

SPECIAL PLANNING COMMISSION MEETING

Tuesday, May 12, 2015 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Glenn Dodge, Chair, Presiding
Commission Members: Brad Weber, David Driggs, John Dredge, Jeff Dodge,
Craig Clement, LoriAnne Spear
Chandler Goodwin, Assistant City Manager
Jenney Rees, City Council Liaison
Courtney Hammond, Transcriptionist
Others: Doug Young, Corey Shupe, Gary Gygi, Steve Mastin

PLANNING COMMISSION MEETING

1. This special meeting of the Planning Commission of the City of Cedar Hills, Utah, having been properly noticed, was called to order at 7:02 p.m. by C. Dodge.

2. Public Comment

Steve Mastin: Mr. Mastin is happy that someone is looking at the commercial land available in Cedar Hills. The city has a great opportunity to make a decision that would help Cedar Hills. A congregate care facility in this location would remove the opportunity to have a commercial development that would generate sales tax dollars. He would rather not have the congregate care facility in this location, but if it is there, he would like to see some commercial attached.

PUBLIC HEARING

3. Decision to allow the proposed congregate care facility, Rosegate at Cedar Hill, located at 4600 West and Cedar Hills Drive, to traverse the Neighborhood Retail Development and the Mixed-Use Office Retail Development sub-districts of the SC-1 Commercial Zone in the SC-1 Commercial Zone

No comments.

Jeff Dodge was recognized as a voting member.

SCHEDULED ITEMS

4. Approval of Minutes from the March 26, 2015 Planning Commission Meeting and the April 14, 2015 Special Planning Commission Meeting

MOTION: C. Jeff Dodge—To approve the minutes. Seconded by C. Clement.

Yes - C. Clement
C. Dodge
C. Jeff Dodge
C. Driggs
C. Weber Motion passes.

5. Review/Recommendation on allowing the proposed congregate care facility, Rosegate at Cedar Hill, located at 4600 West and Cedar Hills Drive, to traverse the Neighborhood Retail Development and the Mixed-Use Office Retail Development sub-districts of the SC-1 Commercial Zone in the SC-1 Commercial Zone

Chandler Goodwin stated that last month Doug Young and Corey Shupe presented the preliminary packet. There was a feeling that the building presented could be improved. Allowing the building to overlap the Neighborhood Retail and Mixed-Use Office Retail subzones would improve the look, placement and feel of the building. The current building fits the shape of the Mixed-Use Office Retail zone. Blu Line has met with representatives from the City Council and Planning Commission to discuss a possible overlap. There is some precedent, as Walmart overlaps zones. Some of the concerns the Planning Commission made at the last meeting that could be improved with an overlap are the contours of the building and the landscaping. Allowing more flexibility on building placement will also allow more retail space. A frequent concern about the building is a lack of sales tax revenue. A half percent of sales tax from retail sales goes to the city. The property tax of this congregate care facility would be at 55%. In the last iteration, the building was worth about \$25 million, which would mean the city would get about \$40,000 a year in property tax. The recent meeting with the developers included Craig Clement, Jeff Dodge, Jenney Rees and Daniel Zappala.

Cory Shupe stated that the proposed building is exactly within the parameters of the Design Guidelines. No one was happy with the result. He is hopeful that the Planning Commission can make a recommendation with a finding of fact that overlapping will benefit the community by allowing for better flow.

Doug Young stated that his incentive is to build a beautiful building in a great location. His other facilities are at 98-100% occupancy. It typically takes a year and a half to fill a facility.

C. Jeff Dodge stated that this overlap would meet a few goals including meeting the spirit of the Design Guidelines by placing the building in a park-like setting, rather than a park-like setting within a building. It would also allow the building to move further from the neighboring residents. He would be okay pushing forward a finding of fact provided it includes a set of conditions to meet the goals of the city.

C. Clement stated that one of the purposes of the Design Guidelines was to mitigate the effect of commercial on neighboring residents and to increase sales tax. Walmart was allowed to move into a lighter commercial subzone because it was determined it would be beneficial to the city. There are some on the City Council that are using subzones as hard and fast. He is concerned that whatever the determination of the Planning Commission, it may be non-stated in the City Council. The concerns stated in the information that Jenney Rees sent out are valid, but those are interpretations of law. He would like to look at redrawing the subzones. They were drawn up a long time ago, and now that more commercial is in place, it would make sense to redraw them to reflect what is most useful and effective today. He would like to see the intent of Design Guidelines of providing sales tax base reflected in the plans with a 1:1 retail square footage trade. What the Planning Commission would be doing tonight is saying that there is a possibility

that a building that crosses the boundaries would be improved. It does not guarantee approval or give them a blank check.

C. Driggs stated that he concerned that if Blu Line is allowed to build in a more intense zone, they may insist on a more intense density. He would like to see some features that promote community gathering. There are several non-sale-tax-generating uses currently in the neighborhood retail section, as well as other permitted uses that do not generate sales tax. Allowing crossover will allow for a better building, but he does not know if he can recommend it when it is conceptual. He would like to see plans first.

C. Weber stated that there was an opinion from a lawyer circulated to the Planning Commission. He practices in real estate and land use. If 10 attorneys were consulted, you would come up with 10 different opinions. His concern is that in the discussion retail, commercial, sales tax and tax base are being used interchangeably. There is some ambiguity and confusion and a lot of gray area in the Design Guidelines. As a body, the Planning Commission needs to be focused to make sure that the Planning Commission's intent is clearly conveyed. Along the way in this process with this facility, the Planning Commission has been confident, but the City Council obviously has different motives and concerns.

MOTION: C. Jeff Dodge—To recommend to the City Council a finding of fact for the proposed congregate care facility Rosegate located at 4600 West and Cedar Hills Drive to allow the developer to proceed with the conceptual site plans that traverse two SC-1 subzones, namely Neighborhood Retail and the Mixed-Use Office Retail in an effort to maximize park-like open space visible and accessible to the public, and reduce the scale of the building along the southern property line adjacent to single family homes, thereby meeting the intent of the SC-1 zone, and the Design Guidelines for Commercial Development, subject to a 1-to-1 area trade between Mixed-Use Office Retail and Neighborhood Retail in order to improve commercial opportunities along the west side of the site along the proposed north-south corridor located at approximately 4700 West.
Seconded by C. Clement.

AMEND MOTION C. Weber—To change “1-to-1” to “approximately 1-to-1. Accepted by C. Jeff Dodge and C. Clement.

Yes	-	C. Clement	
		C. Dodge	
		C. Jeff Dodge	
		C. Weber	
No	-	C. Driggs	Motion passes.

6. Discussion on Rezoning Property

Chandler Goodwin stated that in a past meeting the Planning Commission talked about a possible rezoning throughout the city, specifically changing a number of lots from R-1 20,000 to R-1 15,000. Staff created a map to show how density would change if such a rezoning occurred, though for many of these lots it would be very difficult to achieve maximum density. Making this change would make many of the non-conforming lots conforming. Large animal rights are

allowed in R-1 20,000, but not in R-1 15,000. He suggested that animal rights be allowed in R-1 15,000 because animal rights are based on square footage of lots and the amount of land dedicated to the animal.

C. Driggs stated that he doesn't mind helping a property owner to subdivide, but doesn't want to rezone all the rest of the non-conforming lots. He doesn't like the trend of smaller and smaller lots.

7. Discussion on Scheduling a Special Meeting to Review the Commercial Guidelines

C. Dodge stated that the meeting on May 26th will be dedicated to the Design Guidelines.

ADJOURNMENT

8. This meeting was adjourned at 9:06 p.m. on a motion by C. Weber, seconded by C. Jeff Dodge and unanimously approved.

Approved:
May 26, 2015

/s/ Colleen A. Mulvey, MMC
City Recorder