

PLANNING COMMISSION MEETING

Tuesday, August 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, Eric Schloer, Steve Thomas
Absent/Excused: Lori Anne Spear
Chandler Goodwin, City Manager
Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder
Others: Dustin Kuttler, Lt. Josh Christensen, Jenney Rees

1. Call to Order

Chair Jeff Dodge called the meeting to order at 7:04 p.m.

2. Public Comment

No comments.

C. Schloer was recognized as a voting member.

3. Approval of the Minutes from the June 30, 2020 Planning Commission Meeting

MOTION: C. Dredge—To approve the minutes of the June 30, 2020 Planning Commission Meeting. Seconded by C. Anderson.

Yes - C. Anderson
C. Dodge
C. Dredge
C. Schloer
C. Thomas Motion passes.

4. Review/Recommendation and Public Hearing on Preliminary Plan Approval for the Lone Peak Lofts Mixed Use Project located on the corner of Cedar Hills Drive and Redwood Drive (4600 West)

Chandler Goodwin stated the subject property was located directly behind Walmart. It had 12 residential units of which four were townhomes on the north side of the property. The other eight would each have commercial units below and residential units above. Each building would be finished on the outside in order to give the most flexibility to the developer. He presented the landscaping plan, noting that it met the City’s requirements. The building elevations would need to show designated signage. The site included 40 parking stalls not including three ADA stalls. The site assumed parking between commercial and residential, and the townhomes would have two-car garages with extra parking in front of them. He did not believe the site would be big enough for large vehicles.

Mr. Goodwin discussed elevations and stated items within code that needed to be considered were the postal implications, the aesthetics of the building, and widening of the traffic. The dumpster pickup was located near the access. Each townhome would have a two-car garage but these sites were not being considered in their parking needs. The minimum ground floor area per code had to be 50% commercial. Next, Mr. Goodwin discussed open space and stated they were required to be at 30% and were currently showing 33.5%.

C. Andersen asked about the curve space adjacent to lot 5 and asked if it was a retention pond. Mr. Goodwin replied it was an existing detention basin and this project was not incorporated into that.

C. Dodge asked if the storm retention would all be above grade to which Mr. Goodwin answered affirmatively. C. Dodge asked about a sidewalk allowing for pedestrian access. Dustin Kuttler, project developer, stated the engineer had added a sidewalk connecting Redwood Drive to the back section but there would be a few items that changed. They were considering pavers between lots 5 and 6 instead of landscaping because they were hoping for foot traffic. The townhouses were showing shared driveways, but they were going to split them to make a more assigned space.

PUBLIC HEARING

There were no public comments.

C. Dredge asked if they were going to be okay financially if they built with no commercial space, to which Mr. Kuttler answered affirmatively. Mr. Goodwin stated they would have to start with the commercial aspects and referred to a slide displaying elevations. He added they wanted to see what the townhomes looked like. He said they could give conditional pre-approval based on the adherence to Cedar Hills' design guidelines.

C. Thomas stated he liked the elevations being proposed. Mr. Kuttler stated he had not seen the rendering of the front elevation of the townhomes yet but noted they would be a Bostonian-style row of houses. C. Dodge said he liked the direction this project was going.

C. Thomas stated there were not a lot of colonial houses in their residential areas so the transitioning from the commercial into residential was less necessary as long as it matched. Mr. Goodwin said he had talked to the architect about following the City's code.

MOTION: C. Dredge—To recommend the preliminary site plan for the Lone Peaks Lofts Mixed Use Project located east of Walmart at approximately 4600 West Cedar Hills Drive subject to maintaining our standard design guidelines and subject to city engineer approval of the preliminary plans. Seconded by C. Anderson.

Roll call vote:

No - C. Schloer
Yes - C. Anderson
C. Dodge
C. Dredge
C. Thomas Motion passes.

5. Review/Recommendation and Public Hearing on amendments to City Code Title 10-6A related to Conditional and Permitted Uses in the SC-1 Commercial Zone

Mr. Goodwin stated that in 2014/2015 they had approved the Amsource Subdivision and there were two shells in the building that had never been occupied. They had received an application for occupancy in one of these shells but it did not meet the requirements of the retail zone. The question had been raised of what would be better: an empty shell that had never been occupied or retail space. The purpose of this discussion was to determine if there was a way to adopt a code that allowed for some flexibility of use based on circumstances.

C. Anderson asked for more information about the application. Mr. Goodwin stated it was an application for an ATM bank location, he added this would be a walk-in room with an ATM. C. Anderson asked if it would be branded by a bank that they recognized. Mr. Goodwin replied yes, but that current code did not allow for banks or credit unions unless they had been previously approved. He said they could stretch a data use under mixed uses which was what they were hoping for here.

