

PLANNING COMMISSION AND PUBLIC HEARING

Thursday, March 29, 2012 6:00 p.m.

Public Works Building

10246 N Canyon Road, Cedar Hills, Utah

Present: Cliff Chandler, Chair, Presiding  
Commission Members: Tonya Edvalson, David Driggs, Donald Steele, Glenn Dodge, Daniel Zappala (6:06 p.m.), Craig Clement (6:08 p.m.)  
Greg Robinson, Assistant City Manager  
Brad Kearl, Chief Building Official  
Courtney Hammond, City Meeting Transcriber  
Others: Brandon Dyre, Robert Chesworth

PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 6:03 p.m. by C. Chandler.

David Driggs and Tonya Edvalson were recognized as voting members.

2. Public Comment (6:04 p.m.)

No comments.

PUBLIC HEARING(S)

3. Amendments to the City Code, Title 10, Chapter 6, Article B, Section 5, Dwelling Units Per Structure (6:04 p.m.)

No comments.

SCHEDULED ITEMS

4. Approval of the Minutes from the March 14, 2012, Special Planning Commission Meeting and Public Hearing (6:04 p.m.)

**MOTION: C. Edvalson - To approve.** Seconded by C. Dodge.

Yes - C. Chandler  
C. Dodge  
C. Driggs  
C. Edvalson  
C. Steele

Motion passes.

5. Review/ Recommendation on Amendments to the City Code, Title 10, Chapter 6, Article B, Section 5, Dwelling Units Per Structure (6:06 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that in the city review of Bridgestone, Plat C, it was found that the maximum dwelling units allowed per structure according to code is six. It was missed because the density in the development has not changed. The issue isn't that the plan is inappropriate, but that the code does not allow for eight units. Staff recommends adjusting the city code in 10-6B-5 to allow some flexibility for the Planning Commission and the City Council to consider similar types of developments that can meet the intent of the code. The proposed language is: "The City Council, subject to the prior recommendation of the Planning Commission may approve an increase in the maximum dwelling units per structure for one or more structures within a PRD project at variance with the above standard, upon a finding that such variance is appropriate for the proper development of the lot, and that such increase will not result in the establishment of a hazardous condition." This would limit the number of times this variance would happen but allow for changes when the intent of the code is met. The ability to use this variance would be very limited and could not be used simply as a mechanism for increasing density. Perry Homes has a provision in their contract reverting ownership back to the previous owner if Perry Homes is not able to get the project approved through the City. Bridgestone residents do not want to see that happen. If Perry Homes is required to reconfigure, they will likely withdraw their application.

Commission Discussion:

- C. Dodge stated that his interpretation of the current code is that there is already flexibility for the developer to change density with approval on a case-by-case basis. Greg Robinson stated that his interpretation of that part of the code is that it allows for flexibility to limit the number of dwelling units rather than push the maximum limits. If the Commission decides to stay with the current code and rely on that provision, it should be checked with legal counsel.
- C. Zappala stated that he is in favor of the variance for this particular development. There is broad community support for it. He is worried that once this is in the code, it can be used often, even though the intent is that it be used infrequently and only under a certain set of unique circumstances. There is often a desire for the Planning Commission to somehow control the future, ensuring that its work is used only for good, or what it perceives as good. No matter what is put in the code, a future Council can do what they want to change the code. He feels that this amendment gives the Planning Commission the flexibility it needs at this point.
- C. Driggs stated that he does not have a problem with the variance, but doesn't like the way the recommendation is written, specifically that there is no definite cap on the number of dwelling units, a finding that a variance "is appropriate" is very broad and open to wide interpretation, and that the only definite condition listed is that the variance does not create a hazardous condition.
- C. Steele stated that this issue will come up many more times as the city builds out. When there is limited building space left there will be all sorts of requests for creative ways to configure and use space. He is worried about making a change to the code for a one-time request. He would rather not have the variance in the code, but rather deal with it on an individual basis. He feels that the city has the ability to make a variance whether it is written in the code or not.

- C. Clement stated that he feels that the written amendment is appropriate. It stipulates for a variance, when appropriate, and makes it clear that it is a variance, and not the standard written in the code. Developers would understand what the code stipulates. This project needs to move forward. The residents want it.

**MOTION: C. Zappala - To amend city code with section 10-6B-5b as outlined in the recommendation presented to the Planning Commission.** Seconded by C. Dodge.

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| Yes | - | C. Chandler<br>C. Clement<br>C. Dodge<br>C. Edvalson<br>C. Steele<br>C. Zappala |                |
| No  | - | C. Driggs   | Motion passes. |

6. Committee Assignments and Reports (6:43 p.m.)

No reports.

ADJOURNMENT

7. Adjourn

This meeting was adjourned at 6:43 p.m. on a motion by C. Dodge, seconded by C. Zappala, and unanimously approved.

/s/ Colleen A. Mulvey  
Colleen A. Mulvey, City Recorder

Approved by Commission:  
April 19, 2012