

**PLANNING COMMISSION MEETING**  
**Thursday, May 27, 2025 – 6:00 p.m.**  
**Community Recreation Center**  
**10640 N. Clubhouse Drive, Cedar Hills, Utah**

**Present:** Doland Dolenc, Presiding  
Commissioner Bari Cruze  
Commissioner Tyler Dahl  
Commissioner Jeff Dodge  
Commissioner John Dredge  
Commissioner Robert Wallace

**Absent/Excused:** Commissioner Troy Newbold  
Commissioner Steve Thomas

**Staff:** Sarah Sampson, Associate Planner  
Colleen Mulvey, City Recorder

**PLANNING COMMISSION MEETING**

**1. Call to Order.**

Chair Donald Dolenc called the meeting to order at 6:07 p.m.

**2. Public Comment.**

There were no public comments.

**SCHEDULED ITEMS AND PUBLIC HEARINGS**

**3. Approval of the Minutes from the April 22, 2025, Planning Commission Meeting.**

**MOTION:** Commissioner Dredge moved to APPROVE the Meeting Minutes from the April 22, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Dahl. **Vote on motion:** Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.

**4. Review/Recommendation and Public Hearing on Preliminary/Final Lot Split Plan for Lot 2 Plat B Rhinehart Land Subdivision (Shiny Shell/Valvoline).**

Associate Planner, Sarah Sampson stated that originally the project was built as one project by one owner. The applicants are now looking to have separate ownership on two separate lots as part of a lot split. The request is unique because the buildings are very close to each other. There will be a vacation of Rhinehart Land Plat B, Lot 2 granting two separate lots. Lot 1 will contain Shiny Shell and Lot 2 will house the current Valvoline. An agreement has been proposed and will be in

place for the shared access, shared parking, shared drainage, and utility easements. The request is for Preliminary and Final approval.

Commissioner Cruze asked if there are setback requirements on commercial lots as there are for residential lots. Ms. Sampson responded that there are setback requirements, but they are in the Development Agreement and not the Code. The setbacks are generally from the access road. After reviewing the proposal, Ms. Sampson concluded that the lots meet the requirements of the zoning district.

Commissioner Dodge commented that typically when buildings are built this close together, there are fire requirements when they are no longer part of the same lot or if they are very close to a property line. Applicants are sometimes required to install a firewall or have a certain fire rating on the exterior wall to protect adjacent buildings. He asked if that is applicable and if so, if it has been addressed. Ms. Sampson explained that commercial buildings have their own requirements with respect to fire ratings, which are usually higher than residential generally. As part of the lot split, she was unsure whether those issues had been addressed. Commissioner Dodge recommended they be looked at.

Chair Dolenc asked if the request had been reviewed by the Fire District. Ms. Sampson stated that it was not. Currently, the Fire Marshal reviews the lot layout but not the fire ratings of buildings.

*Jeff Wood* identified himself as one of the owners of both buildings. He explained that both of the buildings are built with at least two-hour fire-separated walls. They are both brick and there are no openings on the Valvoline Building. He stated that the buildings met all fire rating requirements when they were built. The Code specifies with residential that if a building is within five feet of the property line only 20% openings are allowed. Commissioner Dodge suggested that they confirm that and have the Fire Marshal review the plans.

Chair Dolenc opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION: Commissioner Dodge moved to recommend Preliminary/Final Plan APPROVAL for the lot split for Lot 2, Plat A, CH Shiny Shell Subdivision, located in the SC-1 Commercial Zone to the subject to the following conditions:**

- 1. Final Engineer review.**
- 2. Review and approval of the applicable fire authorities relative to the proximity of the two buildings and the proposed property line.**
- 3. Confirmation that the proposal meets all zoning requirements.**

**The motion was seconded by Commissioner Dahl. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.**

**5. Review/Recommendation and Public Hearing on Concept and Preliminary Plan Approval for a Commercial Development at 4773 West Cedar Hills Drive, located in the Cedar Hills Retail Center Subdivision (Dutch Bros. Coffee).**

Ms. Sampson reported that at the last Planning Commission Meeting a lot split was approved for Cedar Hills Retail Lot 1, which created two lots. This is one of those two. The subject property is in the SC-1 zone and will consist of a 1,265-square-foot retail building that will house a drive-thru tenant known as Dutch Bros. Coffee. The total lot area is .77 acres or 33,458 square feet with a building area of 1,265 square feet. The hard surface impervious area is 20,706 square feet and the landscaped area is 10,063 square feet. The project is accessible from eastbound Cedar Hills Drive. On the property, there is only a one-direction entrance. At 10040 North and 4700 West, there will also be entrances that will be shared with the other tenants. Shared Access Agreements will be in place. The proposed drive-thru is designed to accommodate up to 16 vehicles with stacking.

The landscaping was described. Ms. Sampson did not believe that the applicants plan to pursue a buydown and would meet the 30% landscaping requirements. She noted that the applicants are sharing a stormwater system with the other tenant. Those details are being reviewed by the City Engineer. There will be a new water connection and a new sanitary sewer with a grease trap and sewer clean-out. The Storm Tech System will be shared with the tenant of the north lot. The applicants have not yet submitted a Lighting Plan, but several items are still under review. In response to a question raised, Ms. Sampson explained that the City allows a buy-down for applicants who do not meet the landscaping requirements.

In response to a question raised by Chair Dolenc, Ms. Sampson stated that there will not be an outdoor seating area. She doubted that there would even be tables inside. Her understanding was that there would only be a bar with stools. The proximity to the nearby Starbucks was described.

