

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

3
4 **Wednesday, March 2, 2022**

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

6 **2277 East Bengal Boulevard**

7 **Council Workroom**
8

9 **ATTENDANCE**

10
11 **Members Present:** Chair Jesse Allen, Commissioner Dan Mills, Commissioner Craig Bevan,
12 Commissioner Jessica Chappell, Commissioner Bob Wilde, Commissioner
13 Jonathan Ebbeler, Commissioner Lucy Anderson
14

15 **Staff Present:** City Manager, Tim Tingey, Community and Economic Development Senior
16 Planner Andrew Hulka, Associate City Planner Samantha DeSeelhorst,
17 Community and Economic Development Director Michael Johnson, Deputy
18 City Recorder Heather Sundquist, City Attorney Shane Topham
19

20 **WORK MEETING**

21
22 Chair Jesse Allen called the Work Meeting to order at 5:04 p.m.
23

24 **1.0 Review Business Meeting Agenda.**
25

26 The Business Meeting Agenda was reviewed and discussed.
27

28 Chair Allen stated that the Doverhill Drive Subdivision update will be presented first and followed
29 by additional discussion items and the Cottonwood Heights General Plan update.
30

31 **1.1 Additional Discussion Items.**
32

33 Chair Allen reported that Project ZMA-22-001 is a public hearing to receive public comments and
34 take possible action on a request from Adam Nash to rezone the property located at 3526 East Fort
35 Union Boulevard from Residential Single-Family (R-1-8) to Residential Multi-Family (R-2-8). This
36 request also includes a proposal to amend the land use designation of the property from “Residential
37 Office” to “Residential Medium-Density”.
38

39 Community and Economic Development Senior Planner, Andrew Hulka, stated there are two parts to
40 the request. The first is a land use map amendment and the second is a rezone. Staff determined that
41 it meets the intent of the General Plan and is suitable for the area. A property rendering was displayed.
42 The property is under one acre in size with a proposal to change the land use designation from
43 Residential Office to Residential Medium-Density. The proposed rezone was from Residential
44 Single-Family to Residential Multi-Family. Mr. Hulka reported that the lot standards are similar to
45 what is allowed in an R-1-8 zone. There is a smaller setback in the R-2-8 zone with a total of at least
46 15 feet between the two side yards with side setbacks of no less than five feet. The applicant is
47 contemplating a three-lot subdivision with R-2-8 zoning which, if approved, would allow two units
48 on each lot.

1
2 Mr. Hulka explained that the City initiated a land use map change along the eastern portion of Fort
3 Union Boulevard. The discussion included not implementing heavy commercial or intense
4 development in the narrower sections of the road. Properties facing neighborhood streets were to
5 remain as Low-Density Residential. Previous concerns included leaving the property as low density,
6 which may lead to undesirable results and lead Staff to select options that would result in mixed-use
7 development. Doing so would allow opportunities for redevelopment that fits the context of the
8 neighborhood. Staff felt that the R-2-8 zone was appropriate and would be consistent with the area.
9 He clarified that the current zoning is R-1-8 and only allows single-family residences where R-2-8 is
10 being proposed to allow for single or two-family dwellings.

11
12 Commissioner Ebbeler commented that the public comments received were consistent with the
13 potential height concerns. He understood that the R-1-8 and R-2-8 zoning ordinances were similar.
14 Mr. Hulka confirmed that the maximum height in both zones is 35 feet. Community and Economic
15 Development Director, Michael Johnson, clarified that the modified setbacks and additional height
16 granted are not options with the proposed property.

17
18 Commissioner Mills was hopeful that what is proposed will be utilized to implement the Fort Union
19 Master Plan and include curb and gutter from the property to the street. He emphasized that this
20 stretch of Fort Union Boulevard is not wheelchair accessible and is unsafe for children on bicycles
21 and strollers. He recommended that the Fort Union Master Plan be implemented and that they include
22 the ideal for the City's vision in this area as opposed to just connecting it to what has existed since
23 1975. Staff confirmed that sidewalk will be required with the proposed project.

24
25 Commissioner Ebbeler commented that he walks the area several times per week. He concurred with
26 Commissioner Mills' concerns with lack of accessibility along Fort Union Boulevard.

27
28 Associate City Planner, Samantha DeSeelhorst appreciated the redevelopment tool that allows the
29 City to bring other outstanding issues up to standard that are required for new properties.

