

**SPECIAL PLANNING COMMISSION MEETING**

Tuesday, January 15, 2019 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, UT 84062

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

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 Chairperson Driggs at 7:00 p.m. C. Anderson was recognized as voting member.

2. Appointment of Chair and Vice Chair

C. Driggs explained the first order of business was to appoint a Chair and Vice Chair. He explained that the Chair dealt with the public, presided over meetings to best of their ability, and attended Council meeting as often as possible. The Chair served for a period of one year at a time.

**MOTION: C. Dredge—To nominate David Driggs as Chair.** Seconded by C. Spear.

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

C. Driggs recused himself from voting on this item.

**MOTION: C. Driggs—To nominate John Dredge as Vice Chair.** Seconded by C. Anderson.

Yes - C. Anderson  
C. Dodge  
C. Driggs  
C. Spear Motion passes.

C. Dredge recused himself from voting on this item.

3. Approval of Minutes from the November 27, 2018, Planning Commission Meeting

**MOTION: C. Dredge—To approve the minutes from the November 27, 2018, Planning Commission Meeting.** Seconded by C. Anderson.

Yes - C. Anderson  
C. Dredge  
C. Driggs

C. Dodge  
C. Spear

Motion passes.

4. Review/Action on Conceptual Plan Approval for the Cedar Hills Gateway Commercial Subdivision located at approximately 9968 North 4800 West in the SC-1 Commercial Zone

Chandler Goodwin explained that there were two site plans for a commercial subdivision, and the infrastructure for the projects was previously approved. He said it would be easier to cater to the first projects which was a Taco Bell and a storage facility. He noted that the Planning Commission would be voting on the concept plan and not the elevations. The concept plans for two sites were then presented.

C. Driggs asked how they would refer to these site plans in relation to the entire project. Mr. Goodwin said they would be considered as two different motions. C. Driggs suggested they focus on approving the site's use. C. Dredge stated Taco Bell only had one use and it was permitted in the zone.

C. Spear asked what the installed inlet projection was, to which Mr. Goodwin explained that it protected dirt from entering storm drains. C. Spears asked about the number of parking spaces. C. Driggs said they needed to focus on approving the use. Mr. Goodwin said they would discuss the parking when the preliminary plan was reviewed.

C. Driggs asked how much of the lot would be finished when the two projects were finished. Mr. Goodwin presented an aerial map of the subject property and reviewed the tentative timeline.

C. Driggs expressed concerns with the initial width of the road and the drive-thru. He asked how many cars it could hold, and project developer, Charlie Openshaw said seven. C. Driggs suggested making the drive-thru wider, but Mr. Goodwin said this was not possible. C. Driggs reiterated he had concerns with the road width. Mr. Openshaw said if there was a problem, they would solve this by putting up cones.

C. Spear asked if the drive-thru was wide enough to allow a customer to leave if they did not want to wait in line. Mr. Goodwin explained that in this instance a driver would be stuck in the cue. C. Dodge asked if the lot line was established, to which Mr. Goodwin answered affirmatively, noting that it was established by Taco Bell's industry standards. Mark Greenwood, project developer, explained the site plan was similar to two other Taco Bell locations in Orem. They determined this was an effective design.

C. Driggs asked what the setback requirement was. Mr. Goodwin responded the only requirement was to be set back from residential and traffic areas. C. Dodge said there would be too many cars facing west in the Taco Bell cue, and he suggested moving the development south.

C. Driggs asked if curb and gutter was planned. Mr. Greenwood stated that they would install curb and gutter on both sides of the road.

C. Dodge stated that the elevations did not match the building. Mr. Greenwood responded the plan was only a sample. C. Dodge said he wanted more brick on the development and a set of elevations that matched. Mr. Greenwood explained that they were waiting for Taco Bell to provide this information.

C. Dredge asked if they planned on a barrier for lights, which would help cars pulling into the road from the Taco Bell. C. Driggs said this was the second concern about the distance. C. Driggs also asked if Taco Bell had done a parking study, to which Mr. Goodwin answered affirmatively. C. Driggs asked what information the traffic study would provide. Mr. Goodwin said the traffic study would show the level of service in the area; the road would initially only serve Taco Bell.

C. Driggs asked what basis they had to demonstrate needs for a conditional use. Mr. Goodwin explained that when a condition was placed on a project, an applicant had to demonstrate there was a safety issue; they had to prove there was a traffic safety issue. C. Driggs asked about the potential risks of pedestrians crossing the street to the Taco Bell. Mr. Goodwin stated there were sidewalks and crosswalks. He used the diagram to identify where they were located.

C. Dodge asked how they would demonstrate the project was in an unsafe location, noting that it was closer than they wanted. Mr. Goodwin explained that the applicant would have to make a strong argument. They had not always put sidewalks on every side throughout the City.

