

PLANNING COMMISSION MEETING
Tuesday, November 28, 2023 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah

Present: Commissioner Jeff Dodge, Presiding
Commissioner Bari Cruze
Commissioner Donald Dolenc
Commissioner Steve Thomas

Absent/Excused: Commissioner Jared Anderson
Commissioner Lori Anne Spear
Commissioner John Dredge, Chair

Staff: Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Gretchen Gordon, Deputy City Recorder

PLANNING COMMISSION MEETING

1. Call to Order.

In the absence of Chair John Dredge, Acting Chair Jeff Dodge called the meeting to order at 6:02 p.m.

2. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the October 24, 2023, Planning Commission Meeting.

MOTION: Commissioner Thomas moved to APPROVE the Meeting Minutes from the October 24, 2023, Planning Commission Meeting. The motion was seconded by Commissioner Dolenc. Vote on motion: Commissioner Dodge-Yes, Commissioner Cruze-Yes, Commissioner Dolenc-Yes, Commissioner Thomas-Yes. The motion passed unanimously.

4. Review/Recommendation and Public Hearing on Preliminary Final Plan Approval for Property Located at 4701 Ferguson Way in the PR 3.4 Planned Residential Zone.

City Manager, Chandler Goodwin presented the Staff Report and stated that this may be the last residential development that is reviewed by the Planning Commission for the City. He explained that as of February 1, the State has required that cities change their codes as part of SB 174, which was passed during the last Legislative Session. It takes approvals for residential, single-family,

duplexes, and townhomes and makes them administrative. The determination going forward is whether a project complies. If it does not comply, it should be determined whether it can come into compliance. This needs to be done administratively. Title 11-4 outlines the approval process for subdivisions and will be amended in the coming months. The Code is written so that the City can hold no more than one public hearing for a development. He was concerned about how the State Code is written and believed that the public hearing process and Planning Commission review are integral to a better outcome.

Mr. Goodwin reported that the Ferguson Property has been discussed previously, they proposed the same six-lot configuration but the City Code for private drives was limited to a maximum of five lots. The Code has since been amended to allow the underlying zone to dictate the density on any private drive. The underlying density is PR 3.4, which allows for larger lots than the majority of the Cedar Run neighborhood. It was developed as a Planned Unit Development (“PUD”) with open space dedications elsewhere. The Ferguson parcel is in the southwest corner of the City and was once part of the PUD. As a result, staff was comfortable adopting the new development under the same provisions.

The drive will be private, however, if there is a public emergency, an ambulance or fire apparatus will enter the property. Due to the length of the drive there must be a mechanism that allows them to turn around and come back out. The Fire Marshal determined that the width must be 26 feet, which is the same as a dual lane in a commercial property. The proposed length is 120 feet with 20 feet to be dedicated to the turnaround. It was widened to allow for snow storage on either side and provide an apparatus turnaround.

The setbacks were listed on the plat as five feet on either side but there must be 15 feet of separation between the buildings. Mr. Goodwin reported that currently there is a 10-foot wide trail easement on the east side of the property that connects to the Murdock Canal Trail. One option was to create a trail easement and pave it, dedicate it, and show it on the plat. Another alternative was to move the trail easement to the front of the property and place a sidewalk on one side. Because it is a private drive, a sidewalk is not required. One option was to put a sidewalk in and make it the trail easement on the front. The 10 feet on the backside of the home can then be used for private landscaping. A sewer line runs through the property that requires a Public Utility Easement (“PUE”).

In response to a question raised by Commissioner Cruze, Mr. Goodwin stated that the common drive is approximately 300 feet in length. There is currently a fire hydrant on the north end of the property. Another would have to be installed deeper into the property. A PUE is shown at the rear of the property, but staff would want to have a 10-foot PUE on the front side and five feet along each property line. He noted that this is common throughout the City.

A question was raised by Commissioner Dolenc regarding the trail easement and concern about how it extends into the private drive. If a sidewalk is placed along the private drive and the trail easement remains in its current location, the private drive will need to be shifted 10 feet to provide an access point in the proposed location. Mr. Goodwin stated that the sidewalk became a more popular option.

