

**PLANNING COMMISSION MEETING**

Tuesday, May 22, 2018 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: John Dredge, Presiding  
Commissioners: Jared Anderson, LoriAnne Spear, Steve Thomas  
Absent/Excused: David Driggs, Jeff Dodge  
Chandler Goodwin, City Manager  
Joel Wright, City Attorney  
Gretchen Gordon, Deputy City Recorder  
Jenny Peay, Planning Associate  
Jenney Rees, Mayor  
Others: Rance Jones, Cory Shupe, Kirk Young, Karen Holbrook, Greg Holbrooke, Andrew Adams, Howard Hansen, Mary Hansen, Bruce Baird, Tyler Gardner, Chris Bramhall, Dave Free, Cheri Condie, Alicia Poulton-DeMill, Doug Young, Melissa Grant, Martin Wardell

1. Call to Order

This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 7:04 p.m. by Vice Chair John Dredge. C. Thomas and C. Anderson were recognized as voting members.

**MOTION: C. Anderson—To adjust the agenda as follows: move Items 6, 7, and 8 to the beginning of the meeting.** Seconded by C. Spear.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

*Note: The agenda items have been renumbered from the published agenda, so as to follow a chronological order throughout this document.*

2. Public Comment

There were no public comments.

3. Review/Recommendation on Amendments to the City Code Title 10, Chapter 3 Regarding the Creation of the PD-1 Planned Development Zone, and to Amend the Official Zone Map to Reflect Creation of this Zone

Chandler Goodwin, City Manager, explained the property was located at 4600 West and Cedar Hills Drive. He said the City had been working with the developer for six years on this property. The original project proposed 291 units and the Council gave preliminary approval with

conditions. He explained that the conditions were challenged to the State Property Ombudsman, and the State ruled on the conditions. The City and the developer had worked out a development agreement for this property, and part of the agreement would create a new zone in this property. He explained this new PD-1 Planned Development Zone was exclusive to this parcel. The zone would match the language of the other zones while allowing the developer to create the 80 unit single family development with a small commercial zone development.

Mr. Goodwin noted the code 10-4C-5 needed to be edited. He explained that the road profile was dictated by the settlement agreement. There was discussion on the site setbacks and Mr. Goodwin indicated that he had asked the Planning Commission to take this information into consideration. The dwelling requirements were standard to other residential zones.

C. Dredge opened the public hearing.

Bruce Baird, legal counsel for the applicant, thanked Mr. Goodwin for giving the history of the project. He explained that this project would lead to more PD-1 type zones in Cedar Hills. He said standard zonings did not give flexibility to developers and explained that the reason there was little time to discuss the project was due to the settlement agreement. He said they had been very cooperative with the City's staff in moving the project forward.

Cheri Condie, resident, stated she had sent a letter with questions. She said this was a good plan but thought they could do better. She asked the Planning Commission to continue the hearing so the public could read the details of the agreement. She said the project would be an asset to the community and Cedar Hills.

C. Dredge closed the public hearing.

Mr. Goodwin explained this project was under an accelerated timeline due to the agreement. He said if the final approval was given by July 31<sup>st</sup> the developer would complete the road from the intersection to the property line.

C. Anderson asked Mr. Goodwin to discuss the design guidelines. Mr. Goodwin explained the design guidelines stipulated how the subdivision would look. He described the required designs and the prohibited items for the subdivision. The design renderings were then presented.

C. Dredge asked if the private streets had to be approved by the fire department. Mr. Goodwin answered in the affirmative. Commissioner Dredge said he was concerned with the setbacks and explained that the homes would be too close together. Mr. Goodwin stated that this was something the developer requested and explained that the Planning Commission could require the setbacks to be based on the fire code.

It was noted that the private roads would be built to City specifications, but the road profile would not be to the City's width standard. Mr. Goodwin stated that this was common in the City.

There was subsequent discussion regarding the PD-1 zone, and Mr. Goodwin explained that if a developer wanted this type of a project they would have to apply for a PD-1 zone. The rezoning was at the discretion of the City.

**MOTION: C. Spear—To recommend to the City Council the creation of the PD-1 Planned Development Zone, as presented by Cedar Hills City staff, to be located on the approximately twelve acres at 4600 West Cedar Hills Drive as part of the Settlement Agreement between Cedar Hills Farmland, LLC and the City.** Seconded by C. Anderson.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

- Public Hearing—Review/Recommendation on Amendments to the City Code Title 10, Chapter 3 Regarding the Rezoning of Certain Portions of Area Currently in the SC-1 Commercial Zone to the PD-1 Planned Development Zone, and to Amend the Official Zone Map to Reflect this Change

Bruce Baird made a comment; however, due to crosstalk, his remark was inaudible on the audio recording.

