

PLANNING COMMISSION MEETING

Tuesday, August 18, 2015 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive

Present: Glenn Dodge, Chair, Presiding
Commission Members: Craig Clement, Jeff Dodge, John Dredge, David Driggs, LoriAnne Spear, Donald Steele
Chandler Goodwin, Assistant City Manager
Jenney Rees,
Courtney Hammond, Meeting Transcriptionist
Others: Cory Shupe, Doug Young, Mike Geddes, Smart Family, Rob Crawley, Trent Augustus, Marisa Wright

PLANNING COMMISSION MEETING

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.

MOTION: C. Dodge—To change the public hearing to be after item 3 on the agenda.

Seconded by C. Driggs.

C. Dodge wants to give people the opportunity to respond to the presentation. He intends for the public to be able to respond after the presentation, and then the Commission would deliberate.

Yes	-	C. Dodge	
		C. Jeff Dodge	
No	-	C. Clement	
		C. Driggs	
		C. Steele	Motion fails

PUBLIC HEARING

Preliminary Plan for Rosegate at Cedar Hill Development, located at approximately 4600 West and Cedar Hills Drive in the SC-1 Commercial Zone

No comments.

SCHEDULED ITEMS

3. Review/Recommendation on Preliminary Plan for Rosegate at Cedar Hill Development, located at approximately 4600 West and Cedar Hills Drive in the SC-1 Commercial Zone

Chandler Goodwin stated that over the course of the project, a number of concerns have been voiced over this development. One such concern is traffic. The traffic study showed that during peak traffic (7-9 a.m.) there would be no change to level of service. The traffic study was performed as a congregate care facility. It would remain at an A or B level. Parking demands at

similar facilities is about .48 stalls per unit. The parking provided at this facility is 1:1 plus parking in the neighboring retail parking. The code allows for a maximum height of 30 feet at midline of roof. The Rosegate facility measures at 29 feet to midline of roof. The setback required is a minimum of 30 feet. This building is set back 90-100 feet. The city has the ability and capacity in the current infrastructure to service the building for sewer and water. In the previous proposal much of the open space was encompassed by the building, and was not visible or accessible to the public. The current plan has broken up the building and made the open space visible to residents. All the outdoor lighting is contained on the property. The landscape plan is at 37% and meets the landscaping requirement of 30%.

Cory Shupe stated that the new design of the building addresses the concerns of breaking up the façade and opening up the building to allow access to the open space. The entire congregate care facility is in the subzone office/mixed use. Congregate care/assisted living is listed as a conditional use in that subzone. There are three retail pads that will be developed in the future in the neighborhood retail subzone. The landscaping areas will feature pickleball, large gathering areas, water features, small gathering areas, putting greens, bocce ball courts and gardens. Along the residential border there are at least 15 feet deep landscaping, a retaining wall and a solid privacy fence, which will screen the neighbors from any light pollution. The main street will be developed as part of the congregate care facility. This plan does not incorporate a walking path along the south side, but it can be incorporated. As part of the project, they plan to bury the power lines. No one under the age of 19 is allowed to live in that facility.

Doug Young stated that he has spoken with the adjoining property owners and the road that straddles the property line will be built all at once with their cooperation. The irrigation easement that is in the backyards of the neighbors to the south is going to be abandoned, which will allow trees to be planted. The parking stalls will include both reserved and guest parking. He is highly motivated to get the commercial pads filled and built.

C. Dodge stated that he is not as impressed with the entrance. It doesn't seem quite as grand as in past plans. He wouldn't mind seeing more dormers to break up the roofline.

C. Driggs stated that he would like to see a list of included amenities to ensure that this is a congregate care facility. He would like to see that list as a part of the application. This building accommodates the guidelines, though he doesn't necessarily like that such a large portion of the commercial zone is not commercial in nature.

C. Clement read the definition of congregate care with which they are working. It includes providing directly, or through independent vendors nutritional, social, housekeeping and other services. This is a conditional use and a conditional use permit and development agreement will be written that spells out all the details. Land use decisions are based on code. He has spent some time carefully going through the Design Guidelines with this preliminary plan submission to ensure that it meets the guidelines and code. He didn't find any violations of the code. Some of it may go against the spirit of the guidelines, but the Design Guidelines does not contain many mandatory requirements. Rather, it speaks of vision and preferences and encouragement. Case law favors the property owner in cases of ambiguity. Because congregate care is found to be

substantially similar to assisted living, this building falls under the uses of assisted living, and not residential.

C. Steele stated that there are people on the commission and council who are local residents who adjoin the property, who should explain where they live. The job of the commission is to judge the project in conjunction with the ordinances. The City Council may handle the political issues of the development. The Planning Commission does not. His opinion is that the Planning Commission has been diligent in reviewing these proposals according to city code.

MOTION: C. Jeff Dodge—To recommend to the City Council the site plan, engineering plans, architectural elevations, drainage plans, lighting plans traffic study, and all other engineering and drawings related to the proposed Rosegate Congregate Care facility located at 4600 W Cedar Hills Drive submitted to the Planning Commission and to the City Council, including adopting the previous determination by the City Council made on December 2, 2014 that the “Congregate Care” use of he facility as explained by the applicant is substantially similar to the “Assisted Living” use allowed in the Mixed-Use Office Retail Zone for the subject property. Seconded by C. Clement.

Yes	-	C. Clement C. Dodge C. Jeff Dodge C. Steele	
No	-	C. Driggs	Motion passes.

Break taken at 8:30 p.m.
Reconvened at 8:35 p.m.

4. Approval of the Minutes from the June 30, 2015 Special Planning Commission Meeting

MOTION: C. Steele—To approve the minutes from June 30, 2015 Special Planning Commission Meeting. Seconded by C. Dodge.

Yes	-	C. Clement C. Dodge C. Jeff Dodge C. Driggs C. Steele	Motion passes.
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5. Discussion on Conceptual Plans to Subdivide Fred Levine’s property, located at 3939 W 4000 N in the PR 22 Planned Residential Zone

Chandler Goodwin stated that Mr. Fred Levine owns an acre parcel and would like to subdivide to put another lot in back. Any time there is a subdivision, the city requires improvements be installed to bring the subdivision to current city code, such as sidewalk, curb and gutter. Mr. Levine is in the portion of the city that is surrounded by Pleasant Grove, which does not have the same standards. Mr. Levine has gotten bids for the required improvements. The total cost came to be \$80,000-90,000, which makes developing the property prohibitive. Mr. Goodwin stated that he has emphasized with Mr. Levine that the city and Planning Commission need to abide by

the city code. A variance would have to come from the Board of Adjustment. The Board of Adjustment can only hear his case pending a denial. This item was intended to be a review/recommendation item.

6. Discussion on Scheduling a Special Meeting to Review the Commercial Guidelines

A special meeting will be planned for Thursday, September 17 at 6:00 p.m.

C. Jeff Dodge suggested that the Planning Commission consider and look at density and scale as important items to add to the Guidelines.

ADJOURNMENT

7. This meeting was adjourned at 9:03 p.m. on a motion by C. Jeff Dodge, seconded by C. Steele and unanimously approved.

Approved:
September 17, 2015

/s/ Colleen A. Mulvey, MMC
City Recorder