

PLANNING COMMISSION MEETING

Tuesday, February 25, 2020 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jeff Dodge, Chair, Presiding
Commissioners: Jared Anderson, John Dredge, Lori Anne Spear, Steve Thomas
Absent/Excused: Eric Schloer
Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder

1. Call to Order

Chair Jeff Dodge called the meeting to order at 7:00 p.m.

2. Public Comment

Chair Dodge opened the floor for public comments. Seeing none, he closed the floor for public comments.

3. Approval of the Minutes from the January 28, 2020 Planning Commission Meeting

C. Spear asked for two corrections, one, a typo made in the nominations section for the nomination of vice chair: 2nd paragraph 3rd line said Chairman “Briggs” and should be “Driggs,” and two, when talking about the fences under Item 5, she believed her statement was misconstrued and should be changed to “the intent of having the four-foot fences or open fences was so that the trail walkers would have a solid wall of vinyl tunnel and also for the safety of the walkers not so much the residents.”

MOTION: C. Dredge—To approve the minutes of the January 28, 2020 Planning Commission Meeting, with the changes as notified by C. Spear. Seconded by C. Spear.

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

4. Review/Recommendation and Public Hearing on Concept/Preliminary Plan Approval for Swig in the Cedar Hills Gateway Commercial Project, located at approximately 9980 North & 4700 West in the SC-1 Commercial Zone

Mr. Goodwin explained that representatives from Swig are looking to build in the Cedar Hills Gateway subdivision just east of the Taco Bell. He goes on to explain that lot 6 has now been carved off into a smaller lot 9 and that lot 9 is being carved out to Swig. He noted that the opening of the Taco Bell last week has been met with fanfare and is busy right now but it is expected to taper off. The situation that needs to be avoided is having the two drive-thrus back into each other so the drive-thru queue needs to be reviewed. There is a temporary access that has to be removed which is too close to this intersection. There is a temporary access point that

allows for you to pull through and that would need to change. He said he spoke with the building official and there is an issue of walkability to the building that would be easy to address.

Mr. Goodwin commented on to the issue of the proposed elevation of the structure. He said the proposal which was sent to him yesterday stated that the proposed structure is a small 550 square foot building with thin brick and aluminum. He said that the storm grate is visible in the preliminary. He asked to table the preliminary recommendation until the following week and asked for feedback on the concept plan.

C. Dodge asked for clarification about whether or not the elevation will be a faux brick or a thin brick to which Mr. Goodwin replied that the material presented to him initially was faux brick but he told them to make it a thin brick that is actually brick material.

PUBLIC HEARING

No comments.

Mr. Goodwin said that the Swig representatives have been receptive to feedback due to the constraint of avoiding having the two drive-thrus backing up into each other. Two iterations were presented. Mr. Goodwin suggested pulling in a certain way and seeing if you can exit out through Taco Bell which is the current proposal.

C. Spear asked for clarification about whether or not lot 9 exits out to lot 6. Mr. Goodwin explained that it would exit out to lot 6 and that it would be the same owner. He explained in the Gateway Subdivision one thing that was done that hasn't been done before is to let the public improvements, utility infrastructure and the building itself to be simultaneously built. Taco Bell is in a portion called Phase 1 and the rest of the subdivision is Phase 2 which has not yet been bonded for.

Mr. Goodwin said the agreement made with developers is that they will not get a certificate of occupancy for the Taco Bell or the storage facility until the associated public improvements have been done. He said they told Swig they will review the concept and preliminary plans but if it gets to the point of the final stage of approval and the public improvements have not been done everything grinds to a halt.

C. Spear asked if there is access and exits on lot 6. Mr. Goodwin replied that yes, there would be access into Swig onto the site without having to go into lot 6, and that parking will need to be discussed.

C. Dredge commented that there are only three employee stalls. Swig representative, Aaron Smith said that they have three employees that run the store at a given time. Mr. Goodwin suggested that if they are going to encourage people to sit down at tables there should be parking.

C. Dredge asked if there is seating indoors. Mr. Smith replied no not at all and that 95% of their business occurs through the drive-thru and 5% through walk-up traffic. C. Spear asked if there will be walk-up service available. Mr. Goodwin replied yes that's why the sidewalk is of a concern.

