

PLANNING COMMISSION MEETING
Tuesday, November 23, 2021 – 6:00 p.m.
The Meeting was conducted electronically via Zoom

Present: Vice-Chair John Dredge, Presiding
Commissioner Jared Anderson
Commissioner Tyler Dahl
Commissioner Donald Dolenc
Commissioner Kathryn Newman (joined the meeting at 6:07 p.m.)
Commissioner Lori Anne Spear (joined the meeting at 6:07 p.m.)
Commissioner Steve Thomas

Absent/Excused: Chair Jeff Dodge

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

Others: Charlie Openshaw

NOTICE OF ELECTRONIC PARTICIPATION

This meeting will be held electronically pursuant to Utah Code 52-4-207(4), and Mayor Andersen's November 22, 2021, written determination that conducting an electronic meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

PLANNING COMMISSION MEETING

1. Call to Order.

In the absence of Chair Jeff Dodge, Vice-Chair John Dredge 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.

Jason Lambourne gave his address as 10360 Morgan Boulevard and claimed that the notice he received regarding the location listed for the preliminary plan for Cedar Townhomes Plat E Phase 5 was incorrect. Because the meeting was changed to Zoom and the information noticed was inaccurate, he felt he was not provided enough time to review and research the soil sample information. As the original owner of the property, he was aware of issues with the soil previously and requested that he be given the opportunity to review the updated report from the City. Along with the holiday weekend and changing venue, he believed it was proper that the item be tabled.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the October 26, 2021, Planning Commission Meeting.

MOTION: Commissioner Dolenc moved to APPROVE the Minutes of the October 26, 2021, Planning Commission Meeting. The motion was seconded by Commissioner Thomas. **Vote on motion:** Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Dolenc-Aye, Commissioner Thomas-Aye, and Vice-Chair Dredge. The motion passed unanimously. Commissioners Newman and Spear were not present for the vote.

4. Review/Recommendation and Public Hearing on the Preliminary Plan for The Cedars Townhomes Plat E Phase 5 located in the H-1 Hillside Residential Zone.

Commissioners Newman and Spear joined the meeting.

City Manager, Chandler Goodwin presented the staff report and stated that the above item involves the review and public hearing of the Preliminary Plan for the Cedars Townhomes Plat E Phase 5 development. A timeline of the property was shared. Mr. Goodwin stated this was part of a larger Cedars subdivision that was approved in 2002. It included 725 units which incorporated all of the development surrounding the golf course and Cedars East. A property rendering was displayed. Plat E consists of the five phases with the fifth phase being approved by the City Council in July 2007. He reported that the density has already been approved and is part of the Development Agreement.

Mr. Goodwin reviewed concerns regarding soils and geotechnical studies. In April 2005, the hillside adjacent to Phase I experienced a landslide resulting in the demolition of the once existing building where a park now exists. A report from the Utah State Geologist was available upon request. He reported that multiple homes have been retrofitted as shifts in the soil have occurred. When Northern Engineering approached the City to continue the project with Phase 5, they were instructed to redo the Soils Report and conduct more localized testing on the actual location of the proposed homes. Six test pits were explored, and an updated report was provided. The report was conducted by a third party as the City does not conduct its own geotechnical studies. The report was forwarded to the City Engineer for further review.

Sewer and storm drain connections were next discussed. Mr. Goodwin stated that the proposed homes will have a lateral line running behind their property with sewer running into the existing line. He emphasized the importance of ensuring that they do not create a situation where they revisit the mistakes of 2005. The assessment detailing the destabilization factors of that landslide was reviewed. He reported that excessive moisture and an exposed slope were major contributors to the slide. It was the City's intent to follow the engineer's recommendations on cut and fill slopes as they relate to the homes to the west, the cross-sections submitted, and are compliant with International Building Code and regulations that have been adopted. He recommended tabling the item to give the City Engineer time to draft a report on the Geotechnical Study that was submitted.

Vice-Chair Dredge recognized the voting members as himself, Commissioner Thomas, Commissioner Anderson, Commissioner Spear, and Commissioner Dahl.

Vice-Chair Dredge opened the public hearing.

