

PLANNING COMMISSION MEETING
Thursday, October 27, 2011 6:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Cliff Chandler, Chair, Presiding
Commission Members: Trent Augustus, Donald Steele, Glenn Dodge, Gary Maxwell
(6:10 p.m.), Daniel Zappala (6:10 p.m.)
Greg Robinson, Assistant City Manager
Brad Kearl, Chief Building Official
Courtney Hammond, City Meeting Transcriber
Others: Karissa Neely, Jared Osmond, Roman Frazier

PLANNING COMMISSION

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 6:05 p.m. by C. Chandler.

2. Public Comment (6:05 p.m.)

No comments.

Trent Augustus was recognized as a voting member.

PUBLIC HEARINGS

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 (6:05 p.m.)

No comments.

4. Concept/Preliminary Plan for Bridgestone, Plat C, Located at Approximately 4500 West and 9400 North (6:06 p.m.)

No comments.

SCHEDULED ITEMS

5. Approval of Minutes from the September 29, 2011, Public Hearing and Regular Planning Commission Meeting (6:06 p.m.)

MOTION: C. Augustus - To approve the minutes from the September 29, 2011 meeting. Seconded by C. Dodge.

Yes - C. Augustus
C. Chandler
C. Dodge
C. Steele

Motion passes.

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 (6:07 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this item has been continued from the past few meetings. C. Augustus worked on putting something together. His proposal is in the packet. The proposal includes provisions for carnivals/circuses, which currently involves a special events permit process. This ordinance may be a good place to incorporate that process. The appropriate zone on the first page is SC-1. There should be an appeal process spelled out in the ordinance. This proposal needs to explicitly state the protocol for removing the temporary structures. In the last discussion there was a list of requirements, which were all county requirements. They don't appear here because the County Health Department handles that enforcement, though there should be some reference to the county health requirements in the ordinance.

Brad Kearl stated that some cities have special requirements for carnival rides. The rides at the Family Festival don't merit those types of inspections; but if it were to grow into larger rides, it may be necessary. He favors creating a temporary use permit as opposed to the conditional use process because the conditional use process requires a lot of lead time with a Planning Commission and City Council review and approval. Creating the guidelines for a temporary use permit and letting the City make the determination would be more appropriate. He would like to see asphalt/concrete parking allowed if it is preexisting.

Commission Discussion:

- C. Augustus stated that he took the information provided at the previous meetings and looked at other city ordinances. He then tried to balance what other cities do with what Cedar Hills needs. The size limitation of 10 x 12 is because that is the size that is allowed for portable sheds. He favors leaving hours of operations out of the ordinance. A business doesn't stay open during hours when it is unprofitable.
- C. Chandler stated that on page 2, bullet 2, he would eliminate traffic/parking issues and insert "all requirements associated with the proposed use." He would also like to add "Utah County requirement [applicable requirement number] shall be complied to, proof of which will be provided to the Chief Building Official."
- C. Steele stated that he is opposed to creating a new category of temporary use. He doesn't think it is necessary. He would prefer these types of facilities be a conditional use. He wants to see the word "natural" removed from "natural grade" in the first bullet under Standards, Safety and Traffic. He thinks it is reasonable to limit the operating hours of these permanent structures. It protects some of the nearby residents.
- C. Dodge stated that he doesn't want to see a square foot limitation. It will depend on the type of structure and use. The Chief Building Official can make that determination.
- C. Maxwell stated that the area where these uses are allowed is limited and it is currently a commercial area. There is no need to overthink some of these issues.

MOTION: C. Augustus - To table this for future discussion at the next Planning Commission meeting to give myself and staff time to rework language within the proposal. Seconded by C. Maxwell.

AMEND MOTION: C. Steele - To be formatted in typical ordinance format. Accepted by C. Augustus and seconded by C. Maxwell.

Yes - C. Augustus
C. Chandler
C. Dodge
C. Maxwell
C. Steele Motion passes.

7. Review/Recommendation on the Concept/Preliminary for Bridgestone, Plat C (6:57 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the developers of Bridgestone are still interested, but they did not submit their preliminary information in time for the city engineer to review.

MOTION: C. Maxwell - To table this item until the November Planning Commission meeting or until Perry Homes submits preliminary submissions. Seconded by C. Dodge.

Yes - C. Augustus
C. Chandler
C. Dodge
C. Maxwell
C. Steele Motion passes.

8. Discussion Regarding Bee Keeping (6:59 p.m.)

See handouts.

Staff Presentation:

Brad Kearl stated that he spent time driving around the City to look at possible locations for apiaries. The water tank is not suitable. The pocket park location at the end of Cottage Cove would be a great location. It is near water sources and can accommodate a lot of hives. A year-round, reliable water source, access to hives is important factors in bee keeping locations. The state already regulates bee keeping, and all bee keepers are required to be registered. The only zone they are allowed in currently is the R-1-20,000 zone. If beekeeping is allowed within the residential lots, he would limit it to lots over 10,000 square feet. He brought in Roman Frazier, a local beekeeper to talk about the hobby.

Roman Frazier stated that for most people the initial reaction is concern over a nearby hive, caused by a lack of education on honeybees. Bees are really only interested in gathering nectar.

They will protect their hive but only sting as a last act of defense. Five feet is needed from the hive for the flyaway. From there they quickly gain altitude. There are typically 80,000 bees in a hive. He feels that people are overanxious about honeybees. He also feels like it is too easy to regulate bee keeping to the detriment of pollination. He would caution against limiting numbers of hives at two or four because it limits proper bee keeping. If the City were to establish a bee park, he would limit the number of hives to about 50. The biggest potential problems with a community bee park are disease control.

C. Zappala excused. (7:32 p.m.)

The consensus of the Commission would be to see an action item that allows for apiaries and a designated community spot with regulations regarding disease control to protect all participants.

9. Discussion Regarding Assisted Living Group Homes (7:47 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Mr. Osmond has asked the City to look at amendments to city code to allow for an assisted living facility. The state designates this type of facility as a group home, which has a negative connotation. Orem has put together an ordinance that addresses some of the issues that a group home brings and uses language to distinguish it as an assisted living facility. This would change the property from a residential to a commercial-type property. This type of facility would have a greater impact on city infrastructure, which may change impact fees.

Jared Osmond stated that he is a small business owner and has been a general contractor. He is interested in assisted living in a residential setting. He has seen these types of facilities working well. Almost every city in Utah allows for assisted living in a residential setting. There is no special zoning required. It is regulated by the state. The City would need to ensure that the building was built to building code. He would like a luxurious assisted living without the luxury price tag. He owns a 10,000 square foot house. It is an odd house with an older home with a breezeway to a newer home. The older home would be a caretakers' home. In the current zone, the home could potentially be a bed & breakfast. The use as an assisted living would have much less of an impact on the neighborhood. He envisions a facility where everyone has their own suite. He proposes 16 resident suites. He intends to have four staff members on staff. The state requires all the regulations for health care. He is passionate about the subject. The home is on $\frac{3}{4}$ of an acre. There is one two-car garage, a one-car garage and a ten-car garage.

Brad Kearl stated that the amount of effort, time, and money Mr. Osmond will put in the property will make it an improvement over what is currently there. His biggest concern is off-street parking, though with this property and its use, he doesn't see a problem.

Commission Discussion:

- C. Maxwell stated that rather than impose impact fees, he would prefer to see a graduated scale based on actual usage. A large upfront fee may hinder some people from establishing these types of beneficial facilities.

- C. Chandler directed staff to continue this item until the November meeting and directed staff to compile and put together a preliminary ordinance for this facility and bring it back in November.

10. Discussion Regarding Fences in The Cedars (West) (8:30 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that a member of The Cedars HOA asked the Council to consider allowing The Cedars (west) to have privacy fencing. The fencing ordinance allows privacy fencing, but the HOA CC&Rs do not allow it. Currently they only allow wrought iron open fencing. In his opinion, the Planning Commission doesn't have to do anything with this issue because the ordinance allows it. It needs to be addressed through the City Council and the HOA.

Commission Discussion:

- C. Maxwell stated that The Cedars needs a consensus among the HOA members. At that point they can take it to the City Council.
- C. Steele stated that the Planning Commission does not enforce CC&Rs. There is a provision in the CC&Rs for amending them. As long as they are consistent with the city's ordinances, the City has nothing to do with this item.
- C. Augustus stated that he has served on The Cedars HOA, including as president. From his understanding, the City required open fencing as a condition of the high density. The wrought iron open fencing is part of the development agreement. There is nothing in the CC&Rs about fencing; it is all in the development agreement. To change the development agreement requires a super majority of the residents and approval by the City Council. As HOA president, he had residents tell him they would sue if the fencing was changed. The two residents that came to the City Council came on behalf of themselves, and not the HOA. One returned to the next meeting to clarify to the Council that he was not representing the HOA.

The consensus of the Commission is this is something that needs to be taken back to the HOA and, if necessary, the City Council. The current fencing ordinance is adequate.

11. Committee Assignments and Reports (8:45 p.m.)

Greg Robinson reported that Hart's gas station is interested in the commercial area. There has also been some interest from an independent gas company.

ADJOURNMENT

12. Adjourn

This meeting was adjourned at 8:52 p.m. on a motion by C. Augustus, seconded by C. Dodge, and unanimously approved.

Approved by Commission:
November 17, 2011

/s/ Kim E. Holindrake
Kim E. Holindrake, City Recorder