

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA

July 16, 2025



Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, July 16, 2025**, 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 ZMA-25-003

A public hearing and potential recommendation to City Council on a request by Nathan Anderson for a General Plan Amendment (Land Use Map Amendment) and a Zoning Map Amendment (Rezone) on a parcel located at 3425 E. Bengal Blvd. Both applications have been combined into one. Both are required to rezone the property from NC (Neighborhood Commercial) to RM (Multifamily Residential), which the applicant is seeking to do.

3.2 Project CUP-25-011 (PUD-25-001)

*A public hearing and potential action on a request by Brent Johnson on behalf of the Giverny Master Association (the Giverny Community HOA) to amend the Giverny Community Planned Unit Development's rules regarding some accessory structure setbacks. Although **this application was noticed as PUD-25-001**, the application type is technically a conditional use permit. As such, the application has been renamed **CUP-25-011**.*

4.0 Consent Agenda

- 4.1 Approval of **June 4, 2025** Planning Commission Minutes

5.0 Adjourn

*Next Planning Commission Meeting: **August 6, 2025***

Public Comment

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, July 15, 2025, 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) 944-7015 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, July 11, 2025, 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 JULY, ATTEST: TIFFANY JANZEN, CITY RECORDER

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



July 16, 2025

Summary

Project Number:
ZMA-25-003

Subject Property:
3425 E. Bengal Blvd.

Action Requested:
Zoning Map Amend. and
General Plan Amend.

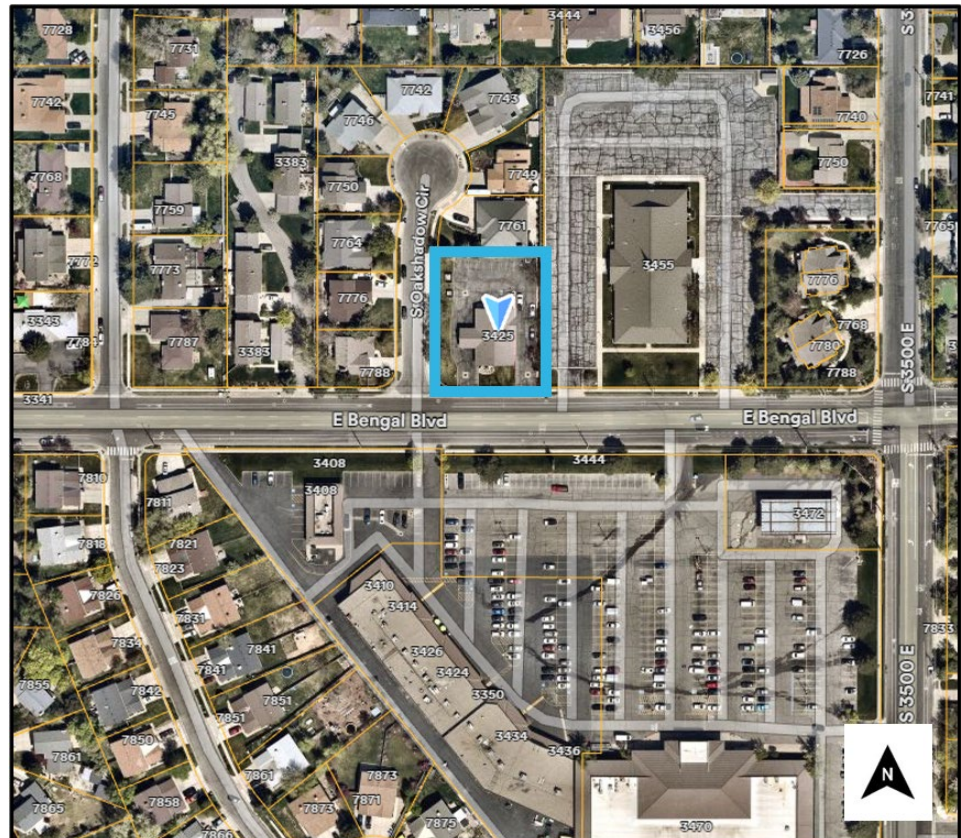
Applicant:
Nathan Anderson
(Brighton Lofts LLC)

Recommendation:
APPROVE

Context

Property Owner:
Brighton Lofts LLC

Acreage:
0.48 acres

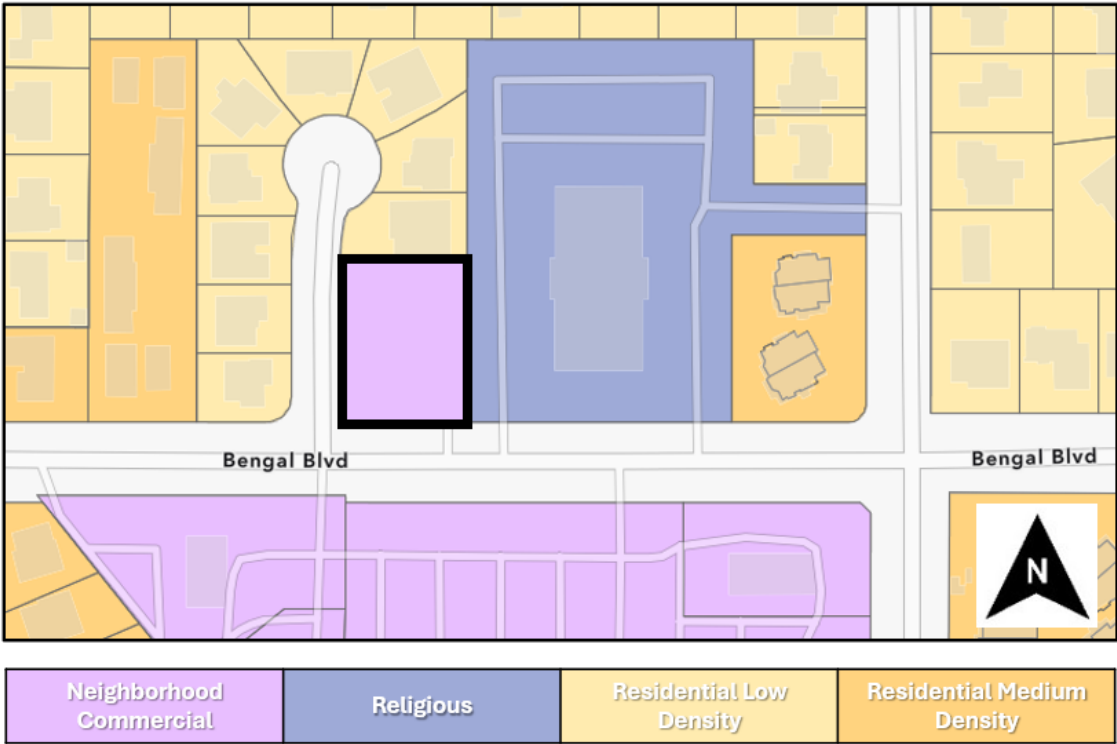


Request

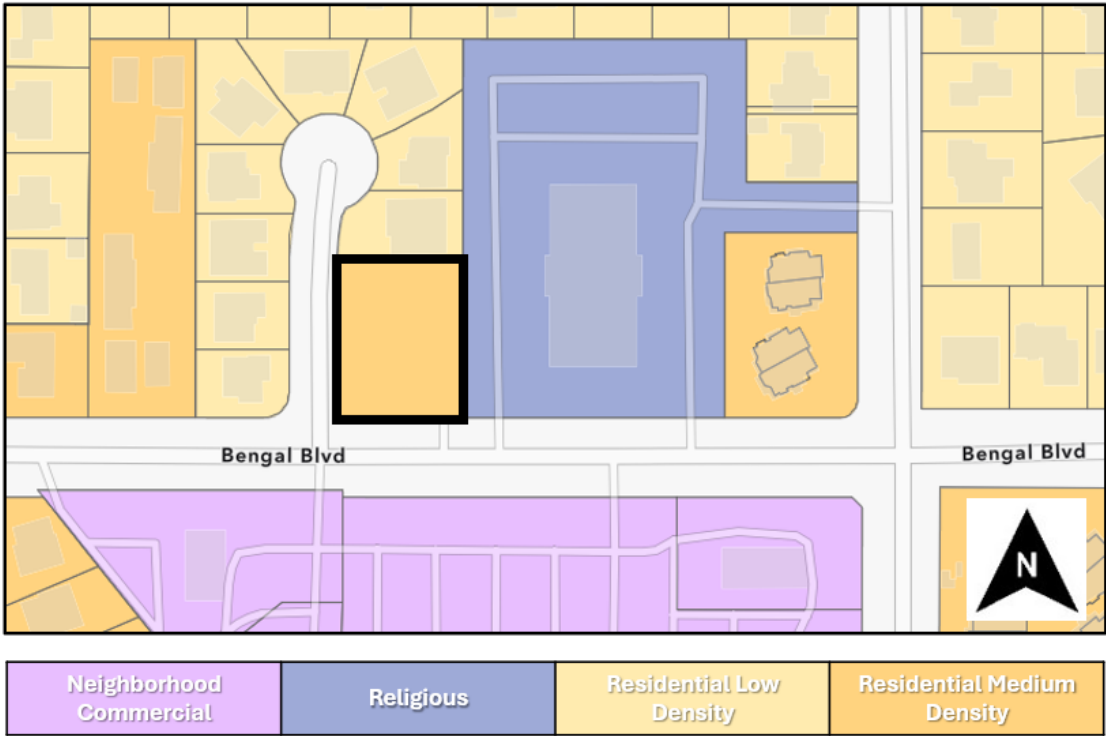
The owner of 3425 E. Bengal Blvd. has applied for amendments to the city's General Plan Land Use Map (future vision for general use type on a parcel) and Zoning Map (current codified standards that regulate use and development of a parcel) for the property, as follows:

- **Current land use designation – Neighborhood Commercial**
- **Proposed land use designation – Residential Medium Density**
- **Current zoning designation – NC (Neighborhood Commercial)**
- **Proposed zoning designation – RM (Multifamily Residential)**

