

**PLANNING COMMISSION MEETING**

Tuesday, January 23, 2018 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: David Driggs, Presiding  
Commissioners: Jared Anderson, LoriAnne Spear, Steven Thomas  
Absent/Excused: John Dredge, Jeff Dodge  
Chandler Goodwin, City Manager  
Joel Wright, City Attorney  
Colleen Mulvey, City Recorder  
Jenny Peay, Code Enforcement  
Others: Manila 3<sup>rd</sup> Ward Boy Scouts, Steve Spear, Mayor Jenney Rees

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 7:01 p.m. by David Driggs. C. Driggs recognized Commissioner Steve Thomas as voting member. Commissioner Jared Anderson was now a 1<sup>st</sup> Alternate which meant the Commission presently had two vacant positions.

2. Appointment of Chair and Vice Chair

C. Driggs explained the first order of business was to appoint a Chair and Vice Chair. He explained that the Chair dealt with the public, presided over meetings to best of their ability, and attended Council meeting as often as possible. The Chair served for a period of one year at a time.

C. Thomas asked C. Driggs if he would was willing to continue serving as Planning Commission Chair.

**MOTION: C. Spear—To nominate David Driggs as Chair.** Seconded by C. Anderson.

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

C. Driggs recused himself from voting on this item.

**MOTION: C. Driggs—To nominate John Dredge as Vice Chair.** Seconded by C. Thomas.

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

3. Public Comment

C. Driggs opened the floor for public comments.

Steve Spear said he wished the Commission would allow public comments at the end of the agenda rather than at the beginning of the meeting.

City Recorder, Colleen Mulvey, said it was up to the Commission as to when to receive public comments during meetings. C. Anderson said comments were more meaningful after the staff report, and he suggested they make this change in the agenda moving forward. C. Spear suggested they also allow public comments after presentations. Mr. Goodwin said the best time for receiving public comments during meetings depended upon the nature of the comments. There was subsequent deliberation on the matter.

C. Driggs closed the floor for public comments.

4. Approval of Minutes from the November 28, 2017 Planning Commission Meeting

C. Driggs made a minor change regarding a discussion pertaining to vegetation plants.

**MOTION: C. Spear—To approve the minutes from the November 28, 2017 Planning Commission Meeting as modified.** Seconded by C. Anderson.

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

Mr. Goodwin requested to amend tonight's agenda to discuss conditional and permitted uses in the SC-1 Commercial Zone to later in the meeting. C. Driggs concurred.

**MOTION: C. Thomas—To move to amend the agenda as suggested by Mr. Goodwin.** Seconded by C. Spear.

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

5. Discussion on Accessory Structures in the R-1-15,000 and RR-1-20,000 Residential Zones

Mr. Goodwin reported that Joel Wright was the City's new attorney, and he would be attending Planning Commission meetings from now on. He explained that moving forward, there would not be a Councilmember Representative assigned to attend Commission meetings. Therefore, it would be the responsibility of the Chair, Vice Chair or Attorney to report the Commission's updates to the City Council.

C. Driggs asked what the purpose was of having an attorney present at Commission meetings. Mr. Goodwin said there were legal issues that often came up during Commission meetings, such matters pertaining to land use. The attorney would be able address any land use questions as they came up during meetings. Mr. Goodwin explained that based on best practices suggested

by the Utah League of Cities and Towns (ULCT), it was best not to have a Council representation during Planning Commission meetings. There was further discussion on this issue.

Mr. Goodwin then presented the staff report and explained that this item was first discussed in November. He explained that based on resident input, it had been suggested to raise the allowable height for an accessory structure for lots that met certain requirements. The proposal was for lots that exceeded the minimum square footage requirement by a factor of two, would be able to install a taller accessory structure than what was currently permitted. The current code only allowed for accessory structures to be built 20 feet high. However, these lots that were able to be subdivided could end up going through the subdivision process and then having a home that was built 35 feet high on the property. After reviewing the proposal, a system could be devised that established a setback for taller accessory structures that would place them similar to a structure used for a single family dwelling. These structures could be converted into single family residences in the future should the property owner choose to subdivide; for this reason, the accessory structures should be placed similar to a residence.

