designated for neighborhood-serving businesses. The General Plan mandates that new developments must align with existing zoning policies and planning goals, yet this project disregards those principles by attempting to force multifamily housing into a commercial zone. Allowing this development would set a precedent that undermines the city's commitment to structured and consistent land-use planning.
7. Conclusion and Requests. Given that the project does not meet the requirements for NC zoning, does not align with the General Plan's vision for the site, and requires discretionary CUP approval, the most appropriate course of action is to deny the current application and consider rezoning the property to a multifamily residential zoning district. This would better reflect the scale and density of the proposed project while maintaining zoning integrity and ensuring compliance with city planning goals. Such a rezoning process would also allow for a legally compliant residential project that properly accounts for density, land-use compatibility, parking, and transition measures, rather than forcing an inappropriate high-density residential use into an NC-zoned site.

Each of these concerns is outlined in greater detail below:

1. Density and Land Use Compatibility Concerns

The proposed 10-unit townhome development introduces high-density residential use in an NC-zoned area, which is inconsistent with NC zoning's intended commercial use and creates an impermissible transition to adjacent R-1-6 single-family residential zoning.

Under Zoning Code Section 19.37.010, NC zoning is designed for small-scale commercial services and does not support high-density residential projects. Additionally, Zoning Code Section 19.37.020 specifies that NC zoning is meant to accommodate neighborhood-serving businesses, reinforcing that high-density residential projects are not appropriate in this zone. The General Plan Section 3.1 highlights the importance of maintaining land use compatibility between commercial and residential areas, ensuring that developments within NC-zoned areas do not disrupt the character of adjacent residential neighborhoods. Furthermore, Subdivision Code Section 12.08.030 requires that new subdivisions align with surrounding land uses and existing zoning districts to promote consistency in development patterns.

The proposed 10-unit development results in a density exceeding 20 units per acre, which aligns more closely with R-M high-density residential zoning rather than NC zoning. The Planning Commission report confirms that the project requires subdivision approval, but it does not justify why high-density residential is appropriate in an NC zone. The project introduces an intense residential use in a zone designed for commercial services, which is inconsistent with the General Plan's vision for neighborhood-serving

businesses. Additionally, the Subdivision Code (12.08.030) explicitly mandates that subdivisions must align with surrounding land use compatibility, which this project fails to achieve.

Additionally, the proposed development circumvents the stricter density, height, and setback limitations of multifamily zoning, effectively disguising high-density townhomes as live/work spaces to slip past the Commission. By including a small 9x12 office/room in each unit, the developer is exploiting a zoning loophole to bypass compliance with multifamily residential restrictions. This misuse of NC zoning allows the project to bypass density limitations that would otherwise apply in an R-M zone, leading to an unregulated increase in housing density in a zone not intended for it.

The proposed development violates NC zoning intent, fails to integrate with adjacent land uses, and is inconsistent with General Plan goals. Additionally, the proposed development circumvents multifamily zoning restrictions by misrepresenting high-density townhomes as live/work units. The Planning Commission should deny the subdivision request to maintain zoning integrity and ensure proper land use compatibility.

2. Building Height and View Obstruction Concerns

The proposed three-story, 30-foot-tall townhome development will likely obstruct existing scenic views of adjacent residential properties, in violation of General Plan view protection policies and additional zoning and subdivision regulations.

General Plan Section 4.3 emphasizes that new development should not intrude upon scenic skylines. Additionally, General Plan Section 4.1 states that new development should preserve neighborhood character and complement the existing built environment. Zoning Code Section 19.37.050 states that NC zoning allows a maximum height of 35 feet or two stories, whichever is lower, while Zoning Code Section 19.37.130 requires that structures in NC zoning be compatible with surrounding development and avoid undue visual impacts on adjacent residential areas. Furthermore, Zoning Code Section 19.37.140 mandates that new developments incorporate architectural compatibility and mitigation measures to prevent negative impacts on neighboring properties. Lastly, Subdivision Code Section 12.20.050 requires that subdivisions consider adjacent land use compatibility and minimize impacts on surrounding neighborhoods.

While the numerical height limit is technically met, the three-story structure significantly obstructs the existing mountain views of nearby residents, contradicting the intent of NC zoning to protect adjacent residential areas. The Planning Commission report acknowledges height compliance but fails to address view obstruction concerns. The project's scale and height exceed what is typically compatible with surrounding development, violating Zoning Code Section 19.37.130, which mandates compatibility with adjacent properties. Additionally, Zoning Code Section 19.37.140 requires mitigation measures for negative visual impacts, yet this project lacks step-downs, buffering, or architectural adjustments to mitigate its impact on adjacent properties. The Subdivision Code (12.20.050) explicitly requires that new subdivisions consider adjacent land use compatibility, which has not been adequately addressed.

The project's height configuration is inconsistent with the General Plan's view protection policies, NC zoning compatibility standards, and subdivision requirements. The Planning Commission should require a height step-down, additional buffering, or deny the CUP to preserve scenic views and ensure compliance with zoning and subdivision regulations.

