

PLANNING COMMISSION MEETING

Tuesday, March 28, 2017 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: David Driggs, Chair Presiding
Commission Members: Jared Anderson, Craig Clement, Jeff Dodge, John Dredge,
Brian Miller, Steven Thomas
Absent/Excused: LoriAnne Spear
Chandler Goodwin, City Manager
Courtney Hammond, Transcriptionist
Rob Crawley, City Council Representative
Others: Angela Johnson

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 7:01 p.m. by C. Driggs.

C. Clement, C. Driggs, C. Dodge, C. Dredge, and C. Thomas were recognized as the voting members for this meeting.

2. Public Comment

No comments.

PUBLIC HEARING

Conditional Use Permit for a Bed and Breakfast and Wedding Venue located at 9914 North 4000 West in the RR-1 20,000 Residential Zone

No comments.

3. Approval of Minutes from the January 24, 2017 Planning Commission Meeting

MOTION: C. Clement—To approve the minutes from the January 24, 2017 Planning Commission Meeting. Seconded by C. Dodge.

Yes - C. Clement
C. Dredge
C. Dodge
C. Driggs
C. Thomas Motion passes.

4. Review/Action on Approving a Conditional Use Permit for a Bed and Breakfast and Wedding Venue located at 9914 North 4000 West in the RR-1 20,000 Residential Zone

Chandler Goodwin stated that there are two issues here, a bed and breakfast conditional use permit (CUP) and a change use from primary residential. Code allows for bed and breakfast with a conditional use permit. The standards for granting a CUP include mitigating potential detrimental effects affecting health, safety or well being, any injurious use, buffering of adjacent areas, and that the use be compatible with the general plan and follow standards of the zone. The code for bed and breakfast requires 200 feet of structure, rooms based on square footage, no food

prepared in the bedrooms, adequate parking, building inspection and a business license. The code requires that bed and breakfast be in historical buildings, though there are none in the city. Any future sign would have to meet city code. Conditional use runs with the land. The city attorney recommended that if the commission approves the conditional use permit, it do so contingent upon a change to the city code requiring a historical structure.

Teresa Moore stated that she would prefer to go this route and give money to the city through licensing rather than to use Airbnb to list rooms for rent.

David Driggs stated that the governor signed House Bill 253. It allows people to list their homes as Airbnb-type businesses. He visited the Moore property. As he understand it, Mrs. Moore doesn't want to get into the hotel business as much as rent the rooms as part of the wedding venue. The commission may want to limit overnight guests to those that accompany the event.

C. Dodge stated that one condition that may be considered is requiring a bed and breakfast to be owner occupied. The number of bedrooms available to rent may be a condition as well.

C. Miller stated that the commission should start by considering the impact to neighbors. There is adequate parking, and the more intimate nature of a bed and breakfast limits some of the negative impacts of a hotel.

MOTION: C. Driggs—To approve the conditional use permit application for a bed and breakfast facility located at 9914 North 4000 West in the RR-1 20,000 Zone subject to the following conditions that City Code 10-5-25(B)(2) “Historic Structure” be struck from city code by the Planning Commission and City Council and that an inspection according to 10-5-25(B)(9) that the facility and building passes inspection by city officials—the building inspector—and that the conditional use applicants can obtain a business license as required in section 12 of that code, and that the bed and breakfast be owner-occupied. Seconded by C. Thomas.

Yes - C. Clement
C. Dredge
C. Dodge
C. Driggs
C. Thomas Motion passes.

Chandler Goodwin stated that staff has looked at this as a home business license, though it doesn't meet those provisions. Mrs. Moore has had 150 events on the property for family and friends. There has been an increased interest in renting the venue. The CUP permit that applies is a change in the primary use to commercial, though the underlying use would be residential, which would allow for another use. Four items need to be addressed: lighting, parking, sound and traffic. Currently lighting is limited to tree lighting. Lighting and noise would be shielded by a fence. Inflow on the south would reduce automobile lighting concerns. There are 65 parking stalls. The easiest way to address noise is to follow the noise ordinance. The fencing ordinance does not allow for 6-foot fencing in the front setback. It seems appropriate given that the house is setback 150 feet, to start the fence at 30 feet from the property line.

C. Dodge stated that this is an outdoor venue, and that may need to be stated in the CUP. The applicant anticipates about 12 events per year, which makes any inconvenience to neighbors manageable. Limiting the number of events in the CUP may be nice.

Teresa Moore stated she anticipates that this is a reception venue. She is willing to put solar lighting around the ditch. The parking stall locations range from 10' x 8' and 10' x 20'. Eventually she would like to build a parking lot in the northeast corner. The fence that will be installed is a sound barrier fence. The irrigation ditch is dangerous and she worries about it all the time. During events she hires people to patrol the ditch.

C. Thomas stated that he is not concerned about the type of event located at the venue, whether it is wedding or corporate event. The impact is the important part. That area already has a church, baseball field and fire department. He doesn't see this venue adding unduly to the traffic situation in the area. He is worried about limiting the number of events because any number chosen is arbitrary. If all the potential nuisances have been mitigated through conditions, he doesn't want to put another limitation to the number of events. He would like to make the requirements as minimal as possible.

C. Driggs stated that he is concerned about the open ditch for safety. He would like handicapped stalls designated, and to limit the venue to 20 events per year for general welfare.

C. Clement stated that any condition on the flow of parking circulation is unnecessary. Automobile lights will not affect the neighbors upon exiting.

The Commission agreed to the following conditions:

Circulate parking from south to north to mitigate automobile lights on neighboring houses.

Limit lighting to Christmas lights in trees.

Install solar lighting around ditch.

Designate handicap stalls.

Install a 6-foot fence 30 feet from property line.

Limit events to 20 per year.

Enforce the noise ordinance strictly.

MOTION: C. Clement—To approve the conditional use permit for a change in the primary use of residential property located at 9914 North 4000 West subject to following conditions, based on Cedar Hills City Code 10-5-25 and 10-5-37, the change in use to allow weddings and receptions. Conditions for the permit include: lighting limited to Christmas lights in tree and solar lights along ditch for safety; fence to be installed for noise and lighting control 6 feet high beginning 30 feet back from the front property line on the north and south sides of the property; parking to designate handicapped stalls; strict adherence to the noise ordinance; and limited to 20 events per year based on section 10-5-37 subsection (G)(2)(d) which states the proposed conditional use will not present an otherwise detriment to the health, safety or welfare of persons or properties in proximity to the proposed conditional use. Seconded by C. Dredge.

Yes - C. Clement
C. Dredge

C. Dodge
C. Driggs
C. Thomas Motion passes.

5. This meeting was adjourned at 9:07 p.m. on a motion by C. Dodge, seconded by C. Clement and unanimously approved.

Approved:
July 25, 2017

/s/ Colleen A. Mulvey, MMC
City Recorder