

**JOINT CITY COUNCIL AND PLANNING COMMISSION
WORK SESSION**

Tuesday, December 2, 2014 6:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Trent Augustus, Mike Geddes, Jenney Rees, Daniel Zappala,
Rob Crawley (6:08 p.m.)
Planning Commission Members: Glenn Dodge, Jeff Dodge, John Dredge
Donald Steele
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Jodi Hoffman, Emily Cox, Marisa Wright

This joint work session of the City Council and Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 6:03 p.m. by Mayor Gygi.

Mayor Gygi stated that the attorney from the Utah League of City and Towns, Jodi Hoffman, would like to meet with Councilmembers in an executive session.

MOTION: C. Rees--To go into Executive Session pursuant to State Code 52-4-205 to discuss pending or reasonably imminent litigation. Seconded by C. Zappala. (6:04 p.m.)

Yes - C. Augustus
C. Geddes
C. Rees
C. Zappala Motion passes.

*** EXECUTIVE SESSION ***

MOTION: C. Zappala--To adjourn Executive Session. Seconded by C. Rees. (6:24 p.m.)

Yes - C. Augustus
C. Crawley
C. Geddes
C. Rees
C. Zappala Motion passes.

Commercial Zone Discussion

Mayor Gygi stated that there has been discussion about the Planning Commission feeling that the City Council ignored their recommendations. The job of the two bodies is different. The Planning Commission and City Council can work in harmony, yet come to different decisions.

C. Rees stated that at the last Planning Commission meeting, Corey Shupe made a statement that their attorney had written a state statute relating to congregate care. She could not find any statute defining congregate care. The only reference she could find was in a report listing adolescent group homes as a congregate care facility. Pleasant Grove has a very specific code for what can be considered congregate care. If congregate care is allowed, she would like to specifically define congregate care so that it isn't construed to mean all the other definitions including group homes, foster homes, etc. There are two levels of assisted living. Assisted living facilities are required to be licensed, have staff 24/7, resident assessments, individualized service plans, etc.

C. Zappala stated that he is more comfortable putting into city code what is allowed. The code has a glaring gap in that it doesn't mention congregate care. He feels the proposal looks very much like an apartment building with meals prepared by residents and a few shared facilities. If the city wants to allow them to build, they should meet the standards of apartment buildings. He would much rather have a congregate care facility than an assisted living facility. If the city wants something closer to congregate care, the city should carefully craft code about what congregate care means.

C. Geddes stated that he does not see this as an apartment building. He has been to many such facilities and there is a big difference between a congregate care facility and an apartment building.

C. Augustus stated that there are many differences between assisted living and congregate care, but the question is the land use impact to the city.

C. Crawley stated that it is proposed for a commercial area, but feels residential to him. It's like trying to fit a square peg in a round hole. The city should take a step back and either define congregate care or redefine the code.

Jodi Hoffman stated that the city is not forced to allow high density residential, but are forced into following the code. The city code states that assisted living or convalescent care is a conditional use. The city would need to approve such a facility if mitigating conditions are agreed to. She suggested that council not get caught up in what such a facility is called, but rather in how it functions. If the Design Guidelines were adopted under the same conditions as code, than they carry the same weight as code, particularly because they are referenced in code. She suggested that the council start with the principle that property owners can do what they want with their land, though there is some discretion in zoning. There is a process in Utah that would give an opinion. The city would not be required to abide by that opinion, but that could open them up to some liability.

Chandler Goodwin stated that the Design Guidelines were adopted following public noticing requirements.

C. Jeff Dodge stated that page 7 of the Design Guidelines state that if a proposed use is not listed but can be shown to be substantially the same as a listed use, it can be treated as a listed item in the chart.

This meeting was adjourned at 6:59 p.m. by Mayor Gygi.

/s/ Colleen A. Mulvey, MMC
City Recorder