

## PLANNING COMMISSION

Thursday, October 24, 2013 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Glenn Dodge, Chair, Presiding  
Craig Clement, Jeff Dodge, Mike Geddes, Brad Weber, David Driggs, Emily Cox  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Courtney Hammond, Transcriptionist  
Trent Augustus, City Council Liaison  
Others: Doug Young, Corey Shupe, Gary Gygi, Jenney Rees, Stephanie Martinez,  
Daniel Zappala, Steve Proffit, John Dredge, Jerry Brasier, Kwame O-boamah,  
Ken Kirk, Ivan Hoffman, Randy Goddard, Russell Smart, Candice Smart, Laurie  
Ann Spear, Steve Ballard, Bryce Lawson, Wendy Chatfield, Sandy Stevens, Rob  
Crawley, Michael Stuy, Jerrylyn Beers, Sean Lorscheider, Matt Badger, Ted  
Davis, Jared Bradley, Scott Ferguson, Sean Warenski, Gary Gygi

### PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order at 7:02 p.m. by C. Dodge.
2. Public Comment  
No comments.

### PUBLIC HEARING

3. Preliminary Plan for a Development in the SC-1 Commercial Zone, located at approximately 4600 West and Cedar Hills Drive

C. Dodge explained that the Commission would only be taking comments on the 5 acres under consideration which includes senior living and associated retail.

Corey Shupe of Blu Line Designs gave a presentation on the proposed development. They have previously met with the Planning Commission and City Council and have worked with their suggestions to make this a project that will fit in the community. The development is planned to be a walkable community gathering area with retail and restaurants. The senior living facility would have some retail space at the lower level. The back of the building would have wings with courtyards with lush gardens. There would be a few commercial buildings on the 5 acres as well. A half mile trail would encircle the area with exercise areas. Future developments would connect the senior living facility to more retail, restaurants and community areas. The closest proximity from the edge of the building to a house is about 136 feet.

#### Public Hearing Comments:

Steve Proffit: Mr. Proffit's property borders the commercial zone. He would like to see a committee of residents who live in the area formed so that the city can hear more about

their needs and concerns before decisions are made. He knows there will be a commercial property in that area, but he doesn't want to have downtown in his background.

John Dredge: Mr. Dredge lives to the south of the proposed development. He appreciates that the building was shifted back from the property line. He has spent time looking at three story buildings, which he feels are tall. Five story buildings are not only tall, but imposing and will dominate the area. He feels that a three-story building will be tall but not dominate and would be more in line with the tone of city.

Jerry Brasier: Mr. Brasier is a retired licensed architect. He stated that the designers have done an excellent job and handled the size of the building for the site. He is concerned with fire lanes in the future development. He doesn't want to end up with a commercial area with just fast food restaurants.

Kwame O-boamah: Mr. O-boamah stated that he feels the same as John Dredge. A tall building is not convenient for the peoples that live there. It should be a three-story maximum.

Ken Kirk: Mr. Kirk stated that he is concerned with the density of the residential area. He thanked the Planning Commission for their service. He understands that the Planning Commission has a legal obligation to approve any plan that meets city code and the development guidelines of the city.

Ivan Hoffman: Mr. Hoffman appreciates that more business is coming to the area. He is concerned that the building will be 60 feet tall. He is concerned that fire department doesn't have the hook and ladder truck that would be needed to accommodate that building.

Randy Goddard: Mr. Goddard stated that as a neighbor he is concerned with the height of the building. He is also concerned with north-south traffic flow emptying on to 9900 North. He proposed that there be no exit on 9900 North. He hopes that all impact studies be publically available and released prior to another hearing so residents can come to meetings informed.

Russell Smart: Mr. Smart is part of the family that owns the property. In 1985 Lyle Smart bought that property. That family donated land for the road and wanted a great commercial area on that land. Lyle Smart also bought the land where the school is located. The family has done a lot for the city. This commercial area was his vision to keep the city vibrant.

Candice Smart: Ms. Smart lives in Herriman, which is a city that waited too long to get commercial going. If Cedar Hills doesn't get commercial going soon, neighboring cities will. Her mother lives in a similar development in Texas. There are fantastic amenities in similar facilities. She thinks it is a great fit for the city. She thanked the Planning Commission for their hard work.

Laurie Ann Spear: Ms. Spears lives behind the development. When she moved here the area was a privately held apple orchard. She feels this building will compete with Bridgestone, which didn't fill up. She doesn't believe it will fill up with 300 active seniors. The city needs some tax base, but it doesn't need to take the first offer. There need to be more studies to determine whether this will succeed. She encouraged the city to take some time. There is only one chance to do it right. She asked them to be careful and consider the impact, particularly on those who live in the area.

