

SPECIAL PLANNING COMMISSION MEETING

Tuesday, July 10, 2018 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: David Driggs, Chair, Presiding
Commissioners: John Dredge, Jared Anderson, Jeff Dodge
Absent/Excused: LoriAnne Spear
Chandler Goodwin, City Manager
Gretchen Gordon, Deputy City Recorder
Jenny Peay, Planning Associate
Others: John Condie, Cheri Condie, Shawn Moon, Brooke Richardson, Eric Richardson, Bradley Hunter, Angela Hunter, Tyler Gardner, Daniel Goudy, Cory Shupe, Andrew Bee, Elijah Jeffery, Daniel Jeffery, Rance Jones, Chris Bramhall, Mark Greenwood, Charlie Openshaw, Joel Wright, Marie Kraft, Ken Kraft

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 7:00 p.m. by Chair David Driggs.

2. Public Comments: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to three minutes per person with a total of 30 minutes for this item.)

Cherie Condie thanked the Commission for their service. She asked the Commission to not do the rezone for portions of the PF Public Facility Zone. She explained the land was open space and believed that the City was in short supply. She said this decision could set a dangerous precedent and cause unintended consequences. She encouraged the Commissioners to practice patience and restraint concerning this matter.

Eric Richardson stated that cell phone towers were not allowed on residential property to ensure open space for the community. He expressed opposition to a proposed rezone for this reason.

C. Driggs noted there were two Planning Commission Alternate vacancies, and he encouraged citizens to apply.

PUBLIC HEARING

- Review/Recommendation on Final Plan Approval for the Cedar Canyon Subdivision located at approximately 4600 West and Cedar Hills Drive

C. Driggs stated that this parcel received preliminary approval at the last Planning Commission meeting in May.

Cheri Condie said she understood there was a deadline on the approval. She stated the amenities

that should be in the subdivision were being left out. For example, there was not enough parking, the storm water drainage was not sufficient, and there was not enough open space for the residents. She noted there had not been a transportation study for the parcel. She suggested the City prepare for traffic mitigation by requiring an escrow account funded by the developer in the event vehicular and pedestrian congestion became unsafe. She observed that many developments in Utah had moved forward with threats and lawsuits rather than adherence to master plans. Mediations and core actions are steered by real estate controlled legislature which has the ability to manipulate small communities and disrespect the expertise of planning commissions. She suggested the City take control of the general plan to direct the future growth, not developers.

- Review/Recommendation on Preliminary Plan Approval for the Cedar Hills Gateway Commercial Subdivision located at approximately 9826 North 4800 West

Cheri Condie said the Planning Commission needed to envision the end result of the development despite this being a preliminary plan. She asked the Planning Commission to consider making the parking as safe as possible. The density of the project could make the parking lots unsafe, and with one less plot planned for the subdivision they could make significant improvements to the parking. The majority of pedestrian and traffic accidents happened in parking lots, and it was important to have clearly defined four-way stop signs and engineered clearances at corners and intersections. This was necessary to make the development walkable and safe. She reiterated one less plot would allow for these safety measures.

Andrew Bee stated that his home was behind this development. He was concerned about the planned road through the development because of the increased traffic through his neighborhood. He was in favor of the developer including more green space.

Bradley Hunter stated that he lived close to this development. He said his biggest concern was the road planned through the development. He was also concerned about the green space being moved and asked they put the green space where it was originally planned.

Ken Craft concurred with the previous comments. He said the road should be built closer to the main road, which would help the neighborhood with congestion. He was concerned the road was dangerous as there were a lot of families with small children. He was in favor of the green space. In conclusion, he stated he was not against the development; however, he did not like how this project was being built.

Shawn Moon stated that he had the same concerns and agreed with the other comments. He stated this development would bring in more traffic and thought the developer could direct the traffic away.

3. Approval of Minutes from the May 22, 2018, Planning Commission meeting.

MOTION: C. Anderson—To accept the minutes as presented. Seconded by C. Dredge.

Yes - C. Driggs
C. Dredge

C. Anderson
C. Dodge Motion passes

4. Review/Recommendation on Final Plan Approval for the Cedar Canyon Subdivision located at approximately 4600 West and Cedar Hills Drive

Chandler Goodwin presented the staff report as well as an aerial map of the subject property. The development was an 80-lot subdivision. He explained the City had worked with the developer on this project in the past. The development was initially planned to be a 300-unit congregate care development with a small commercial portion on the west side. In 2015, the City Council approved the development with 14 conditions. The developer disagreed with some of the conditions and took the case to the ombudsman who ruled in favor of the developer. After the dispute, the developer approached the City to change the scope of the project to a residential development. The City had the choice to work with the developer or return to the congregate care facility. The Council decided it was prudent to work with the developer. The Council adopted the PD-1 Planned Development Zone for this parcel, which was the only one in the City. The zoning adheres to the development agreement which stipulates the criteria for the subdivision's design. He noted there was still a small commercial portion in the development.

Mr. Goodwin explained all the internal streets would be private but all infrastructures would be public. He noted there was a deadline for approval on July 31st. He said if the City approved the development by July 31st the developer agreed to install a commercial grade fence along the western portion of the project. The developer also agreed to extend a road.

C. Dredge asked about installing a gap in the wall to enable fire access on Wildflower Lane. Mr. Mark Greenwood stated that this was discussed and there would be a gap for fire and emergency access. C. Dredge asked if the developer planned to add additional fire hydrants, to which Mr. Greenwood answered in the affirmative. C. Dredge asked if they were metering the pressurized irrigation (PI) for individual homes, to which Mr. Greenwood answered in the affirmative. He explained the State legislature was encouraging individual metering of PI and they were anticipating this being a requirement in the future. C. Dredge asked if a traffic study had been performed, and Mr. Greenwood answered in the negative because there was no level of service change.

C. Dodge noted the lots appeared to be sloping down. Mr. Greenwood explained that this had been discussed and there was some concern. The developer was procuring more information from their engineer regarding this issue. C. Dodge asked if they could make it a condition to ensure the lots were not built sloping down. Mr. Greenwood stated there was no longer an ordinance that required the foundation to be six inches above the ground and road; therefore, the developer could build the lots in this manner.

Cory Shupe, with Blu Line Designs, noted they were architects and planners. He explained there were elements that dictated the elevation of the road. They needed the road at a certain elevation to connect to existing utilities. The driveways would not slope down into the garages; they designed the plots to drain appropriately.

C. Dodge noted there would be a garage on one side of the home and an entry on the other, which would be a tight fit with only 30 feet of width. Mr. Shupe agreed the homes would fit tightly on the plots. He stated that the engineers had considered how to comfortably position the homes. C. Dodge explained that the topography limited the usable area for the homes. Mr. Shupe said these issues depended on the specific homes that were selected for the lot. C. Dodge said his biggest concern was drainage considering the size of the homes on the small lots.

Mr. Goodwin explained that the retention basin needed to be adequate for the hard surfaces in the development. The engineers were currently verifying that the drainage capacity was sufficient. He continued explaining that the Cedar Hills code required each lot to maintain its own drainage. He noted this was done in every development in the City and typically was not an issue.

C. Dodge asked about the architectural review. Mr. Goodwin stated that this was done through the building and zoning process. He noted it was common to establish an architecture review.

C. Anderson asked what the rear setback was on the row of houses to the south of the development, and he was informed that the setback would be 10 feet. C. Anderson asked if there would be a landscape buffer. Mr. Goodwin stated that this issue would be discussed later. C. Driggs briefly mentioned a statement that was previously sent to the Commission by C. Spear, which discussed open space and the commercial area.

C. Driggs asked if the documents they were reviewing during the meeting were the same they reviewed in the preliminary meeting. Mr. Goodwin said no and explained these were updated documents. C. Driggs asked about the name change of Wildflower Lane. Mr. Goodwin explained that they planned on changing the name to Lily Lane. C. Driggs asked if there was enough of a radius for a car to turn around without using driveways on Wildflower Lane, to which Mr. Goodwin answered affirmatively.

C. Driggs noted parcels C and D were designated open space. He asked if there were plans to develop the parcels into parks. Mr. Goodwin explained they could designate these parcels as park space in lieu of open space. C. Driggs asked if the construction would be phased. Mr. Goodwin stated the development would be built on demand; the developer planned on starting with the public infrastructure and a few show homes.

C. Driggs noted there was discussion about requiring two design elements on the homes that faced north and east side of the project. He explained these elements would be required above the fence line grade. He suggested connecting these requirements to what was already in the settlement agreement.

C. Driggs explained that based on the settlement agreement, the developer was required to install a commercial grade fence on the west side of the project. He suggested they require that same type of fencing on the south side of the subdivision. He asked if this was too much to ask of the developer. C. Dodge stated he did not think this should be a requirement.

C. Driggs mentioned that a previous suggestion was made to break up the north and east side of the fence with stone columns, and making the fence not white. He suggested they make this a part of the motion.