30
31 Mr. Johnson noted that the proposed cross-sections will be adopted as part of the road coordinates by
32 the City Council and reviewed in a public meeting. The corner intersection properties were removed
33 as they impose neighborhood creep with commercial zoning. Those that remained were either those
34 that exist in that condition currently or that can only be accessed from Fort Union Boulevard.
35 Adjacent properties were discussed.

36
37 Chair Allen referenced the land use map and the Planning Commission's ability to utilize the map as
38 a tool to evaluate this particular property.

39
40 **1.2 (Project SUB-21-007) Project Update – Doverhill Drive Subdivision – Overview**
41 **Michael Johnson.**
42

43 Mr. Johnson presented the Staff Report and stated that the Doverhill Drive Subdivision site-wide fault
44 trenching is taking place with ongoing trenching and observation. After preliminary approval was
45 granted with conditions of approval, Ivory Development communicated with Staff that two conditions
46 were essentially not workable. They had issues with eliminating the side setback reduction and no
47 stormwater runoff is allowed in the public park. Mr. Johnson reported that Ivory Development will
48 submit an updated request for a public hearing and consideration by the Planning Commission at the

1 April meeting. The request will either be for an amended Planned Unit Development (“PUD”)
2 Application omitting the two conditions or move forward with a Standard Subdivision Application.
3 Fault data will be available at the time of the meeting. A property concept plan was displayed. Mr.
4 Johnson confirmed that the fault lines may impact further consideration and access.

5
6 Chair Allen believed that the two conditions are equal in terms of neighborhood conformance. He
7 felt strongly about the setbacks but not as strongly about drainage.

8
9 Commissioner Bevan stated that philosophically, working toward a Daybreak-style development
10 works due to strategizing both sides of the street with access through the middle for parking. He
11 stated that the Doverhill Subdivision does not include those features.

12
13 Mr. Johnson commented that if faults are found, they may affect massing and visual concerns with
14 what is proposed. He stated that there is no current public hearing on the issue but comments may be
15 made during the general citizen comment. A formal public hearing will take place in April regardless
16 of the scenario proposed or decided on.

17
18 City Manager, Tim Tingey, thanked the Planning Commission and Staff for their efforts. He stated
19 that the City desires a park that is both accessible and functional while enhancing the quality of life.

20
21 **1.3 (Project GPA-20-003) Project Update – Cottonwood Height General Plan**
22 **Update.**
23

24 Chair Allen stated that in terms of potential conflicts of interest or disclosures, his firm is a sub-
25 consultant to Landmark Design. Landmark Design is the prime contract holder for the General Plan
26 Update. After speaking with City Attorney, Shane Topham, and Staff, they did not foresee any
27 conflicts of interest.

28
29 Mr. Johnson reported that a Community Open House is to be held on March 8 to further discuss
30 proposed ideas and allow for public feedback. The Water Wise Park Landscaping Class will also be
31 held virtually on March 8.

32
33 **1.4 Adjournment.**
34

35 ***Commissioner Mills moved to adjourn. Commissioner Anderson seconded the motion. The motion***
36 ***passed with the unanimous consent of the Commission.***
37

38 The Work Meeting adjourned at 5:48 p.m.

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

3
4 **Wednesday, March 2, 2022**
5 **6:00 p.m.**
6 **2277 East Bengal Boulevard**
7 **Council Chambers**
8

9 **ATTENDANCE**

10
11 **Members Present:** Chair Jesse Allen, Commissioner Dan Mills, Commissioner Craig Bevan,
12 Commissioner Jessica Chappell, Commissioner Bob Wilde, Commissioner
13 Jonathan Ebbeler, Commissioner Lucy Anderson
14

15 **Staff Present:** Community and Economic Development Senior Planner Andrew Hulka,
16 Associate City Planner Samantha DeSeelhorst, Community and Economic
17 Development Director Michael Johnson, Deputy City Recorder Heather
18 Sundquist, City Attorney Shane Topham
19

20 **BUSINESS MEETING**

21
22 **1.0 Welcome and Acknowledgments.**
23

24 Chair Jesse Allen called the Business Meeting to order at 6:00 p.m. and welcomed those present.
25

26 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**
27

28 There were no conflicts of interest disclosed.
29

30 **2.0 General Public Comment.**
31

32 *Audrey Pines* reported that the neighborhood concern is not with the proposed Ivory Development
33 aesthetics but an increase in spacing and safety. The park currently serves younger children during
34 the winter months and families often play softball. She suggested that a walkway be installed.
35

