

PLANNING COMMISSION MEETING
Tuesday, May 24, 2022 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah

Present: Steve Thomas, Presiding
Commissioner Jared Anderson
Commissioner Tyler Dahl
Commissioner Jeff Dodge
Commissioner Donald Dolenc
Commissioner LoriAnne Spear

Absent/Excused: Commissioner John Dredge
Commissioner Kathryn Newman

Staff: Chandler Goodwin, City Manager
Gretchen Gordon, Deputy City Recorder

Others: Jeff Wood
Adam Watts

PLANNING COMMISSION MEETING

1. Call to Order.

Vice Chair Steve Thomas called the meeting to order at 6:00 p.m.

2. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the April 26, 2022, Planning Commission Meeting.

MOTION: Commissioner Anderson moved to APPROVE the minutes of the April 26, 2022, Planning Commission Meeting. The motion was seconded by Commissioner Spear. **Vote on motion:** Commissioner Dolenc-Yes, Commissioner Anderson-Yes, Commissioner Dodge-Yes, Commissioner Dahl-Yes, Commissioner Spear-Yes, Chair Thomas-Yes. The motion passed unanimously.

4. Discussion on Land Use in the SC-1 Commercial Zone.

City Manager, Chandler Goodwin introduced the above item to the Planning Commission. He reported that he spoke with representatives from Coldwater Capital who are developing Shiny Shell Car Wash and the Valvoline Lube Center. They own the parcel directly east of Harts and are proposing a zone change for the parcel to include mixed-use development. It was noted that it is just a discussion item and is not a formal public hearing item.

Jeff Wood from Coldwater Capital addressed the Commission and explained that Shiny Shell Car Wash and the Valvoline Lube Oil Center are currently under construction. The goal is to be complete by this fall. When they purchased the parcel behind Hart's gas station, they knew that there may be potential problems with development from a retail standpoint due to lack of visibility, however, they hoped to be able to discuss these issues and some potential solutions in order to move forward with development. He explained that with the current SC-1 zone, there are three sub-districts. They would propose to change one of the sub-districts to a lower intensity use.

Immediately east of the property is a residential area that is already built out. He presented a site plan showing the businesses that are in or are soon to be in the area. He cited the following:

'The SC-1 Zone is divided into districts that are intended to differentiate between three levels of land use intensity where the density is characterized by averaging automobile trips, building size, height, and density. The most intense land uses are planned along the frontage of 300 West where there exists the greatest separation for residential uses and where there is the most significant commercial potential. The least intense land uses are intended to be located to the east, adjacent to the elementary school and the neighboring residential area.'

Mr. Wood explained that the Code specifies the Overlay Zone of retail mixes exists within 300 feet of the residential properties. He explained that the low-intensity uses are intended to provide a buffer between the residential areas and higher-intensity uses with the exception of the location behind the Hart's gas station that does not currently have the buffer of lower-intensity use. They are proposing to maintain consistency with the rest of the area by adding the buffer of lower intensity use behind the Hart's gas station. He presented aerial views of the property.

Mr. Wood stated reported that if they were to add a high-intensity use on that parcel, it would perpetuate the traffic issues in the neighborhood. He hoped to see it changed to a lower-intensity use. Changing the zone would allow for a medical office-type use. They have had interested parties looking at the area. Medical Offices do not need frontage visibility and having professional medical offices in the area would be beneficial to the surrounding neighbors. Further, having a medical office would meet the intent of the sub-uses.

While the layout is preliminary, it does take into account the parking, building heights, setbacks, and other requirements the City has for this type of use.

Mr. Goodwin explained that when the Mixed-Use Overlay District was created, it did not include the current residential PD-1 Zone. Prior to the residential development, the overlay included this for mixed-use. Not all of the drive-thrus that Mr. Wood mentioned had been approved, so there is not currently a major issue with the traffic but there is a potential for it. A new Starbucks has been proposed in the area and there is the potential for even heavier traffic. During peak hours, cars line up in the Taco Bell and the Swig drive-thrus. The car wash and the lube center will increase traffic as well.

