

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

Present: John Dredge, Presiding
Commissioner Bari Cruze (via telephone)
Commissioner Tyler Dahl
Commissioner Jeff Dodge
Commissioner Donald Dolenc
Commissioner Lori Anne Spear
Commissioner Steve Thomas (arrived at 6:19 p.m.)

Absent/Excused: Commissioner Jared Anderson

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

PLANNING COMMISSION MEETING

1. Call to Order.

Chair John Dredge called the meeting to order at 6:01 p.m.

2. Public Comment.

There were no public comments.

Chair Dredge recognized the voting members of the current Planning Commission Meeting.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the February 28, 2023, Planning Commission Meeting.

MOTION: Commissioner Dahl moved to APPROVE the minutes of February 28, 2023. The motion was seconded by Commissioner Dolenc. **Vote on motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dolenc-Yes, Commissioner Spear-Yes, Chair Dredge-Aye. The motion passed unanimously.**

4. Review/Action on Concept Plan for Property located at 4701 West Ferguson Way in the PR 3.4 Planned Residential Zone.

City Manager, Chandler Goodwin, presented the Staff Report and stated that the subject property is located on the southwest corner of the City. The property is in the PR3.4 Zone and the lot is part of the Cedar Run Planned Residential Development (“PRD”). The deeded open space was

developed as the elementary school and the park. When calculating square footage, the open space was included. Some of the homes are on very small lots but if they were to average out the size of the lots with the open space, they would get about 10,000 square foot lots as required by the PRD. One option was to bring the road up and make it a public road. That, however, would be very difficult given the proximity of the nearby aqueduct easement. Several power transformer boxes would make it very difficult to push through.

Staff determined that the best option was to make it a private drive. When looking at the cul-de-sac option, they found that it must be 100 feet in diameter. A hammerhead would still comply with the Fire Code and allow access for a fire truck to turn around and back out safely. Mr. Goodwin noted that the Code limits private drives to five lots. The developer in this case shows six. With regard to the 10,000 square-foot requirement, Mr. Goodwin did not object to averaging it out. The top two lots are approximately 10,000 square feet in size, the middle lots are 8,000 to 9,000 square feet, and the bottom two are 13,000 to 14,000 square feet.

Mr. Goodwin suggested that the City Council discuss the 10-foot trail easement on the east side. Currently, there is no trail there. The Council should address what they would like to see happen there. If it is indeed to remain a trail easement, a shift will need to be made to avoid trails going onto private property. He noted that American Fork Fire and Rescue will have the final say with regard to the hammerhead turnaround.

Commissioner Dolenc asked about the aqueduct easement and if it will be a separate parcel. Mr. Goodwin stated that it will not and is not its own parcel. The 13,000 to 14,000 square feet include the land as part of the easement. They are restrictive in terms of what they can do with the land in that an Accessory Dwelling Unit (“ADU”) would not be permitted. Grass, however, would be allowed. Commissioner Dolenc was concerned about maintenance of the hammerhead. Mr. Goodwin explained that the private drive will be assigned to one lot for the purpose of maintenance.

Commissioner Dahl asked about the requirements for asphalt. Mr. Goodwin stated that it will have to meet City standards. The Civil Package would show what it should look like. When built to City standards it tends to last longer. Commissioner Dolenc’s understanding was that the Fire Department requires it to be able to accommodate the fire apparatus. Mr. Goodwin agreed and stated that there are minimum requirements.

Commissioner Dodge asked about the requirement of five as there appears to be adequate room for six lots. Mr. Goodwin agreed and stated that the Code was passed in 2001 and is set by State standards. Things have changed since 2001 and a decision was made at that time. The City Council can make a change to that requirement in the Land Use Code.

Commissioner Dodge commented on the inability to connect to the cul-de-sac. Mr. Goodwin stated that there are a number of utility and power boxes that make it challenging. Commissioner Dodge commented that with the current Code, they cannot approve what is being requested with more than five lots. Mr. Goodwin reported that the City Council can grant approval with the condition that the preliminary shows five. A variance can then be requested with the Hearing

Officer by going through the judicial process. The reason for granting the variance cannot be economic.

In response to a comment, Mr. Goodwin stated that connecting the road to the neighboring cul-de-sac would result in the elimination of the five-lot provision and it would have to meet the requirements for a public street.