C. Driggs suggested they include language in the motion stating that the commercial building be completed, built and available for use prior to the residential portion. Mr. Goodwin stated that this was not permissible, and explained that the developer planned on building when they found a tenant.

C. Driggs asked if there was fence along Lots 1 through 4. Mr. Goodwin answered in the affirmative and explained that it was a commercial grade concrete fence. C. Driggs asked if Lots 21 through 28, 36 and 34 had a fence in the rear. Mr. Goodwin said there was no fence required by the HOA. C. Driggs suggested they require a fence. Mr. Goodwin added that the fencing standard could be established in the CC&Rs.

C. Driggs asked if there were any designated crosswalks, to which Mr. Goodwin responded in the affirmative. Using the aid of an aerial map, he then identified where the crosswalks were located.

There was subsequent discussion regarding the types of trees that would be planted and how many were needed to create a buffer. Mr. Goodwin noted that in the settlement agreement, the City required the homes on the south end of the development to have trees to create a buffer.

Mr. Goodwin read the following recommended items that were discussed:

- Structural elements of access
- Slopes on south lots
- Landscape buffers
- Renaming Wildflower to Lily Lane
- Renaming open space to park space
- Architectural elements
- Commercial fence
- Specify fencing materials
- Fencing standard establishing in CC&Rs
- Vinyl fence on north and east side be non-white and have pillars/architectural feature to break up the design.

MOTION: C. Anderson—To recommend to the City Council the final plan as presented by Staff to be located approximately at 4600 West Cedar Hills Drive and as part of the Settlement Agreement between Cedar Hills Farmland LLC and the City, subject to the list added by Mr. Goodwin and incorporated in the minutes from tonight’s meeting. Seconded by C. Dodge.

Yes - C. Dredge
C. Anderson
C. Dodge
No - C. Driggs Motion passes.

C. Driggs stated that he was the only one that had given a no vote on any of these proposals. He stated that the Planning Commission was not given enough time to consider this item and the drainage needed to be contained on the property not on another parcel. He also was not happy about removing a pocket park. For these reasons, he was voting no on this proposal.

5. Review/Recommendation on Preliminary Plan Approval for the Cedar Hills Gateway Commercial Subdivision located at approximately 9826 North 4800 West

Mr. Goodwin explained that in order for the developer to develop this parcel they needed to find tenants first. This would prevent the risk of a development being vacant or rebuilt. He noted they were only approving the subdivision. He explained they had not done a traffic study because the tenants had not been defined. Their goal was to review and recommend the public improvements to the City Council.

In response to a question regarding whether or not the Commission could require a portion of the lots to be open space, Mr. Goodwin stated that each individual lot would be presented with a plan for development, including open space. The code allowed a developer to bring the percentage of open space to 25% and this could be accomplished by meeting certain landscaping requirements. The open space in a commercial zone was not required to be a park. He explained that the required amount of open space was 30% for the project. Mr. Goodwin did not know how much open space was provided by the retention basin.

Mr. Openshaw explained that they needed three acres of landscaping and the retention basin accounted for a half acre. This left them with another two and a half acres to install in the development. Mr. Openshaw explained that retailers understood landscaping was expected. He noted the east side of the development had a 30-foot easement that would be landscaped, and they anticipated a 15-foot landscape area on 4800 West.

C. Driggs asked about the storage facility. Mr. Goodwin said an overlay zone was created to include a storage facility in a specific area. He said this was a good use of land to create a buffer between residential and commercial.

Mr. Goodwin noted there was a master plan done several years prior concerning this area's traffic. Staff anticipated this being a problem and they were currently considering solutions.

C. Driggs asked if they could improve the access points onto North County Boulevard. Mr. Goodwin stated this part of the road was not in the City. He noted the several options the City had on their portion of the road. C. Driggs asked about the traffic onto 9900 North and 1800 North. Mr. Goodwin explained that there was a necessary access point to ease traffic on to those streets. There was subsequent discussion about the best location of the access point.

Addressing concerns expressed by Ms. Condie, Mr. Goodwin noted parking was a concern but they would approve projects on a case-by-case basis and adhere to parking standards. He explained the buildings were set back for a clear line of sight. He stated there was not a need for sidewalks on each side of the street but the project needed to be walkable. Staff encouraged the use of raise crosswalks throughout the project to slow traffic. They would implement several techniques to keep traffic calm throughout the development.

Mr. Goodwin explained that the storm water drainage system was collected at one point in an underground cistern; he identified the location on an aerial map of the subject property.