3. Lack of Adequate Transition and Buffering Between NC and R-1-6

The proposed development fails to provide adequate transition measures between NC zoning and adjacent R-1-6 single-family homes, resulting in an abrupt and inconsistent land use pattern that negatively impacts neighboring properties.

Zoning Code Section 19.37.060 specifies setback requirements for NC zoning, stating that buffering must be provided when adjacent to lower-density residential areas. General Plan Section 4.4 encourages transition measures, such as step-down designs and landscaping, between higher-intensity and lower-density zones. Subdivision Code Section 12.20.060 mandates that new subdivisions maintain compatibility with adjacent uses by ensuring that their scale and layout do not disrupt the character of surrounding neighborhoods.

Despite directly bordering a cul-de-sac of single-family homes, the proposed development does not include step-down designs, increased setbacks, or landscape buffers to mitigate the impact of its higher-density structures on adjacent properties. Zoning Code Section 19.37.060 requires buffering between NC-zoned properties and lower-density residential areas, yet this project lacks appropriate transition measures. The General Plan (Section 4.4) explicitly calls for step-down designs and landscaping to buffer the impact of higher-intensity zones, which this development does not incorporate. The Subdivision Code (12.20.060) mandates that subdivisions be designed to integrate with surrounding development, yet this project creates a stark contrast between commercial and residential uses without necessary transition features.

The failure to incorporate necessary setbacks, buffering, and step-downs violates zoning, General Plan, and subdivision requirements. The Planning Commission should require additional setbacks, landscaping, or height adjustments before approval, or deny the CUP and subdivision request outright to maintain neighborhood compatibility.

4. Parking and Traffic Impact

The proposed development will likely create parking shortages and increased traffic congestion, negatively impacting both commercial and residential neighborhoods.

Zoning Code Section 19.37.090 establishes minimum parking requirements for NC-zoned properties, ensuring sufficient on-site parking to prevent overflow into adjacent areas. General Plan Section 5.2 emphasizes the importance of maintaining traffic safety and mitigating congestion in residential-adjacent commercial developments. Subdivision Code Section 12.24.050 mandates that new subdivisions must not create undue traffic congestion and must provide adequate parking to support the proposed use.

The project only provides four visitor parking spaces for 10 units, which is insufficient given the live-work designation and expected visitor demand. Zoning Code Section 19.37.090 requires adequate parking allocations, yet this project falls short of meeting those standards, creating potential overflow parking issues. The Planning Commission report acknowledges visitor parking concerns but does not require modifications, further increasing the risk of inadequate parking provisions. General Plan Section 5.2 prioritizes transportation safety, yet this development's lack of a comprehensive traffic and parking plan contradicts those objectives. Subdivision Code Section 12.24.050 explicitly states that subdivisions must not create undue congestion, yet this development's failure to address parking and traffic impacts contradicts that requirement.

The project lacks sufficient parking solutions, fails to comply with zoning and subdivision requirements, and does not mitigate its traffic impact on the neighborhood. The Planning Commission should require a full traffic and parking impact study before granting any approvals, or deny the CUP and subdivision request outright.

5. CUP Approval is Not Guaranteed and Should Be Denied

The developer has not demonstrated that the project meets Conditional Use Permit (CUP) requirements, and the project's negative impacts remain unmitigated, making CUP approval inappropriate.

Zoning Code Section 19.84.020 states that CUP approval is discretionary and that projects must not negatively impact surrounding areas. Additionally, Zoning Code Section 19.84.030 establishes criteria for

CUP approval, requiring that conditional uses must not create adverse impacts on surrounding properties and that sufficient mitigation measures must be provided. General Plan Section 6.1 outlines requirements for discretionary approvals, stating that projects must align with long-term zoning goals and community character. Furthermore, Subdivision Code Section 12.08.020 mandates that subdivision approvals must be contingent upon compliance with CUP requirements and zoning regulations.

The developer has not addressed concerns regarding density, parking, and view obstruction, which are required to be mitigated under Zoning Code Section 19.84.030. The General Plan (Section 6.1) mandates that projects align with long-term zoning goals, yet this development introduces a high-density residential use in an NC-zoned area, contradicting those goals. Additionally, Subdivision Code Section 12.08.020 explicitly states that CUP compliance is a prerequisite for subdivision approval, meaning this project should not be approved without meeting CUP requirements. The Planning Commission has full discretion to deny the CUP if it finds that the project creates unmitigated negative impacts on the surrounding community.

The developer has failed to demonstrate compliance with CUP criteria, and the project remains incompatible with zoning and subdivision requirements. The Planning Commission should deny the CUP based on discretionary authority and require substantial revisions before reconsideration.

6. General Plan Conflicts Require Project Rejection

The proposed development conflicts with the General Plan's vision for NC zoning and neighborhood preservation, introducing high-density residential use in an area designated for small-scale commercial activities.