The developer, Mike Muelhmann, stated that the aqueduct makes it difficult to build a public road. Their main argument is primarily economic. He commented that five lots do not work economically for them. To be viable, they need at least six lots. Commissioner Dodge commented that it appears that the Council's hands are tied in terms of how many lots they can approve. Mr. Goodwin stated that the Council has no latitude in this instance. Possible options were discussed. The possibility of a flag lot was mentioned. Mr. Goodwin stated that every 20 feet there can be a driveway on a cul-de-sac going to the flag lot. Commissioner Dodge asked if there was a way to get a sixth lot with a different frontage to allow the project to go forward. Mr. Goodwin considered that to be an interesting concept. Chair Dredge commented that it would be less intrusive than a road.

Mr. Goodwin stated that on behalf of the City, he will need more information on the trail. He commented that the concept of what is proposed works, however, some of the details are wrong or need to be addressed.

MOTION: Commissioner Dodge moved to APPROVE the Concept Plan for the Ferguson Property Subdivision located at 4701 West Ferguson Way in the PR 3.4 Zone, subject to the following condition:

1. **Limit lots to five connecting to the private street.**

The motion was seconded by Commissioner Spear. Vote on motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dolenc-Yes, Commissioner Spear-Yes, Chair Dredge-Aye. The motion passed unanimously.

5. **Review/Action on Concept Plan for Property located at 9561 North Canyon Road in the R-1-15,000 Residential Zone.**

Mr. Goodwin presented the Staff Report and stated that the proposal is to split a single lot into two lots. The location of the property was identified on a map displayed. The lots are over 20,000 square feet in size and have the correct setbacks. All utilities are in place. The City owns a triangular piece on the corner that is too small to do anything with. What is done with that piece of property will be up to the City Council to decide.

MOTION: Commissioner Spear moved to APPROVE the Concept Plan for the property located at 9561 North Canyon Road in the R-1-15,000 Residential Zone. The motion was seconded by Commissioner Dahl. Vote on motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dolenc-Yes, Commissioner Spear-Yes, Chair Dredge-Aye. The motion passed unanimously.

6. Review/Action on Concept Plan for Lot 7 in the Cedar Hills Gateway Subdivision located in the SC-1 Commercial Zone.

Mr. Goodwin presented the Staff Report and stated that the proposal is for a five-unit office/warehouse structure similar to the Lone Peak Lofts. Fire access was described. If the building is below 39 feet in height, a rear access drive is not needed for fire apparatus. The building will need to be fire sprinkled. The length of the road was determined to be too long for an apparatus to pull in and back out. That issue will need to be addressed by the applicant. Possible options were discussed. Ultimately, the Fire Marshal will have to sign off on the Final Plat.

Mr. Goodwin identified parking as another issue. Office parking was discussed recently, and the City Council ultimately took a different approach. Rather than looking at each building independently, the Council assumed that a certain percentage of the building doesn't generate parking. The Council decided that the area would be 20%. There is nothing in the Code specifying the parking required for warehouse use. Currently, there are 31 parking stalls. The intent is to ensure that the parking numbers meet the needs of the building. Site lighting and egress issues were discussed.

The setbacks are 30 feet with a maximum height of 35 feet. Commissioner Dodge liked the idea of connection. Commissioner Dolenc felt that the proposed parking is ample and asked if some parking on the west side could be converted into a landscaped area. Mr. Goodwin stated that it would be up to the applicant. He explained that as part of the preliminary process they bought into the detention based at a minimum of 23 %. Commissioner Dolenc remarked that his was an aesthetic suggestion.

Grade variations on the site were discussed. Mr. Goodwin estimated that there is a three-foot drop along the length of the building. Commissioner Dodge stated that the building is shorter on the one side and suggested that that be considered when selecting building materials.

MOTION: Commissioner Spear moved to APPROVE the Concept Plan for the Cedar Hills Gateway Subdivision, Plat B, Lot 7, located at 9912 North 4700 West in the SC-1 Commercial Zone. The motion was seconded by Commissioner Dodge. Vote on motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dolenc-Yes, Commissioner Spear-Yes, Chair Dredge-Aye. The motion passed unanimously.

ADJOURNMENT

7. Adjourn.

MOTION: Commissioner Thomas moved to ADJOURN. The motion was seconded by Commissioner Dahl. Vote on motion: Commissioner Dahl-Yes, Commissioner Dodge-Yes, Commissioner Dolenc-Yes, Commissioner Spear-Yes, Chair Dredge-Aye. The motion passed unanimously.

The meeting adjourned at 6:44 p.m.

Approved:
May 23, 2023

/s/ Colleen A. Mulvey, MMC
City Recorder