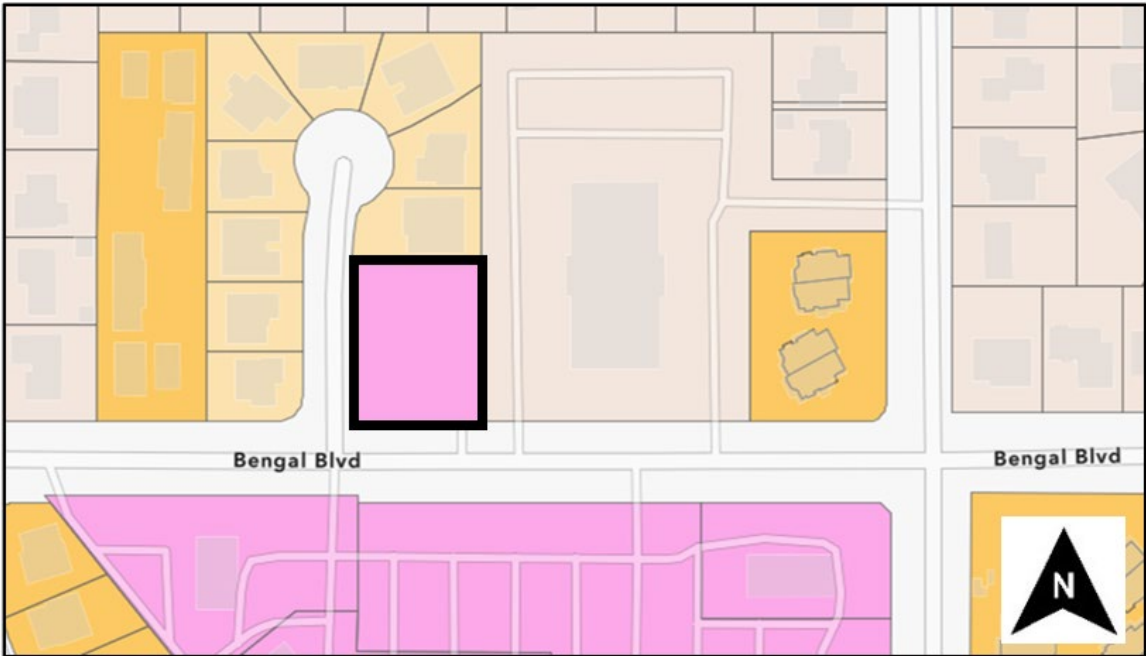
CURRENT LAND USE DESIGNATION: Neighborhood Commercial



PROPOSED LAND USE DESIGNATION: Residential Medium Density

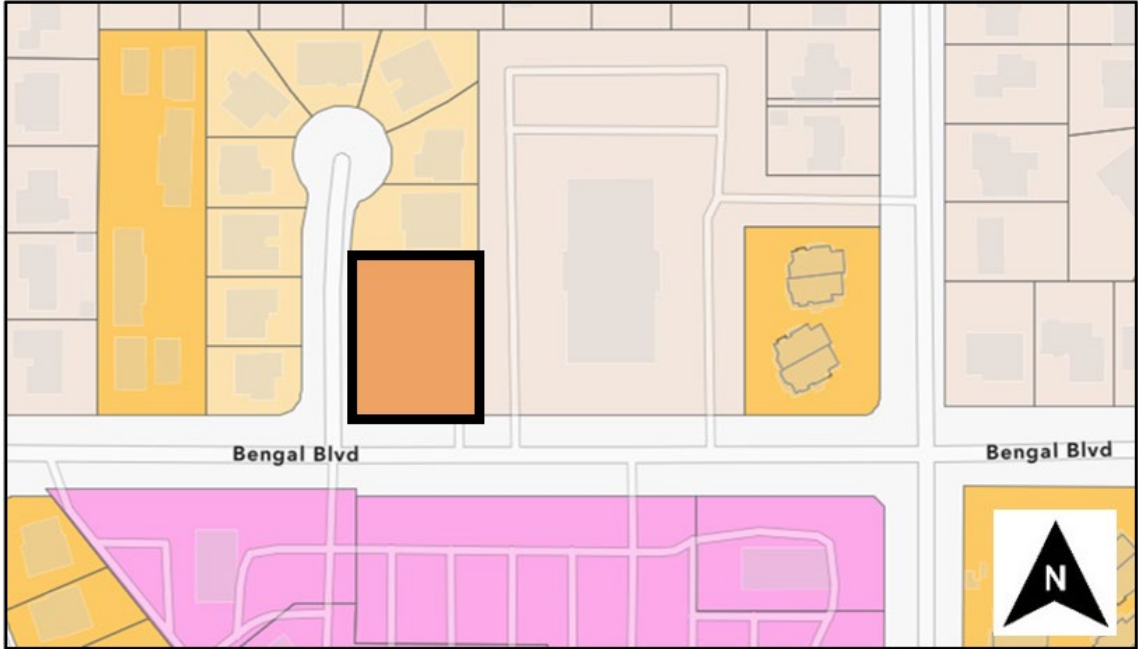


CURRENT ZONING DESIGNATION: NC (Neighborhood Commercial)



Neighborhood Commercial	R-1-6 Single Family	R-1-8 Single-Family	R-2-8 Multifamily	RM Multifamily
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PROPOSED ZONING DESIGNATION: RM (Residential Multifamily)



Neighborhood Commercial	R-1-6 Single Family	R-1-8 Single-Family	R-2-8 Multifamily	RM Multifamily
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Background

This property and its primary structure formerly operated as a Wells Fargo bank branch prior to closure in the early 2020s. The property is zoned NC (Neighborhood Commercial) and has maintained this designation for as long as staff records indicate. Staff has concluded it is likely that both the zoning and use of the property as a bank branch were carried over from Salt Lake County prior to city incorporation in 2005.

In late 2024, an application was applied for to develop live-work units on the property, as was permitted within the NC zone at the time as a conditional use (CUP-24-019). Concerns over potential negative impacts such as waste pickup and parking led the Planning Commission to continue the item to subsequent meetings until these concerns could be addressed by the applicant. The applicant later withdrew the application. Simultaneously, the lack of clear regulations and definitions regarding “live-work units” led City Council to issue a moratorium on all live-work applications within the city. This did not apply to CUP-24-019 prior to the application’s withdrawal. The moratorium was recently lifted following the adoption of zoning text amendments to address the concerns.

Following this, a new conditional use permit application was applied for to operate a church on the property (CUP-25-004). Following staff review, and just prior to the June 4, 2025 meeting, the application was withdrawn.

The owner of the property and applicant of the first conditional use permit, Nathan Anderson, is now applying for a zoning map amendment (rezone) to change the property’s zoning designation from NC (Neighborhood Commercial) to RM (Multifamily Residential) (see page 3). As city code requires any rezone to be aligned with the Land Use Map within the city’s General Plan, a general plan amendment has also been applied for the change the land use designation of the property from ‘Neighborhood Commercial’ to ‘Residential Medium Density’ (see page 2).

Although review of any potential development is **not within the scope of this application**, the applicant has provided context for the request within their narrative: The applicant wishes to develop six townhome units facing Oakshadow Cir, perpendicular to Bengal Blvd. Conceptual designs provided by the applicant can be found attached to this staff report. The RM zone allows attached single-family dwellings (townhomes) as a permitted use, not requiring conditional use approval.

Analysis & Procedure

Staff Analysis

Staff finds that the request to amend the land use map from ‘Neighborhood Commercial’ to ‘Residential Medium Density’ and the zoning map from NC (Neighborhood Commercial) to RM (Residential Multi-Family) is generally compatible with the city’s long-range vision and goals for the area for the following reasons:

- Single-family dwellings (attached) are permitted uses in the RM zone. Other than home occupations, no commercial or office uses are permitted in the proposed zone without a conditional use permit.

- The designated land use of many nearby properties along Bengal Blvd and the surrounding vicinity is also Residential Medium Density.
- While no property in the vicinity is zoned RM, many properties are zoned R-2-8, another multifamily zone. These nearby properties contain a similar density of dwelling units to what is being proposed here.
- This property is the only parcel on the north side of Bengal Blvd. in the vicinity zoned and designated as Neighborhood Commercial.
- The NC zone allows residential uses under the ‘Neighborhood Mixed Use’ category within allowed conditional uses. A development of this type would likely entail a more intensive land use for the property, with a similar number of residential units, compared to what the applicant wishes to eventually develop.
- While detailed development plans are not a part of this proposal, RM zoning standards would still apply to any development applied for on the property, such as minimum lot sizes, minimum lot widths, setbacks, maximum height, lot coverage, and open space requirements (see attached §19.34 RM zoning code).

Procedure

Zoning map amendments and general plan amendments are legislative actions, meaning that the Planning Commission’s authority is to take public comment, discuss the merits of the proposal, and make recommendations to the City Council. The City Council is the final approval authority for this application.

Chapter 19.90.070 of the Cottonwood Heights Municipal Code details the procedure for general plan amendments:

19.90.070 General Plan Amendment; Procedure

*The city council may amend the general plan. **A proposed amendment to the general plan shall not be made or become effective unless it is first presented to the planning commission and, before making its recommendation concerning the proposed amendment, the planning commission holds a public hearing on the proposed amendment preceded by all required public notice.** The planning commission thereafter shall forward the proposed amendment and its recommendation concerning it to the city council.*

Chapter 19.90.010 of the Cottonwood Heights Municipal Code details the procedure for zoning map amendments:

19.90.10 Amendment Procedure.

- A. *The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. **The city council may not make any amendment authorized by this section unless the amendment is proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have received the positive***

recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.

- B. *Zoning amendment applications which receive a recommendation of denial by the planning commission shall thereafter be considered by the city council.... The city council, after review of the recommendation by the planning commission, may affirm, reverse, alter or remand for further review and consideration any recommendations made by the planning commission.*

Further, Chapter 19.90 establishes minimum timelines that require at least one year after Council disapproval of a rezone and/or general plan amendment application before an application can be made for the same zone classification again ([19.90.050](#) / [19.90.100](#)).

The subject application is compliant with the above codified requirements.

Noticing

Notices were posted and mailed at least 10 days prior to the meeting. Individual letters were mails to property owners within 1000' feet of the subject property, and a public notice sign was posted on the property. Returned notices and a list of all noticed properties have been kept by staff.

Findings

Findings of fact include:

1. *A public hearing is being held in accordance with local and state requirements;*
2. *The proposed zoning designation is compatible with the surrounding developed area, and with the underlying land use designation of the subject property;*
3. *The public will not be materially injured by the proposed amendment, and staff has determined there is good cause for the amendment.*

Recommendation & Model Motions

Based on the findings and analysis presented herein, staff recommends that the Planning Commission forward a recommendation of approval of project ZMA-25-003 to the City Council (Note – two separate motions and votes will be required – one for the proposed land use map amendment, and one for the proposed zone map amendment. Both projects have the same project reference number).

Approval

I move to recommend approval of project ZMA-25-003 to the City Council based on the findings and recommendations listed in the staff report dated July 16, 2025...

- *List any additional findings or recommendations for approval...*

Denial

I move to recommend denial of project ZMA-25-003 to the City Council based on the following findings:

- *List findings for denial...*

ATTACHMENTS

- Applicant's Narrative
- Townhome Development Conceptual Designs
- RM (Residential Multifamily) Zoning Code

Written Narrative Dated June 16, 2025.

1. Description of the overall rationale or intention of the project:

Brighton Lofts, LLC requests a rezone of the property at 3425 East Bengal Blvd (.485 acres) from NC (Neighborhood Commercial) to RM (Residential Multi-family). A depiction of the property is attached.

The current NC zoning of the property has proven a failure, resulting in a property with a vacant building and no viable commercial prospects. Proximity to Brighton Point shopping center has not proven helpful as it is offset from the Center and across the street. A rezone of the property is needed in order to put the property to beneficial use, and eliminate the blight that the current zoning has created.

We request that the property be changed to the RM zone. The property is surrounded by residential uses. And the RM zone exists in several nearby locations of the same type. Brighton Lofts, LLC proposed a modest density of six townhome units on the property. These will be brick brownstone townhomes perpendicular to Bengal Boulevard, and facing the public street of Oak Shadows Circle, as shown on the attached drawing. Brighton Lofts, LLC intends to keep the sales price in the attainable range for Cottonwood Heights.

2. Benefit to the City:

This zoning change will benefit Cottonwood Heights City for the following reasons:

- a. The rezone will eliminate a mis-zoned property that is unusable currently and creating a blight on the neighborhood.
- b. The rezone will convert the property to a use that is more compatible with surrounding uses.
- c. The rezone will result in a beautiful development on the property that will improve Bengal Boulevard and positively affect nearby property values.
- d. The rezone will contribute to the attainable housing stock in Cottonwood Heights City, is to benefit the city with added housing stock at an attainable price, without a large increase in density.

3. Original codified zone of NC: Brighton Lofts, LLC believes that the current NC zone was not selected by Cottonwood Heights, but a holdover from the County zoning at the time of annexation. It may have been adequate in the past, but even a bank has been unable to remain viable in the location. It is unlikely to any other commercial use will have a different outcome, because of this site's non-prime location. Non-prime retail space has a vacancy rate of 23.8% while prime retail space enjoys a vacancy rate of 4.4%.
4. Benefit to the community as a whole: Bengal Boulevard is part of the heart of Cottonwood Heights. Long experience has provided all of the information that is needed. We know what works and what does not work on Bengal Boulevard. If NC worked at this location, rezoning would not be a question. However, as demonstrated by many other properties along Bengal Boulevard, RM zoning works. The development planned here is low density, and low burden on the City, while providing many benefits, and a beautiful new use at the property that the City can be proud of.



19.34 RM - Residential Multi-Family Zone

[19.34.010 Purpose Of Chapter](#)

[19.34.020 Permitted Uses](#)

[19.34.030 Conditional Uses](#)

[19.34.040 Minimum Lot Size](#)

[19.34.050 Minimum Lot Width](#)

[19.34.060 Setbacks/Yard Requirements](#)

[19.34.070 Maximum Height Of Structures](#)

[19.34.080 Maximum Lot Coverage](#)

[19.34.090 Open Space Requirement](#)

[19.34.100 Master Development Plan Required](#)

19.34.010 Purpose Of Chapter

The purpose of the RM zone is to provide areas in the city for high-density residential development.

19.34.020 Permitted Uses

Permitted uses in the RM zone are as follows:

- A. Single-family dwellings, attached or detached;
- B. Accessory buildings customary to multi-family and single-family residential buildings; and
- C. Home occupations.

19.34.030 Conditional Uses

Conditional uses in the RM zone are as follows:

- A. Bed and breakfast;
- B. Churches;
- C. Day care/pre-school, as allowed by the applicable accessory regulations in Chapter 19.76, "Supplementary and Qualifying Regulations";
- D. Dwelling group, provided that;
 - 1. The parcel of ground on which the dwelling group (as defined in Chapter 19.04, "Definitions") is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.
 - 2. The distance between principal buildings shall be equal to the total side yards required in the zone. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between any building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.
 - 3. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.
 - 4. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

5. Every dwelling structure in the dwelling group shall be within 60 feet of an access roadway or drive.
6. The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual fences shall be provided along all interior property lines unless the planning commission approves otherwise.

- E. Golf course;
- F. Hospital;
- G. Hotel;
- H. Lodging house;
- I. Multiple unit dwellings, either apartments or condominiums;
- J. Nursing home;
- K. Offices, professions and general business;
- L. Planned unit development;
- M. Private parks and recreational grounds;
- N. Public and quasi-public use;
- O. Radio and/or television tower;
- P. Temporary structures, as allowed by the applicable accessory regulations in Chapter 19.76, "Supplementary and Qualifying Regulations";
- Q. Two-family dwellings;
- R. Utility stations and lines, as allowed by the applicable accessory regulations in Chapter 19.76, "Supplementary and Qualifying Regulations"; and
- S. Public schools.

19.34.040 Minimum Lot Size

The minimum lot size in the RM zone is 10,000 square feet for each single-family or two-family dwelling, with 2,000 extra square feet for each additional unit in a building with more than one unit.

19.34.050 Minimum Lot Width

The minimum lot width in the RM zone is 65 feet measured 30 feet from the front lot line.

19.34.060 Setbacks/Yard Requirements

- A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. Primary buildings shall maintain a minimum distance from property lines as follows:

Front: 30 feet.

Sides: On interior lots, a total of at least 25 feet between the two side yards, with no side yard of less than ten feet. On corner lots, at least 30 feet on the street side and at least 10 feet on the interior side.

Rear: 30 feet.

- B. Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from primary buildings in the rear yard for the particular property.

Sides: Five feet, excluding garages, on interior lots; 20 feet on street side of corner lots.

Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.

Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the primary building shall maintain a minimum side yard of not less than five feet.

HISTORY

Amended by Ord. [429](#) on 1/7/2025

19.34.070 Maximum Height Of Structures

- A. For uses where the slope of the original ground surface is greater than 15%, or if a slope stability hazard is present on site, the maximum structure height shall be 30 feet.
- B. All other properties shall maintain a maximum structure height of 35 feet.
- C. Accessory Buildings.

No accessory building shall exceed 20 feet in height. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.34.080 Maximum Lot Coverage

The maximum lot coverage in the RM zone is 50%, including all structures, except portions of those properties also located in the Sensitive Lands Overlay Zone, for which the maximum lot coverage shall be 30% including all structures and impervious surfaces.

HISTORY

Amended by Ord. [412](#) on 4/9/2024

19.34.090 Open Space Requirement

The minimum open space requirement for developments over two acres in the RM zone is 15%.

19.34.100 Master Development Plan Required

Any development of land in the RM zone shall be subject to the requirements of a master development plan approved by the planning commission.

COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



July 16, 2025

Summary

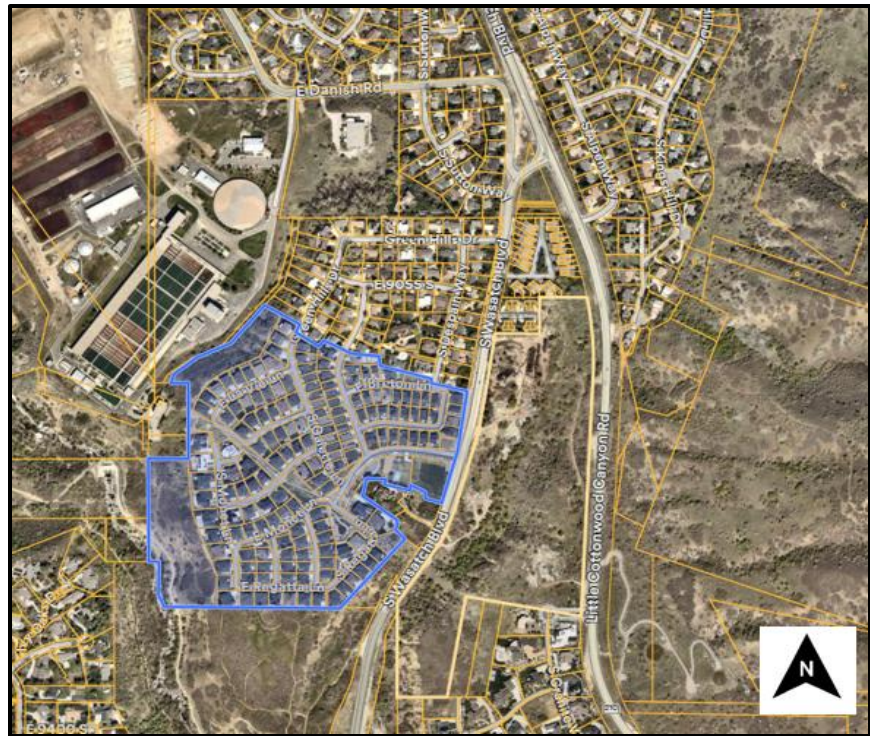
Project Number:
CUP-25-011 (PUD-25-001)

Subject Properties:
Giverny Community
(Approximately 3505 E.
Giverny Pkwy.)