Zoning Code Section 19.37.150 specifies that developments within the NC Zone must align with the General Plan's land-use objectives and should not alter the intended purpose of the zoning district. General Plan Section 2.3 requires that all new developments must support the long-term community planning vision and maintain zoning consistency. Subdivision Code Section 12.10.010 mandates that subdivision approvals must align with the long-term planning objectives of the General Plan and the intended purpose of the zoning district.

The project introduces a high-density residential focus in an NC-zoned area, contradicting Zoning Code Section 19.37.150, which requires that NC developments align with General Plan objectives. Additionally, General Plan Section 2.3 mandates zoning consistency, yet this project fails to maintain the intended commercial focus of the NC Zone. The proposal effectively converts an area designated for neighborhood-serving businesses into high-density housing, which is inconsistent with the long-term vision outlined in the General Plan. Furthermore, Subdivision Code Section 12.10.010 states that subdivisions must be compatible with long-term planning goals. However, this project does not reflect the long-term vision of the area as a commercial corridor and disrupts the balance between zoning designations. The Planning Commission should reject the project based on these inconsistencies and require that any future proposal comply with General Plan and zoning regulations.

The project fails to align with the General Plan's objectives, contradicts zoning intent, and does not meet subdivision requirements. The Planning Commission should reject the project outright due to its incompatibility with established planning and zoning frameworks.

7. Conclusion and Requests

Based on the legal and planning violations detailed above, the proposed project fails to meet zoning, General Plan, and subdivision requirements and should not be approved. The development introduces high-density residential use in an NC-zoned area, which contradicts both Zoning Code intent and General Plan policies. Additionally, unmitigated impacts on traffic, parking, neighborhood compatibility, and scenic views further necessitate project denial.

Furthermore, given the project's density and underlying intent, a more appropriate approach would be to rezone the property to a multifamily residential zoning district that aligns with the scale and intensity of the proposed development. This would ensure consistency with zoning regulations while still meeting the intent of the project. Rezoning to an appropriate multifamily classification would better serve both the community and the city's long-term planning vision by maintaining zoning integrity and allowing for a legally compliant high-density residential project in an appropriate area.

Requests:

In light of the above concerns, I respectfully request that the Planning Commission take the following actions:

- 1. Deny the subdivision request due to its misalignment with NC zoning and failure to meet land use compatibility requirements (Zoning Code Sections 19.37.020, 19.37.150; Subdivision Code Sections 12.08.030, 12.10.010).**
- 2. Deny the CUP based on the discretionary authority of the Commission, as the project fails to mitigate negative impacts on surrounding properties (Zoning Code Sections 19.84.020, 19.84.030; General Plan Section 6.1).**
- 3. Require a full traffic and parking impact study before any further consideration of the project, ensuring compliance with Subdivision Code Section 12.24.050 and Zoning Code Section 19.37.090.**
- 4. Mandate height step-downs, increased setbacks, and additional buffering measures to align with Zoning Code Section 19.37.060 and General Plan Section 4.4.**
- 5. Reject the project outright due to its conflict with long-term General Plan objectives and its failure to align with zoning and subdivision regulations (General Plan Sections 2.3, 3.1, 5.2).**
- 6. Consider rezoning the property to an appropriate multifamily residential district that better reflects the scale and density of the proposed project while maintaining zoning integrity and compliance.**

Thank you for your time and consideration. I urge the Planning Commission to deny the proposed project in its current form and require significant modifications to ensure compliance with zoning and planning regulations. I appreciate the opportunity to present these concerns and am available for further discussion at the public hearing.

Best regards,

Tim and Kelby Kuhn

Residents at:

[REDACTED]

Cottonwood Heights, UT

Samantha DeSeelhorst

From: Tom McFarland [REDACTED]
Sent: Monday, January 20, 2025 3:31 PM
To: Planning; Ellen Birrell
Subject: [EXT:]Re: Nathan Anderson conditional use permit comments (Wells Fargo Bank property)

Resending with a corrected email address

On Mon, Jan 20, 2025 at 3:25 PM Tom McFarland [REDACTED] wrote:

Our comments are directed to the planned development being proposed for the Wells Fargo Bank property located at 3425 E. Bengal Blvd.

We are to the proposed development for the following reasons:

1. Density is too high! This property should match the surrounding neighborhood and as such should contain no more than two single family dwellings.
2. By building an extra-high density facility, the result will be parking congestion. There is insufficient space for resident and visitor parking. We already have this problem on Mountain Estates Drive, where it is sometimes almost impossible to navigate.
3. This extra high density facility will also turn into a short term rental facility, including skier "air bnb" during the winter months. The history of our city's current zoning rules and their lack of enforcement, attest to this.
4. Loss of the family nature of the community.

We appear to becoming a community that should have the slogan/identifier: *Cottonwood Heights - Rentals Between the Canyons.*

Regards,
Tom and Kathy McFarland

[REDACTED]
(Residents since 1977)