C. Spear asked about the coloring of the elevation, specifically colonial, and if it will match. Mr. Goodwin commented that in most cases elevations aren't approved until the preliminary.

C. Thomas said he saw 15-20 cars from the Taco Bell drive-thru wrapping out and around onto the access road and that there should be a traffic management plan. Mr. Goodwin said he is interested to see what happens in the next few weeks once the appeal of Taco Bell has died down.

Mr. Smith explained that the order times at Swig are low, around one minute to one minute twenty seconds because they only serve soft drinks and cookies so they can get people through the drive-thru quickly. He also explained that they use line bussing to expedite orders and make the drive-thru more efficient. On average they have about 5-6 cars in the drive-thru at a time.

C. Anderson asked who owns the building under this proposal. Mr. Smith said that the building is owned by Four Foods Group.

C. Dodge commented that he doesn't mind the aesthetics much on the building and that the colors seem nice on the thin brick but they should watch the details on the corners. C. Dredge mentioned that they aren't approving the aesthetic tonight and that he understood why, but it looks a little boxy from the outside without windows. Mr. Smith commented that this has been a concern expressed by other cities but the fact that there are no windows has been strategically designed because you would be looking into an operational business and not into a dining room or restaurant. C. Thomas suggested higher windows and Mr. Smith said that is a possibility.

Mr. Anderson asked which direction the walk-in window will face to. Mr. Smith replied on the west side. C. Dredge expressed concern about high school students and walking traffic at lunch. Mr. Goodwin said they are going to do a walk initiative with the high school and that Taco Bell will be the big drive at lunch. Mr. Smith commented that historically they are busiest during off-peak times and don't have a big breakfast or lunch rush mostly in between these and between lunch and dinner when people need a caffeine kick.

MOTION: C. Spear—To approve the concept plan for the Cedar Hills Gateway Subdivision Plat A, Lot 9, located at approximately 9980 North 4700 West. Seconded by C. Dredge.

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

MOTION: C. Dredge—To table the preliminary plan for the Cedar Hills Gateway Subdivision Plat A, Lot 9, located at approximately 9980 North 4700 West. Seconded by C. Anderson.

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

5. Review/Recommendation and Public Hearing for Approval of Rhinehart Land Subdivision Plat B, located at approximately 10040 North & 4800 West in the SC-1 Commercial Zone

Mr. Goodwin said that this is a unique subdivision. The Cedar Canyon Subdivision finished half of the road as part of their agreement and then Gateway Subdivision finished the other portion of sidewalk which is around 75% of it. Rhinehart Land asking for a subdivision without any buildings which is why the City can do a concept and a preliminary on it right now. One part of the improvements needed to be done is the sidewalk to encourage the walking initiative of high school students and ensuring a safe route to Taco Bell.

Mr. Goodwin said the issue with the sidewalk is that it is not a straight sidewalk. When Rocky Mountain Power installed poles along 4800 West they did not make them parallel to the road; therefore, he asked for a meander around the uneven poles. C. Thomas asked if there will be curbs, to which Mr. Goodwin replied not at this time but maybe in the future.

PUBLIC HEARING

No comments.

C. Dredge commented that it is an unusually shaped lot. Mr. Goodwin concurred and said that it is nearly 2 acres. C. Dredge asked if they are potentially looking at two different tenants on the northeast half because the plot can't be straddled with one building.

David Peterson, developer, commented that the intention is to separate Harts gas station into the remaining property. The primary purpose of the subdivision is to separate it legally so that sometime in the future they can develop on the other parcel. He has done layouts on the area and there is room for a little office building or something else. C. Spear mentioned that at one time years ago she heard that Rhinehart wanted to put a car wash up there and Mr. Peterson commented that currently that it was something that was looked at but it is not something they plan to do.

MOTION: C. Spear—To approve the concept plan for the Rhinehart Subdivision, located at approximately 10040 North 4800 West. Seconded by C. Dredge.

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

MOTION: C. Dredge—To recommend the preliminary plan for the Rhinehart Subdivision, located at approximately 10040 North 4800 West. Seconded by C. Thomas.