C. Anderson agreed that it should not stay vacant if at all possible but was concerned about the timing. Mr. Goodwin stated he was open to anything and they wanted to stay business friendly. He said this was an attempt to allow the application to proceed.

C. Anderson said he had no problem and didn't like the 4-year vacancy but wanted to make sure all applications were treated equally. In response to a comment from C. Thomas, Mr. Goodwin stated that "conditional use" essentially meant a use was permitted with conditions; however, this was not how the code was written. He stated this was done to reduce impact as they got closer to residential areas.

C. Dodge asked how they would do what C. Anderson had suggested. Mr. Goodwin said if they opened everything to conditional use it would open it up to everything. He said this was why he thought a period might allow for the expansion of uses. C. Dodge stated this was not a bad way to go because it was still limiting in a sense.

C. Anderson asked if this would be a permitted use in the adjacent zone. Mr. Goodwin answered affirmatively.

C. Dodge asked why a brand-new development did not have a time limit. He further asked if they did not have a time limit would they lose their first desire to have what had already been permitted. C. Anderson stated to clarify they were only talking about the SC-1 Zone and it was a small area. C. Dodge stated he was concerned with how it would affect their current structure. Mr. Goodwin stated this was his concern as well because he had been approached by doctors and dentists about putting in an office next to the Taco Bell. C. Thomas stated he felt this would not be an issue in two years because of the new road that was going in which would add new growth and change traffic patterns.

C. Dodge asked if they were hoping to decide this tonight. Mr. Goodwin replied yes. There was discussion on the vacant space and the approach they wanted to take based on prior occupancy.

There was subsequent discussion regarding an appropriate motion to make on this item.

MOTION: C. Anderson—To not recommend the proposed changes to the conditional and permitted use table and to add land use 6550 Data Processing Services as a conditional use in the SC-1 retail subdistrict. Seconded by C. Dredge.

PUBLIC HEARING

No comments.

Roll call vote:

Yes - C. Anderson
C. Dodge
C. Dredge
C. Schloer
C. Thomas Motion passes.

6. Review/Recommendation on amendments to City Code Title 10 Chapter 5 related to Fences

Jenny Peay presented the staff report and explained that property owners requested to be allowed fencing which allowed more privacy. This had been covered in pictures and discussions. Staff had requested to make fencing material and height an administrative decision. There were five specific areas along the trail where safety had become an issue, specifically Harvey Boulevard up to Sunset Park. Safety was a concern, but aesthetics had also been discussed at the previous meetings. Staff had presented code to change the verbiage from board of adjustment to appeal authority and language regarding materials, aesthetics, and the placement of fences on property lines. They wanted to clarify this to mean that fences needed to be within property lines. They also wanted to clarify it was the property owner's responsibility to identify property lines. The City did not have a certified surveyor onsite to go out and verify property lines and they wanted to put the responsibility back on the homeowners. Commissioners requested that staff seek professional opinions about safety in the area, so they asked Lt. Christensen from the American Fork Police Department to come and address these concerns.

C. Dodge wanted to clarify that the section of code under discussion was written for aesthetics. He stated their discussions always started about aesthetics but ended in a safety discussion. The intent of the code was aesthetics but if safety was the primary concern the code needed to be modified to acknowledge this.

Lt. Josh Christensen, American Fork Police Department, stated he had talked to Mr. Goodwin about this and addressed some of the concerns. He said he was there as a resource with his training and background in crime such as natural surveillance and lighting.

C. Anderson asked whether or not six-foot fencing had an effect on the safety of the users of the trail and if the absence of the solid fence on both sides of the trail change that potential. Lt. Christensen referred to natural surveillance, if a person can see what is going on in the

neighbor's yard, then so can the bad guys. It was assumed that any bad behavior would occur under the cover of darkness so light allowed the ability to be seen which would be a deterrent. If the crime occurred in view then it allowed citizens to see and report. There were only four to five officers in American Fork and Cedar Hills so they relied on citizens to report as much as they could. They recommended leaving lights on to assist in the deterrence of crimes but also to allow potential crimes to be seen. In relation to the trail system, the natural surveillance concept meant that they wanted to keep the trail as open as possible. They looked at who they were trying to protect, the users of the trail or the residents. He had tried to determine how much crime was on the trail but the search methods only allowed him to search by specific address not along the trail in general. He stated that trying to change the code with regards to this stretch of trail defeated the purpose. Other principles that could be addressed were lighting and even if there wasn't a crime issue it was about perception and the community.

C. Thomas stated he thought it was okay to have a solid fence and there were ways around this. He did not think that it changed the safety and they were going to get around it one way or another. Lt. Christensen stated if safety was a concern then it was almost pointless to have a fence ordinance. C. Thomas said with the extra two feet you could still see from the second story and the extra two feet was going to make a difference.

C. Dodge acknowledged that safety was also an issue not just an aesthetic one and the intent should acknowledge that because at the time it only addressed aesthetics. He stated there were also unintended consequences.

C. Thomas stated there was more activity in the area because of the new park and an increase in traffic due to the pandemic. He thought a higher fence would prevent people from jumping fences. C. Dredge stated some options would be to look for other ways to mitigate the safety issues such as lighting. C. Thomas asked about timing and lighting and said that after ten o'clock people should not be in the park. Another way to mitigate was to regulate curfew hours more strictly by shutting off lights at the park to encourage people to leave on time. Mr. Goodwin stated they had tried that. Lt. Christensen said they had foot patrols in the parks sometimes at night, but they only had a limited number of officers. He stated everything was double edged and it was about a balance. The Commission thanked Lt. Christensen for his attendance.

Ms. Peay stated she wanted to go back to the concerns with the code in addressing safety issues. The intent of the subsection was to set standards for construction of fences for aesthetics. C. Dredge asked for clarification and stated from a property owner's perspective this was restrictive. He also mentioned swimming pools. Mr. Goodwin said swimming pools did not need to be hidden they just needed to be gated and latched. Ms. Peay added homeowners could obtain swimming pool permits but still needed to follow fencing regulations.

C. Dodge stated they had talked through a lot of the aesthetic issues in previous meetings. In his mind, the only two items remaining for discussion were including safety as a part of the intent of the code and altering the part regarding allowing closed fencing up to six feet. He wondered if there were many safety concerns along the trail. Ms. Peay said she had not specially received any complaints from trail users. Mr. Goodwin stated they had received complaints about loose

animals. C. Dodge said a four- or six-foot fence would not address pets on a leash. C. Thomas stated people were doing this whether they wanted them to or not so to improve aesthetics, they should allow residents to put a better fence up.

C. Dodge asked if they rewrote code stating that safety was an issue, would they have to offer up a way to address the safety issue. If so, he said he did not know how they would do this. Mr. Goodwin stated he did not know the answer, either. He understood that limited visibility created more of a safety issue, but in walking the trails there was already limited visibility and with that limited visibility there had not been any real safety issues that had resulted from this. Any safety issue they had experienced had not been because of a fencing discrepancy; it was a result of something else.

Ms. Peay said they wanted to maintain the 130-foot requirement but could allow for six-foot open fencing. C. Dredge stated he was fine with a six-foot open fence and did not know if closed fencing would change anything. C. Thomas stated there was a brand-new masonry wall around the new subdivision that was nice; it was solid, and he did not think there was an argument to require permeability. Mr. Goodwin agreed and said even areas that were not under consideration did not have fencing or lighting which was just as much of a problem because they were more secluded than the areas under discussion. C. Dodge stated this was why he wanted the intent clarified and to acknowledge that safety was an issue.

C. Anderson stated there was a safety issue for pedestrians in the form of escape ability. He asked if there were six-foot solid fences on both sides what would they do. C. Thomas stated if they allowed six-foot permeable fences, pedestrians could still not get through the slots. C. Anderson stated with a four-foot fence it would be much easier. He disagreed that there was not a safety concern for pedestrians.

Ms. Peay pointed out there were 20 total homes that this specific code would affect. C. Dodge stated he hated that they might be creating a safety issue for people on the trail, but he also respected property owners' rights. Ms. Peay said as it was written they were not changing that portion of the code. They would leave it as was, but they would address the intent to include safety and address double style fencing. C. Dodge stated he did not know if they were addressing the concerns of the homeowners. C. Dredge said when he read this section of the code, the very first paragraph addressed safety and fences under 10-5-18. He read from the code. C. Dodge stated the subsection only addressed aesthetics. He said his understanding of 10-5-18a was it made sure that fences did not obstruct the flow of traffic. There was further deliberation on the matter.

C. Dodge entertained a motion.

C. Thomas stated solid fences did not allow for places to get a foothold and climb. If they were looking at keeping people out of a homeowner's yard, then the current open fences allowed for more opportunity than solid fences did; he did not see an issue with a 6-foot solid fence. Right now people were circumventing code and if they could update the code to make the area more aesthetically pleasing he wasn't sure it would affect the safety of the pedestrians.