C. Anderson asked if these issues would be taken into account when the subdivision proposal was submitted to the City for review and consideration. Mr. Goodwin answered affirmatively. He explained that a property owner could still subdivide, but the accessory structure would not be part of the subdivision; rather it would just be an extra building on an existing lot. There was further review of the staff report as listed above.

C. Thomas asked if precedence had been set in other municipalities. Mr. Goodwin answered affirmatively and explained that Herriman City had developed a formula to address this specific issue. C. Spear added that Pleasant Grove allowed taller accessory structures in some of their zones, but not the same setbacks.

C. Driggs said generally he sided with property owners. C. Anderson asked if C. Driggs was suggesting that the City allow higher accessory buildings. C. Driggs responded affirmatively. C. Thomas asked if the setback between the accessory structure and primary residence would be 20 feet. Mr. Goodwin reviewed the language in the current code as it pertained to fire safety. There was subsequent discussion regarding the process moving forward, and Mr. Goodwin noted that staff would prepare a draft for the February meeting.

#### 6. Discussion on Ground Mounted Solar / Renewable Energy Systems

Mr. Goodwin presented the staff report. He explained that the City Council reviewed the proposed code prepared by the Planning Commission and is sending it back, asking that the Commission draft code to ban ground mounted solar. Current systems would be grandfathered in.

C. Anderson inquired as to why the Council had sent this item back to the Commission. Mr. Goodwin said they didn't like the nature of the code, including the size of the panels and the impact these systems had on neighbors.

C. Driggs said he personally commended the City Council for voting against this item, as he also voted “no” the first time this code was reviewed by the Commission. Mr. Goodwin explained that they needed to craft language prohibiting these systems; however, they also needed to draft out exceptions. He explained that the City had some solar systems that were used for communication towers. Mr. Goodwin continued by stating this was a new area of code that many cities had not addressed.

C. Thomas suggested as they craft code language they refer to some of the communications equipment guidelines regarding esthetics, particular in reference to ham radio towers. The Commission discussed language that limited the types of permitted uses of ground mounted solar technology; one such permitted use included public facilities/utilities. C. Thomas pointed out that there was some solar technology that was still allowed in the City. Mr. Wright stated that this particular section of City Code was a work in progress, and that any action the City takes may become antiquated. As technology changed, the City would need to change with it.

#### 7. Discussion on Amending the General Plan

Mr. Goodwin explained that in 2018, the City of Cedar Hills would be updating the General Plan. The update would include amending the land use element to reflect the current state of Cedar Hills, but also to develop the plan for the City in the next five, 10 and 20 years. A critical and required element was missing from the General Plan: the moderate income housing plan. Currently, Jenny Peay was working on developing such a plan that would eventually be reviewed by the Planning Commission and adopted by the City Council. The General Plan should serve as a key document and reference as the City considered development issues.

Mr. Goodwin explained that Cedar Hills was not the only city facing this problem; there were several other cities in Utah County that also needed to develop a moderate income housing plan as part of their respective general plans. He subsequently explained how the term “moderate income housing” was defined. On a State level, there were certain communities that were shouldering a higher burden in providing this type of housing. In an effort to mitigate the issue, the legislature was proposing a new law that would impose a fine or tax on cities that did not provide this element within their general plans.

Mr. Goodwin explained that one component to this discussion included accessory apartments; staff believed that these were the only structures that would be considered moderate income housing units within Cedar Hills. Staff was developing a plan for assessing how many units currently existed in the City. Other than accessory apartments, the City did not have very many options. C. Spear asked if staff tried to survey the City’s accessory apartments last year. Mr. Goodwin explained that staff had distributed a survey asking residents if they had one; however, they did not ask for addresses. He said about 10% of homes reported that they had accessory apartments, which he felt was a low number.

C. Anderson commented that he was surprised by this number. He asked how accessory apartments were defined. Mr. Goodwin said they had to have separate entrances, addresses and off-street parking to be considered an accessory apartment. C. Anderson asked if they had separate utilities. Mr. Goodwin said this was up to the jurisdiction; however, in Cedar Hills an

accessory apartment was not required to have separate utilities. He said staff would be proposing zoning changes with regards to accessory apartments.

C. Anderson stated parking could be a huge issue for the neighborhood. Mr. Goodwin concurred. He stated that citizen complaints were usually in reference to some sort of nuisance violation; parking was often the primary nuisance being reported.

C. Spear asked for clarification regarding the difference between moderate and low income housing. Mr. Goodwin said low income housing could be subsidized. C. Thomas added that the main difference had to do with income. He also noted the housing authority published charts depicting threshold income amounts as well. Mr. Goodwin said the Cedar Hills zip code was affected by mixed demographics in surrounding communities as well. C. Thomas asked if there were assistance programs through the State of Utah that could help, if made available.

C. Driggs said the City's code presently did not provide terms for moderate income housing and he asked if this information could be clarified. Mr. Goodwin said he would send a link that included this definition. C. Driggs said presently there weren't any consequences for not complying with State Code. Mr. Goodwin clarified that this was incorrect; by not complying with State Code, the City could potentially be subject to forfeiture of certain State monies, such as Class B & C road funds and sales tax allotments. C. Spear asked how certain Mr. Goodwin as of these penalties. Mr. Goodwin responded that at each legislative session these penalties became more certain.

C. Driggs mentioned that this item was on the agenda about a year and a half ago. Mr. Goodwin stated that they needed to update the City's General Plan now and he explained the process moving forward. C. Driggs pointed out that the code indicates the Planning Commission should provide public notice on this issue, and Mr. Goodwin stated that this will be done through the City Recorder's office. C. Driggs inquired upon information that had previously been gathered by the General Plan Committee. Mr. Goodwin stated that staff would provide that information to the Planning Commission. C. Driggs stated that this item would be a topic of discussion each month moving forward. Mr. Goodwin noted that following month they would begin the process by reviewing the City's land use. There was continued deliberation regarding points previously stated throughout the discussion.

#### 8. Discussion on Conditional and Permitted Uses in the SC-1 Commercial Zone

C. Driggs explained that the area in question was property off of North County Boulevard, located south of the Harts gas station and north of the mortuary. Mr. Goodwin stated that the subject property was commonly known as the City's commercial nine acres. He distributed a map depicting the uses in the zone. He said the City had been under contract on this piece of land since May of last year and staff had been working with the individual to come up with a plan for the property. One issue was that it was easier to get police services on the front portion of property abutting 4800 West or North County Boulevard; therefore, this section of land lent itself better to commercial development. The problem was with regards to the back side or east section of the property. Mr. Goodwin said the person with whom staff was working had some ideas for the area that would lend itself to development. Currently they were proposing two uses

on the back or east portion of the property that were not currently allowed in the zone: climate controlled storage units and an athletic club.

C. Spear asked if these uses would be in addition to the conditional uses allowed in the zone. Mr. Goodwin answered affirmatively and distributed several renderings of the proposed uses. He said in meeting with the developer, staff was clear that whatever went in this area had to be within the colonial architecture style, which was the standard to which other businesses in the area were held.

C. Spear asked if they could put the athletic club where storage units were proposed and vice versa; essentially, she wanted to know if these buildings could “switch places”. Reason being, the athletic club would have a lot more traffic. Mr. Goodwin said this was a conversation to be had with the developer. Using the aid of the aerial map, he explained that there were going to be a few accesses on the property. C. Spear asked if both uses would fit within the area, and Mr. Goodwin answered affirmatively. He said the athletic facility might spill out slightly; however, the boundary lines could be slightly modified—approximately 200 feet—in order for everything to be included.

C. Anderson asked if the entrance for the storage units and/or athletic facility would be from the west. Mr. Goodwin said those details had not been determined yet. C. Anderson said this information would make a difference to the homeowners in the area, and Mr. Goodwin concurred. He explained that right now they needed to get to the point where these uses would be permitted in the zone; subsequently they could review specifics in the concept plans.

C. Thomas was concerned with producing revenue with this zone. Mr. Goodwin explained that while generating sale tax was a goal of SC-1 zone, it was not the only goal; another goal was to provide services to residents. Additionally, the City could create an agreement with the developer that was mutually beneficial for both parties.

C. Driggs continued that some of the goals in the SC-1 zone included creating community gatherings and providing services to residents. He then inquired upon a particular section on the aerial map Mr. Goodwin had distributed to the Commission, which was marked in purple. He asked if the section in question was a sub-district. Mr. Goodwin responded negatively, and explained that area marked purple lent itself to services whereas a different area marked in red lent itself better to sales tax generation. He said he was comfortable with storage units on the back end of property but not on the front end. The idea was to overlay the two zones (retail and mixed use) rather than creating an and/or situation, thereby providing more flexibility for the developers.

C. Anderson said he was confused as to why the back piece of the subject property had been ruled out commercially. Mr. Goodwin explained that the tricky part of the City’s commercial area was that anytime a developer looked at locating to Cedar Hills, they assessed existing development on surrounding properties. Timpanogos Cave was not generating a lot of traffic for the City’s commercial area; therefore, large anchor stores were not looking in this area, they were looking at areas that had more rooftops.

C. Driggs asked Mr. Goodwin how many opinions he had received regarding this property. Mr. Goodwin said he had spoken with three different real estate agencies and six to eight developers. C. Anderson questioned if an analysis had been conducted to include traffic from neighboring cities such as Highland and Alpine. C. Driggs said the land had been on market for a year. Mr. Goodwin clarified that the subject property had actually been under contract for a year but the City had owned the land for several years.

C. Driggs said a good example of setbacks was Walmart. Mr. Goodwin said while the City was lucky to have Walmart it also scared off other retailers. C. Driggs asked if the City negotiated a trade-off in allowing certain uses in the SC-1 zone, what would Cedar Hills receive in return from the developer. Mr. Goodwin said they could potentially receive restaurants, food services and retail. C. Driggs asked if these restaurants would be the same caliber of restaurants that were already in the City. Mr. Goodwin said he didn't know the answer yet because there were still several questions outstanding. C. Driggs said this body was going on faith that if they changed the zone, in return the City would receive a resource that would be of benefit to them; however, this benefit would not be known until the City approved the request. Mr. Goodwin said tonight was only a discussion item; staff scheduled a site plan meeting in February at which point more detail would be provided. He invited Chair Driggs to that meeting and said he hoped a concept plan would be available for review next month.

The Commission discussed the mixed use zone and what it would potentially include. Mr. Goodwin said the proposal was twofold to allow for the uses previously listed: storage units and an athletic club. In response to a question from C. Thomas, Mr. Goodwin explained that the initial plans showed three pads on the front end of the property.

Mayor Rees said as a City they were facing a big push from State legislature for affordable housing. In particular, the State was pushing high density units along the I-15 corridor to accommodate a significant amount of projected growth. She explained that commercial entities were looking to centralize around the high density areas, which made sense because that was where there would be the majority of people.

C. Thomas discussed recent changes to the federal tax structure and explained that there could be depreciation in the first year from the time the changes were implemented. If this were the case, there would be a lot more purchase and development that would happen in the next few years. Mr. Goodwin added that he met with a number of developers about the City's commercial nine acres, and he was of the opinion that there was an opportunity in this proposal of which the City should take advantage.

C. Driggs commented that there were worse uses that could be proposed for the area other than indoor storage units. However, he still wanted more information on the proposal. Mr. Goodwin said he wanted to hear the Commission's reservations so he could relay their feedback to developer. C. Spear expressed concerns with the size and she wanted to see what the overlay would look like. Mr. Goodwin said they had not proposed any buildings taller than two stories, which was similar to a house.

