

PUBLIC HEARING AND PLANNING COMMISSION MEETING

Thursday, May 29, 2008 7:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Cliff Chandler, Chair, Presiding
Commission Members: Bobby Seegmiller, Glenn Dodge, Craig Clement, Gary Maxwell, Scott Jackman
Greg Robinson, Assistant to the City Manager-Planning
Kim Holindrake, City Recorder (7:22 p.m.)
Courtney Hammond, City Meeting Transcriber
Eric Richardson, Council Representative
Others: Dave Dimond, Brent Uibel, Harold Lefrandt

PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been posted throughout the City and the press notified, was called to order at 7:02 p.m. by C. Chandler.

PUBLIC HEARINGS

2. Amendments to the City Code Title 3, Chapter 1, Business Licensing – Premises Occupations and Title 10, Chapter 5, Section 23 (7:02 p.m.)

No comments.

3. Amendments to the City Code Title 3, Chapter 1, Business Licensing – Sexually Oriented Businesses (7:02 p.m.)

No comments.

4. Amendments to the Zone Map to change the upper water tank and pressurized irrigation tank site from the H-1 Hillside Development Zone to the PF Public Facilities Zone. The property is located at approximately 10440 North and 3600 West. (7:02 p.m.)

No comments.

SCHEDULED ITEMS

C. Seegmiller was recognized as a voting member.

MOTION: C. Chandler - To move item 11 to item 5, and item 8 to item 6. Seconded by C. Maxwell.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller

Motion passes.

11. Review/Recommendation on Amendments to the Zone Map to change the upper water tank and pressurized irrigation tank site from the H-1 Hillside Development Zone to the PF Public Facilities Zone. The property is located at approximately 10440 North 3600 West. (7:03 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the water tanks are currently in the H-1 Hillside Zone and need to move to the Public Facilities Zone.

MOTION: C. Jackman - To recommend approval of the proposed Zone Map change from the H-1 Hillside Zone to PF Public Facilities at the property located at approximately 10440 North 3600 West.
Seconded by C. Maxwell.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller Motion passes.

8. Review/Recommendation on Concept/Preliminary for the Dimond Subdivision (7:05 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the subdivision plan meets all zoning ordinances. The building might need to be setback further because of easements. Curb, gutter and sidewalks will need to be installed. David Bunker requested clarification on pressurized irrigation connections and power pole locations as well as submittal of drainage calculations, which can be provided to him at any time prior to approval. There is a shed on the existing easement that is not an issue as long as it is known that there is an easement there. Mr. Dimond said the shed is merely a roof for horses.

Commission Discussion:

- C. Maxwell recommended that the Dimonds disclose all easements to potential buyers.

MOTION: C. Maxwell - To approve the concept/preliminary plat for the Dimond Subdivision, subject to David Bunker's requirement with sewer easement, drainage calculations, pressurized irrigation connection, and power pole location and all water rights to be submitted to City. Seconded by C. Clement.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller Motion passes.

5. Approval of Minutes from the April 24, 2008, Public Hearing and Regular Planning Commission Meeting (7:13 p.m.)

MOTION: C. Clement - To approve the minutes from the April 24, 2008, Planning Commission Meeting. Seconded by C. Jackman.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller Motion passes.

6. Review/Recommendation on Concept/Preliminary Site Plan for Chase Bank (7:13 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this is Chase's second submittal. Their design is lacking. There are issues with the length of the unbroken wall, and they are proposing asphalt shingles. Representatives from Chase Bank are not present. Amsource is doing the landscaping, other than immediately around the building, so the building elevations are the only thing being submitted for review.

Commission Discussion:

- C. Chandler said that there is a Western Community Bank on the southeast corner of State and 1100 South in Pleasant Grove that has a design similar to what the City wants.
- C. Maxwell stated that the listed elevations do not match the site plan.

MOTION: C. Clement - To not approve the concept/preliminary site plan for the Chase Bank Site based on the lack of elements set forth in the Commercial Design Guidelines, specifically slate roofs, cupolas, varied building facades, and no long unbroken expanses of walls. Seconded by C. Maxwell.

Further Discussion:

- C. Jackman stated that he thinks the motion should address landscaping.

AMEND MOTION: C. Clement - To request the landscaping around the building be provided as well as any feature that will make up landscaping, such as stamped concrete. Seconded by C. Maxwell.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller Motion passes.

MOTION: C. Jackman - To move number 7 after number 10. Seconded by C. Maxwell.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller

Motion passes.

9. Review/Recommendation on Amendments to the City Code Title 3, Chapter 1, Business Licensing – Premises Occupations and Title 10, Chapter 5, Section 23 (7:22 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that this amendment cleans up some items resulting from moving Business Licensing out of Title 10. This moves Premise Occupations from Title 10 into Title 3. There were no significant changes to the text. The only changes were removing language when it was redundant, and changing “license administrator” to “City Recorder.”