Action Requested:
Conditional Use Approval to
amend the Planned Unit
Development

Applicant:
Brent Johnson (on behalf of
the Giverny HOA)

Recommendation:
APPROVE



Satellite view of subject property

Background

The applicant is requesting to amend the original Planned Unit Development (PUD) approval for the Giverny Community (PUD-14-001). The intent of this amendment is to incorporate new rules regarding accessory buildings (also referred to as accessory structures) into the PUD. The original approval letter for the Giverny PUD (attached here) states the following condition of approval:

5. The setbacks and lots standards are approved as proposed, and/or amended by the Planning Commission.

Both the original proposal document and most recently recorded plat only reference lot setbacks for primary structure (homes), not accessory buildings. Additionally, staff could not locate any reference to accessory building standards in any other documents relating to the original PUD approval (PUD-14-001), or the most recent plat amendment (SUB-17-004).

Given the absence of unique accessory building standards approved as part of the Giverny PUD, any accessory structure constructed on a lot located within Giverny must meet the accessory structure standards defined in code, specifically those located in the 19.26 R-1-8 zone, and in 19.76.030.B.

According to the applicant’s narrative, many property owners within the Giverny Community have constructed accessory structures under the impression that because the buildings are less than 200 square feet large, they did not need a building permit (correctly so), and did not need to meet accessory structure setbacks, including a 6’ minimum distance from the primary structure (incorrectly so). The applicant’s narrative elaborates on this and includes example photographs of noncomplying structures.

Request

Due to this confusion, as well as the fact that the Giverny Subdivision features uniquely small lot sizes, the applicant is requesting the PUD amendment (a conditional use permit application) to remedy this issue. The applicant wishes to modify accessory building standards specifically for the Giverny PUD. This proposal **would only apply to** open-air type structures, defined as **Gazebos and Pergolas** within city code (19.76.030). This proposal **would not apply to** other accessory structure types, such as sheds, detached garages, swimming pools and hot tubs, playgrounds, elevated decks, etc.

The applicant is proposing the following deviations from city code:

City Standards	Proposed Modification
Minimum 3’ setback from side and rear property lines	Minimum 5’ setback from side and rear property lines
Minimum 6’ distance from primary structure	No minimum distance from primary structure

Although the applicant’s narrative has additional modifications listed, staff is only aware of the above-listed modifications deviating from code standards.

Analysis

Zoning and Land Use

Staff finds the applicant’s request for an amendment to the Giverny PUD to be reasonable, given the reduced lot standards found within the Giverny Subdivision that complicate accessory building construction on lots within the community. Additionally the proposed modifications would reduce visual impact on neighboring properties, given that a slightly increased minimum setback would be required for accessory buildings compared to the standard city code.

Because city code lists planned unit developments as a conditional use in the R-1-8 zone, staff has processed this PUD amendment application as a conditional use permit. As a conditional use, this application is entitled to approval unless reasonable conditions cannot be imposed to mitigate negative impacts of the use. The following excerpt from Utah State Code further describes this:

i) **A land use authority shall approve a conditional use 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. (10-9a-507-2)

(ii) The requirement described in Subsection [\(2\)\(a\)\(i\)](#) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects. (10-9a-507-2)

Building Code

At the time of publication of this staff report, staff is awaiting feedback from the Building Official James Short, regarding any implications the proposal would have on building code. If additional implications are stated by the Building Official, staff will post a supplementary memo relaying information. If no implications are found, staff will address this in the public meeting on July 16, 2025.

Conditional Use Permit Procedure and Authority

The Planning Commission is the **approval authority for amendments to approved plans and specifications for a PUD**, as referenced in 19.78.160 and 19.78.170:

19.78.160.B. *Amendments to approved plans and specifications for a PUD shall be approved by the planning commission and a new set of approved plans will be issued by staff to address any approved amendments.*

19.78.170 Scope Of Planning Commission Action; Appeals

1. *It is the intent of this chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.*
2. *The planning commission may deny an application for a PUD.*
3. *In approving an application, the planning commission may attach such conditions as it deems necessary to secure compliance with the purposes set forth in this title and to mitigate any impacts that a PUD may impose on the surrounding people and properties.*
4. *The action of the planning commission may be appealed to the city's appeals hearing officer or other appeal authority under Chapter 19.92 of this title.*

The details of such authority on **conditional use approval** of the project are included below:

Following any public hearing, the planning commission shall consider the application in a public meeting. The staff's written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions;

postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use. (19.84.080)

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 the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (19.84.020)

Noticing

Per code requirement, notices were posted and mailed at least 10 days prior to the meeting. Individual letters were sent to property owners within 300 feet of the subject property. The notice was also posted to the city website and bulletin boards at City Hall.

The application was noticed under the file number PUD-25-001. Staff has since updated the application to reflect what it believes to be the correct file type for this application – a conditional use permit.

Findings

Findings of fact include:

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 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.*
-

Recommendation & Model Motions

Based on the findings and analysis presented herein, staff recommends approval of project CUP-25-011

Approval

I move to approve project CUP-25-011 based on the findings and recommendations listed in the staff report dated July 16, 2025...

- *List any additional findings or recommendations for approval...*

Denial

I move to deny project CUP-25-011 based on the following findings:

- *List findings for denial...*

Attachments

1. Project Narrative
2. Original Approval Letter (pg. 1)

Modification of Accessory Structure Setbacks for the Planned Unit Development Approval for Giverny (PUD-14-001)

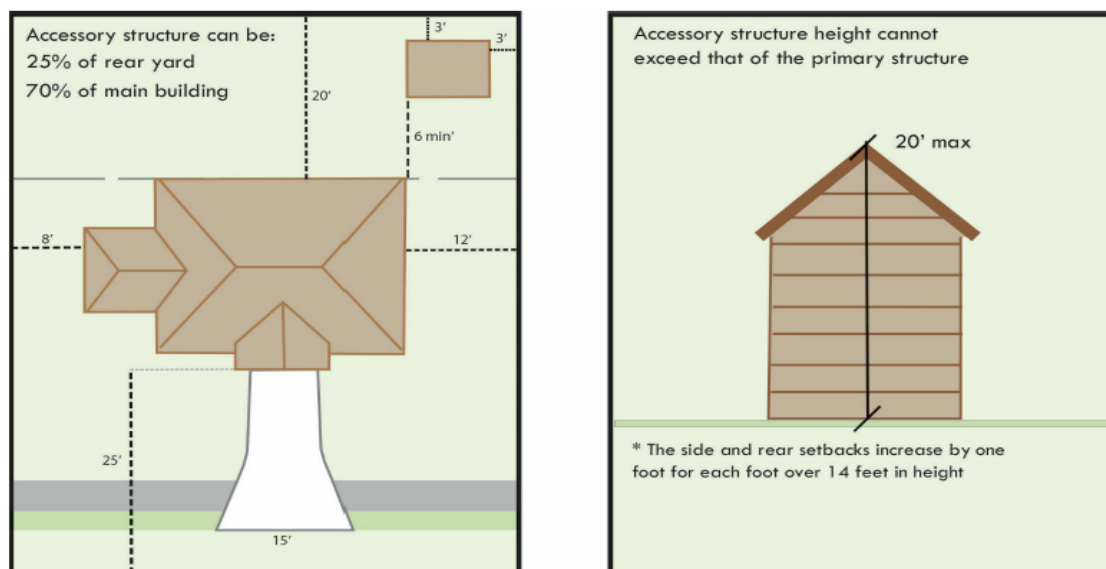
July 18, 2025, Planning Commission Hearing

Project Narrative

When a typical R1-8 lot is approved (8000 SF Lot) it would have building setbacks of 8' and 12' on the side yards, 25' in the front, and 20' in the rear.

When the Giverny project was approved it was done so with smaller homesites that had smaller building setbacks. In this community, the lots average around 5000 SF, and the side setbacks are 5' on both sides, 18' in the front, and either 10' or 15' in the rear.

When an owner at Giverny proposes to build an accessory building on their lot it creates some challenges in the community since the lots are much smaller. As can be seen from the diagram below (approved City guidelines for this type of structure) this is based on what would be a typical 8000 SF lot. These larger lots can much more easily accommodate this type of structure and can maintain the proper setbacks.



Many of the Owners in Giverny have built Accessory Buildings and did not understand the requirements. They believed that since their structure was under 120 SF they did not need a permit, nor that they needed to follow any setback guidelines. However, based on the current guidelines almost all these structures are not in conformance and would need to be modified or torn down.

As such, the primary purpose of this submittal is to request some modified setbacks for Accessory Buildings for the Giverny Community which will allow many of the existing structures to remain and to create a standard for new structures moving forward.

Proposed Design Guidelines

The structures that we would propose this modification for are all more open-air type structures (no walls) with three or four sides being open. The roof is either an open-air pergola with roof slats, or, some have a full roof on them. None of these structures are attached to the home or are habitable spaces. Examples include the following:

Detached Patio Cover with Covered Roof



Detached Open Air Pergola and Detached Covered Pergola



Detached Open Air Pergola



Detached Open Air Pergola with Bar Seating and Gas BBQ



Modification to Setbacks of Accessory Building Standards

We are proposing to maintain the current city standards regarding Accessory Buildings with some modifications to the setbacks as shown below. The same standard would apply to all lots within the Giverny community.

Accessory Building Standards: The following city standards will remain.

- Needs to be a minimum of 5' away from any rear and side fences.
- The structure cannot be more than 25% of the surface area of the rear yard which is measured from the back of the home.
- It cannot exceed 20' in height, and the setbacks increase by 1' for each foot over 14' in height. In other words, if you had a 17' tall structure you would need to be 8' from the fences. (5' standard + 3' for height over 14 feet)

Modified Accessory Building Standards: The following city standards will be **modified**.

