

PLANNING COMMISSION MEETING
Tuesday, September 28, 2021 – 6:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jeff Dodge, Chair
Commissioner Jared Anderson
Commissioner Tyler Dahl
Commissioner Donald Dolenc
Commissioner Lori Anne Spear

Absent/Excused: John Dredge
Kathryn Newman
Steve Thomas

Staff: Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder

Others: Charlie Openshaw

PLANNING COMMISSION MEETING

1. Call to Order.

Chair Jeff Dodge called the meeting to order at 6:00 p.m.

2. Public Comment – Time Has Been Set Aside for the Public to Express their Ideas, Concerns, and Comments.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the July 27, 2021, Planning Commission Meeting.

MOTION: Commissioner Spear moved to approve the minutes of the July 27, 2021, Planning Commission Meeting. The motion was seconded by Commission Dolenc. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Dolenc-Aye, Commission Spear-Aye. The motion passed unanimously.

4. Review/Recommendation and Public Hearing on Preliminary Plan Approval of Cedar Hills Gateway Subdivision Phase 4, Lots 2, 3, and 4 in the SC-1 Commercial Zone.

City Manager/Planner, Chandler Goodwin, presented the staff report and identified the subject property on a map displayed. He explained that the development is primarily focused on the development of Lot 3. When the City was approached with a Concept Plan it was determined that a Traffic Study should be provided. Near Swig, traffic often stacks at the queue into oncoming

traffic. As a result, the City has worked with Swig to relocate their traffic pattern. With three new drive-thrus, the traffic has become concerning. It was recommended that a Traffic Study for the project be incorporated into the existing conditions and the impacts of the project studied. The existing level of service during the peak hour was discussed. Queue waiting times were identified to allow for traffic movement at the various intersections. The existing levels of service were identified.

Mr. Goodwin reported that the intersection at 9900 South North County Boulevard has a Level of Service C. While acceptable, it is not ideal. With the proposed development there will be some changes. For example, the wait time at 9930 South will increase from 14 to 26 seconds for southbound traffic merging onto North County Boulevard. Other areas of concern were identified. Looking into the future, there remained areas of concern. After further analysis, Mr. Goodwin concluded that traffic on North County Boulevard will continue to increase.

Commissioner Anderson asked if thought had been given to making the intersection a right turn only. Mr. Goodwin stated it is possible and has been done in other cities but stated when traffic is heavy people tend to disregard the rules.

Commissioner Dahl asked if there were concerns about people coming around to Harvey Boulevard. Mr. Goodwin stated that it is more difficult to get to Harvey and they could go down to 9900 South. Commissioner Dolenc stated that motorists can also travel north. Mr. Goodwin explained when traffic becomes unbearable, it naturally shifts to lower-demand areas. Traffic circulation issues were discussed.

Mr. Goodwin reported that in terms of the site plan there are not many public improvements that need to be installed. He asked that the trash enclosures be identified on Lot 2. He also was curious about the temporary parking on Lot 3. The developer, Charlie Openshaw, stated it is identified as temporary parking only because they do not know what will happen with the site plan. Contractually, the stalls will remain for the use of Lot 3. Mr. Goodwin expressed his support for providing additional parking.

In response to a question raised by Commissioner Spear, it was clarified that the details on landscaping will be included with the final approval and should be a minor addition. It was noted that the final plat will come back to the Planning Commission. Mr. Goodwin stated the developer can submit a landscaping plan sooner if desired. He noted that this is a minor development. Once the landscaping plan is submitted, staff will review the list of plants used in the commercial zone to ensure that they are appropriate. Mr. Goodwin clarified that the Traffic Study incorporates the three drive-thru uses. The multi-tenant building was expected to house a food use in the drive-thru with a non-food user next door.

Mr. Openshaw commented that as the developer he does not want a food user at the second location. For the west unit, they have been in discussions with various users such as a hair salon, nail salon, and an ice cream shop. Tonight's approval was for conceptual approval for all three. It was noted that conceptual approval does not have the same noticing requirements.

Commissioner Spear inquired about the Traffic Study and asked if it takes into account the 800 nearby units under construction. Mr. Goodwin did not believe that it did. Mr. Openshaw stated it is a Utah Department of Transportation (“UDOT”) road. Mr. Goodwin explained that the Traffic Engineer, Ryan Hales from Hales Engineering, coordinated with the Wasatch Front Regional Council and the Mountainland Association of Governments (“MAG”) on the regional planning. MAG has worked with the City of Highland and the developers on the project. Mr. Hales also worked with MAG on future traffic projections. It was noted that MAG forecasts traffic and transportation needs in the valley.

Mr. Goodwin urged the Commission to keep in mind that they have two lights. Staff was aware that some are not serviceable intersections and suggested that UDOT provide a light. He noted the distance between lights may not meet their standards. He commented there is a problem associated with pushing commercial development to the edge of the community, which pushes the traffic problems along as well.

Commissioner Spear questioned the lack of mitigation. Mr. Goodwin explained that mitigation cannot take place on North County Boulevard and must be placed elsewhere. Mr. Openshaw reported when they first planned the project, the City informed them that a dedicated left hand turn lane was needed. That was a mitigation required by the City. Specific mitigation efforts were described.

Chair Dodge asked if all three lots meet the landscaping requirement. Mr. Goodwin reported that Lot 1 is under 4%. Looking at the Gateway Subdivision as a whole, however, they could come in on one parcel under 23% but doing so will put pressure on future development to provide additional density. Chair Dodge’s understanding was that the Planning Commission could recommend site plan approval with certain conditions such as 23% landscaping. Mr. Goodwin stated it will be subject to engineering review. He recommended granting preliminary approval for Lot 3.

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

Commissioner Dolenc remarked that he would not support reducing the landscaping requirement.

MOTION: Commissioner Spear moved to recommend to the City Council the Preliminary Plan for Cedar Hills Gateway Subdivision Phase 4, Lot 3, subject to the following conditions:

1. **Engineering Review.**
2. **Landscaping Plans shall be submitted to the City showing an increase in the percentage to 23% of the lot.**

Commissioner Dahl seconded the motion. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Dolenc-Aye, Commission Spear-Aye. The motion passed unanimously.

5. **Review/Recommendation and Public Hearing on amendments to City Code Title 10 Chapter 5 related to Accessory Dwelling Units**

Mr. Goodwin presented the staff report and stated that the intent was never to allow for someone to purchase a home in the form of a trust and allow the family to not reside there. The issue came up in the City and staff was uncomfortable with the existing language. The proposed language requires someone listed in the trust live in the home to maintain the owner-occupancy requirement.

Commissioner Anderson asked what would happen if ownership were put into an LLC. Mr. Goodwin stated in that case it would be owned by a business and become a rental property. The grantor and assignee would have to be listed in the trust documents and the appropriate names listed.

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

MOTION: Commissioner Spear moved to recommend approval to the City Council of the proposed amendments to Cedar Hills City Code 10-5-2 related to Accessory Dwelling Units. The motion was seconded by Commissioner Dolenc. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Dolenc-Aye, Commission Spear-Aye. The motion passed unanimously.

ADJOURNMENT

6. Adjourn.

MOTION: Commissioner Spear moved to adjourn. Chair Dodge seconded the motion. The motion passed with the unanimous consent of the Commission.

This meeting adjourned at 6:43 p.m.

Approved:
October 26, 2021

/s/ Colleen A. Mulvey, MMC
City Recorder