***Note: There were brief technical issues with the recording equipment.***

C. Driggs said as they reviewed the proposed code amendments they needed to mitigate the same types of issues that would arise with any other type of proposal including traffic patterns, lights, noise, entrances, setbacks, etc. Mr. Goodwin concurred and said as with any conditional use they needed look at what the negative impacts were and attach any conditions to mitigate those concerns.

C. Thomas said for security purposes the buildings needed to be well-lit. His biggest concern with storage units was more about missed opportunity; he said this was not the highest or best use because it would not produce as much revenue as other uses. Mr. Goodwin said he received a lot of calls on storage units and was confident they would fill up. However, if those units did fill up, they needed to assess what that impact would look like on the surrounding properties.

C. Driggs said one goal of the SC-1 zone was to create a community gathering such as a splash pad, courtyards, etc. He currently did not see anything in the plans reflecting this goal and he wondered if they should require walkways or benches as a condition of approval.

Mr. Goodwin said he agreed with C. Driggs to certain extent. He explained that as the plans continued to develop they would discuss various aspects of the site including walkability, landscaping, etc. He said the City's commercial nine acres had been difficult to develop because the City wanted something that was unique. He stated that while he didn't think they should sell out, he did believe there were ways to accommodate both the City's wants and needs. He said he would relay the Commission's concerns back to the developer and communicate that as of now they were skeptical of the proposal as it was outlined. He summarized a list of concerns that were raised throughout this discussion including revenue, traffic, hours of operation, building entrances, setbacks, landscape, buffering and lighting.

C. Driggs said in regards to the athletic center that all training should occur within the premises and not the parking lot. Mr. Goodwin said they would treat the facility similar to Walmart, where all business was required to occur inside.

C. Anderson discussed the importance of making sure the athletic club was adequately parked. Mr. Goodwin agreed and said staff would request the developer to produce traffic and parking studies to ensure all zoning requirements were satisfied. There was subsequent discussion regarding other facilities in the area with regards to function and appearance. Mr. Goodwin said any facility built in this particular area would be required to have a colonial look based on the architectural requirements in the City Code.

C. Driggs said his experience with this business model was that it seemed like they never stayed in business longer than a year. Mr. Goodwin said the City could not dictate the facility's business model.

Mr. Goodwin discussed the importance of master planning this particular area of the City. In response to a question from C. Thomas, Mr. Goodwin said the developer was not the current property owner; the land was presently owned by the City. Mr. Wright said the purchase was

contingent upon the zoning. Mr. Goodwin said if the developer felt they were not getting anywhere with the City they could still walk away at this point.

Mr. Goodwin said many of the concerns that had been raised could be addressed by imposing conditions of approval. However, they needed to be more sensitive as development occurred closer to the residents. He again noted that a site plan meeting with the developer and several members of staff would be scheduled soon, for which he would keep the Chair and Vice Chair posted. Since this meeting would not be public, only a limited number of Planning Commissioners would be allowed to attend.

C. Thomas said storage units were not going to require very much infrastructure. He posed the question that as this whole site was being developed, could the City require the developer to put in infrastructure that accounted for future growth as well. Mr. Goodwin noted that the developer would only be required to pay for the current impact they were making, not for any potential future uses of the property. However, if they came back with a higher impact this would affect the infrastructure they would be required to install on the property.

C. Anderson asked about impact fees, and Mr. Goodwin explained that the same principles applied to impact fees as they did infrastructure requirements. C. Driggs said he would like to know more about what benefits the City would garner if they were to provide zoning flexibility for the developer. Mr. Goodwin said next month would be a good opportunity to address the developer face to face.

#### 9. ADJOURNMENT

This meeting was adjourned at 8:37 p.m. on a motion by C. Anderson, seconded by C. Spear and unanimously approved.

Approved:  
February 27, 2018

/s/ Colleen A. Mulvey, MMC  
City Recorder