MOTION: C. Maxwell - To recommend the proposed ordinance amending Title 3, Chapter 1, Business Licensing to the City Council, as amended in the document. Seconded by C. Clement.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller

Motion passes.

10. Review/Recommendation on Amendments to the City Code Title 3, Chapter 1, Business Licensing- Sexually Oriented Businesses (7:28 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the zoning administrator Brad Kearl put this proposal together. Because Brad Kearl was not in attendance, Greg recommended tabling the item. Kim Holindrake stated that state law does not allow municipalities to zone out sexually oriented businesses. The City has to provide a place for them. Orem City has placed them in their industrial center. It is difficult for a small city to find an appropriate zone. An ordinance has to be written that will go into Title 3, and Title 10 should state the zones in which they are allowed. These business owners look for cities that are unprepared. Something needs to be in place before there is a commercial area that they can enter.

Commission Discussion:

- C. Seegmiller stated that state law prohibits them from being within a certain distance from schools. Consequently they would not be allowed in all but 10 feet of the commercial zone because of proximity to schools.
- C. Chandler stated that there should be something in the ordinance addressing massage businesses. He requested that Sexually Oriented Businesses be on the next agenda.
- C. Jackman stated that the attorney should look at this document.

MOTION: C. Jackman - To continue this discussion next month after the attorney is able to review it, and Brad Kearl is able to attend. Seconded by C. Clement.

Further Discussion:

- Greg Robinson requested that any questions be submitted to city staff.

Yes - C. Chandler
C. Clement
C. Jackman
C. Maxwell
C. Seegmiller

Motion passes.

7. Review/Recommendation on Concept for HB Development Group Cedar Hills Mixed-Use (7:39 p.m.)

See handouts.

Greg Robinson stated that there are several issues with this concept. Section 3.2 of the Commercial Design Guidelines discusses mixed use developments. There are three footnotes (3, 4, and 5) that say that residential is permitted when it is ancillary to commercial and/or office and on the second level. The City has such a limited amount of commercial area already. This design does not provide enough commercial. This development has 10 apartment buildings with anticipated density of 200 units. The two buildings along Cedar Hills Drive and the roundabout are designed to be commercial and office space.

Harold Lefrandt asked the Commission how long is the City willing to wait to get what it is asking for. He has found that there is not an abundance of those that understand mixed uses as he had originally master planned. This proposed concept fits in with what Alliance Residential does. Alliance is strong and experienced and requires a minimum of 200 units. He asked if it would be worth it to pursue other partners that might go down to 100 units. He suggested that the City come up with a better master plan with a clear direction for what can be approved. Otherwise, the property will never sell and commercial will never come. He is happy to work with the City to find creative ways to develop the commercial zone to keep it high quality and vibrant.

Eric Richardson asked Mr. Lefrandt if he had an appetite for the commercial area on the nine acres on 4800 West. Mr. Lefrandt said he would look at the land, though he worries that it would be hard to draw commercial tenants. The issue isn't as much the number of units, but the mixed-use feel with primarily commercial usage.

Commission Discussion:

- C. Maxwell stated that currently the City's only tax base is property tax, which leaves the City short by 20%. The rest of the revenue needs to come through other sources such as sales taxes. The City has limited acreage for commercial. It will be challenging to get any project passed in the commercial zone that has more residential than commercial.
- C. Dodge stated that he is concerned that residential development will overstress the schools that are already overloaded.
- Resident Brent Uibel said he would be opposed to apartments/condominiums because it would not bring in the tax base that is needed to fund things like a community center, library, parks, etc.

- C. Clement stated that the area was zoned commercial 25 years ago, so there is not a rush to get it finished. The City is willing to wait for the right thing.

MOTION: C. Maxwell - To make a recommendation to the City Council to not approve the HB Development South Side Commercial Project due to the limited amount of commercial space in comparison to the multi-family portion of the plan. Seconded by C. Clement.

Yes - C. Chandler
 C. Clement
 C. Jackman
 C. Maxwell
 C. Seegmiller

Motion passes.

12. Committee Assignments and Reports (8:43 p.m.)

- C. Clement: The Parks and Trails Committee talked about Mesquite Park, National Trail Day, and Yard of the Month. There will be no fence between the LDS Church and the park. Greg Robinson said that for the Bonneville Shoreline Trail, the City will pave over the existing water service road.
- C. Seegmiller and C. Maxwell requested a discussion of a library/community center on the next agenda.

ADJOURNMENT

13. Adjourn

This meeting was adjourned at 8:48 p.m. on a motion by C. Jackman, seconded by C. Maxwell, and unanimously approved.

Approved by Commission:
June 26, 2008

/s/ Kim E. Holindrake
 Kim E. Holindrake, City Recorder