Steve Ballard: Mr. Ballard lives right behind the proposed theater. There is not a lot of dissent against responsible commercial development. The challenge is the scale. There is

little buffer between commercial and residential. He feels it would be more appropriate to scale down the senior center. He is concerned about a tight setback behind the theater.

Bryce Lawson: Mr. Lawson stated that the city only has one chance to do it right. There has been talk of a committee and getting resident involvement. The rural feel in Cedar Hills is what appealed to him the most when he moved here. He would like to find an appropriate balance.

Wendy Chatfield: Ms. Chatfield stated that she is not against the development. But she feels the development doesn't fit in the city. She has heard that 80% of the units have to be filled with 55 and older. The other 20% can be family rentals which will send more children into the schools. Traffic on those roads is already bad, but will be worse in that area. She doesn't think Harvey Boulevard can handle the traffic. She lives behind the proposed theater. If this development will bring in a movie theater, she is against it.

Sandy Stevens: Ms. Stevens is concerned with light pollution from the parking lot and development. It will affect neighbors every night. She is very concerned about the traffic. Her son was hit by a car on 9900 North and life-flighted to a hospital. Children play out there all the time. She understands property owners' right. But she feels that she also has a right to keep property values high and keep children safe. The development would change the feel of the neighborhood and affect views. She understands the financial needs, but feels there are other ways.

Rob Crawley: Mr. Crawley stated that Cedar Hills has been through hard times starting with the building of the golf course. There was opposition, but the city went forward with it. The city is starting to come together again. He doesn't want the city to make a quick decision with this project before recognizing and addressing resident concerns. His biggest concern is the density of 300 units in a small area. He is concerned with the possibility of not being able to rent out to the senior community. He would be more in favor of lower density and a shorter building.

Michael Stuy: Mr. Stuy stated that his first reaction was dismay over the height of the building. He sees the need for commercial, but the height of the building is a concern for many. There is little opposition for a 2-3-story building. He is concerned about the constraints on the water supply. If he backed the development, he would prefer a strip mall and dumpster to the tall building. He is also concerned with traffic along Cedar Hills Drive. People would be more comfortable with the design if the traffic and parking questions would be answered. He also questions the guarantee that the retail will follow the senior living facility.

Jerrylyn Beers: Ms. Beers is excited about commercial development. The building is beautiful. She loves it. It makes the city look nice. There was controversy over Walmart, but it is doing well. She worries that there are not enough parking stalls. She is concerned about occupancy and vacancy rates and wonders if there is a demand for 300 units. She does not want to see a repeat of midtown village in Orem. Three stories would fit in better with the city.

Sean Lorscheider: Mr. Lorscheider works at Lone Peak Dental. He understands that the area has to develop. His main concern is the backside of the theater. He is also concerned with the height and quality of the building. The dental offices had to do the building in all brick. He wants to keep the standard high for exterior materials. He wants to know details of how the 55+ guidelines will be upheld. He is concerned with rentals. Rentals have

problems 20 + years down the road. Alpine recently decided that a proposed theater was too tall. He suggested that Cedar Hills do the same.

Matt Badger: Mr. Badger doesn't live near the affected area. He thinks the building is an eyesore, too big, with too many people. It won't fill. It will put stress on the schools. Once the developer is done and can't fill the units, they will start allowing others. He has never had any problem getting movie tickets at any nearby theaters. He would love to have restaurants, but not this. He thinks there is a better option.

Ted Davis: Mr. Davis lives in American Fork on the southern boundary near this development. This would be the largest apartment complex in Utah County. The developers said they did something similar in other parts of the state. He wants to know more about those developments. He wants the 20% issue addressed.

Jared Bradley: Mr. Bradley appreciates the work of the Planning Commission. He is running for City Council and getting a lot of feedback. There is an assumption that residents will only have one car per unit. He wants to know more about those assumptions. He wants to know if there are other anchor possibilities. He is excited that the developer is looking at this land. Developing the commercial zone is what the city needs.

Scott Ferguson: Mr. Ferguson stated that the proposed entry/exits on 9900 North point directly into residential areas. He is concerned with traffic and safety concerns in those residential areas. He is excited for the development, but does not want entrances on the south side.

Sean Warenski: Mr. Warenski owns the funeral home that sits south of the development. As a business owner his biggest issue is vandalism. In the daytime it is not uncommon for high school students to buzz through his parking lot. He and his family live there. He thinks this is a great project and loves commerce, but there is too much being squeezed on too small a piece of land. The city needs to consider how this land can best serve the community and its needs. He wants to ensure that the city has the public safety resources to service the new building. This may draw excess traffic on 9900 North, which already has traffic issues. He proposes no exits on 9900 North, but instead have a nice berm with landscaping.

Gary Gygi: Mr. Gygi thanked the neighbors for their input. He supports the Smart family and their desire to sell their property. This is just the beginning of the process. He thanked everyone for keeping the process as constructive as possible.

#### SCHEDULED ITEMS

4. Approval of Minutes from the August 22 and September 26, 2013 Planning Commission meetings

**MOTION: C. Weber—To approve said minutes.** Seconded by C. Driggs.

Yes - C. Clement  
C. Cox  
C. Dodge  
C. Driggs  
C. Geddes

Motion passes.

**MOTION: C. Dodge—To change the schedule of events, considering next item 7, Review/Action on Granting “Waffle Luv” a Conditional Use Permit; then item 8, Discussion on the 2014 Meeting Schedule; then item 5, Discussion on Preliminary Plan for a Development in the SC-1 Commercial Zone, located at approximately 4600 West and Cedar Hills Drive; and table the rest until the next meeting.** Seconded by C. Geddes.

Yes - C. Cox  
C. Dodge  
C. Driggs  
C. Geddes  
No - C. Clement Motion passes.

7. Review/Action on Granting “Waffle Luv” a Conditional Use Permit (CUP)

Chandler Goodwin stated that Waffle Luv is a food truck that has operated on the road north of Harts. There is nothing in the code that allows commercial vendors to operate on the streets. The city will be looking into that in the future. Waffle Luv also locates in parking lots. They can operate with a CUP in the parking lots. They have point-of-sales sales tax that is remitted to the city. The city would want a schedule to know where they are in the city and when.

Adam Terry of Waffle Luv stated that the truck is 18 feet long by 8 feet wide plus the car. Waffle Luv has all the required health code documentation. It operates by social media. A typical shift is 4 hours. If they can find a suitable parking lot they will serve for 4 hours in that location. Their plan would be to be in Cedar Hills once a week. They have apps that are set for the shift to allow for point-of-sales sales tax. They leave no trace, cleaning up after themselves. When he has worked on the Harts property, it has been under the agreement that all drink sales be sent to Harts.

**MOTION: C. Driggs—To approve a conditional use permit for Waffle Luv to operate within the Lexington Heights Office parking lot, pending approval from the Lexington Heights owner, and informing the City Business License Official of any times they will be operating.** Seconded by C. Cox.

Yes - C. Clement  
C. Cox  
C. Dodge  
C. Driggs  
C. Geddes Motion passes.

8. Discussion on the 2014 Meeting Schedule

Glenn Dodge stated that the meeting location needs to change to the Community Recreation Center.

5. Discussion on Preliminary Plan for a Development in the SC-1 Commercial Zone, located at approximately 4600 West and Cedar Hills Drive

Chandler Goodwin stated that he felt the public hearing went well with a lot of constructive public feedback. One thing to keep in mind is that the property owner also has rights. The proposal is not outside of the commercial guidelines. The Planning Commission also needs to consider the impact of surrounding neighbors. The Planning Commission is bound by the code. Commercial Guidelines were adopted by resolution and are primarily recommendations. Doug Young mentioned that piecemeal development could be detrimental to the city. There are real advantages to a master planned community. He asked the commissioners to email him points and priorities that he can bring up in a meeting with the developers. Many of the public safety calls are in response to senior issues. This facility may put a higher demand on public safety. Water shouldn't be an issue.

C. Clement stated that part of the commercial design guidelines were adopted into the code. The only thing that has been presented to the city on this land over the course of many years is a mixed use development because the back corner is not great for retail. This is the first time the Smarts have signed off on the plans. This project is evolving in a good direction, in his opinion. He has an issue with the height, but they are within 7 feet of the commercial design guidelines.

C. Weber stated that a resident committee was suggested, but that is the purpose of the Planning Commission. There is a fine line that needs to be walked. There are concerns from the community. The developer has gone through much time and expense. The opportunity to work with a good developer can be unique. He doesn't want too many concerns to scare off the developer. This Commission needs to look at what it's bound to do. There are things to put on the wish list, but there are only so many things that the Commission can do.

C. Driggs stated that he would like it if the city can push for fewer stories if the developers are amenable. He is concerned that the developers stay around long enough to get the commercial area built out. He feels like the city owes it to the citizens to push for lower height/density. He would like to walk the site with the developers.

C. Geddes stated that Bridgestone was mentioned in the public hearing. He feels that Bridgestone is not a fair comparison. They are different units and a different business model.

6. Review/Action on Portable Utility Sheds (tabled)
9. Discussion on Public Noticing Procedures on items Recommended to the City Council (tabled)
10. Discussion on Setbacks (tabled)
11. Discussion on the Definition of “Family” (tabled)
12. Committee Assignments and Reports (tabled)

ADJOURNMENT

13. This meeting was adjourned at 9:30 p.m. on a motion by C. Geddes, seconded by C. Dodge and approved with C. Clement dissenting.

Approved: January 23, 2014

/s/ Colleen A. Mulvey  
Colleen A. Mulvey, CMC  
City Recorder