C. Driggs asked if it was feasible to push the road further from the Taco Bell. Mr. Goodwin said it was too late to move the road and the developer had not done sidewalks on each side of the commercial zone.

C. Dredge asked if there was curb and gutter on the south side of the property. Mr. Greenwood responded in the affirmative. Mr. Goodwin said they would put in curb and gutter in the future developments.

C. Driggs asked about the size of the parking stalls and explained that he wanted the stalls to be consistent throughout the zone. Mr. Greenwood said the typical minimum stall would be 18 feet by nine feet. C. Dodge asked why they could not make the stalls larger. Mr. Goodwin said they could buy some space from the development and get another foot, which would meet the standard of the City Code. Mr. Greenwood concurred with this idea.

C. Driggs asked about the ADA ramp and Mr. Greenwood said this was a typical design. C. Dodge said it was preferable to have the ramp face toward the passenger side.

C. Driggs said when the Taco Bell was built there would be an empty parcel adjacent. Mr. Goodwin said that Harts owned the empty parcel to the south, which was why there was not a lot of flexibility on where to place the roads. C. Driggs said there was only one way for the garbage trucks to enter this area. Mr. Goodwin explained that they had a dumpster for front loading garbage trucks. He stated that the design presented as acceptable.

C. Driggs said the building was not designed to the City standard. Mr. Greenwood explained that Taco Bell understood this issue. C. Driggs said they needed to include more brick in the design. C. Dredge asked if there would be tall sign. Mr. Goodwin stated that the City did not allow this type of sign. Mr. Openshaw noted they would dress up the design to fit the City's standards.

### **Storage Facility**

Mr. Goodwin explained that this portion of the project was a conditional use. He raised some of the City's concerns to the developers and noted several concerns with trash and lighting. He noted the building setback was 40 feet from the residential zone. He said this would be a quiet development to buffer between the commercial and residential zone.

C. Spear asked where the parking was located. Ryan Bybee, developer, explained they had developed several of these facilities. They all were identical design and had a max number of four stalls. He discussed the lighting and explained it would not bother the surrounding areas. He stated the trash would be kept inside and the landscaping would have a 15 foot setback along the residential area with trees. The facility would not be accessible after 10:00 PM and would open at 6:00 AM.

C. Kraft asked about the exterior units. Mr. Bybee responded there would be ten exterior access units. He noted they could not be lived in and were for individual use only; people rarely lived in exterior units.

C. Driggs explained that when the zone was approved, a storage facility use was added. Mr. Goodwin stated that this building would fall into this use. C. Spear said this building looked like an office building and there were concerns with exterior use. Mr. Bybee said he did not understand why this was a concern.

Mr. Goodwin said there were two concerns: the noise nuisance and aesthetics. Mr. Bybee explained that they planned on landscaping the outside heavily, and they would use the same manufacturer that Walmart used.

C. Driggs asked if indoor climate-controlled facilities existed. Mr. Bybee responded in the affirmative. C. Driggs asked if this facility was completely climate-controlled. Mr. Bybee responded they had to break up the product and include loading zones which made it difficult to be completely climate-controlled.

C. Driggs asked about the security features. Mr. Bybee responded there was a lot of new technology that allowed them to use computer-controlled locks. C. Driggs said he was concerned about the look and feel of the structure and he was not convinced it fit into the zone. Mr. Goodwin noted they needed to follow the code to be consistent with the look and feel of the area.

C. Driggs asked how many bay doors would be in the facility, to which Mr. Bybee responded 50. C. Spear asked if there would be lighting on each door and Mr. Bybee responded in the negative. There was subsequent discussion on the design of the facilities.

C. Dodge noted that tonight the Planning Commission would not be approving or disapproving the concept plan; were only considering the use. C. Dodge said he was not sure the facility complied with the code. When they listed the conditional use, they did not approve any external storage units. Mr. Goodwin explained there was no vesting given at this point of the approval process.

C. Dodge reiterated that this did not match what they listed as a conditional use for the zone. Mr. Goodwin said they could vote no but they would return with changes. C. Dredge agreed that the facility did not meet the conditional use.

C. Driggs asked how many units were indoors. Mr. Bybee responded they were all indoors and had exterior access. He asked what their fear of the exterior access was. C. Driggs responded it was a concern with the look and feel of the zone. C. Anderson explained it did not matter how the garage doors looked because the Commission was deciding on the use of the facility.

C. Driggs said they wanted the facility to look like an office building to fit into the area. C. Dredge noted they required Walmart to hide their loading doors. Mr. Bybee commented there were other locations in the area with exterior loading docks; therefore, this was nothing different than what already existed.

Mr. Bybee said if aesthetics was an issue, they would try to mitigate the concerns. He said they did not want to be restricted on the types of units. C. Spear said the concern was the facility was designed differently than they were anticipating. Mr. Bybee noted their industry allowed for a component of exterior access units and this was nothing out of the ordinary.