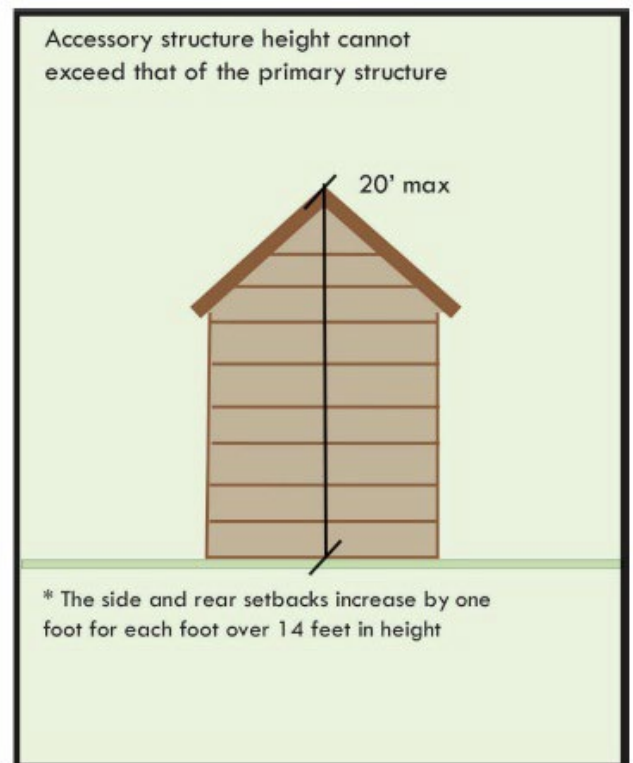
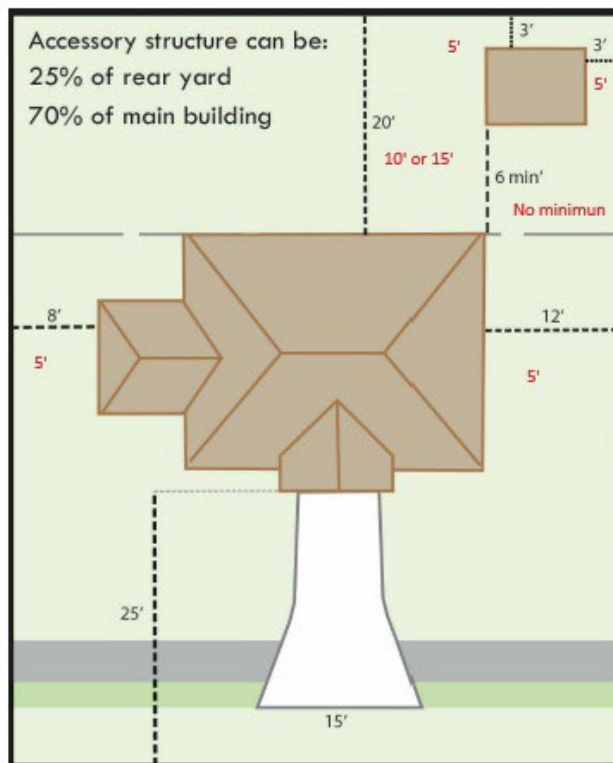
- The structure can be located within 6' of the home but not attached.
- The posts of the structure cannot be located closer than 5' to the rear or side setback line as this would trigger the requirement for a one-hour fire rated wall assembly.
- The roof of the structure may overhang the posts by up to 36".
- The exception would be that the structure posts can be up to 3' away if opening is 8' or less in height so fire rated wall (based upon a 75% coverage of opening from the ground up) can be at a height not to exceed 6'. By doing this the fire rated wall will be at or near the height of the adjacent owner's fence. Typical details are shown below. This example has a 7' tall wall:



These types of structures automatically require the need for a building permit. These are as follows:

- ANY structure that is attached to the house. If a structure is attached to the home that it MUST be within the building setback lines. For lots in Giverny this means either 10' (Lots 301-351 only) or 15' (all other Lots) from the back and at least 5' from the side fences.
- Any structure that has electricity in it.
- Structures that are over 120 SF in total size.
- Structures that are over 11' in height.

Based on the proposed changes the modified setbacks allowed would be based on the changes shown in **red** below. Minimum setbacks for the Giverny lots were also shown in red as well.



Conclusion

Since the Giverny community was approved with smaller setbacks it makes sense that the community should also have smaller setbacks for Accessory Buildings. Our request to make this change is to allow owners to have the ability to add these types of structures while maintaining fire protections under the building code.

It is understood by the Giverny owners that any new structures submitted will need to be reviewed by the Giverny HOA, and, if required, a permit is issued by the City. Any existing structures that were not issued a building permit will need to be modified to be in conformance with these revised standards, or, if that is not possible they will need to be removed.

Mr. Richard Cook
Giverny, LLC
8280 Etienne Way
Sandy, Utah 84093

RE: Preliminary Approval of PUD-14-001 Giverny PUD

Mr. Cook,

This letter is to memorialize that the Planning Commission of the City of Cottonwood Heights granted preliminary approval of project PUD-14-001 at its meeting held on January 7, 2015. The approval allows for a 165-lot Planned Unit Development, Giverny PUD, on the property located at 9160 Wasatch Boulevard. Per Zoning Ordinance chapter 19.78 (Planned Unit Developments), final approval shall be based on approval of construction drawings and specifications and satisfaction of all conditions of approval. Conditions of final approval are as follows:

1. Approval of this project constitutes a conditional use permit.
2. Approval of this project constitutes approval of the planned unit development subdivision.
3. The developer shall establish acceptable design guidelines, in a formalized manner, to be approved by staff as part of the final plat approval of the PUD.
4. The proposed PUD shall be owned and maintained by a single or partnership Limited Liability Company, corporate entity, or jointly filed by all owners of land.
5. The setbacks and lots standards are approved as proposed, and/or amended by the Planning Commission.
6. Lots covered by at least fifty percent (50%) of the Sensitive Lands Overlay Zone shall have a height limitation of thirty (30) feet.
7. In addition to the proposed sidewalk system, the developer shall provide enhanced intersection treatments, such as textured paving, to highlight pedestrian crossings, as agreeable and approved by the city engineer.
8. Gates are allowed in accordance with the provisions of Title 12 and Title 14 of the Cottonwood Heights Municipal Code.
9. Fencing is limited to rear (and side yards for corner lots), and the perimeter, unless approved by staff for mitigating purposes.
10. Fences within the project shall not exceed six (6) feet in height.
11. Only one monument entry sign shall be allowed. The sign shall be limited to six (6) feet in height and no more than thirty-six (36) square feet in size. The sign shall be setback at least three (3) feet from the adjacent right-of-way.
12. All easements shall be duly mitigated to the satisfaction of staff and/or their assigns prior to the recordation of the plat(s).
13. Staff shall review and approve proposed fencing and gates. (per ARC 6-12-14).
14. A six (6) foot solid visual barrier fence shall be constructed around the Smith and McGee properties, as agreeable with the property owners. The fence material shall be either masonry or cedar, and shall be decided by the property owners.
15. All Sensitive Lands Areas shall be shown on Final Plat.
16. Lots within the Sensitive Lands Overlay Zone shall have a minimum 3,500 square foot buildable area and a minimum dimension of fifty (50) feet.

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

**Wednesday, June 4, 2025
5:00 p.m.
2277 East Bengal Boulevard
City Council Work Room**

ATTENDANCE

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Mike Shelton, Commissioner Dan Poulson, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Garry Barnes, Commissioner Rusty Lugo-Alternate

Staff Present: Community and Economic Development Director, Michael Johnson; Deputy City Recorder, Cienna Brummel; Planner III, Ian Harris; System Administrator, Alex Earl

WORK SESSION

Chair Lucy Anderson called the Planning Commission Work Session to order at 5:00 p.m.

1.0 Review Business Session Agenda.

Chair Anderson reviewed the Business Session Agenda and indicated that the Business Items included a Zoning Text Amendment to modify language within Chapter 19.37, Neighborhood Commercial (“NC”) Zone, as well as Project GPA-25-002, the Moderate-Income Housing report. She then welcomed Commissioner Rusty Lugo, who was appointed by the City Council as the alternate Commissioner.

Commissioner Lugo stated that he grew up in West Jordan. When his uncle purchased a property on Dolphin Way in Cottonwood Heights, he hoped that maybe he could live in the City one day as well. He now lives across the street. He thanked Commissioner Steinman for introducing him to Mr. Johnson and indicated that he was happy to be on the Planning Commission and ready to learn.

Chair Anderson from District 3 introduced herself and indicated that she was in her second term. Commissioner Poulson stated that he was in his first term and was also still learning. Commissioner Barnes stated that he was also relatively new to the Planning Commission. It was his fifth meeting. Commissioner Shelton from District 1 indicated that he was in his first term. Commissioner Smith from District 1 stated that he was an at-large member and was also in his first term. Commissioner Mills indicated that he was in his second term and stated that he loves the Planning Commission and the City. He thinks they make a strong attempt at keeping things apolitical and doing what is best for the residents of Cottonwood Heights. Even though they come from districts, under Chair Anderson’s leadership they strive to look at everything through that

lens and do what is best for the City's future. He was very grateful for the City Staff. Commissioner Steinman stated that he was there to support the City in any way he could.

System Administrator, Alex Earl; Deputy City Recorder, Cienna Brummel; Planner III, Ian Harris; and Community and Economic Development Director, Michael Johnson introduced themselves as well.

Mr. Johnson reported that Item 3.1, CUP-25-004, was withdrawn by the Applicant after the Agenda was published. He then reviewed Agenda Item 3.2, Project ZTA-25-001 regarding the Live/Work Zoning Text Amendment and noted that no additional changes had been made since the last Planning Commission meeting on the item.

In February 2025, the City Council issued a moratorium on Live/Work Conditional Use Permit ("CUP") applications within the NC Zone. The moratorium is valid for up to 180 days or approximately six months to provide the City with time to better define regulations related to the Live/Work Land Use. Staff then worked to create an ordinance that better defined the use. The Planning Commission provided feedback on the original draft, which was incorporated into the current version.

The ordinance only applies within the NC Zone, which is the only zone that specifically lists Live/Work as an allowed Conditional Use type. Staff cleaned up various uses that could have allowed a developer to bypass the intent of the zone to provide a neighborhood commercial element.

Concerns had been expressed that it may be used as a tool to build entirely residential developments, which would not meet the intent and definition of the NC Zone. As such, the following predominantly residential Conditional Uses were removed from the ordinance:

- Bed and Breakfast
- Home occupations
- Home preschools
- Planned unit development
- Residential facilities for elderly persons
- Live/Work spaces

The term "Mixed Residential housing" was replaced with "Neighborhood Mixed-Use." That would allow a residential component, but only as a part of a Neighborhood Mixed-Use development. The following definition of the term was added to the Definitions section of the ordinance:

A single building containing more than one type of Land Use, at least one of which is residential, or a single development of more than one building and use, one of which is residential, 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.

Commissioner Shelton recommended replacing “at least one of which is residential” with “at least one of which is *commercial*,” as he believed that would be more in keeping with the intent of the zone. Mr. Johnson recommended changing it to read “at least one of which *may be* residential.” All other uses in the NC Zone will be non-residential. The definition indicates that if someone wants to add a residential element, Neighborhood Mixed-Use is the only way to do so, and the residential must be in addition to a commercial use. After discussion, it was decided that the language would be changed to read “*at least one of which must be non-residential and one of which may be residential.*”

The following draft standards for Neighborhood Mixed-Use would be codified within the Chapter:

- All NC development standards pertaining to building height, setbacks, landscaping, coverage, etc., shall apply.
- The mix of uses shall be consistent with the Permitted and Conditional Uses listed in the Neighborhood Commercial Chapter.
- The non-residential portion of a Neighborhood Mixed-Use project shall constitute a minimum of 25% of the total gross floor area of the entire unit or project square footage.
- At least 50% of the unit or project frontage at ground level along a public right-of-way shall be dedicated to the non-residential portion of the project.

In response to a question from Commissioner Shelton, Mr. Johnson clarified that residential use would only be mentioned in the definition of Neighborhood Mixed-Use, but it could be further clarified. The draft standards would ensure that there is a good balance between commercial and residential uses and that the commercial use is prominently featured and accessible from the public right-of-way.

Commissioner Barnes asked if the ordinance was consistent with similar cities’ standards. Mr. Johnson indicated that Staff reviewed various cities’ definitions of Live/Work and Mixed-Use prior to drafting the ordinance and other cities have the same general standards. Staff felt that requiring more than 25% commercial presence may not be supported by the commercial market but ensuring that it is focused on the public right-of-way would make the most of that presence.

In response to a question from Commissioner Shelton, Mr. Johnson clarified that public right-of-way frontage is required, so a private road would not meet the standard. The project that initiated the amendment was on a corner lot and had frontage on two public rights-of-way. The previous configuration likely would not have worked with the new definition.

Mr. Johnson reported that Staff recommended the following additional modifications to the ordinance that did not directly relate to the moratorium:

- Eliminating the minimum lot size, width, and depth requirements and allowing other standards to dictate the actual lot size to support a specific development.
- Modifying the height requirements to specify a maximum height of 35 feet and removing the reference to two stories to make it consistent with other zones.

Commissioner Mills stated that the amended ordinance would help facilitate shared parking, as in his opinion commercial buildings can be more creative with shared parking. It would also allow the zone to be utilized in areas of the City that are well-suited to that type of development.

Mr. Johnson reported that home occupations are allowed in all residential zones and proposed that clarification to that effect be added to the Neighborhood Mixed-Use definition.

Commissioner Steinman stated that the ordinance now met the intent of the NC Zone and thanked Staff for their efforts in drafting it. Chair Anderson agreed.

Mr. Johnson asked the Commission if there were any obvious Conditional Uses that should be moved to Permitted Uses in the NC Zone. He noted that Conditional Uses require Planning Commission approval, whereas Permitted Uses do not. However, the NC Zone is unique in that it has no Permitted Uses. In response to a question from Commissioner Steinman, Mr. Johnson reported that they do not receive many calls on the matter because there are not many projects in the NC Zone. Prior to the Live/Work proposal, the most frequently requested uses were dental and medical offices. In response to a follow-up question, he reported that Staff would have to research the matter before recommending Permitted Uses.

Chair Anderson stated that she believed they would need a more detailed discussion on Permitted Uses. She also wanted to ensure that they provided the City Council with what it had requested regarding the Live/Work use. She thanked Staff for the outstanding job on the amendment as it provided a lot of clarification.

In response to a question from Commissioner Shelton, it was noted that Neighborhood Mixed-Use was listed as a Conditional Use in the zone.

Mr. Johnson reported that one public comment was received after the deadline, which he would forward to the Commission. He informed the individual that they would have the opportunity to provide their input at a July City Council meeting.

Item 3.3 would be Project GPA-25-002, the Moderate-Income Housing Report, a compliance plan that must be submitted by every city in Utah. Every five years, cities are required to update their plan. In other years, they submit annual reports. The state legislature modifies the legislation each year.

Mr. Johnson reported that 2025 is year five for Cottonwood Heights, so the plan must be updated. There are many parameters regarding how the plan must be written, specific language that must be used, and content, so the report is considerably more technical in nature than most City master plans.

Utah State Code Section 10-9a-408 requires every municipality to adopt a moderate-income housing plan and submit progress reports. The Cottonwood Heights Moderate-Income Housing Report must be adopted and submitted no later than August 1, 2025.

The state provides 26 housing strategies, and cities must select a minimum of three options and create detailed implementation plans for each option. Cities that adopt five strategies are eligible for priority road funding from the Transportation Investment Fund. Staff identified five strategies for adoption in 2025.

In response to a question from Commissioner Steinman, Mr. Johnson clarified that the Hillside area does not qualify as a high-transit rail zone, but it is possible that the Gravel Pit will qualify due to the bus hub being constructed there. That would require an updated plan. In response to a follow-up question, Mr. Johnson reported that the AMI data was based on several different data sets, including community profile and census data.

Affordable housing is housing for which total household costs are no more than 30% of gross household income. Moderate-income housing is affordable to households that earn 80% or less of the Area Median Income ("AMI"). In 2024, the AMI in Cottonwood Heights was \$116,583. At that rate, the affordable housing cost would be \$2,915 monthly. At 80% AMI or \$93,266 per year, it would be \$2,332 per month. Other affordability bands can be targeted, including 50% (low income) and 30% (very low income) AMI.

In response to a question from Commissioner Smith, Mr. Johnson confirmed that housing costs are increasing exponentially and the State wants to ensure affordability. The median home value in Cottonwood Heights is now over \$800,000.

Commissioner Steinman asked if there were development opportunities based on state growth. Mr. Johnson clarified that it is based on state growth, as well as inflationary projections and Wasatch Front Regional Council ("WFRC") regional master plans. Growth areas in Cottonwood Heights are primarily limited to the Gravel Pit, Town Center, and some infill opportunities.

Community data was reviewed.

- City Population: 33,594, which indicates a population decrease of 0.5%
- Median age: 39.1
 - Salt Lake County median age: 33.8
 - Utah median age: 31.7
- Percentage of constrained households: 29.3%. This is the percentage of owner-occupied households that would not be able to afford a home in present conditions with housing costs comprising less than 30% of monthly gross income.
- Median income: \$116,583
- Median home cost: \$770,100 (as of fall 2024)

Commissioner Shelton asked if data on average household size was available. Mr. Johnson stated that the information was tracked but not included in the Moderate-Income Housing Report. The average number is 1.8 children per household.

The City's housing profile was reviewed next.

- Housing age: Approximately one-half of housing was built between 1960 and 1980 and one-quarter was built between 1980 and 2000.

- Housing type: Single-family housing makes up 80% of the City's housing, 15% is multi-family, and 2% is twin homes or duplexes.
- Owner-occupied homes constitute 71%, with renters at 29%. The percentage of owner-occupied homes is slightly higher than the county average. Most multi-family homes are owner-occupied.

Mr. Johnson reported that the City has a housing deficit for renters with incomes of 70% AMI or lower, but a slight surplus of 57 units for renters at 80% AMI. Similarly, a high percentage of affordable for-sale units are available for higher income ranges, but there is a large gap in availability at 80% AMI or lower.

Cottonwood Heights' current defined strategies are:

- Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- Implement zoning incentives for moderate-income units in new developments.
- Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate-income housing.

In response to a question from Commissioner Steinman, Mr. Johnson reported that Canyon Centre is the only project currently collecting tax increment financing ("TIF"), and that project preceded the requirement for an affordable housing set aside. If TIF is triggered for the Town Center, an affordable housing set-aside will be required for that project. The Gravel Pit is also a future candidate.

Mr. Johnson reported on the City's recent progress toward its four goals.

- Two Planned Development Districts ("PDD") have created deed-restricted affordable housing units.
 - ICO: 21 units at 50% AMI
 - Northern Gravel Pit: 15% of total units (approximately 40 units) at 80% AMI
- Market example: Santa Fe Apartments
 - Of 492 units, 173 are deemed affordable with rents at 50% and 65% AMI
- Accessory dwelling units ("ADU") are allowed.
 - Internal ADUs are permitted and require licensing and inspection.
 - Detached ADUs are conditional and require Planning Commission approval.
 - 15 licenses have been issued or are in process.
- Multiple commercial zones allow for mixed residential housing, including Residential Office, Neighborhood Commercial, Mixed Use, PDD, and Form-Based Code.
- One Community Reinvestment Area (Town Center)

- The project area budget will require a moderate-income housing set aside when TIF is implemented.
- There are two remaining economic development areas (“EDAs”) that still have budgets, some of which could be moved to an affordable housing fund.
- Potential future creation of Gravel Pit CRA.
- Wasatch Choice Vision Plan
 - Future vision for growth and development over time. The most intense development is envisioned for the Gravel Pit, the Union Park area, the Town Center, and Highland Drive.

In response to a question from Commissioner Steinman, Mr. Johnson stated that the EDAs are the Union Park Center near 1300 East and the Cottonwood Corporate Center on the eastern edge of the City. The excess funds cannot be retained indefinitely. Staff was determining how best to utilize the funds and would recommend that a portion be invested in affordable housing.

For 2025, Staff proposed adding Strategy L: Reduce, waive, or eliminate Impact Fees related to moderate-income housing.

Implementation measures for the five strategies were reviewed.

Strategy E: ADU allowance

- Continue to monitor the number of ADU licenses issued each year and promote the City’s ADU licensing process.
- Research other cities’ ADU standards and consider ordinance amendments that streamline the process, especially for detached ADUs which have much stricter requirements.
- Develop a “card file” system for ADUs and new homes to provide pre-engineered building plans to expedite permit review times and reduce financial barriers.

Strategy F: Allow residential density in commercial areas

- Multiple commercial zones allow residential use (Residential Office, Neighborhood Commercial, Mixed Use, PDD, future Form-Based Code).
 - Two PDD projects are implementing this goal, with a total of 81 deed-restricted affordable housing units.
- Continue tracking the number of moderate-income housing units in developments along commercial corridors.
- Ensure that mixed-use housing options are properly codified, defined, and regulated in various non-residential zoning districts.
- Identify development strategies to utilize private resources, public-private partnerships, and other regional programs to implement housing-friendly goals, such as improving pedestrian, transit, and active-transportation infrastructure along Fort Union Boulevard.

Strategy H: Zoning incentives for affordable units

- The PDD Zone achieves this by providing high development flexibility and requiring affordable units.
 - 600 units have been constructed or entitled, 81 of which will be deed-restricted affordable units.

- The same tool is anticipated to be utilized in the future Gravel Pit development.
- Continue to track development projects using incentive tools.
- Identify local financial incentives for the development of targeted housing types.
 - First Home Investment Zone (“FHIZ”)
 - Home Ownership Promotion Zone (“HOPZ”)
 - TIF
 - CRA
 - Potential fee waivers for compatible development projects.

Strategy P: Moderate-income housing set aside from CRAs

- All new CRAs require set-asides for investment in moderate-income housing within the area or region.
- Town Center CRA anticipated.
- Begin the process of establishing TIF collection with the Town Center Project Area.
- Consider the creation of Gravel Pit CRA by developing plan documents.
- Formalize a Plan to utilize leftover EDA funds, including a portion of investment in regional affordable housing funds.

Strategy L: Waive or reduce Impact Fees for moderate-income housing

- The City can charge Impact Fees for new development projects.
- Review Impact Fees with the development community to identify criteria in which fees can be reduced or waived to promote incentives for moderate-income housing.
- Establish attainable goals and objectives based on the Impact Fee review that can be integrated and further reported on in the City’s 2026 Moderate-Income Housing Report.

In response to a question from Commissioner Steinman, Mr. Johnson confirmed that the City has an Impact Fee table, although fees are not currently being charged. Historically, only Transportation and Stormwater Impact Fees were charged. Cities can also charge Impact Fees for parks, public safety, police and fire, etc. Large future projects will create an impact on public and utility infrastructure needs, so the City Council may need to reconsider those fees. There are specific requirements for Impact Fees, including that the funds must be spent within a certain amount of time and in a certain qualifying way. A study is conducted prior to the fees being assessed.

Mr. Johnson provided the following additional recommendations that could be implemented budget permitting:

- Establish a neighborhood improvement fund to provide financial assistance to qualifying households for maintenance, repairs, and property improvement.
- Consider expansion of the 50/50 Program to assist with curb, gutter, and sidewalk repairs.
- Engage with state, federal, private, and nonprofit partners to share in the effort to provide affordable housing options within the area.

Commissioner Smith asked if Cottonwood Heights’ setback requirements for detached ADUs were similar to other communities in the area. Mr. Johnson stated that ADUs are allowed to be the same size as other detached structures and up to 20 feet in height in certain circumstances. However, a garage can be built three feet from the property line, but a detached ADU would require the same

setbacks as a new home: eight to 10 feet from the property lines on the sides and 20 feet in the rear. Those requirements preclude many properties in the City from having detached ADUs. Internal ADUs do not carry such restrictions.

Commissioner Steinman asked about prefabricated ADUs. Mr. Johnson stated that manufactured housing is allowed for both ADUs and primary structures as long as it meets the Building Code.

Chair Anderson thanked Mr. Johnson for the valuable information and indicated that the discussion could continue during the Business Session.

2.0 Adjourn.

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

The Work Session adjourned at 5:58 p.m.

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

**Wednesday, June 4, 2025
6:00 p.m.
2277 East Bengal Boulevard
City Council Chambers**

Members Present: Chair Lucy Anderson, Vice-Chair Sean Steinman, Commissioner Mike Shelton, Commissioner Dan Poulson, Commissioner Dan Mills, Commissioner Mike Smith, Commissioner Garry Barnes, Commissioner Rusty Lugo-Alternate

Staff Present: Community and Economic Development Director, Michael Johnson; Deputy City Recorder, Cienna Brummel; Planner III, Ian Harris; System Administrator, Alex Earl

Public Attendees: Suzanne Hyland, Michael Carey, Nathan Anderson, Audrey Pines

BUSINESS SESSION

Chair Lucy Anderson called the Planning Commission Business Session to order at 6:03 p.m.

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 disclosed.

2.0 General Public Comment.

There were no public comments.

3.0 Business Items.

3.1 Project CUP-25-004 - A Public Hearing and Potential Action on a Request by Bento Viana on Behalf of União do Vegetal Church (“UDV”) for a Conditional Use Permit to Operate a Church at a Former Wells Fargo Branch at 3425 East Bengal Boulevard.

Chair Anderson reported that this application was withdrawn.

3.2 Project ZTA-25-001 - A Public Hearing and Potential Recommendation to City Council on a City-Initiated Zoning Text Amendment to Modify Language within Chapter 19.37 NC – Neighborhood Commercial.

Community and Economic Development Director, Michael Johnson presented the Staff Report and reported that as a result of the moratorium on Live/Work uses in the Neighborhood Commercial (“NC”) Zone imposed by the City Council in February 2025, the City has up to 180 days to better define the use type. The proposed Zoning Text Amendment would accomplish that goal. Mr. Johnson then reviewed the changes included in the amendment.

The following codified Conditional Uses would be removed:

- Bed and breakfast
- Home occupations
- Home preschools
- Planned unit development
- Residential facilities for elderly persons
- Live/Work spaces

The Mixed Residential Housing Conditional Use would be replaced with Neighborhood Mixed Use, which would allow residential housing only as a component of a Neighborhood mixed-use development application. A definition of the term would be codified, and the following standards would apply:

- Neighborhood Mixed Use projects may include a residential component in addition to at least one non-residential use listed in the NC Ordinance.
- All development standards pertaining to height, setbacks, landscaping, parking, coverage, etc., shall apply.
- The mix of uses shall be consistent with the Permitted and Conditional Uses listed in the NC Ordinance.
- The non-residential portion of a Neighborhood mixed-use project shall constitute at least 25% of the total gross floor area of the entire unit or project.
- At least 50% of the unit or project frontage at ground level along a public right-of-way shall be dedicated to the non-residential portion of the project.

The following clarifications were also proposed:

- Removal of minimum lot size, width, and depth requirements in favor of allowing other requirements to dictate what can be built on a property.
- Removal of the reference to “two stories” in the height requirements and leaving the 35-foot maximum height.

Mr. Johnson reported that the changes were based on conversations with and feedback from the Planning Commission and City Council. As a legislative item, the Planning Commission would make a recommendation to the City Council, which would then take final action on the proposed amendment.

Chair Anderson opened the public hearing.

Nathan Anderson stated that it was difficult to hear that his property development rights might be diminished. They purchased a property that they thought had great development rights and potential. He understands that the City does not like Live/Work. He had a meeting with Mayor

Weichers and Council Member Birrell who told him that he would be fine if he followed the ordinance. They also indicated that it would be nice to have moderately priced housing and an owner-user community. He had been working to accomplish that goal and had provided information to that effect to Mr. Johnson. However, commercial real estate brokers indicated that the property does not work because it is not a prime location. He asked that the Planning Commission table its decision to provide time for him to submit his application so it could be grandfathered in. Alternatively, he asked that they consider striking the requirement for a commercial use to occupy 25% of the gross area and suggested that non-prime locations be allowed to have as little as 16% commercial. They have a hairstylist who is interested in the eastern unit, but they cannot compete with other office space because there is too much vacant space.

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

Commissioner Steinman stated that Staff put a lot of time and effort into researching adjacent communities, understanding definitions, and creating the Neighborhood Commercial component. There have been several iterations of the Zoning Text Amendment. His comfort level with the current text was high. Chair Anderson agreed.

Commissioner Mills stated that the Neighborhood Commercial areas throughout the City are unique, and he appreciated that Staff tried to craft an ordinance that would meet many different needs. He believed that the current ordinance would meet those needs. He appreciated Staff's efforts to return to the intent of the zone.

Commissioner Steinman stated that the purpose of the NC Zone was to provide a nice transitional buffer between commercial and residential. There are not many NC areas in Cottonwood Heights, so they have to be very thoughtful about how those parcels are developed and ensure that the intent is represented by the code.

Commissioner Shelton expressed sympathy for the property owner who purchased a property for which the City had unclear expectations. He believed that the City's action would harm a landowner who made a purchase based on that lack of clarity. The clarification may be difficult, and he expressed his personal sympathy if that lack of clarity caused him financial harm.

Commissioner Steinman moved to forward a recommendation of APPROVAL to the City Council for a City-Initiated Zoning Text Amendment to Modify Language within Chapter 19.37 NC – Neighborhood Commercial, Project ZTA-25-001, based on the Findings and Recommendations listed in the Staff Report dated June 4, 2025. Commissioner Mills seconded the motion. Vote on Motion: Commissioner Mills-Yes; Commissioner Steinman-Yes; Commissioner Poulson-Yes; Commissioner Barnes-Yes; Commissioner Shelton-Yes; Commissioner Smith-Yes; Chair Anderson-Yes. The motion passed with the unanimous consent of the Commission.

Chair Anderson apologized for not introducing New Alternate Commissioner, Rusty Lugo, and thanked Commissioner Lugo for joining the Planning Commission. She clarified that as an alternate, Commissioner Lugo only votes if a member is absent.

3.3 Project GPA-25-002 – Moderate-Income Housing Report – A Public Hearing and Potential Recommendation to City Council on the Draft Moderate-Income Housing Report, as Required by Utah State Code.

Mr. Johnson presented the Moderate-Income Housing Report and indicated that the item was discussed in more detail during the Work Session.

Utah State Code requires that all cities adopt and report annually on a Moderate-Income Housing Plan. Cities are required to choose from 26 specific options to provide opportunities for moderate-income housing. At least three strategies must be adopted, but cities that adopt five are eligible for priority road funding. The report must be submitted prior to August 1 each year. 2025 is Cottonwood Heights' fifth year, so the City is required to adopt a new plan by that date. Background information on affordable housing and moderate income, as well as community statistics, were provided during the Work Session.