Robbin Herlocker identified herself as the President of the Cedar Hills Townhomes Homeowners Association (“HOA”). She gave her address as 10383 North Morgan Boulevard. She reported that the HOA is concerned about the items identified by Mr. Goodwin. She believed that the additional 12 units will become a part of their HOA and requested further discussion and to allow them to share concerns should the project move forward. She was present during the testing of two sites and urged the Commission to table the matter to ensure that it is done correctly. Liability issues were identified as concerns.

Kyle Spencer from Northern Engineering reported they felt it was important for the residents to be properly heard. Both the Planning Commission and City Council have an opportunity to review the proposal. The design was reviewed previously by the Design Review Committee, and he applauded the City Council for their attention to detail. He was involved with the initial development of the 725-unit development from conceptual to lot configuration in 2002. When the developer, Lone Peak Links, contracted with G & J Construction for the townhomes, he was not the engineer of record on that element of the overall development but was involved in the testing. He stated that he was also not involved with the GSH report, which modified the Earth Tech report when they impacted the active landslide. He was fully aware of the concerns and failures that have occurred with this extremely difficult site, and it was their intent to follow the Soils Engineer’s recommendations and approach the matter with care while addressing the concerns identified.

Evan Maw gave his address as 10403 North Morgan Boulevard where he has resided for the past year. Prior to closing on his home, he learned that there are 19 piers under their home and 16 under the adjacent unit and the units to the south. He questioned the financial responsibility of the piers and expressed concern with the HOA being saddled with that burden.

Ms. Herlocker introduced the HOA board members participating in the meeting. Questions were raised regarding the implementation of the new units into their HOA and the financial responsibility of snow removal, parking violations, and landscaping.

Robert King reported that he has lived in the area for 16 years and believed the residents have strong concerns about Phase 5 being done correctly. He encouraged the developer and City to work closely with the HOA to develop a plan regarding the maintenance of the proposed units.

There were no further public comments. Vice-Chair Dredge closed the public hearing.

Mr. Goodwin reported that the 12 units will become a part of the HOA as described in the design. As such, they will be responsible for the fees going toward the landscaping, snow removal, etc. The original landscaping plan of 2007 will be adopted with Phase 5 along with two proposed streetlights. Because the builder has not been selected at this point, the warranties will be agreed upon during the selection phase. He referenced the most recent soils report requesting that a CMT Engineering be retained as part of the comprehensive quality control testing and the

need for onsite observation. It was his understanding the piercing could be avoided if the soils report is done correctly and they are not having to build on fill material.

Commissioner Dolenc noted that the Soils Report concluded that the project could be developed with spread footings and would preclude the need for piers or alternate modifications.

Commissioner Thomas made note of the soil and ground concerns. They have been discussed at length and confirmed that the burden will fall on the developer and professional engineers. The Planning Commission has gone through the requirements and details to ensure that it is done correctly at which point it is the responsibility of the experts to take over.

Commissioner Dahl raised an issue with water flow running into the townhomes and single-family homes. Mr. Goodwin detailed the meeting with Northern Engineering confirming that the drainage swale collects the surface drainage and moves it along.

Mr. Spencer referenced the site rendering and the flow of stormwater and sanitary sewer.

MOTION: Commissioner Thomas moved to TABLE agenda item four, Cedar Townhomes Phase 5 Subdivision, until the next scheduled Planning Commission Meeting. The motion was seconded by Commissioner Dahl. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Thomas-Aye, Commission Spear-Aye, Vice-Chair Dredge-Aye. The motion passed unanimously. Commissioners Dolenc and Newman did not participate in the vote.

5. Review/Recommendation and Public Hearing on the Final Plan for Cedar Hills Gateway Subdivision Phase 4 Lot 3 Located in the SC-1 Commercial Zone.

Mr. Goodwin presented the staff report and stated the above item is a public hearing on the Final Plan for Cedar Hills Gateway Subdivision Phase 4, Lot 3, located in the SC-1 Commercial Zone. He reiterated that one of the traffic mitigation measures currently in place is the 9930 North Public Road that was widened from two lanes to three. The City Council encouraged staff to pursue a light at the intersection with the Utah Department of Transportation (“UDOT”) although difficult with projected numbers as opposed to current numbers.

Landscaping issues were addressed. Mr. Goodwin stated that changes were made to the Landscaping Plan to meet the minimum requirement, which is at 24.3%. A property rendering was displayed. The plan had been redlined and will be submitted for review in the near future. The original plan reflected ADA parking, which has since been moved to the front of the building. Exterior materials were noted.