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

6. Discussion on Fences Adjacent to Public Parks, Trails and Certain Major Streets

Jenny Peay said Mayor Rees has requested that the changes to the language of this portion of the fence code as it relates to parks and trails and major streets are addressed. Ms. Peay said that many residents feel a lack of privacy and that patrons let their dogs off leash which could pose a possible nuisance and/or safety issue with residents' pets or children and that they also defecate on residents' yards and patrons won't clean up after their pets. Safety and privacy are the main issues.

Ms. Peay said she focused specifically on five Type B areas where all segments of the trail are greater than 130 feet and less than 30 feet in width. She recited the current definition of fences and provided examples which included a retaining wall with a changed elevation, latticework, fabric screening along fence, chicken wire, berms with shrubbery, and a basketball court.

C. Dredge expressed sympathy for the homeowners along the trail and said that he would rather see vegetation as opposed to other fences. Ms. Peay moved onto next section of trail. She pointed out that the homes on this section are set farther back on the property and there is an embankment and creek that runs through the area of which the houses are on the other side.

Ms. Peay moved onto the area of Sandalwood and Oak Road, to which C. Anderson commented that it does not provide for a fair comparison because it is a very short passageway with two homes and doesn't have nearly as much traffic. Mr. Goodwin added that it also doesn't lead to another adjacent trail and that the City has done a number of projects on this piece including a rock installation, weeding it, and cleaning up dead trees.

Ms. Peay moved onto the area of Joshua Lane which affects two portions. C. Anderson said that the two pictures are actually the top and bottom of the same trail and that if a fence was built along both sides of the trail it would look like a corridor and be a long alley. Ms. Peay agreed.

Ms. Peay moved onto the section of 4600 West that connects to the Murdock Canal trail which is in the HOA of Temple Shadows which also falls into the category of 18 feet wide. C. Thomas asked what the safety concern of a tall non see-through fence having is, to which C. Dredge replied that joggers at night wouldn't be seen if attacked.

C. Anderson said the issue is privacy vs. non-privacy because of the continuous nature of the fence. Ms. Peay said that through her research she has found that one suggestion is to use vegetation to break it up the solid fencing. C. Anderson asked which side of the fence the vegetation would be on. Ms. Peay said it didn't specify. C. Dredge commented that if you put it on the inside of the fence it wouldn't benefit the walkers on the trail side. C. Thomas commented that if you put it on the trail side it narrows the open space between the trails. C. Anderson commented that the width of the trail is not the significant issue but that the openness or lack thereof is the issue.

C. Dodge talked about the two reasons for this part of the code and said there is no mention of safety. He said it seems that the intent of the code was for achieving a coordinating appearance and that the code was originally written for aesthetics and should not be turned into something it

wasn't meant to be. Since the code was intended for aesthetic purposes then it should be more discussed in terms of aesthetics. He said he also leans more towards the rights of the property owner and their privacy but he is also sensitive to the idea, especially along the lengthier parts of the trail, it would be nice to see a consistency in aesthetic. He said that he likes the ideas of plantings but brings up things that would need to be talked about like the issue of whose responsibility it would be to maintain and whether to use xeriscaping or evergreens.

Ms. Peay asked what recommendation she should look into for these specific sites. C. Dodge said that safety is always an issue but it shouldn't be the central focus of what is being talked about with this code. He suggested putting safety to the side and approach it from an aesthetic standpoint, and to look into the types of fencing that will be allowed and more research into the planting idea.

Mr. Goodwin commented that if you're going to allow privacy fences along these segments of trail then the plantings would have to be on the City side of the fence. He said the state is pushing to reduce cities water consumption so then plantings do become an issue. He likes the idea of planting a nice green walkway but the practicality of it doesn't work. He said if the focus is aesthetics it must be low-impact low-maintenance.

C. Dodge suggested introducing landscaping into longer landscapes and is less concerned with shorter landscapes. Ms. Peay wondered if the length of the specific segments could be increased to which C. Dodge replied that yes, the longer segments were bothering him more than the short segments. C. Thomas commented the way it is written is if it is requested it can be approved. Mr. Goodwin said the old code is written as the planning commission gives the conditional use permit based on practicalities and best practice and added that most conditional use permits should be done administratively.