36 *Dagmore James* stated that the idea for Ferguson Park was great but believed there is no safe way to
37 get from the neighborhood to the park and is forced to take her care as opposed to walking. She
38 encouraged a crosswalk.
39

40 *Dave Clark* identified himself as President of the Old Mill Estates Homeowners Association (“HOA”)
41 and expressed concern with the City’s upcoming General Plan. He understood that the public
42 comment is scheduled to close during the March 8 meeting and the HOA’s issue was with
43 development near the Old Mill. The residents are in favor of keeping the area as single-family homes
44 as there is minimal infrastructure in the area. Mr. Clark stressed the importance of maintaining a
45 neighborhood feel and urged the Commission to consider the concerns of the residents when making
46 decisions on the Master Plan.
47

Community and Economic Development Director, Michael Johnson, reported that will be a General Plan Open House on March 8 in the Community Room.

Ron Mills, a 25-year resident of Old Mill Estates, appreciates the quality of the area. He commented that Big Cottonwood Canyon Road is heavily used and noted that his son was involved in an accident at the nearby corner. He stressed the importance of planning to ensure that the road is limited in terms of additional traffic flow.

Tom Etsell reported that he resides in the Old Mill area and was strongly opposed to high density. He noted that the entire area is single-family. He stated that the road cannot accommodate additional traffic.

Jackie Hibbard serves on the Old Mill Estates Homeowners Association Committee Board. She stated that she purchased her home in the area to provide a large yard and safety for her family. She expressed opposition to high-density housing. She hoped to preserve the integrity of their neighborhood and stated that the Old Mill area is not the place for additional housing.

Stephanie Yogair, an Old Mill Estates resident, expressed opposition to high-density housing. She asked why Cottonwood Heights would want to be like other cities and supported maintaining the beauty of the surroundings. She was in favor of single-family homes but not high density.

Tom Hudachko, an Old Mill Estates resident, suggested that the single-family zoning be maintained when considering the New Master Plan. He stated that the area is not an appropriate location for high-density and is too geographically restricted.

Julian Dupont, an Old Mill Estates resident, was opposed to the proposed high-density zoning. Access and increased congestion were of concern. He noted that trespassing is an issue and he believed that the addition of an apartment complex would exacerbate the situation.

Dan Flink reported that he has been a resident of the Old Mill Estates since 1991. He was opposed to high-density housing and walks the trails daily and picks up trash. The Big Cottonwood Canyon Creek and watershed is located underground and did not believe that the road will accommodate more traffic.

There were no further public comments. The public comment period was closed.

3.0 Business Items.

3.1 (Project ZMA-22-001) A Public Hearing to Receive Comments and Take Possible Action on a Request from Adam Nash to Rezone the Property Located at 3526 East Fort Union Boulevard from Residential Single-Family (R-1-8) to Residential Multi-Family (R-2-8). This Request Also includes a Proposal to Amend the Land Use Designation of the Property from “Residential Office” to “Residential Medium-Density”.

Community and Development Senior Planner, Andrew Hulka, presented the Staff Report and stated that the above request includes a proposal to amend the land use designation from Residential Office to Residential Medium-Density. Residential Medium-Density corresponds to the R-1-6 zone with

1 smaller lot sizes and single-family areas with R-2-8 zoning. A property rendering was displayed. Mr.
2 Hulka reported that the property currently includes R-1-8 zoning and a single-family home with
3 accessory buildings. A Concept Plan was submitted that had yet to be reviewed by Staff. Mr. Hulka
4 stated that all subdivisions with fewer than 10 lots require staff review and approval and are subject
5 to all subdivision and Code standards.

6
7 Mr. Hulka reported that through 2019, the long-range plan for Fort Union Boulevard included mixed-
8 use development. At that time, the City initiated a land use amendment to change the properties to
9 either Low-Density Residential, Medium-Density Residential, or Residential Office Land Use. The
10 City desired to have redevelopment of the corridor without leading to a more intense use or
11 commercial development. Staff supported the applicant's rezone to R-2-8 as this would allow for
12 residential uses only and be consistent with the immediately adjacent properties. Staff recommended
13 that the Planning Commission recommend approval to the City Council. It was confirmed that the
14 maximum height in the proposed R-2-8 zone is 35 feet, which is the same height restriction that exists
15 in single-family zones.

16
17 Commissioner Ebbeler asked how many lots were included in the request. Mr. Hulka stated that the
18 current property includes a single-family dwelling and two parcels owned by the same owner.