Vice-Chair Dredge opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Spear asked if, on the elevations, the brick color is Colonial Red. Mr. Goodwin stated that brick samples were requested prior to approval and his understanding was that the developer is planning to match the shape, size, and color similar to what is on the exterior of Taco Bell. He confirmed that the drive-thru lane will not be utilized, and the use will likely not be food service.

The applicant, Charlie Openshaw, reported that the glass is clear but at times the tenant will tint the windows, if needed, to obscure items inside the building. Mirror tint will not be used. He expected the shopping center to have the same color brick and intends to use a material close to that of Taco Bell.

Commissioner Anderson raised a question regarding the number of parking stalls. Mr. Goodwin confirmed that 41 stalls are reflected on the plan. Café Rio wanted to ensure that there is a plan for adequate parking. It was noted that there is a single access to the property.

MOTION: Commissioner Dahl moved to recommend APPROVAL of the Final Plan for Cedar Hills Gateway Subdivision Plat D Phase 4 Lot 3 subject to the following conditions:

- 1. The brick panel sample is submitted to Staff.**
- 2. Final of engineering.**
- 3. Staff approval and compliance with City Code regarding the Landscaping Plan.**

The motion was seconded by Commissioner Thomas. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Thomas-Aye, Commissioner Spear-Aye, and Vice-Chair Dredge-Aye. The motion passed unanimously. Commissioners Dolenc and Newman did not participate in the vote.

6. Discussion on the City's General Plan Land Use Element.

Mr. Goodwin presented the staff report and stated that there is a current and a proposed land use element to the General Plan. He encouraged the City to consider how they envision growth and reenvision development and redevelopment in the next 10 to 20 years. Over the next several months, the discussion will involve recommendations to be made to the City Council in terms of redevelopment, preservation of open space, priority for preservation, the vision for public facilities, and expansion of land use element to include parks and trails. The land use map was displayed. Mr. Goodwin reported that the push at the State Legislative level is to increase density and allow for moderate-income housing by offering specific incentives. The challenge comes with cities that have available land for development versus one that does not.

Vice-Chair Dredge asked if the Planning Commission was prepared to discuss Sections 6 and 7, which would provide a clear direction and make it easier to draft some of the other language. Mr. Goodwin explained that the document language is broad and intended to be an overall view of the City.

Commissioner Thomas commented that both the R-1-15 and R-1-20 zones have large animal rights. As they subdivide, they are still required to meet the 15,000 or 20,000 square-foot requirement maintaining the ability to have those rights. If there are limitations on services they can provide, the City should ensure that the zoning reflects those limitations.

Commissioner Anderson suggested seeking out examples from other cities while retaining agreeable language and implementing it into the Cedar Hills plan.

Mr. Goodwin agreed to return with General Plans from like-minded and similar communities and asked Commission Members to review Sections 6 and 7. There are three elements the State requires the City have as part of its General Plan. They include a Transportation Element, a Land Use Element, and now a Moderate-Income Housing Element. He emphasized the importance of envisioning land development needs to take into effect how water usage is seen within the City and how they can make that reduction. Staff was working to identify areas in the City where they have purview over the grass and can replace those areas without functionality with an impervious hard surface. It was suggested that questions and highlights be submitted to staff and shared with the Commission to better lead the next discussion.

7. Review/Action on Approving the 2022 Planning Commission Schedule.

MOTION: Commissioner Thomas moved to ADOPT the 2022 Planning Commission Schedule. The motion was seconded by Commissioner Dahl. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Thomas-Aye, Commissioner Spear-Aye, and Vice-Chair Dredge-Aye. The motion passed unanimously. Commissioners Dolenc and Newman did not participate in the vote.

ADJOURNMENT

8. Adjourn.

MOTION: Commissioner Thomas moved to adjourn. Commissioner Spear seconded the motion. Vote on motion: Commissioner Anderson-Aye, Commissioner Dahl-Aye, Commissioner Thomas-Aye, Commissioner Spear-Aye, and Vice-Chair Dredge-Aye. The motion passed unanimously. Commissioner Dolenc and Commissioner Newman did not participate in the vote.

This meeting adjourned at 8:08 p.m.

Approved:
January 25, 2022

/s/ Colleen A. Mulvey, MMC
City Recorder