Mr. Goodwin explained that the Commission was not approving specific lot sizes, and buildings would still go through the approval process.

MOTION: C. Dredge—To recommend to the City Council the preliminary plan as presented by staff, located at approximately 9826 North 4800 West, subject to revising the public access easement for center road, connecting to North County Boulevard, widening for three lanes and modifying the public access easement on the south side to full access in, right out. Seconded by Jared Anderson

Yes - C. Driggs
C. Dredge
C. Anderson
C. Dodge Motion passes

MOTION: C. Driggs—To move switch Items #6 and #7 on the agenda. Seconded by C. Dodge.

Yes - C. Driggs
C. Dredge
C. Anderson
C. Dodge Motion passes

7. Review/Recommendation on Amendments to the City Code Title 10, Chapter 3, Regarding the Re-zoning 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 These Changes

Mr. Goodwin explained that there were two pieces of the Oak Road neighborhood under discussion. The Utah County Commission approved the subdivision in 1976. Subdivisions were required to have open space, but in 1976 there was no City to acquire the open space. The property was sold and the new owner was not trying to sell the property. The surrounding property owners and the City wanted to preserve this area as open space.

Mr. Goodwin stated that Rance Jones proposed a solution during the last meeting. He said this proposal would alleviate the concerns of everyone involved. Mr. Jones obtained a legal description for a triangular piece of land that would leave a 15-foot easement for future trail access. He said they would rezone this piece to allow one lot and negotiate the purchase of the remainder of the property. This was a reasonable option that would minimize the unintended consequences of rezoning and selling the property.

C. Driggs stated he was in favor of maintaining open space but they had to respect property rights. He felt that this was a good compromise. C. Dredge noted the City would be able to purchase the land. Mr. Goodwin asked if they could hear the concerns of the residents.

Tyler Gardner said he understood this was a compromise but he was concerned about a fence along the trail. He said this would create a narrow trail lined by fences. Mr. Gardner was also concerned about the City taking this property because the weed abatement would be difficult. Mr. Goodwin agreed there would be a narrow trail but was not concerned because it was a short length. He noted the homeowners had the choice to install privacy fences.

John Condie asked if the public would be able to hear about this new proposal. C. Anderson stated this was the public's opportunity to discuss the proposal. He asked Mr. Goodwin if this item would have another public hearing. Mr. Goodwin answered in the negative and said the item had been tabled. He explained there would be another public hearing at the City Council meeting.

C. Dodge asked if they were able to rezone a portion of a property that had not been subdivided. Mr. Goodwin explained that the property could have two zones for one lot.

Mr. Goodwin explained that emails, mailers, and postings were made for the May 22nd meeting where the public hearing was held when the item was tabled. Mr. Wright added that the purpose of the public hearing was to gather input from the public. He said the Planning Commission's requirements had been fulfilled and noted that the City Council would hold another public hearing.

C. Dredge said their goal was to balance the rights of property owners and maintain open space. He said this was a good compromise. Mr. Wright read from State Code 10-9A-102. He explained that he did not see a problem with the proposal. There was subsequent discussion on how to word the motion.

MOTION: C. Dredge—To table this until the next Planning Commission meeting with the understanding that it be fully noticed that this be a vacation of a portion Lot 26. Seconded by Jeff Dodge

Yes - C. Driggs
C. Dredge
C. Anderson
C. Dodge Motion passes

6. Discussion on Cargo/Shipping Containers as Accessory Structures

Mr. Goodwin explained that the City had requests to create an accessory structure from shipping containers. The suggestion was made that a resident could build a home with the shipping container if they added architectural elements, where it could potentially be more ambiguous. When asked if this would be legal under City code, Mr. Wright responded that it depended on where in the City the structure was built. It was noted that Heber City excludes shipping container structures completely in its city code. Mr. Goodwin said Cedar Hills needed to review them on a case-by-case basis. Staff indicated that they would put a proposal together.

8. Discussion on Building Requirements in the SC-1 Zone

Regarding the SC-1 Commercial Zone, Mr. Goodwin suggested the City require an actual percentage of earth tone on building and signage requirements. He used Walmart as an example that was not completely earth toned and it looked out of character. He noted this requirement was for signs and buildings. The suggestion was made to leave signage alone with more review and conditions. It was also suggested the buildings needed to be 100% earth tones.

9. Adjourn

This meeting was adjourned at 9:48 p.m. on a motion by C. Driggs, seconded by C. Dodge and unanimously approved.

Approved:
July 31, 2018

/s/ Colleen A. Mulvey, MMC
City Recorder