C. Thomas said that as much as people are worried about seeing a long plain fence that they can't see through and is very tall he doesn't see the problem as long as it's somewhat normal construction materials and it's within code. C. Anderson said he disagrees slightly because these people should have known what the ordinance was when they bought the house and that it is not a matter of property rights it is an accommodation for a selective few people. C. Thomas stated that as long as it fits the criteria they should allow for a 6-foot privacy fence.

C. Anderson said that you could have a six-foot non-privacy fence if the dogs were the concern and he doesn't believe that dogs are the real issue. Mr. Goodwin said that this comes about because we see a deficiency in code where the application isn't meeting the intent.

Ms. Peay added that once Harvey Park becomes accessible, that trail will be used more frequently. Ms. Peay showed more slides and various members commented on various situations.

C. Dodge commented that if the discussion is about aesthetics, he would rather have a tall privacy fence that has some sort of architectural accents to it.

Ms. Peay showed an example along a major street with an open style fence that are more uniform but on the opposite side of the main road it is a rock wall and vinyl fence, she suggests it does not meet the intent of the code down a main road either. She showed more examples of inconsistency, various members asked for clarifying details on different slides.

C. Dodge commented that the only place where there is consistency is where you have an HOA where essentially a governing body steps in to build a fence. Ms. Peay replied yes, it is typically in their CC&Rs or development agreements.

C. Dodge commented that another problem would be that if it gets put on residents' side there won't be consistency in the fencing or the requests for fencing and that the initial approach would be writing code that allows for residents who feel strongly about the issue to request an appeal. Ms. Peay asked where the appeal would go due to some confusion in the verbiage of the code. Mr. Goodwin replied that if residents are appealing a decision from him or the Planning Commission that the appeal would go to the board of adjustment. If they are appealing a decision made by the City Council it would have to go through the district court.

Ms. Peay clarified that she covered the bases requested of her: aesthetics, length of trail, xeriscaping or types of plants, and conformity. C. Anderson commented that he thinks the width is more important than the length because if it is above 30 feet then everything is being allowed. Mr. Goodwin commented that there are five sections and that the length would have to be shortened in order to start excluding sections. C. Anderson asked if they would be made longer to which Mr. Goodwin replied no because if they are made longer and narrow then the criteria would apply but if they were made shorter and narrow then more would be excluded. Mr. Goodwin added that the length of a trail is hard to decide upon and agrees that width matters more than depth.

Ms. Peay commented that the two sections this would affect would be the stretch from 4600 to the Murdock trail and Harvey Boulevard. C. Anderson asked why you would even need a length. Mr. Goodwin acknowledged these segments might need to be addressed in some manner but he does not know how.

7. Discussion on Permitted and Conditional Uses in the SC-1 Commercial Zone

Mr. Goodwin described a parcel of the Cedar Canyon Development on the corner of 4700 West and Cedar Hills Drive which is in the mixed-use subdistrict commercial zone. He received a call about putting a Starbucks on that parcel which does not allow drive-thru's. He thinks it is an appropriate use for that parcel and asks the Planning Commission to consider modifying the conditional permitted use code to allow for those types of drive-thru's and also for fast food restaurants and car washes. C. Thomas commented that the code was changed to allow for bay doors. Mr. Goodwin said that this issue came up a week ago and he wants to put the issue out there and requested members review the list for the next meeting to see if anything else needs to be modified.

C. Dredge commented that given the high residential density of the area putting a Starbucks in that location is not what residents were expecting to go there. Mr. Goodwin commented that the

property is zoned as commercial and the residents knew that when they bought without knowing what would go in there. He said that any potential drive-thru would not feed directly into the neighborhood.

C. Thomas commented that similar to Taco Bell, a drink place in that location would be three times as worse for traffic. He also commented that the cross street there could continue into the Walmart parking lot which would cause a significant increase in traffic. C. Thomas said that a traffic management plan would be necessary. Mr. Goodwin said they are already looking into that and there are already things in the mix that are coming to alleviate that issue. Mr. Goodwin asked members to envision what that space could be used for.

ADJOURNMENT

This meeting was adjourned at 8:37 p.m. on a motion by C. Anderson, seconded by C. Dredge and unanimously approved.

Approved:
April 7, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder