

PUBLIC HEARING AND PLANNING COMMISSION MEETING

Thursday, October 27, 2011 6:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a Public Hearing(s) in connection with their Regular Planning Commission Meeting on Thursday, October 27, 2011, beginning at 6:00 p.m.

PLANNING COMMISSION MEETING

1. Call to Order
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments on agenda items. (Comments limited to 3 minutes per person with a total of 30 minutes for this item)

PUBLIC HEARING(S)

3. Amendments to the City Code 10-6A Regarding Planned Commercial Development Projects and the Guidelines for the Design and Review of Planned Commercial Development Projects
4. Concept/Preliminary Plan for Bridgestone, Plat C, Located at Approximately 4500 West and 9400 North

SCHEDULED ITEMS

5. Approval of Minutes from the September 29, 2011, Public Hearing and Regular Planning Commission Meeting
6. Review/Recommendation Regarding Amendments to the City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects
7. Review/Recommendation on the Concept/Preliminary for Bridgestone, Plat C
8. Discussion Regarding Bee Keeping
9. Discussion Regarding Assisted Living Group Homes
10. Discussion Regarding Fences in The Cedars (West)
11. Committee Assignments and Reports

ADJOURNMENT

12. Adjourn

Posted this 26th day of October, 2011.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission and the staff.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	10/27/2011

Planning Commission Agenda Item

SUBJECT:	Review/Action Regarding City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: City Council has asked that the Planning Commission review city code regarding temporary food vendors (i.e. shaved ice shacks) and to determine the need to change current code in order to allow these types of establishments.	
PREVIOUS LEGISLATIVE ACTION: 7-28-2011: Planning Commission recommended no change to current ordinance. 8-25-2011: Planning Commission tabled and asked staff to further research how other cities handle temporary food sales on undeveloped property.	
FISCAL IMPACT: Small amounts of tax revenue, inspection and administration costs	
SUPPORTING DOCUMENTS: Proposed changes to City code 10-6A-2	
RECOMMENDATION: Review the recommended ordinance.	
MOTION: To recommend approval of the changes regarding City Code 10-6A, Planned Commercial Development Projects with the following changes...	

Proposed Additions

Cedar Hills

City Code 10-6A-2

Design Guidelines 3.2

- Currently in 3.2 there is a use table which outlines Permitted Use and the Conditional Use. Create a new use type called Temporary Use.
 - To the use types the city would add the following:
 - Carnivals
 - Circuses
 - Firework Stands
 - Christmas Tree Lots
 - Shaved Ice Stands
 - Farmer’s Markets
 - Retreats
 - Political Rallies

General Limitations

- All applicants for a temporary use permit shall secure a temporary use permit according to the provisions of this chapter and shall obtain the permit prior to beginning of any associated activities. All temporary use permits shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled event or temporary use is to take place.
- Temporary uses based in accordance with the provisions of the chapter may include, but are not limited to, the following: carnivals, circuses, firework stands, Christmas tree lots, shaved ice stands, farmer’s markets, retreats, or political rallies. As such, temporary uses shall be restricted to the following zones: **XXXXXXXXXX ***Insert commercial zones here*****.
- Temporary uses shall be allowed for no more than a maximum thirty (30) day duration during any one (1) calendar year.
 - Exceptions
 - Shaved ice stands and farmers’ markets shall be permitted from May 1st to September 30th
 - Christmas tree lots shall be permitted from November 15th to December 31st

- When applying for a temporary use permit the applicant(s) shall submit the application to the zoning administrator, pay the required fee for the temporary use and submit the following details along with a full site plan:
 - Shows location of structure
 - Dimensions to all property boundaries and structures
 - Shows proposed parking locations and traffic flow patterns
 - Shows vehicular access and exit locations
 - Location of portable restroom facilities
 - Provides details on the exterior facade (materials, colors, etc.)
 - Signage plan to comply with existing city ordinances
 - Include date, hours of operation and anticipated daily attendance (i.e. number of vehicles and number of patrons)
 - Land owner agreement with owner of temporary structure
 - Restoration plan of site upon termination of the temporary use

- A temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.

- A temporary use permit shall not be required for a garage or yard sale as long as the following provisions are met:
 - The garage/yard sale is kept entirely on private residential property
 - The goods offered for sale shall consist of mainly personal belongings
 - Goods offered for sale, tables, display racks, or chairs shall not be placed on or over a public sidewalk or in a public right-of-way

- The right to occupy the temporary site shall be secured by a written agreement with the owner of the parcel and the owner of any temporary structures. The agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.

Standards, Safety and Traffic

- No temporary use structure shall exceed a total foot print of one-hundred twenty (120) square feet. The total height of the temporary structure shall not exceed a total height of ten (10) feet as measured from the highest point of the structure to the natural grade directly below the structure. The zoning administrator shall provide a written exception on a case by case basis to both the square footage requirement and the height requirement if the zoning administrator deems that the temporary structure will not have any undue detrimental effects on adjacent property or create additional blight within the city. Special consideration will be given to neighboring properties, traffic flow, light, and safety.

- Such temporary facilities shall be placed and oriented so as not to interfere with any surrounding residences, commercial buildings, or adjacent properties. Extreme care should be taken to minimize any light or noise impacts to adjacent properties.
- All structures shall not be permanently affixed to the ground but should be temporarily affixed to the ground with no less than four (4) points and as approved by the zoning administrator.
- For each temporary use structure there must be provided, at a minimum, of one (1) off street parking stall per sixteen (16) square feet of the temporary use footprint. All parking shall meet the off-street parking standards as set forth in city ordinances and as specified by the zoning administrator.
- Parking surface shall be provided on a gravel (or suitable alternative) surface rather than an asphalt or concrete parking surface. The parking size shall be adequate to meet the requirements as set forth above.
- For each temporary use structure there must be provided a temporary restroom facility on site during the duration of the temporary use permit or event.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	10/27/2011

Planning Commission Agenda Item

SUBJECT:	Review/Recommendation on the Concept/Preliminary for Bridgestone, Plat C
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: We did not get the preliminary submissions from Perry Homes.	
PREVIOUS LEGISLATIVE ACTION: Continued from the September Planning Commission Meeting.	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: N/A	
RECOMMENDATION: Staff would recommend tabling this item to the next meeting.	
MOTION: Move to table this item to the November Planning Commission Meeting.	



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Zoning Department
DATE:	October 27, 2011

Planning Commission Agenda Item

SUBJECT:	Discussion on Hobby Beekeeping.
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Brad Kearn – Zoning Administrator
BACKGROUND AND FINDINGS: <p>The City has received requests regarding bee keeping within city limits. Currently the City does not have any regulations on bee keeping. From what staff has been able to research, Utah County does not have any regulations on bee keeping and refers only to what has been adopted by State Code which mainly states bee keepers have to register with the Department of Agriculture and get a permit.</p> <p>The Planning Commission is to discuss/consider amending the zoning ordinance regarding hobby bee keeping. Roman, with the Beehive Condo Co-op, owns and operates a local bee and honey business. He currently manages over 600 hives. He is here to explain to the Commission the State regulations for beekeeping, the fundamentals, and the benefits of beekeeping.</p> <p>If the Planning Commission decides if beekeeping is a positive attribute to the City, should there be communal locations for the hives, and/or permit individual homeowners to keep bees?</p>	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: See attached suggested Apiary requirements	
RECOMMENDATION: To amend existing Ordinances as proposed and allow changes to proceed to City Council.	
MOTION: To approve amended Ordinances; (applied to all zones).	

APIARY REQUIREMENTS:

An apiary is allowed in any zone which allows single-family residential, with the following requirements:

- A. Lots may contain two (2) hives per ten thousand (10,000) square feet, but not more than four (4) hives or equivalent capacity. Hives must be located in the side or rear yard.
- B. Each beekeeper shall be registered with the Utah department of agriculture and food.
- C. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
- D. Hives shall be placed at least five feet (5') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive, provided, however, that this requirement may be waived if permission is attained in writing by the adjoining property owner.
- E. Hives shall be operated and maintained as provided in the Utah bee inspection act.
- F. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
- G. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

issues&trends

New York minds its bees-ness

URBAN BEEKEEPERS IN NEW YORK CITY no longer have to keep the honey of their labors a secret. The city's health board voted in March to overturn a longtime ban on beekeeping within city limits, which had been put in place because the bees were considered hazardous, according to the Associated Press. The movement to end the ban picked up after first lady Michelle Obama had a hive installed on the South Lawn of the White House. "There are very few instances of people being stung," says David Vigil, a coordinator at the urban agriculture group East New York Farms!, which conducts seminars on beekeeping and has two hives at its youth garden in Brooklyn.





CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	10/27/2011

Planning Commission Agenda Item

SUBJECT:	Discussion Regarding Assisted Living Group Homes
APPLICANT PRESENTATION:	Jared Osmond
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: Mr. Osmond requested that Cedar Hills consider changing our current city code to allow for Assisted Living Facilities, the City Council asked that the Planning Commission review the subject and make a recommendation. The Utah State Department of Human Services currently regulates these types of facilities, and any facility of this type would have to meet federal, state and local requirements.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: With this change of use the impact on the infrastructure will be greater than what the original intended use is.	
SUPPORTING DOCUMENTS: Jared Osmond submissions	
RECOMMENDATION: Consider impact fees for the new use. Ensure that the ordinance does not allow residents that will cause a danger to the neighborhood. If allowed staff recommends that applicants obtain the required licensing through the State, similar to other cities.	
MOTION: To continue this item to the November Planning Commission Meeting and direct staff to...	



Osmond Luxury Home Health Care
Luxury Home Environment
At a fraction of the Cost

1. A 2000 square foot CARE TAKER'S HOME CONNECTED TO THE PROPERTY.
2. A 8000 square foot EXECUTIVE LUXURY ASSISTED LIVING HOME
3. A 3000 square foot detached GARAGE WITH 1000 square foot bonus room!
4. A pond with fish, a fire pit and WALK OUT BASEMENT.
5. Live in a great home / rent to family or friends next door / run a business with

(3784 Valley View Drive, Cedar Hills)

R432-270-2. Purpose.

This rule establishes the licensing and operational standards for assisted living facilities Type I and Type II. Assisted living is intended to enable persons experiencing functional impairments to receive 24-hour personal and health-related services in a place of residence with sufficient structure to meet the care needs in a safe manner.

R432-270-1. Legal Authority.

This rule is adopted pursuant to Title 26, Chapter 21.

R432-270-4. Licensing.

A person that offers or provides care to two or more unrelated individuals in a residential facility must be minimally licensed as an assisted living facility

Assisted living facilities must provide each resident with a separate living unit. Two residents may share a unit upon written request of both residents.

An individual may continue to remain in an assisted living facility provided:

- (a) the facility construction can meet the individual's needs;
 - (b) the individual's physical and mental needs are appropriate to the assisted living criteria; and
 - (c) the facility provides adequate staffing to meet the individual's needs.
- (8) Assisted living facilities may be licensed as large, small or limited capacity facilities.
- (a) A large assisted living facility houses 17 or more residents.
 - (b) A small assisted living facility houses six to 16 residents.
 - (c) A limited capacity assisted living facility houses two to five residents.

Cedar Hills City Responsibilities would be:

1. Issue a building permit for an ADA compliant home remodel.
2. Under Title 26 Chapter 21 of the Utah Health Code a Residential Care Facility for the elderly falls under the guidelines of a small assisted living and can function in any current residential zone. No special zoning changes required. This is a state approved function like a group home.
3. Owners of the Residential Care Facilities are to apply for a business license through the city and then adhere to the state requirements and inspections of the State Health Department.
4. After State inspections and guidelines are met, the city will issue the business license.

Utah Code
Title 26 Utah Health Code
Chapter 21 Health Care Facility Licensing and Inspection
Act
Section 2 Definitions.

(5) (a) "Assisted living facility" means:

(i) a type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:

(A) require protected living arrangements; and

(B) are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and

(ii) a type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.

(b) Each resident in a type I or type II assisted living facility shall have a service plan based on the assessment, which may include:

(i) specified services of intermittent nursing care;

(ii) administration of medication; and

(iii) support services promoting residents' independence and self sufficiency.

Impact on the community:

1. Much less than a traditional business such as a Bed and Breakfast (Already allowed in this zone)
2. Minimal traffic. Only live in staff of 2 single women will have cars. We currently have 10 off street parking stalls and two homes connected to each other.
3. There would be an assessment of the physical health of the tenants each week to determine if they could stay and function in this home.
4. Possible van on the property to take the residents to off property activities.
5. This home that was adopted in to Cedar Hills from Pleasant Grove would become the "model example" of what a luxury residential Assisted living should look like in the greatest city in Utah.

My vision:

"Osmond Luxury Home Health Care"

I am dedicated to providing the State's best care (for my parents and other tenants) with a price tag that is well below of any other home in the state providing this level of care, luxury, attention and comfort.

I will have the best staff, the best meals and the best environment on planet earth. I live close to this home and it will be a personal undertaking to see that the tenants here will pampered and protected.

I will furnish everything from my personal furniture store "Osmond Designs Furniture" in Orem and Lehi. It will be amazing and it will help ease the burden and need of the coming Baby Boomer generation.

It is anticipated that approximately 25% of all Americans will be over the age of 65 by the year 2020. There will simply not be enough care facilities available.

B. Assisted Living Facility for Elderly Persons. Upon application to the Department of Development Services, the Director of Development Services shall grant a permit for the establishment of an assisted living facility for elderly persons (SLU Code 1281) in a residential zone if the applicant meets the following requirements:

1. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
2. The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.
3. The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.
4. The facility is occupied only by individuals 60 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight elderly persons (unless a variance is given for the size of the structure).
5. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah State Department of Corrections or any court.
6. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.
7. No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.
8. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
9. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.
10. An assisted living facility for elderly persons located in an existing residential dwelling shall be capable of use as an assisted living facility for elderly persons without structural or landscaping alterations that would change the structure's residential character. Any new structure constructed for use as an assisted living facility for elderly persons shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity.
11. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
12. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than an assisted living facility for elderly persons or the structure fails to comply with all building, safety, health, and zoning requirements of the Orem City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as an assisted living facility for elderly persons.



CITY OF CEDAR HILLS

TO:	Planning Commission
FROM:	Greg Robinson, Assistant City Manager
DATE:	10/27/2011

Planning Commission Agenda Item

SUBJECT:	Discussion Regarding Fences in The Cedars (West)
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Greg Robinson, Assistant City Manager
BACKGROUND AND FINDINGS: City Council asked that the Planning Commission review the fencing ordinance for The Cedars (West) subdivision. A resident in this area would like to install privacy fencing at his home. The Cedar HOA fencing regulations are a part of the development agreement between the City and the developer; it only allows HOA residents to have open wrought iron fencing. If the Cedars HOA has the support of its members then they can work with the City Council to change the terms of the development agreement in order to get a different type of fence.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: N/A	
RECOMMENDATION: Staff recommends that the current fencing ordinance is appropriate for the City, and that before the city looks to make changes to The Cedars development agreement that the HOA confirms that they have the support of the members.	
MOTION: To recommend to the City Council to...	