

PLANNING COMMISSION  
Thursday, May 23, 2013 7:00 p.m.  
City Office Building  
10246 N Canyon Road, Cedar Hills, Utah

Present: Glenn Dodge, Chair, Presiding  
Commission Members: David Driggs, Donald Steele, Bradley Weber, Michael Geddes (7:03 p.m.)  
Absent: Craig Clement, Emily Cox  
Chandler Goodwin, City Planner  
Scott McMahan, Code Enforcement Officer  
Courtney Hammond  
Others: Rich Welch-Garbett Homes, John Neoport-Garbett Homes

PLANNING COMMISSION

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 7:00 p.m. by C. Dodge.
2. Public Comment  
No comments.

SCHEDULED ITEMS

3. Approval of Minutes from the April 25, 2013, Planning Commission Meeting

**MOTION: C. Driggs—To approve the minutes from the Planning Commission meeting dated April 25, 2013.** Seconded by C. Weber.

Yes	-	C. Dodge	
		C. Driggs	
		C. Steele	
		C. Weber	Motion passes.

4. Review/Recommendation on Preliminary Plat for Bridgestone Plat D, located at approximately 4500 West and Harvey Boulevard  
Staff Presentation:

Chandler Goodwin stated that Plat D is a solitary building of 3 units. The original concept was for 4 units, but that plan wouldn't work because of an existing sewer lateral. The provided elevations match the elevations approved by the City Council for Plats F & G.

Rich Welch of Garbett Homes stated that the only difference between the plans for Plat D and Plats F & G are that Plat D is a three-plex. Plat D contains a new side elevation, which closely matches the side elevation for the end units in the four-plexes.

Commission Discussion:

C. Driggs stated that he walked the area. The only open space of size is where Plat D will be built. There is very little open space in the development.

C. Geddes was recognized as a voting member.

**MOTION: C. Steele—To move forward with this project by recommending to City Council that they grant preliminary approval for Bridgestone plat D.** Seconded by C. Geddes.

Yes - C. Dodge  
C. Driggs  
C. Geddes  
C. Steele  
C. Weber Motion passes.

5. Review/Recommendation on Final Plat for Bridgestone Pats F & G, located at approximately 4500 West on Harvey Blvd

Staff Presentation:

Chandler Goodwin stated that the major changes have been to the elevations, adding brick and Hardi board. The other major change is to the open space. Originally the plan was to allow residents to enclose their private area behind the units. To increase common open space, the backyards are open space with no private fencing allowed. The closest distance between back yards is 15 feet. Residents own their footprint; the Home Owners Association owns the common area. The minimum length of the driveway is 20 feet. One of the buildings had to be shifted to accommodate that minimum length.

Rich Welch stated that water rights were submitted when the plat was originally recorded in 2007.

Commission Discussion:

C. Geddes: while he doesn't like the amount of garage on the face, he likes that they face each other in the plans.

C. Driggs read a section of the code that requires 4-foot sidewalks. He is concerned that there is no sidewalk across the street from the school. Another section of the code states that when a subdivision borders a major street corridor, a fence should be constructed. If a fence is required, the upper side elevations should be beautified because as currently designed only the stucco would be seen above the fence line. He would like to see units 69 to 72 moved back to increase the proximity between units 69 and 68 and allow for a sidewalk along 4380 West to meet the sidewalk code.

Chandler Goodwin stated that the city can choose to waive construction of the sidewalk on the non-access side in order to discourage school foot traffic on the Bridgestone side of the street. Harvey Boulevard is a major collector road and seems to require a fence. He will talk to City Manager David Bunker about how far building units 69-72 can shift to the north and west.

C. Weber stated that his reading of the fencing ordinance indicates that the fencing materials should be grey, tan or white vinyl, with the additional provision that the City Council can approve any other fencing material they deem appropriate.

C. Dodge stated that he has a problem with the proximity of units 69 and 68.

**MOTION: C. Geddes—To recommend approval of Plats F & G with the following stipulations: that there be an open fence along Harvey Boulevard; that there be a sidewalk constructed on 4380 West on the west side of the road; and that building 69-72 be moved back approximately 5 feet to the north and 5 feet to the west to be worked out with the City Manager to conform with site requirements and existing utilities. The fencing ordinance is in section 10.5.18.F.** Seconded by C. Weber.

Yes - C. Dodge  
C. Driggs  
C. Geddes  
C. Steele  
C. Weber Motion passes.

Commission Break at 8:19 p.m.  
Resumed at 8:25 p.m.

6. Review/Recommendation on Amendments to Title 3, Chapter 1 or the City Code, Regarding Residential Rental Properties Business Licensing Staff Presentation:

Scott McMahon stated that he made the suggested changes to tighten the definition of a rental unit. He changed it to “any non-owner occupied dwelling unit that is used for or designated for use as a single family home or residence by one or more persons and available to be rented, loaned, leased or hired out, with or without consideration to be used or occupied as a home or residence.” He also added a requirement for written 72-hour notice to the property owner and tenant before an inspection and an allowance for tenants to be present during the inspection. If a business or individual doesn’t have a business license the first step is for the city to find proof that a business is being conducted. The business is then notified with a cure period. If it does not then comply, a summons is issued because operating without a business license is a Class B misdemeanor.

Chandler Goodwin stated that as currently written a business license is required for every person/corporation with a rental unit no matter how many rental units they own. Some other considerations are a base fee plus an additional fee per extra rental to cover additional inspection costs.

Commission Discussion:

C. Driggs stated that he feels that while the rental unit definition has been improved, the larger problem is the city’s definition of a family. The definition of rental unit does not stipulate length of time, to address the concern for weekend rentals, vacation rentals, etc.

Scott McMahon stated that based on case law, a definition of a family based on numbers, relationship, etc. would be thrown out.

**MOTION: C. Weber—To approve recommendations for rental dwelling unit additions to city code to include a fee schedule of \$65 per business license with \$25 for each additional rental unit and for the City Council to consider a duration provision for this as well.** Seconded by C. Geddes.

Yes - C. Dodge  
C. Driggs  
C. Geddes  
C. Steele  
C. Weber

Motion passes.

7. Discussion/Review on Conditional Use Permits

Scott McMahon stated that there is a problem in the City Code with requirements for Conditional Use Permit (CUP) approval from Planning Commission. The Planning Commission is not currently reviewing those CUPs nor may it always be the most appropriate body to review some CUPs.

Chandler Goodwin stated that he got City Council feedback on this. He proposed approving bodies for each of the CUP section, with some being approved by the business licensing official, some by the Planning Commission, and others by the Zoning Administrator.

C. Steele stated that he feels the Planning Commission should be seeing new home occupation licenses, but not renewals.

C. Driggs stated that the Planning Commission shouldn't defer these situations to staff because it doesn't want to deal with it. No matter what the business is, or how innocuous it may appear, it can have a real impact on neighbors.

C. Geddes stated that a trained business licensing official would have more training than the Planning Commission in many of these matters.

8. Committee Assignments and Reports

Chandler Goodwin will not be able to attend the June Planning Commission meeting.

ADJOURNMENT

9. This meeting was adjourned at 9:09 p.m. on a motion by C. Geddes, seconded by C. Weber, and unanimously approved.

Approved: June 27, 2013

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Colleen A. Mulvey, CMC  
City Recorder