19
20 Commissioner Mills asked for clarification regarding the flag lot issue and preferred there not be a
21 flag lot included with the project. With regard to the Fort Union Master Plan, he believed there may
22 be interest in the lack of accessibility to the proposed area. Mr. Hulka reviewed the basic standards
23 for flag lots. Commissioner Mills did not believe it was likely and would allow the applicant to clarify
24 his intent. He confirmed that any new subdivision is required to provide frontage improvements that
25 include curb, gutter, sidewalk, park strips, street trees, and streetlights. He noted that as discussed
26 previously, Staff was working with the Engineering Department to create cross-sections to ensure
27 that a design is in place and to require improvements.

28
29 Associate City Planner, Samantha DeSeelhorst, stated that others have interested in the property and
30 proposed different configurations. They were not, however, able to make anything other than what
31 is proposed work. Staff discovered that when looking at the width there may be adequate gross
32 acreage to fit one extra lot but there would be no buildable area.

33
34 The applicant, Adam Nash, from Land Development, LLC commented that he was not seeking any
35 exceptions or variances and stated that the plan was to develop the property. He explained that the
36 property requires large enough pads to develop high-end properties. He noted that they do not intend
37 to include a flag lot. They were anticipating 211 feet for the initial profile to be built on that section
38 of Fort Union Boulevard. The project will also include curb, gutter, sidewalk, and a bike lane. He
39 reported that they developed twin homes at 3267 East Bengal Boulevard and what is proposed will
40 be a step up from those units. The existing home was built in the 1930s with two outbuildings that
41 were converted to apartments. He stated that they have no historical value.

42
43 Chair Allen opened the public hearing.

44
45 *Cynthia Blair* lives west of the subject property and was concerned with it remaining single-family
46 residential. Due to the close proximity of the setbacks, their view will be blocked. She believed that
47 traffic on the east side of Fort Union Boulevard will increase. She stated that the sidewalk will
48 increase safety but there will be three additional driveways.

1
2 *Mary Ellen Johnson* identified herself as the Neighborhood Watch Coordinator for the Apple Valley
3 Area and urged the Commission to oppose the request. She has resided in the neighborhood for 30
4 years and over the last few years, the increased density has negatively impacted their neighborhood
5 with an increase in crime and decreased walkability. She was concerned about the increase in traffic
6 along Racquet Club Drive and was disappointed with the denial of their request to implement permit
7 parking. She stated that the existing home is historic and urged the Commission to deny the zone
8 change request.

9
10 *Peggy Clark*, a Macintosh Lane resident, expressed concern with the proposed rezone and density
11 increase. Fort Union Boulevard traffic cuts through her neighborhood to avoid congestion. She also
12 felt pushed out by developers and stated that the area has become less walkable. She believed that
13 once the gravel pit is complete there will be overcrowding. She urged the Commission to deny the
14 request. She submitted photos of the area.

15
16 *Garry Whittaker* stated that 25 years ago he voted against a rezone on the same piece of property. He
17 asked how the rezone will impact the infrastructure and believed that density and development are
18 undesirable. He expressed his strong opposition to the proposal.

19
20 *Kay Tran* asked for clarification on the benefits to the developer by changing the zoning. Chair Allen
21 commented that his understanding was that the applicant intends to develop duplexes.

22
23 *Dagmore James*, a Jonathan Drive resident, stated that the zoning should remain single-family and
24 commented that the developer will never live in the neighborhood. She was afraid that the zoning
25 will be changed and density will increase further.

26
27 *Rick Stevenson* stated he has lived on Canyon Creek Drive for three years. His understanding was
28 that the impact is a metric that indicates four times the number of units. He stated that Mr. Nash's
29 development will result in the impact of eight additional units.

30
31 There were no further public comments.

32
33 ***Commissioner Wilde moved to close the public hearing. Commissioner Chappell seconded the***
34 ***motion. The motion passed with the unanimous consent of the Commission.***

35
36 Commissioner Chappell appreciated the mobile discussion between residents and preferred there be
37 more green space. While she would like to see less congestion and traffic and more green space,
38 denying the request would not improve any of those issues.

39
40 Commissioner Anderson thanked those in attendance and stated that the additional traffic is negligible
41 in terms of what already exists. The Commission's role is to consider the specific request and
42 potential impacts to the City. She clarified that this is not a high-density request.