**C. Dredge moved to approve Taco Bell and to recommend moving the building several feet further south. C. Spears Seconded. All were in favor.**

C. Driggs asked for a motion on the storage facility. He said they could approve, deny, or table the item. He suggested not tabling the item.

C. Anderson asked if the approval was for concept plan and Mr. Goodwin responded in the affirmative. C. Driggs said they still had the ability to later deny the request. Mr. Goodwin said they needed to be clear about what they expected to see in the preliminary concept plan.

Mr. Bybee said he understood their concerns and was willing to work with the Commission if they tabled the item. C. Dodge said he was in favor of reaching a decision tonight, because the building did not fit the aesthetics of the area. He said they could approve the facility with the condition that the building not have any external units.

C. Anderson stated that this was not the same as other facilities; it did not meet their requirements even though several changes were made to the proposal. C. Dredge asked if there

was a way to change the doors to not roll up. Mr. Bybee said they had discussed several options; as developers, they were going above and beyond to make the location look nice.

C. Spear asked if there would be a fence on the east side of the facility and wanted to know if there would be a landscaping plan. Mr. Bybee explained that the south side would be landscaped. There was subsequent discussion on the fencing around the facility. C. Kraft explained that this would keep the neighborhood separate and serve as a wildlife barrier.

Mr. Bybee said they would be willing to install an eight-foot fence. C. Dodge said there would be a combination of a berm and a six-foot fence.

C. Spear asked about the old heritage trees on the property, and Mr. Goodwin explained that they would likely be removed if they were on the property line, it would depend on what side of the property they are on.

Mr. Bybee asked if there were conditions that would make the Commission more amenable to approving the facility. C. Driggs said they likely would not support the proposal because it did not meet the aesthetics of the area; the City did not want exterior garages. If the proposal is denied, the applicant could come back with an alternative proposal.

**MOTION: C. Spear—To approve the concept plans for Taco Bell located at approximately 9968 North 4800 West.** Seconded by C. Dodge.

Yes	-	C. Anderson	
		C. Dredge	
		C. Driggs	
		C. Dodge	
		C. Spear	Motion passes.

**MOTION: C. Spear—To not approve the concept plans for the storage facility located at approximately 9978 North 4700 West.** Seconded by C. Dodge. Roll call vote.

No	-	C. Anderson	
		C. Dredge	
Yes	-	C. Driggs	
		C. Dodge	
		C. Spear	Motion passes.

C. Dredge stated the garages would not make a difference to the traffic in the area; his main problem was with the aesthetics.

5. Review/Recommendation and Public Hearing on Amendments to the City Code Title 10, Chapter 5-29 related to Carports, Land Sea Cargo Containers and Accessory Structures

There were no public comments.

Jenny Peay explained that staff was seeking Planning Commission recommendations on carports, land/sea containers, and accessory structures. This included requested changes to the code. She presented a copy of the Code and reviewed the redlined changes.

C. Dodge asked if they should add the word “only” concerning the location of carports. Mr. Goodwin said this would not hurt; however, C. Dredge believed this addition could potentially cause some confusion. Ms. Peay suggested language stating, “located in either side or rear setbacks.” There was subsequent discussion on the set back requirements.

Ms. Peay explained that if the structure was closer than 12 feet to the main building it would be considered a part of the main building. She requested feedback on the height of awnings and C. Dredge said he did not like the awnings being too tall.

Ms. Peay said they should consider any type of fire code. C. Driggs said he felt the height should be higher than seven feet. C. Dodge suggested researching what other cities allowed.

Ms. Peay continued by discussing storage containers. She said that building officials felt 90 days was adequate. Mr. Goodwin explained someone in City staff would make the decision on storage containers. Ms. Peay suggested having the 90 days coincide with the building permit. Mr. Goodwin added that they could include that code enforcement would be done by a City official.

Ms. Peay said the code would prohibit any type of cargo container on a public street. Mr. Goodwin explained that they had not discussed the metal dumpsters as a part of the code, but they could add this into the language of the code. These dumpsters had become fixtures of homes and were a nuisance.

**MOTION: C. Spear—To recommend the proposed amendments to Cedar Hills Municipal Code Title 10 Chapter 5-29, relating to carports, land sea cargo containers, and accessory structures, subject to the following changes, adding the word “only to 6.A., changing the word administration to “code enforcement official.”**

**MODIFY MOTION: C. Spear—To add that section 3-b-2-C regarding awnings be reviewed at a later date.** Seconded by C. Anderson.

Yes - C. Anderson  
C. Dredge  
C. Driggs  
C. Dodge  
C. Spear

Motion passes.

**ADJOURNMENT**

This meeting was adjourned at 9:14 p.m. on a motion by C. Dredge, seconded by C. Dodge and unanimously approved.

Approved:  
February 26, 2019

/s/ Colleen A. Mulvey, MMC  
City Recorder