Chair Dodge opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Commissioner Dolenc moved to recommend APPROVAL of the Preliminary and Final Plans for the Ferguson Property Subdivision located at 4701 West Ferguson Way in the PR 3.4 Zone. Approval was subject to the following:

Conditions:

- 1. Completion of Final Engineering Review.**
- 2. Completion of Final Zoning Review.**
- 3. Show an appropriate Public Utility Easement on the Final Plat.**
- 4. Resolution of the Trail Easement Conflict with the private drive.**

The motion was seconded by Commissioner Dodge.

There was discussion regarding the trail easement. The Planning Commission Members did not have a strong preference for the existing easement or the widening of the private drive to allow for the trail easement in the proposed location. Possible alternatives were explored with the applicant, including painting the curb red or providing a barrier curb to provide separation. The determination was made to allow the developer to decide.

Quinton Bassett reported that he works for the developer and expressed a willingness to pursue either option on the trail easement.

Vote on motion: Commissioner Dodge-Yes, Commissioner Cruze-Yes, Commissioner Dolenc-Yes, Commissioner Thomas-Yes. The motion passed unanimously.

5. Review/Recommendation and Public Hearing on Preliminary Plan Approval for Lehi Bakery Lot 3 Plat B Rhinehart Subdivision located in the SC-1 Commercial Zone.

Mr. Goodwin presented the Staff Report and stated that the subject property is located east of Hart's Gas Station and the project is being developed as part of the Cedar Canyon development. An agreement was reached with Coldwater Capital that the reimbursement for the improvements will be paid for by the developer. The City has since been reimbursed by Coldwater Capital for their portion by the Jiffy Lube and the Shiny Shell Gas Station. The rest of the reimbursement for the curb, gutter, asphalt, and sidewalk will come as part of this development.

Mr. Chandler reported that he met with the Fire Marshal prior to this meeting, and they had no issues with the proposal. They indicated that it is unlikely that a fire truck will use the lane to access the Lehi Bakery. It would be much more likely for them to pull up on the outside perimeter on 140 North or 4700 West. It is a conditional use by virtue of it having a drive-thru. Signage was addressed and identified as a concern for the developers at the outset in that there is no frontage

onto North County Boulevard. A change to the Code was previously made to allow monument signs to go up to nine feet. A private agreement would need to be entered into with the applicant and the owners of Shiny Shell.

The building architecture was next addressed. Mr. Goodwin liked the look of the building and stated that it matches the intent of the zone. The materials and architecture also fit well with the intent of the ordinance. A Lighting Plan was provided showing the termination of lighting at the property line. That was not a major staff concern as the development is not immediately adjacent to any residential properties. The proposal would also be subject to zoning, building, and engineering approvals. The Landscaping Plan was reviewed and complies with the major City requirements in terms of species selection and adjacency to the buildings. Mr. Goodwin reported that they can go down to 15%, but commercial developers have been allowed to count the landscaping that they install and maintain that could go as high as 17%. Xeriscaping was also encouraged as it is easier to maintain and does not need to be watered.

Chair Dodge opened the public hearing. There was no public comment. The public hearing was closed.

Chair Dodge commented on lighting and realized that they are not getting zero-foot candles at the property line. He recognized that due to the building's proximity to the east property line, it is difficult to light the drive-thru at the building and get down to zero at the property line. It is also across the street from residences and there is a six-foot wall there. The light fixtures all have cut-offs. His hope was that between the distance from the homes and wall, there will be zero-foot candles at all residential properties. Mr. Goodwin stated that light should not be spilling over into any of the residential areas.

The Project Architect participated by phone and stated that it was anticipated that bakers will come in about 2:00 a.m. to begin baking. The business is expected to wind down around 3:00 p.m. and closed by 6:00 p.m. The bakery will not operate like a standard sit-down restaurant. It was noted that the drive-thru will stack seven to eight vehicles. The business will open at 7:00 a.m. and have a walk-up window, a drive-thru, and internal access.

MOTION: Commissioner Dolenc moved to recommend APPROVAL of the Preliminary Plan for the Lehi Bakery, Lot 3 Plat B Rhinehart Land Subdivision in the SC-1 Commercial Zone located at 10018 North 4700 West. The motion was seconded by Commissioner Thomas. Vote on motion: Commissioner Dodge-Yes, Commissioner Cruze-Yes, Commissioner Dolenc-Yes, Commissioner Thomas-Yes. The motion passed unanimously.

Commissioner Thomas was excused from the meeting at 6:42 p.m.

6. Review/Recommendation and Public Hearing on Amendments to the Moderate-Income Housing Element of the Cedar Hills General Plan.

Mr. Goodwin reported that the State is requiring every city that reaches a certain population to adopt a Moderate-Income Housing Element of the General Plan in addition to submitting an Annual Report. A city that has no TRAX or FrontRunner station is only required to comply with

three items from a menu created by the State which contains 15 to 20 items. If a City complies with five, it can get priority consideration for certain funds that may become available. The funds are usually directed toward the promotion of public transit. Staff's goal was to comply with five strategies. The State, however, ultimately rejected the City's plan. One of the strategies was to rezone a portion of the City's SC-1 Zone for mixed-use development. The menu item put forth by the State says that areas near major transit corridors or commercial centers may rezone a portion of its commercial zone for mixed-use and comply. Mr. Goodwin explained that there are no major commercial centers or transit corridors in Cedar Hills but the area that was rezoned was developed as mixed-use but is not moderate-income housing. The State referred to the rest of the City's commercial zone to which Mr. Goodwin explained that the City is not next to a commercial center or major transit, which drives moderate-income housing. He explained that the portion that could be rezoned will result in no more moderate-income housing than there is today.

While the City is in compliance, Cedar Hills is not like other cities. It is not growing and does not have much land remaining to be developed. The remaining undeveloped land in the City that is available for housing development is on the hillside which is prohibitively expensive to build on. The State has put every city in the same position by requiring them to comply. Other requirements include single-room occupancy where the owner of a single-family home may rent out rooms to other individuals. That is allowed based on the City's Family Code. Impact fees were also waived. Mr. Goodwin explained that going forward he will comply with only the required three menu items.

Chair Dodge opened the public hearing.

Ross Graham gave his address as 4654 West Cedar Run Circle and asked for a more detailed plan of the Ferguson Project.

Mr. Goodwin clarified that the current plan reduces the five elements to three, which the City can easily comply with. The third element involves considering rezoning. The City Council can pass a resolution stating that it was considered.

There were no further public comments. The public hearing was closed.

Commissioner Cruze asked for details on the proposed changes. Mr. Goodwin reported that the City complies with Item E. Item F pertains to zoning or rezoning for higher-density or moderate-income housing residential development in commercial and mixed-use zones near major transit investment corridors. The State claims that the City is not in compliance because nothing was presented to the City Council. That was not done because there is nothing to be rezoned. The third item pertains to single-room occupancy. Mr. Goodwin stated that more robust language can be drafted dictating the terms of how that will operate.

MOTION: Commissioner Cruze moved to recommend APPROVAL of the proposed Moderate-Income Housing Plan as presented by Staff. The motion was seconded by Commissioner Dolenc. Vote on motion: Commissioner Dodge-Yes, Commissioner Cruze-Yes, Commissioner Dolenc-Yes. The motion passed unanimously. Commissioner Thomas was not present for the vote.

7. Review/Action on Approving the 2024 Planning Commission Schedule.

Mr. Goodwin reported that staff identified the fourth Tuesday of the month for meetings with the exception of November, which was moved to November 19 due to the Thanksgiving holiday.

MOTION: Commissioner Dolenc moved to **ADOPT** the proposed **2024 Planning Commission Meeting Schedule**, as presented. The motion was seconded by Commissioner Cruze. **Vote on motion:** Commissioner Dodge-Yes, Commissioner Cruze-Yes, Commissioner Dolenc-Yes. The motion passed unanimously. Commissioner Thomas was not present for the vote.

ADJOURNMENT

8. Adjourn.

MOTION: Commissioner Dolenc moved to **ADJOURN**. The motion was seconded by Commissioner Cruze. **Vote on motion:** Commissioner Dodge-Yes, Commissioner Cruze-Yes, Commissioner Dolenc-Yes. The motion passed unanimously. Commissioner Thomas was not present for the vote.

The meeting adjourned at 6:56 p.m.

Approved:
February 27, 2024

/s/ Colleen A. Mulvey, MMC
City Recorder