43
44 Commissioner Mills appreciated the community engagement and stated that the Commission has
45 pushed back with staff at least four times in the previous year. He emphasized the importance of
46 trying to focus on items that will generally improve the City. As a skier, he reported that there have
47 been 22 days where the traffic has been extremely heavy from 7:30 a.m. to 10:30 a.m. When
48 considering those hours out of a 365-day year, memorializing significant change in policy based on

1 that fraction is not wise governance. He appreciated the proposed project not including a flag lot and
2 asked for clarification regarding the property remaining in its current status should the project not
3 move forward.

4
5 Mr. Johnson confirmed that if the matter is denied, the property will remain zoned R-1-8 Residential
6 Office. Residential Office allows a use that is similar to what is proposed but allows limited
7 commercial uses such as medical and dental buildings along the Highland Drive frontage road. With
8 R-1-8 zoning, a rezone would be required but would be compliant with the current General Plan.
9 Utilities to the property are to be provided by the builder at the developer's expense.

10
11 Commissioner Ebbeler reviewed the GIS records on the property showing how it was constructed in
12 1950 and he believed the home's vernacular is nothing exceptional. He has previously owned,
13 renovated, and listed historic properties and did not believe the homes' were of architectural of
14 historical significance.

15
16 Chair Allen explained that the land use map enables the City to look into the future to determine
17 zoning changes and a property's designation but is not the defining ordinance.

18
19 ***Commissioner Chappell moved to recommend APPROVAL to the City Council of the General Plan***
20 ***Land Use Map Amendment portion of Project ZMA-22-001 based on the following:***

21
22 ***Findings:***

- 23
24 1. ***The proposed zoning and land use designations are compatible with the goals of the***
25 ***General Plan.***
26
27 2. ***The application was pursuant to 19.90 of Cottonwood Heights City Code.***
28
29 3. ***A public hearing was held in accordance with local and state requirements.***
30

31 ***Commissioner Wilde seconded the motion. Vote on motion: Commissioner Wilde-Aye,***
32 ***Commissioner Mills-Aye, Commissioner Andersen-Aye, Commissioner Chappell-Aye,***
33 ***Commissioner Ebbeler-Aye, Chair Allen-Aye. The motion passed unanimously.***
34

35 ***Commissioner Anderson moved to forward a recommendation of approval to the City Council for***
36 ***the General Plan Zone Map Amendment portion of Project ZMA-22-001 based on the following:***
37

38 ***Findings:***

- 39
40 1. ***The proposed zoning and land use designations are compatible with the goals of the***
41 ***General Plan.***
42
43 2. ***The application was made pursuant to 19.90 of Cottonwood Heights City Code.***
44
45 3. ***A public hearing was held in accordance with local and state requirements.***
46

1 *Commissioner Ebbeler seconded the motion: Vote on motion: Commissioner Wilde-Aye,*
2 *Commissioner Mills-Aye, Commissioner Andersen-Aye, Commissioner Chappell-Aye,*
3 *Commissioner Ebbeler-Aye, Chair Allen-Aye. The motion passed unanimously.*
4

5 **4.0 Consent Agenda.**
6

7 **4.1 Approval of Planning Commission Minutes.**
8

9 **4.1.1 January 5, 2022, Planning Commission Minutes.**
10

11 *Commissioner Mills moved to approve the minutes of January 5, 2022. Commissioner Wilde*
12 *seconded the motion. The motion passed with the unanimous consent of the Commission.*
13

14 **4.1.2 January 19, 2022, Planning Commission Minutes.**
15

16 *Commissioner Ebbeler moved to approve the Minutes of January 19, 2022. Commissioner*
17 *Anderson seconded the motion. The motion passed with the unanimous consent of the*
18 *Commission.*
19

20 **4.1.3 February 2, 2022, Planning Commission Minutes.**
21

22 *Commissioner Mills moved to approve the Minutes of February 2, 2022. Commissioner Ebbeler*
23 *seconded the motion. The motion passed with the unanimous consent of the Commission.*
24

25 **5.0 Adjournment.**
26

27 *Commissioner Anderson moved to adjourn. Commissioner Mills seconded the motion. The motion*
28 *passed with the unanimous consent of the Commission.*
29

30 *The Planning Commission Meeting adjourned at 7:27 p.m.*

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, March 2, 2022.*
3

4 Teri Forbes

5 Teri Forbes
6 T Forbes Group
7 Minutes Secretary
8

9 Minutes Approved: April 6, 2022
10