4. Review/Recommendation on Amendments to the City Code Title 10, Chapter 3, Regarding Re-Zoning of Certain Portions of Area Currently in the PF Public Facilities Zone to the R-1-11,000 Residential Zone, and the Rezoning of Certain Portions of Area Currently in the SC-1 Commercial Zone to the PD-1 Planned Development Zone, and to Amend the Official Zone Map to Reflect These Zone Changes

**MOTION: C. Thomas— To recommend the proposed changes to the City Council related to the official Cedar Hills Zoning Map, amending portions of the SC-1 Commercial Zone to be rezoned as PD-1 Planned Development Zone and amend the zoning map to reflect this change.** Seconded by C. Spear.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

5. Review/Recommendation on the Conceptual and Preliminary Plan Approval for the Cedar Canyon Subdivision, located at approximately 4600 West and Cedar Hills Drive

Mr. Goodwin explained that the zone consisted of 80 single-family homes and a small commercial-use parcel. He noted there was a site plan meeting on May 11<sup>th</sup>, and that the fire, public works, and engineering departments had all reviewed this zone. The engineering review was completed and sent back to the developer with items that needed to be addressed before the June 19<sup>th</sup> Council meeting. He then discussed the following:

- easements for utilities;

- the fence that surrounded the property;
- site distances around corners;
- lowering speed limits to 15 mph;
- renaming Wildflower Street;
- a fence break for access; and
- a drop-off at the road's dead-end.

A question was raised as to why there were sidewalks only on one side of the street. Mr. Goodwin explained that it was typical for these types of developments to have sidewalks on one side; the sidewalks would connect the two parks. There was subsequent discussion on the setbacks and buffers.

Mr. Goodwin explained that there was discussion with the Fire Chief regarding the proximity of homes and the narrowness of the road. He said they would add additional fire hydrants to ensure the safety of the homes.

Mr. Goodwin discussed pressurized irrigation (PI) laterals and the water metering. He continued that the City wanted to reduce the size of the retention basin. He said they decided to keep the basin at .5 acres. They chose to use grass instead of rock in the retention basin to keep the area as open space.

Mr. Goodwin explained that the Commission needed to address the grade breaks for the road profile. He also noted the termination point of 4700 West dropped off significantly and therefore needed to be graded.

C. Dredge opened the public hearing.

Bruce Baird stated that this was a preliminary plan approval. He said they were willing to implement engineering details to reasonably comply with building and fire codes, and would work with the City staff on the matter. This was a planned community and they would be aware of commercial uses.

Cherie Condie, resident, said she was concerned with the sidewalks. She noted the streets would be narrow and trucks would make things dangerous for children playing in the streets. She said she appreciated they were making improvements with the retention basin. She suggested they include more open space. She asked if a professional urban planner would review the development.

Jean Peaslee, resident, said they would regret not putting sidewalks in on both sides of the road. She said she thought the homes were too close together.

C. Dredge closed the public hearing.

C. Thomas explained that the proximity of these homes was similar to attached housing, and he reassured those in attendance that fire emergencies could be handled. He said he appreciated the effort to preserve single-family homes. Mr. Goodwin noted there was a shortage of housing

right now, and cities had been encouraged by the State to change their planning strategies to accommodate statewide growth. As a result, high density housing was occurring in cities all around Utah.

Mr. Goodwin noted the road width was discussed in the settlement agreement. He explained that other communities had these types of narrow streets. He said the community would enforce its own parking, which would only occur on the one side of the road. There was further deliberation on the matter.

Mr. Goodwin explained that traditional open space included parks and the City did not have many parks. He stated that trail systems and golf courses were classified as open space, and these accounted for a large portion of the City's open space. C. Spear asked how much open space the retention pond fulfilled. Mr. Goodwin said it was over 10% and added that there were options in the future to include a park into the design.

The question was raised as to whether or not vegetation requirements were similar to the commercial zone. Mr. Goodwin said he had not reviewed this particular detail. He noted they would plant trees and install a privacy fence on the south border.

Mr. Goodwin said he met with David Driggs about his concerns. C. Driggs had suggested they add architectural elements above the fence line and not have a solid vinyl fence. In addition, they could put in a stone column about every three to four posts to add some interest for the fencing.