C. Schloer stated that four-foot fences allowed for the enjoyment of the surrounding backyards.

MOTION: C. Dodge—To recommend the proposed amendments to the Cedar Hills Municipal Code 10-5-18 and section F; special provisions relating to fences adjacent to public parks, trails and certain major streets, subject to the modification that in the intent of section F to acknowledge there is a safety issue along these specific parts of the trail.

Seconded by C. Dredge.

C. Dredge stated he was concerned about six-foot open versus closed and that this only affected 20 homes.

C. Thomas commented on the safety issue and asked if there was some sort of standard they were setting. He wasn't sure which standard they were on as far as the safety of homeowners or pedestrians.

Ms. Peay stated they had to take into consideration the calls they were getting from concerned residents. C. Thomas clarified that the homeowners were concerned about pedestrian threats to their property. He thought they were approaching this from two different angles and that intent was important and they needed to mutually address these angles. C. Dredge stated as far as the issue of safety it did not differentiate between the two. C. Thomas clarified that the arguments they had made was that taller fences were better for homeowners and less safe for pedestrians and the active issue was homeowner property protection and safety.

C. Dodge stated that that was why they had invited a police officer to come and talk to them about the issue. It had been confirmed that they would be creating a less safe situation by allowing taller fences.

Roll call vote:

Yes - C. Dodge
C. Schloer
No - C. Anderson
C. Dredge
C. Thomas Motion fails.

There was further deliberation regarding a motion to make on this item.

MOTION: C. Thomas—To table this item. Seconded by C. Dredge.

No - C. Anderson
Yes - C. Dodge
C. Dredge
C. Schloer
C. Thomas Motion passes.

7. Review/Recommendation on amendments to City Code Title 10 Chapter 6 related to Landscape Requirements

Ms. Peay presented the staff report and explained that in January, staff had presented this discussion. During that discussion they had addressed reducing the landscape water use requirements from 30%. Utah State's goal was to reduce water usage by 25% by 2025. Water conservation was becoming increasingly important in Utah because it was the second driest state in the country. One of the things they looked at was to expand the tree and shrub list to include drought tolerant plants to be more sustainable. A combination of these drought tolerant plants would maintain the aesthetic while reducing water use. She stated that in the future if water feature site plans were presented to council then they were suggesting requiring a 5% reduction in landscaping water use around the feature. She further discussed the intent of the amendments. She stated that as a City they wanted to address water conservation to be in alignment with the State reduction goals.

C. Dredge asked what the incentives were. Ms. Peay said one of the incentives would be to provide different percentages for certain kinds of areas. C. Thomas stated if they allowed xeriscaping, they would have to reduce open space requirements. He said with regards to hard surfaces they could have concrete that absorbed water and breathed so the water stayed on the property. Part of the ability to shrink the open space requirements was there were other options to manage runoff and keep water on properties. Ms. Peay asked as far as their design standards would there be conflict with these types of surfaces. Mr. Goodwin stated these paved surfaces were not open space so it would not be applicable. He did not think these kinds of materials would ever be proposed in Cedar Hills but if they were, they would help alleviate stress from their storm drain system.

C. Dodge clarified that they were addressing landscaping and not open space. He stated he drew a distinction between the two because landscape features applied to this item. However, what was being proposed was they change the definition of landscaped areas to include hardscaped areas. He clarified the percentages required. Ms. Peay stated this was a draft and they were broadening the definition. C. Dodge stated this was more of a definition of open space and he was just trying to clarify exactly what they were talking about. He said this new definition was so broad and it was more of a definition of open space than landscaping which affected the defined percentages allowed for each. C. Dredge added they had made the decision about open space a decade ago. Mr. Goodwin stated they had allowed stamped concrete and pavers in the definition at that time. Mr. Goodwin pointed out that the entire code had been changed since Walmart and clarified there was no code before Walmart that had since been incorporated into code. C. Dodge stated the proposal in front of them then reduced their landscaping requirements not their open space requirement.

Ms. Peay stated they could put different numbers in if they needed. C. Thomas said that landscape architecture was one of the more complex things they talked about and they did not want to shortchange one over the other.

C. Anderson left the meeting at 9:21 p.m.

C. Thomas stated they were cutting the requirement in half and there needed to be an offset.

Ms. Peay said their main goal was water use and conservation. C. Thomas asked who they were targeting with this. Ms. Peay stated this would be targeted for commercial areas. She stated that this was just a starting point and they were seeking feedback.

MOTION: C. Thomas—To table this item. Seconded by C. Dredge.

Roll call vote:

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

ADJOURNMENT

This meeting was adjourned at 9:27 p.m. on a motion by C. Thomas, seconded by C. Dredge and unanimously approved.

Approved:
September 22, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder