

PLANNING COMMISSION MEETING

Tuesday, January 29, 2019 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: John Dredge, Presiding
Commissioners: Marie Kraft, LoriAnne Spear, Steve Thomas
Absent/Excused: Jared Anderson, Jeff Dodge, David Driggs, Eric Schloer
Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Joel Wright, City Attorney
Colleen Mulvey, City Recorder
Others: Charlie Openshaw, Mark Greenwood, Ryan Bybee

1. Call to Order

This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order by Vice Chairperson Dredge at 7:01 p.m. C. Kraft was recognized as voting member.

2. Public Comment

There were no public comments.

SCHEDULED ITEMS & PUBLIC HEARINGS

3. Review/Recommendation and Public Hearing on Preliminary Approval for Taco Bell, part of the Cedar Hills Gateway Commercial Zone, located at approximately 9968 North 4800 West in the Sc-1 Commercial Zone

PUBLIC HEARING

There were no public comments.

Chandler Goodwin presented the staff report as well as an aerial map of the subject property. He explained that submissions have been made for preliminary plans for the Taco Bell. A preliminary plan should include a layout of the proposed site, as well as landscaping plans, traffic studies, public utility improvements, and building elevations. The Planning Commission gave conceptual approval on January 15th for the Taco Bell site to move forward. Concerns were raised about the length of the drive thru, the proximity of the drive thru to the public street, as well as the proposed building elevations. The new site plan shows about a four- to five-foot separation between the drive thru and the public road; this separation is per the Planning Commission's request to increase that distance as much as space would allow.

C. Dredge thanked Mr. Goodwin for the quick response and suggestions on this item.

Mr. Goodwin explained that currently staff is waiting to receive the new elevation proposal and the traffic information for the proposed site. As a result, staff is requesting that this item be tabled until all submissions have been made.

MOTION: C. Thomas - To table the review/recommendation on preliminary approval for Taco Bell, part of the Cedar Hills Gateway Subdivision. Seconded by C. Spear.

Yes - C. Dredge
C. Kraft
C. Spear
C. Thomas Motion passes.

4. Review/Recommendation and Public Hearing on Conceptual and Preliminary Approval for a Storage Facility, part of the Cedar Hills Gateway Commercial Subdivision, located at approximately 9978 North 4700 West in the SC-1 Commercial Zone

PUBLIC HEARING

There were no public comments.

Mr. Goodwin presented the staff report as well as the site plan for this item. He explained that submissions have been made for conceptual and preliminary plans for the storage facility. A preliminary plan should include a layout of the proposed site, as well as landscaping plans, traffic studies, public utility improvements, and building elevations. The Planning Commission denied conceptual approval on January 15th for the storage facility. Concerns were raised about the proposed building elevations. The new building rendering shows a substantial increase in the proposed landscaping plan, thus altering the flow of traffic through the storage facility site. Bay doors have been removed from the front (west) half of the building and windows have been added to give the building a more traditional office structure look. Currently, staff has a rendering of the proposed building, but they are still waiting to receive the new elevation proposal showing all sides of the building, the landscaping plan, and the traffic information for the proposed site. Therefore, staff is requesting that this item be tabled until all submissions have been made.

Ryan Bybee, Developer, reviewed the landscaping plans for the project, stating that they would shield the bay doors from public view as best as they can. The building sits off of 4800 West; the bay door and loading zone will be moved to the south and north sides of the property. He noted that not every bay door will have lighting which will eliminate issues with light pollution into adjacent neighborhoods.

C. Dredge asked if the lights on the building will be lit all night, to which Mr. Bybee responded in the affirmative. However, the buildings will be shielded and he does not foresee issues with the lights shining into homes.

C. Spear asked how high the lights will be placed. Mr. Bybee said he would like to install them on the lower backside of the building. C. Thomas asked if they would be LED lights, and Mr. Bybee answered affirmatively. He further noted that the color of brick and the bay doors will match the same color as Walmart.

C. Spear asked how many bay doors will be placed along the backside of the building. Mr. Bybee stated there would be 16 doors. C. Spear asked if there would be a berm and trees in that area as well, and Mr. Bybee stated that they would do whatever was asked of them by the

Commission. C. Spear stated that she did not see trees on the storage unit side. Mr. Bybee identified some trees on the park strip. C. Spear said she noticed six-foot fences were installed on side of the building facing the residences; in speaking with neighboring residents, they expressed that they wished the fence was higher. She noted that the fencing facing Walmart was higher than that of the fence facing the residences.

Joel Wright, City Attorney, opined that Extra Space Storage had a significant amount of data on fencing issues. He then asked about the economic feasibility of having fewer bay doors at the proposed facility. Mr. Bybee answered affirmatively, stating that having 30 doors was economically feasible. By having a different product type, the use of the site would be more spread out. He felt that the alterations represented a compromise.

C. Dredge said he attended a meeting with the developers this past Friday, and he has had a lot of interaction with Mr. Driggs and the Mayor on the matter. He noted that they were particularly concerned with the wording of the City's code. Several pictures from last year were distributed by C. Spear. Additionally, he reviewed the minutes and re-listened to portions of past meetings, and it was clear that the Planning Commission meant that indoor access should look like an office building in all respects from the outside. He stated that while he personally does not find this elevation objectionable it is not in accordance with the City's code. He suggested that the correct way forward would be to deny the application and revise the code.