**MOTION: C. Thomas—To recommend to the City Council the Conceptual and Preliminary Plan as presented by staff to be located on approximately twelve acres at 4600 W Cedar Hills Drive and as part of the Settlement Agreement between Cedar Hills Farmland, LLC and the City, subject to the adoption of redline engineering notes.**

Seconded by C. Spear.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

6. Approval of Minutes from the February 27, 2018 and the March 27, 2018 Planning Commission Meetings

CORRECTIONS: February 27<sup>th</sup> Meeting

- Page 5 – listed as detention basin, should be retention basin
- Page 7 – C. Dredge stated that he works near a storage facility, not at a storage facility

**MOTION: C. Anderson—To approve the minutes of the February 27, 2018, and March 27, 2018 meetings, with the aforementioned changes.** Seconded by C. Spear.

Yes - C. Anderson  
C. Spear  
C. Thomas

7. Review/Recommendation on Amendments to the City Code Title 10, Chapter 3 Regarding the Rezoning of Certain Portions of Area Currently in the PF Public Facilities Zone to the R-1-11,000 Residential Zone and to Amend the Official Zone Map to Reflect this Zone Change

Mr. Goodwin explained the County developed the zone in 1976. The area in question was zoned for open space but remained in private ownership. He explained private owners could request a rezone. Rance Jones, developer, was requesting to build a single-family lot.

Mr. Jones stated that he lived in American Fork and wanted to move to Cedar Hills. He explained the surrounding neighbors were encroaching on this property due to the land not being maintained. He was proposing to deed the neighboring homeowners the property that had been encumbered. He would then take about .5 of an acre and build a home. He stated that he would be giving away approximately two-thirds of land.

C. Anderson asked Mr. Jones to account for the improvements he made on the property. Mr. Jones explained he had a background in development and appraisals. He was proposing to offer the contiguous property to extend the homes that had encroached on the open space. He explained the open space was already partially developed because of the encroachments. If the property was rezoned, it would protect the homeowners and the City from liabilities.

Mr. Goodwin noted the action requested was not for an approval for a building lot. The request was for a recommendation for rezoning and to remove the open space. He explained that Mr. Jones could return for a subdivision approval once the land was rezoned and the open space was removed.

C. Thomas said this action was not considered a “taking” because the lot had been identified as open space for over 40 years. There was subsequent discussion regarding the value of the property.

C. Dredge opened the public hearing.

Greg Holbrook, resident, explained that the subject property was directly behind his home, and he was representing some of his neighbors during this public hearing. He said he reviewed the proposal and concluded that nothing had changed since the last time this was discussed. He noted the property had always been open space and requested that it remain as such. He asked the Planning Commission to forward a recommendation reflective of this request to the City Council.

Cheri Condie, resident, said she hoped the Council reviewed the discussion on this property from last year. She explained the property was set apart as open space and the surrounding land owners bought the property based on the open space requirements. She said there was a desire for park land along the trails and residents did not consider the golf course open space. She read

City code pertaining to the duty of the City to provide the residents with open space. She presented a petition with 150 signatures of individuals opposing the rezone.

Dave Free, resident, stated that the development would encroach on his view. He said he bought his home with a view of the lake and the temple. He encouraged the City to purchase the land to avoid revisiting the issue continuously.

C. Dredge closed the public hearing.

C. Dredge stated that any parcel in the City that was privately owned could petition the City for rezoning.

C. Spear added that she did not think one house would increase the density for the entire community. She noted that if the neighbors were encroaching in the open space it was no longer open space.

A resident by the name of Jean, whose last name was not stated for the record, explained that when they moved to the area the land in question was on fire repeatedly. Jean said that if they put up a fence it would be unsafe. A comment was made in response to Jean's remarks, in which it was noted that there were no fences or structures currently built on the property.

Tyler Gardner, resident, said there was a fence installed over 30 years ago. He then described the areas where encroachments were taking place. There was subsequent discussion on the changes made on the open space property and it was noted that the changes were marginal.

Mr. Jones stated that the property was no longer open space because the neighbors were using the land. There was a precedent for land owners to claim land if uncontested for 18 years.

**MOTION: C. Anderson—To take a 10 minute recess.** Seconded by C. Spear.

Yes	-	C. Anderson	
		C. Spear	
		C. Thomas	
		C. Dredge	Motion passes

*Note: The Commission recessed for ten minutes beginning at 8:53 pm.*

C. Anderson explained the PF zoning did not make sense if the property was privately owned. He noted there was no recreational use of the open space property. He said a property view was not legally protected and explained that there was a better use for the subject property.

C. Spear explained that the open space was not supposed to be used by the encroaching neighbors. She stated the property should be purchased if it was being used. Presently, the subject property was not being used correctly and it did not belong to the neighbors.

C. Thomas raised several issues and stated that the encroachment was a problem. He explained the City was changing and development was evolving. The Planning Commission had to

approach their decisions based on the current situation. He said he did not have any problem with allowing the corner lot to be developed. If the subject property was rezoned, they would not be able to control the future proposals on the other lots.