Five strategies were proposed, the first four of which were carried over from the previous report.

1. **Strategy E:** Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units ("ADU") in residential zones.
2. **Strategy F:** Zone or rezone for higher-density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
3. **Strategy H:** Implement zoning incentives for moderate-income units in new developments.
4. **Strategy P:** Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate-income housing.
5. **Strategy L:** Reduce, waive, or eliminate Impact Fees related to moderate-income housing.

Mr. Johnson briefly reviewed the implementation measures for each strategy.

Strategy E

- Continue to report on, and ensure that public information is available for, ADUs.
- Analyze ADU standards to determine if a better balance can be found between respecting privacy and property rights and creating an easier process for detached ADUs.
- Develop a card file system of pre-engineered plans for ADUs and potentially small homes.

Strategy F

- Allow residential density in commercial areas. Multifamily housing is already allowed within all commercial zones in the City, with one exception.
- Two Planned Development Districts ("PDD") are entitled with over 600 residential units, approximately 80 of which are deed-restricted to affordable housing.

- Ensure that development standards incentivize housing within commercial developments.
- Ensure that decisions regarding infrastructure, right-of-way design, active transportation, etc. meet the transportation needs of residents of moderate-income housing.

Strategy H

- PDDs allow high development flexibility in exchange for meeting certain requirements including deed-restricted affordable units.
- Continue tracking development projects using these tools.
- Identify local financial options to further invest in affordable housing types.

Strategy P

- All new community reinvestment areas (“CRA”) require set-asides for investment in moderate-income housing. CRAs are created at the beginning of a new development, and the property tax value can be reinvested in the project area.
- A Town Center CRA is anticipated, as well as a future Gravel Pit CRA.
- Formalize a plan to utilize leftover economic development area (“EDA”) funds that were inherited from Salt Lake County, including investing a portion of those funds in regional affordable housing.

Strategy L

- The City can charge Impact Fees for new development projects. Historically, Impact Fees have only been assessed for transportation and stormwater. Other cities have various Impact Fees for public safety, parks, etc., which have to be validated in a formal study before collection can begin. Staff recommended that if the City pursued Impact Fees for new growth areas like the Gravel Pit, they include options for waiver or reduction of fees related to affordable housing units.

Other recommendations (budget permitting):

- Establish a neighborhood improvement fund to provide assistance to qualifying income-constrained households for maintenance, repairs, and property improvements.
- Consider expanding the 50/50 Program to assist with curb, gutter, and sidewalk repairs.
- Engage with state, federal, private, and nonprofit partners to share in the effort to provide affordable housing options in the area.

Chair Anderson opened the public hearing.

Mike Carey stated that he is the chair of the Salt Lake County Republican Party and was elected due to his 25 years of experience as a general contractor. His wife is an engineer and developer. He expressed concern about some of the recommendations. He lived in Washington, D.C. for 11 years before moving to the area, and Montgomery County, Maryland implemented some of the same strategies when he was on their Department of Permitting Services Advisory Committee. He believes that ADUs are a useful tool, but they will not solve the housing problem. His experience was that in lower-income neighborhoods, ADUs became boarding houses. Unless a cap is placed on the number of units allowed in the City and have very specific setback requirements for detached units, there could be multiple residences on single-family lots. He was also against removing Impact Fees. The City already does not collect Impact Fees on schools, and that is part

of the reason property taxes are so high. Elimination of Impact Fees will not change sales prices or development costs. Rather, it will add to the bottom line for developers like him. He is working with Steven Waldrup and Senator Cullimore on these issues. The Utah First Homes Act allows for first-time homebuyer assistance on new construction only because the data says that the state needs more starter homes. However, Envision Utah, the Wasatch Front Regional Council ("WFRC"), and other nonprofit entities that are pushing for densification are using data that stopped being measured in the second quarter of 2022. He indicated that all current reports cite a Kem C. Gardner Policy Institute report from September 2023.

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

In response to a question from Commissioner Steinman, Mr. Johnson clarified that the Moderate-Income Housing Plan does not require a set number of units at a specific percentage of adjusted median income ("AMI"). The City's PDD Ordinance, however, requires a range of between 10% and 15% affordable housing units. If units are provided at 50% AMI, a smaller percentage of total units have to be deed-restricted. At 80% AMI, a larger percentage is required.

In response to a follow-up question, Mr. Johnson reported that the City has the ability to charge Impact Fees, but it currently does not because there is not a lot of new growth. Upcoming projects will create new growth and new impacts, so they may need to be considered in the future.

Mr. Johnson provided an example of the benefits of the PDD Ordinance. The underlying Land Use vision for the Gravel Pit is Mixed Use, which allows a maximum height of 35 feet and a density of 35 units per acre. By going through the PDD process, the developer could build to a maximum height of 20 stories with no maximum density. That flexibility has tradeoffs, including the provision for affordable units. The City is using its PDD Ordinance as an example of compliance for the report, but no deed restrictions are mandated in the State's strategies.

Commissioner Steinman asked at what point Impact Fees would be imposed. Mr. Johnson reported that the City would need to conduct a study to determine if there are projects that qualify for Impact Fees. In response to Commissioner Steinman's follow-up question, Mr. Johnson reported that a study would need to be conducted related to the specific Impact Fee the City Council was interested in considering. The formal study would then be presented publicly and approved, and the Impact Fees could be implemented in a way that complies with the study. Commissioner Steinman stated that it was his understanding the report must be updated every three years. Mr. Johnson did not have that information available. Commissioner Steinman stated that the City may want to consider implementing Impact Fees.

Mr. Johnson explained that Impact Fees cannot be used for maintenance of existing facilities. Additionally, if the funds are not spent within a certain timeframe, they must be returned. Most of the City's infill development already has an impact, and redevelopment of a property does not create a new impact unless it is a drastic increase in development intensity. Commissioner Steinman stated that in some instances, there could be a substantial impact. Mr. Johnson reiterated that studies would need to be conducted that support reimposing Impact Fees.

Commissioner Mills stated that they could be underestimating the impact of projects like the Town Center and Gravel Pit. He agreed that they should revisit the Impact Fee discussion, possibly along with form-based code.

Commissioner Steinman stated that the City needs to be careful with redevelopments like the Gravel Pit and Hillside Plaza because they are in CRA zones. The City wants to promote affordability within those spaces, so they have to be careful when adding additional fees. However, that is the City Council's purview. He does not believe fees should be associated with form-based code. He envisioned an Impact Fee table based on density and true impact. He believes Impact Fees are a small part of the moderate-income housing discussion, and he was comfortable with Staff's modifications to the report.

In response to a question from Commissioner Steinman, Mr. Johnson stated that no grants or bonds are made available through compliance with the moderate-income housing reporting requirement. However, by implementing five strategies, the City may have priority access to a certain transportation investment fund.

Commissioner Mills clarified that he was not advocating for removing Impact Fees from the list. He believes they need to watch closely as density increases in adjacent municipalities and infrastructure is impacted. Developers are not held responsible for anything off their property. He is grateful that the matter was brought up, and he believes the Commission should be ready to have that discussion in the future.

Mr. Johnson clarified that none of the selected strategies will solve the housing problem as it does not have an easy solution. They are taking steps to try to ease the burden.

Commissioner Smith stated that it seemed like the State was imposing the requirements on the City, and he was unsure of their motivation other than ensuring that people keep moving to Utah. Densification is happening all around, and he did not know what could be done to slow it down. Affordable housing is a good cause, but he believes the other side of the equation should also be considered by the State.

Commissioner Steinman stated that by the definition of "affordable," an affordable home in Cottonwood Heights would have a \$3,000 mortgage payment, which is very high. He believes "attainable" is a better word. He hopes his children will be able to attain housing in Cottonwood Heights, but it is hard to make that high of a salary in the City. Densification is fascinating because growth and progress are hard to see, but it can be done thoughtfully. He asked how they can change the mindset from affordable to attainable housing and noted that it is a statewide issue. There was a 40% increase in property values between 2020 and 2022. To Mr. Carey's point, the data sets need to be more current, and they also need to consider where the market will be in the future.

Commissioner Smith asked what the community's obligation is to provide affordable housing. He believes there is some responsibility, but he also believes that Beverly Hills would say that they do not have that same responsibility.

Commissioner Steinman stated that they needed to consider public service employees. For example, in Summit County, a 60% AMI project is not affordable. Nurses and teachers need places to live. They need to think long-term, and they are taking some of the necessary steps to do so. Chair Anderson agreed that they are taking those steps in a thoughtful way.

Commissioner Steinman stated that more study needs to be done on ADUs before the ordinance is changed, but he believed the City Council would be focusing heavily on that issue. His concern was that they could be turned into short-term rentals. However, they also needed to consider whether ADUs were an opportunity for thoughtful density.

In response to a question from Commissioner Mills, Mr. Johnson reported that the City had received 15 to 20 applications for ADUs since the ordinance was passed. That number includes both internal and external ADUs. Commissioner Mills stated that there was no reason to panic over such a small number. They would not want a large number of ADUs, but he was confident that they could allow more without creating chaos. He believes that thoughtful discussion between the Planning Commission and City Council will result in solutions that they were just scratching the surface of. He was very supportive of all five recommendations.

Commissioner Mills moved to forward a recommendation of APPROVAL to the City Council for Project GPA-25-002, an updated Moderate-Income Housing Plan and Report pursuant to Utah State Code reporting requirements. Commissioner Smith seconded the motion. Vote on Motion: Commissioner Smith-Yes; Commissioner Shelton-Yes; Commissioner Barnes-Yes; Commissioner Poulson-Yes; Commissioner Steinman-Yes; Commissioner Mills-Yes; Chair Anderson-Yes. The motion passed with the unanimous consent of the Commission.

4.0 Consent Agenda

4.1 Approval of Planning Commission Meeting Minutes from May 7, 2025.

Commissioner Steinman moved to APPROVE the Consent Agenda. Commissioner Poulson seconded the motion. The motion passed with the unanimous consent of the Commission.

5.0 Adjourn.

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

The Business Session adjourned at approximately 6:48 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Business Session held on Wednesday, June 4, 2025.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____

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