Mr. Goodwin stated that the City could work with the developer in making the project fit with the zone without delaying the developer's timeline. The next regularly scheduled meeting is in February, which should give the developer sufficient time to provide the additional documentation requested by staff. Additionally, a code amendment could also be recommended to the City Council within this same timeframe. He stated that they want a building that will be successful.

C. Thomas stated that there are several retail stores with loading doors within the City. He asked if there are any limitations with these, to which Mr. Goodwin responded in the negative. C. Thomas mentioned that Walmart has five doors, and he questioned the reason for denying this application. C. Dredge stated that the issue relates to specific wording pertaining to indoor, climate controlled storage. C. Thomas explained that even though there are outside, accessible units, this does not mean that they are outside storage units. Mr. Goodwin explained that they needed to abide by the understanding of when the code was originally passed. There was subsequent deliberation on the matter.

C. Dredge stated that the City wants a product that will be of the greatest benefit to the residents. C. Thomas said if he was the developer and was trying to get this particular building built, what's to say he couldn't put in two rows of doors, where one set of doors opens up to a climate controlled area so as to meet the requirements of the current code. Mr. Goodwin said that the code cannot be planned around every weird circumstance. C. Thomas said he thinks this meets the intent of what is in the code. Mr. Goodwin stated that staff is looking for direction from the Commission on this item; regardless of the direction given, the application cannot be passed tonight due to missing documentation.

C. Thomas recalled another proposal with bay doors and office access, and he asked what the difference was between the two proposals. C. Dredge stated that the difference is not in the bay doors; it's the agreed upon definition, and words really do matter. C. Thomas questioned whether the code was general enough because everything they do has ramifications.

Mr. Bybee suggested possible rewording of code to either be "multi-story storage units" or "class A storage units" which would be consistent with the industry; this would eliminate exterior access units. He said he wished for this project to move forward so that they could begin building in spring. He went back and listened to all of the meetings and reviewed the discussions that had taken place. He felt that they had met the intent of the code based on those discussions, including making the exterior look like an office building. He stated that they would need to work on shielding the view of the bay doors. There was subsequent discussion about images that were sent to the Commission for review, and several previous statements were reiterated.

Mr. Goodwin stated that a person could potentially review the meeting minutes and conclude that the intent of the code was not being met, and could therefore challenge the decision. The code could be clarified through an amendment, although it would slow the project down.

C. Spear asked if the code were to be amended, would public notice be given. Mr. Goodwin answered affirmatively.

C. Thomas said the Commission has been granular before in how they tell people to do things, and it has come back to bite them. He asked if they wanted to do that with this application. Mr. Goodwin said that while they have been bitten by granular language in the past, they have also been bitten by vague language as well. If the Commission feels this building fits in the zone for which it is being proposed, he suggests moving it forward with a code change: to specifically allow storage units to have bay doors visible from the outside. If the Commission does not like the building, he suggests keeping the code the same and asking the developer to come back with a proposal that does not have bay doors on the outside.

C. Thomas said he does not have any problems with the way this proposal has been presented. He believes that the problem is in the semantics of the code. Mr. Goodwin stated that there was never any intention on the part of staff, the developer, or the Council to do a "bait and switch." There have just been some miscommunications throughout this particular application process. Mr. Goodwin stated that he would be happy to work on the language of the code and could have it ready for review by the next meeting, if that is what the Commission wants.

Mr. Wright stated that the City has a code that handles storage, and the language specifically states "indoor climate controlled." In looking at the language of the industry, as well as on the applicant's company website, they also use the language "indoor climate controlled," and they have different units and pricing. Mr. Bybee stated that they call them "drive up" versus "exterior access."

Staff and Commissioners discussed an appropriate motion to make on this item tonight.

C. Kraft asked about the fence that runs along the back of the site. Mr. Goodwin stated that the fence in question should be built all at once. Referencing an aerial map of the property, Mr. Bybee identified where the fence would be built. He also explained that at the last meeting there was some discussion as to whether they should or should not have windows on the back of the building. He showed a picture of the back of the building and explained that currently they did not have windows on the back of the building; however, there are windows along the front of the building. He asked if the Commission would like windows on the back of the building as well. C. Spear said frosted glass would be okay. C. Kraft added that it would be nice to have something to break up the walls.

C. Dredge asked that if staff worked up proposed code language, could the Commission discuss it by email. Mr. Goodwin said no because that would violate the Open and Public Meetings Act.

MOTION: C. Thomas–To recommend that staff propose code changes and table the review/recommendation on conceptual and preliminary approval for a Storage Facility, part of the Cedar Hills Gateway Subdivision. Seconded by C. Spear.

Yes - C. Dredge
C. Kraft
C. Spear
C. Thomas Motion passes.

ADJOURNMENT

This meeting was adjourned at 7:52 p.m. on a motion by C. Spear, seconded by C. Kraft and unanimously approved.

Approved:
February 26, 2019

/s/ Colleen A. Mulvey, MMC
City Recorder