Mr. Goodwin asked Mr. Wright if the City had the ability to limit a zone to one lot. He noted they had to consider the unintended consequences of the decisions being made on this item.

C. Dredge said the majority of the open space was not usable and was unattractive. He said it was a steep hill and full of weeds, and explained that a trail would be the best use of the property.

Dave Free said there was an argument to take the property out of the PF zone to an R-1-11,000 zone for weed abatement. He said the City currently cannot enforce weed abatement and the owner has no need to upkeep the property. He explained the City wanted the property to look nice. It was stated the property did not need to be rezoned for weed abatement; the owner was notified of this information.

Mr. Goodwin said the homeowners could potentially subdivide their property in the future. He explained that this was a future unintended consequence of dedicating the open space to the neighboring homes. The Commission deliberated upon best uses for the subject property.

**MOTION: C. Anderson—To continue this item until the next meeting.** Seconded by C. Spear.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

8. Review/Recommendation on Final Plan Approval for the Wardell Subdivision, located at approximately 9730 N Canyon Road in the R-1-15,000 Residential Zone

Jenny Peay explained that Mr. Wardell wanted to subdivide his parcel. She explained the current building would be retrofitted to meet the new zoning requirements, which would allow for the sewer lines to be installed during the Canyon Road project. She said Mr. Wardell received approval for a second access point and it would include curb, gutter, and a sidewalk. The setback for this zone would typically be 30 feet, and would be located 80 feet from the center line of Canyon Road. She noted the preliminary plans were approved on February 22<sup>nd</sup> and the Council approved the plans on March 6<sup>th</sup>. The final plat was under review by Bowen & Collins to make sure the red lines were corrected. She said they would have the corrections before the next meeting and staff was recommending approval.

C. Dredge commented that there were smaller lots and the driveways looked steep. He stated the culinary water meter was on the edge of the driveway, and he was informed that the red lines addressed this issue.

C. Dredge opened the public hearing. Seeing none, he closed the public hearing.

**MOTION: C. Thomas—To approve the Final Plan for the Wardell Subdivision.** Seconded by C. Spear.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

9. Review/Recommendation on Amendments to the City Code Title 10, Chapter 5-26 related specifically to School Signs in the Public Facilities Zone

Ms. Peay explained that the current sign at Cedar Ridge Elementary was in disrepair. She noted the code did not allow digital signs but they had revised the code to allow one for schools in the PF zone. She said they had discussed how to regulate the sign and addressed these issues in the amendment to the code. The messages were not to scroll, flash, or be generally distracting.

C. Spear asked if there would be information for elections on the sign, and she was informed that this would be admissible. After subsequent discussion, a clerical error in the document was corrected.

C. Dredge opened the public hearing. Seeing none, he closed the public hearing.

**MOTION: C. Spear—To recommend the proposed amendments to Cedar Hills Municipal Code 10-5-26, relating to signage in the PF Public Facilities Zone, subject to the following: removal of reference to “scrolling” and making the sign height correction.** Seconded by C. Thomas.

Yes - C. Anderson  
C. Spear  
C. Thomas  
C. Dredge Motion passes

10. Review/Recommendation on Amendments to the City Code Title 10, Chapter 5-32 related to Accessory Apartments

Jenny Peay presented the staff report and explained the proposed corrections to the above stated section of City Code. C. Dredge mentioned the following:

- He noted there were spaces missing in I-1
- He requested clarifications to be made in reference to L-Parking
- He asked if accessory apartments were allowed in the PD-1 Zone. Mr. Goodwin indicated that they would not be allowed.

**MOTION: C. Spear—To approve and recommend the proposed amendments to Cedar Hills Municipal Code 10-5-32, relating to accessory apartments, subject to the following modifications: correction of grammatical errors on I and L.** Seconded by C. Thomas.

Yes - C. Anderson  
C. Spear  
C. Thomas

C. Dredge Motion passes

11. Discussion on Size of Buildings Allowed in the SC-1 Commercial Overlay Zone

Mr. Goodwin explained that staff wanted to limit the size of footprints for buildings that generated sales tax. They were proposing to draft a code that limited the size of the building to about 35,000 square feet. There was discussion on how this affected open space. Mr. Goodwin asked for direction on drafting this code. There was discussion on the percentage of building utilization that was sales tax generating.

12. ADJOURNMENT

This meeting was adjourned at 10:06 p.m. on a motion by C. Spear, seconded by C. Anderson and unanimously approved.

Approved:  
July 10, 2018

/s/ Colleen A. Mulvey, MMC  
City Recorder