

PLANNING COMMISSION MEETING

Tuesday, March 27, 2018 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: David Driggs, Chair, Presiding
Commissioners: John Dredge, LoriAnne Spear, Steve Thomas (7:12 pm)
Absent/Excused: Jared Anderson, Jeff Dodge
Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Gretchen Gordon, Deputy City Recorder
Others: Zachary Neilson, Sean Morello, Steve Spear, Troy Fullmer, Jackie Jones,
David Cox, Andrew Bee, Scott Ferguson, Ken Kraft, Marie Kraft, Klayton Kraft,
Robert Lewis, Sean Lorscheider

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 Chair David Driggs.

2. Public Comment: 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.

There were no public comments.

PUBLIC HEARING

- Review/Recommendation on Preliminary Plan Approval for the Cedar Hills Gateway Commercial Subdivision, located at approximately 9826 North County Boulevard in the SC-1 Commercial Zone

There were no public comments.

- Review/Recommendation on Amendments to the City Code Title 10 related to Regulating the Establishment and Licensing of Smoke Shops, Vape Shops and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone

Steve Spear, resident, stated he was against smoke shops in any form.

Travis Floyd, resident, said he wanted additional information on the issue. He said these types of businesses would target high school students and he was not in support of these types of shops.

Mr. Goodwin explained that someone approached the City with interest and it was not addressed in the City Code, so this issue was handled under State Code. Their goal was to address this in the City Code to avoid issues in the future.

MOTION: C. Dredge—To address Item #5 next. Seconded C. Spear.

Aye - C. Driggs
C. Dodge
C. Spear Motion passes

5. Discussion on Signs in the Public Facility Zone

Mr. Goodwin explained the principal from Cedar Ridge elementary school requested to install a digital marquee. He noted there were ways to regulate them to mitigate impacts such as turning them off and on and limiting the levels of brightness. He said it could be a positive thing for the community without being a nuisance. He noted they did not have a lot of regulation on signs in a Public Facility Zone (schools, parks) and they wanted direction from the Commissioners and the Council. It was asked how this would affect drivers and Mr. Goodwin stated he was not aware of an issue with signs being a distraction.

Note: C. Thomas arrived at 7:12 pm.

Zachary Neilson, from Cedar Ridge Elementary, explained their current sign had been broken and vandalized in its twenty years of service. He noted a digital marquee would have an insurance protection plan. Their largest concern was their current sign's information had to be changed out where a digital sign did not have that disadvantage. They were concerned with getting information to parents and stakeholders. They would turn the sign off at nights and during the summer. It was asked how the sign would display the messages and Mr. Neilson responded it would depend on the message. The sign would face east/west and the light would not disturb any homes.

C. Dredge commented that he was concerned with this setting a precedent for the construction of other signs in a Public Facility Zone. He asked if they could limit signs to only schools. Mr. Goodwin said the code could be written to be limited to schools. He noted the City did not have plans to put in signs like these in public places. There was subsequent discussion on the potential code change.

C. Driggs noted this was a future agenda item with a public hearing. He said he was not opposed to the sign, but thought it was too tall. He said he was also in favor of writing the code to limit signs to schools. He noted that he did not want a sign with extremely bright lights.

C. Thomas said that height was not an issue for him because it may reduce vandalism.

3. Review/Recommendations on Amendments to the City Code Title 10 related to Regulating the Establishment and Licensing of Smoke Shops, Vape Shops, and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone

Mr. Goodwin explained they recently had an inquiry from a business who wanted to open a smoke shop. He said there were certain State guidelines of distance to public spaces for these types of businesses. The proposed site was too close to Lone Peak High School. He noted in

State code 10-8-41-6 there was nothing that required a City to issue licenses to these types of businesses. He explained they wanted to restrict future proposals, adjacent to residential and school areas. They did not want to be subject only to State Code. He went over the specifics they would potentially include in the City code.

In response to a question from the Commission, Mr. Goodwin responded the Planning Commission would adopt the code with edits; in addition, the proposed amendments are reviewed by the attorney.

C. Spear asked if they had received an application for this smoke shop. Mr. Goodwin explained they only received an inquiry. The business was told it was too close to the high school. He noted the State code did not require them to issue a business license; however, the issue was the State code could change.

It was suggested they add under the definition of tobacco project to include vape shop and smoke shop. Mr. Goodwin explained the definition should state that it included E-Cigarettes. It was also suggested they use the specific language to include any type of business that sold tobacco; 35% or more of their income from tobacco products define this type of business. After subsequent discussion, the Commission determined that they should not quote directly from State code because it could change. The changes would include the following: adding vape shop to the definitions and removing any reference to Washington City.

MOTION: C. Spear – To recommend the proposed amendments to City Code Title 10 related to Regulating the Establishment and Licensing of Smoke Shops, Vape Shops, and Retail Tobacco Specialty Businesses in the SC-1 Commercial Zone subject to the following changes: including Vape Shop in definitions and removing any reference to Washington City. Seconded by C. Dredge

Aye - C. Driggs
C. Dodge
C. Thomas
C. Spear Motion passes

Note: C. Thomas was recognized as a voting member.

4. Review/Recommendations on Amendments to City Code, Title 10, Chapter 5-32 related to Accessory Apartments

Jenny Peay reviewed the changes that had been discussed at the last meeting. Some of those changes included definitions, intent, conditions, building permit details, and addressing size limitations. She noted the changed language to address the wording in the code concerning “owner occupied.” The term would be defined as a full-time residency within the home as the property owners. Ms. Peay read through the changes of the code and asked for input from the Commission.

C. Dredge asked if the use of the term “single family” on the first pages was used twice redundantly. Ms. Peay responded the first phrase should be struck through. C. Dredge noted

there was nothing in the code that addressed a detached accessory apartment. Suggestions were made to include this into the code in regards to access.

C. Spear commented they should include the internet with utilities. She noted there were instances where renters of accessory apartments could not get access to the internet. It was noted this would be solved by having a second address for the accessory apartment. The City did not have control of an accessory apartment if it was simply a rented room with no additional address. C. Spear asked if a resident could let the permit lapse if they only rented for a short time. Ms. Peay explained where that issue was addressed in the code.

C. Thomas said they should clarify that multiple rooms could not be rented out. Ms. Peay responded that this was addressed in the code. C. Thomas asked if there was any definition on driveways. Ms. Peay responded they would have to be road based. She explained the owner would have to provide adequate parking space for all tenants. It was discussed that the term “family” needed to be defined further to prevent excessive renting.

C. Thomas asked how the grandfather clause worked. Ms. Peay explained the current renters would have two years to comply with the changes. C. Thomas said language was not clear enough for compliance. It was suggested they change the language to accommodate those who had previously complied with City code. There was further discussion on the definition of what instituted an accessory apartment.

It was noted that they did not have low income housing and this change was their method of dealing with that issue. The State code would take money from cities that did not have low income housing and distribute that money to cities that had homeless shelters. The City could also lose funding for roads if they did not have enough low income housing. There was further discussion regarding facilities such as bathrooms and kitchens, and it was noted that separate entrances were not required when an accessory apartment was in the main dwelling. The language concerning involuntary service was also discussed.

C. Spear sought clarification on the definition of “immediate family member”. Ms. Peay said there was no official definition. The Commission decided to use the City’s definition of the term, and C. Spear asked if they could also add language regarding relatives that did not pay rent. The goal was to prevent homes with too many occupants that took up street parking, and to prevent party homes.

MOTION: C. Thomas—to table Item #4 Review/Recommendation on Amendments to the City Code Title 10, Chapter 5-32 related to Accessory Apartments, until revisions to the code can be included. Seconded by C. Spear.

Aye	-	C. Driggs	
		C. Dodge	
		C. Thomas	
		C. Spear	Motion passes

6. Adjourn

C. Spear moved to adjourn the meeting and C. Thomas seconded the motion. The motion passed with the unanimous consent of the Commission.

Approved:
May 22, 2018

/s/ Colleen A. Mulvey, MMC
City Recorder