

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

Wednesday, April 3, 2013

6:00 p.m.

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

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
Gordon Walker
James S. Jones
Jeremy D. Lapin
Paxton Guymon
Lindsay Holt-Tofte

City Staff:

Brian Berndt, Community/Economic Development Dir.
Larry Gardner, Planner
Shane Topham, City Attorney
Mike Johnson, Planning Technician

1.0 **WELCOME/ACKNOWLEDGEMENTS**

Chair Bolyard called the meeting to order at 6:01 p.m.

2.0 **CITIZEN COMMENTS**

There were no citizen comments.

3.0 **PUBLIC HEARINGS**

3.1 (Project #CU 13-004) Public comment on a request from Michelle Baldwin for conditional use approval to operate a self-service dog wash and indoor kennel located at 3470 E. Bengal Blvd

Planner Larry Gardner stated that Michelle Baldwin is requesting to open a self service dog wash located in the Smith's Food Center strip mall which is the only commercial area within several blocks. There will be several tubs and an indoor kennel with very little change of the existing layout. Mr. Gardner indicated that staff conditions state that all business must be conducted indoors.

Commissioner Walker asked if requiring all business activities remain indoors would be an unequal requirement because other entities within the same shopping mall are allowed to conduct business outside of their stores.

Mr. Gardner stated that the zoning ordinance requires indoor kennels and similar types of businesses to conduct all business indoors.

City Attorney Shane Topham asked if there will be overnight kenneling.

Mr. Gardner said the in the definition of the business it states that no overnight kenneling is allowed.

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

4.0 **ACTION ITEMS**

4.1 **(Project #SA12-001) Action on a request from Holcomb Land LLC to consolidate three Parcels located at 7976, 7979 and 7996 Royal Lane into one parcel through an amendment to the plat of the Subdivision**

Mr. Gardner stated that Fred Holcomb approached the Planning Commission in May of 2012 requesting to consolidate three lots in the Royal Lane Subdivision into one. The lots are slightly larger than half an acre each and would result in a final lot size of roughly one and three quarter acres. Mr. Holcomb wants to consolidate the lots for tax purposes and stated that he has no intention of building any additional buildings other than accessory structures. It was noted that there is already a large home on the property and Mr. Holcomb will use the rest of the property as a yard and garden area.

Mr. Gardner stated that the plat ordinance states that no one can be materially injured by a plat amendment. There was a concern raised by the Royal Lane Homeowners' Association that combining three lots into one would reduce their assessments because their fees are based on lots and not acreage. Mr. Holcomb has stated that he would be willing to enter into an agreement to make sure that the HOA remains whole. He will be pay 300% of an assessment, which was the only condition imposed by the Planning Commission condition last year.

Commissioner Holt-Tofte questioned how Mr. Holcomb originally obtained a building permit to construct over the lot line.

Mr. Gardner stated that it was an oversight at the County level.

Commissioner Holt-Tofte asked if the HOA was comfortable with the agreement requiring Mr. Holcomb to pay the 300% assessment.

Mr. Gardner stated that both the HOA and Mr. Holcomb signed an agreement and the document has been notarized and recorded.

Motion: Commissioner Guymon moved to approve the request to consolidate the three parcels and adopt the recommended condition, which requires the applicant to pay a 300% assessment to the Homeowners' Association. Commissioner Jones seconded the motion. Vote on motion: Jeremy D. Lapin-Aye, Gordon Walker-Aye, Paxton Guymon-Aye, James S. Jones-Aye, Lindsay Holt-Tofte-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

4.2 (Project #CU 13-004) Action on a request from Michelle Baldwin for conditional use approval to operate a self-service dog wash and indoor kennel located at 3470 E. Bengal Blvd

Commissioner Walker asked if this business is a franchise.

Ms. Baldwin stated that this is her first business and it is not a franchise. If things go well in the future they may attempt to open more stores.

Commissioner Walker asked where she got the idea for the proposed business.

Ms. Baldwin stated that there are a few other similar businesses in the area, but she thought that the location of the store would be convenient for area residents. She lives close to the store location as well. The hours of operation will be roughly 10:00 a.m. to 7:00 p.m. Ms. Baldwin explained that the self-service dog wash will cost \$15.00. They will also offer a grooming station at a rate of approximately \$55.00. The groomer would be a contract position. She anticipated having one full-time employee and three or four part-time employees.

Motion: *Commissioner Jones moved to approve Project #CU 13-004 subject to the following:*

Conditions:

- 1. That the applicant continuously adhere to all applicable laws, ordinances and regulations pertaining to this use;*
- 2. That no outdoor play areas, outdoor dog runs, outdoor kennels or other similar outdoor facilities are allowed with this use;*
- 3. That no outdoor wash facilities or outdoor washing of animals is allowed with this use;*
- 4. That all related business activities associated with this use remain indoors;*
- 5. Including all items of the staff report.*

Commissioner Lapin seconded the motion. Vote on motion: Lindsay Holt-Tofte-Aye, James S. Jones-Aye, Paxton Guymon-Aye, Gordon Walker-Aye, Jeremy D. Lapin-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

4.3 Approval of March 6, 2013 Minutes

Motion: *Commissioner Walker moved to approve the minutes of March 6, 2013. Commissioner Holt-Tofte seconded the motion. Vote on motion: Lindsay Holt-Tofte-Aye, James S. Jones-Aye, Paxton Guymon-Aye, Gordon Walker-Aye, Jeremy D. Lapin-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.*

5.0 **ADJOURNMENT**

Motion: Commissioner Holt-Tofte moved to adjourn. The motion was seconded by Commissioner Guymon and passed unanimously on a voice vote. The Planning Commission Meeting adjourned at 6:24 p.m.

Minutes approved: 05/01/2013