Commissioner Dodge asked if there is anything in the Design Guidelines that requires the building to be oriented similar to other commercial buildings. He was not supportive of the 45-degree orientation in the gateway of the City's commercial sector. Ms. Sampson offered to look into the matter further. Commissioner Dodge noted that the signage is on a 45-degree angle. He recognized that the desire was to allow for the stacking of more cars. He would, however, prefer a more orthogonal orientation similar to the surrounding buildings.

Commissioner Dodge asked if the blue signage fits in the area. With other franchise owners in the past, they have asked them to present other options from other locations. Ms. Sampson stated that Dutch Bros Blue is proprietary, however, the Code states that the building and signage should be dominant in earth tones but does not specify what dominant means and does not give a percentage. If the Commission feels there is too much blue, they can request less. Commissioner Dodge asked that the Code be reviewed, and that additional information be provided by the applicant. He preferred less blue and gray and asked that the orientation of the building be reviewed.

Commissioner Dredge stated the Shiny Shell color scheme is very bright. They, however, constructed most of the building in brick. He noted that what is proposed with Dutch Bros is very

different from what surrounds it. Ms. Sampson pointed out that Walmart was recently asked to reduce the amount of blue as well. She offered to look at what was required of Walmart.

Chair Dolenc stated that the applicants can reduce the amount of blue while keeping the building and signage visible. Doing so will be more in keeping with what the Commission can find to be a dominant earth tone.

Ms. Sampson stated that an analysis was also done of the drive-thru and a few minor modifications were recommended. The conclusion was that the current proposal for stacking and queuing is adequate for the handling of the anticipated traffic with the proposed orientation.

Commissioner Dahl asked about the location along Cedar Hills Boulevard and if once the left turn lane is lengthened there will still be a barrier between the westbound traffic and motorists trying to access the property. Ms. Sampson did not know what the future of Cedar Hills Drive looks like but stated that the entrance from Cedar Hills Drive is right-in/right-out only.

Commissioner Dredge was of the understanding that they are on track to get a roundabout in the next few years, which would improve the ingress/egress. It was noted that the intent is to open the parking lot between Dollar Tree and the subject property.

Commissioner Cruze asked what leeway the Commission has to deny a project on the grounds of not being interested in it conceptually. Ms. Sampson explained that if a request meets the Code, the Commission must approve it. Chair Dolenc pointed out, however, that where the Code allows discretion, it can be exercised.

Commissioner Dahl brought up the issue of character and whether that would apply to orientation. He commented that if something stands out, it is not in character. Commissioner Dodge stated in response that constructing the proposed building on the corner at a 45-degree angle is out of character with the layout of the remainder of the Commercial District. He asked that the applicants be more creative with the orientation of the building and still meet all other requirements.

Commissioner Dahl commented that in looking at the orientation, even if it was parallel, the drive-thru is very long. If there is no way for a customer to turn in going westbound, they have plenty of room to work with. A question was raised as to whether there is an agreement between the Great Clips/Marcos Pizza lots. Ms. Sampson recalled that originally Access Agreements were in place but she would confirm that for the new tenant coming in.

Commissioner Dodge challenged the applicant to address the location of the trash enclosure relative to the entry and suggested it be less visible. He asked that it instead be located along the south property line or the southeast corner away from the main roads. It was also mentioned that the south parking could be moved to the west to create a row in the southeast corner for the garbage truck to access the site so that it is away from Cedar Hills Drive.

Chair Dolenc opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION: Commissioner Cruze moved to TABLE agenda item number five subject to follow up and review on Code specifics and the other items outlined. The motion was seconded by Commissioner Dodge. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.**

**6. Review/Recommendation and Public Hearing on Amendments to City Code Title 10-4D-9 Related to Building Height Requirements.**

Ms. Sampson stated that staff was asked to look into changing the building height restriction for accessory buildings in the H-1 Hillside Zone for lots that exceed the minimum square footage requirements by a factor of two. A height of up to 25 feet would be allowed for an accessory building that complies with building setback requirements. In 2018, the same language was added to the R1-15,000 for lots that exceed the minimum square footage requirements by a factor of two. This request is intended to address the Jesse Mecham property, which is a large 24-acre lot where one home is proposed to be built. Mr. Mecham's accessory buildings are proposed at 24 to 25 feet in height. Much of the height has to do with slope issues that exist on the property. Staff was asked to draft similar language. The New Code would include the addition of five feet of building height potentially being granted by the Zoning Administrator for lots exceeding the minimum square footage requirement by a factor of two. It was noted that at no time shall the accessory structure exceed 25 feet in height. All else in the section would remain unchanged.

Commissioner Dredge asked if the lot was subdivided in two and if another main building could be constructed with an allowable height of 35 feet in the footprint. Ms. Sampson confirmed that is the case.

Chair Dolenc asked how many lots the proposed language would potentially apply to. Ms. Sampson responded that in the Hillside Zone, most properties were developed on the end of Silver Lake. Everyone else has built under PR 2.2 or 3.4 where there are different restrictions. The only property owners who have built under the actual regulations of the H-1 zone are very few and are mostly already developed. The change would, however, allow the other lots to have that additional five feet.

Chair Dolenc opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION: Commissioner Dahl moved to recommend APPROVAL to the City Council on the proposed amendments to City Code Title 10-4D-9. The motion was seconded by Commissioner Cruze. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.**

**ADJOURNMENT**

**7. Adjourn.**

**MOTION: Commissioner Dodge moved to ADJOURN. The motion was seconded by Commissioner Cruze. Vote on motion: Commissioner Cruze-Yes, Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dredge-Yes. The motion passed unanimously.**

The meeting adjourned at 6:39 p.m.

Approved:  
June 24, 2025

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