There are arguments on both sides regarding a rezone. One is the traffic that the combined sites will produce. Another pertains to the proximity to the residential area. The drawbacks include the fact that medical offices do not generate sales tax for the City. It was noted, however, that that is

the last priority the City considers when looking at zoning. The comment was made that there likely will not be a business there that will generate enough sales tax for the City to take notice.

In response to a question raised by Commissioner Spear, it was confirmed that what is proposed is a two-story building. Commissioner Spear expressed support for the zone change due to the proximity to the residential area.

Commissioner Anderson stated that the residents knew what they were moving in next to. He did not like the idea of continuing to reduce retail potential as there is only so much space available for the City. He did not know what could potentially go there but eliminating the potential for a retail space did not seem to be the intent of the original zone.

Mr. Goodwin explained how the State treats sales tax. He explained that it continues to change, and the City is at the mercy of the State in terms of sales tax. The City cannot control how much it retains.

Commissioner Dolenc asked how much sales tax could potentially be generated by a retail use. Mr. Goodwin stated that it depends on the business and noted that it is private information that cannot be disclosed.

Commissioner Spear felt that the intent was always for a buffer zone to be next to residential and that it should be adjusted.

Commissioner Thomas remarked that there are other office buildings within the City limits and no conditions prohibiting a boutique on the bottom floor with office space above. Mr. Goodwin explained that the Code does not specify that type of mixed-use. In this case, there is nothing in the Code stating that the main floor must be commercial retail and the second-floor office space.

There was further discussion regarding the commercial space and townhomes going in near Walmart and how the Code specifies the requirements for mixed-use. It was noted that it is specific to that location. Mr. Goodwin reminded the Commission that this is a discussion item, and the developer wants an idea of whether it is worth their time and effort to continue with the application process and if there is a likelihood of approval.

Developer Adam Watts stated that there has been no interest in the site from retail businesses once they visit the location because there is no frontage. The lack of interest is due to the amount of and proximity to residential.

Mr. Goodwin suggested that the Commissioners familiarize themselves with the Code requirements in order to make an informed decision.

Commissioner Dodge liked the idea of a buffer zone but did not want to lose retail potential.

The consensus of the Planning Commission was to look at a more formal presentation on a potential rezone.

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

Mr. Goodwin presented proposed changes to the Land Use Element from the discussion in April. He focused the discussion on Part 2 – Residential Zoning. He presented a brief description of the different zones and stated that cities have control over how their zoning reads but some states are beginning to take that away. As the zoning has already been decided, when there is redevelopment, it is typically just a newer version of what existed previously and not a different use.

Commissioner Spear asked if an addition could be made to the Code to specify that view sheds are not protected. Mr. Goodwin suggested that such a revision be included in the Code and not the General Plan. He noted that it is common law and established to be the case state-wide.

The Land Use Element is designed as a set of guidelines and not the Code. If the intent is for an item to be more than a guideline, it needs to be codified. This document is appropriate to be intentionally vague and to correspond with the Code, which is specific with no ambiguity. The two documents need to be changed to correspond with each other, as they have not in the past.

Mr. Goodwin next addressed Part 3 – Commercial Zoning. Mr. Goodwin explained that when the design guidelines were established, they indicated that the intent was to have the commercial area walkable with splash pads and gathering areas but to be able to have a lot of retail. He remarked that it was not a feasible plan and some of the language still exists in the Land Use Element. It is difficult to develop some of the remaining sites with that language in the General Plan, which is one of the reasons revisions need to be made to the Land Use Element.

It was mentioned that the burden would be on the applicant to explain how the proposal satisfies the intent of the General Plan. Discussion ensued regarding the changes in commercial development and what are the best uses for the areas. It was suggested that leaving some of the visionary statements would be beneficial so that there was still some control over the appearance of the commercial zone.

Mr. Goodwin suggested that the Commissioners consider what they want the Commercial Zone to look like. He also talked about the Public Facilities Zone and the preservation of Open Space. He said that Part 5 – Future Zoning will be important to discuss as well. In the next meeting, Sections 3 through 5 will be discussed and amended with Sections 6 and 7 to be finalized in July.

ADJOURNMENT

6. Adjourn.

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

This meeting adjourned at 7:01 p.m.

Approved:
June 28, 2022

/s/ Colleen A. Mulvey, MMC
City Recorder