

PLANNING COMMISSION MEETING
Tuesday, March 22, 2022 – 6:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Commissioner John Dredge, Presiding
Commissioner Jared Anderson
Commissioner Tyler Dahl (joined the meeting at 6:09 p.m.)
Commissioner Jeff Dodge
Commissioner Donald Dolenc
Commissioner Kathryn Newman
Commissioner Steve Thomas

Absent/Excused: Commissioner Lori Anne Spear

Staff: Jenny Peay, Planning Associate
Colleen Mulvey, City Recorder

PLANNING COMMISSION MEETING

1. Call to Order.

Chair John Dredge called the meeting to order at 6:00 p.m.

2. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the February 22, 2022, Planning Commission Meeting.

Commissioner Dodge noted that in the minutes he was referred to as the Commission Chair and it should be changed to Chair Dredge.

MOTION: Commissioner Thomas moved to APPROVE the minutes of the February 22, 2022, Planning Commission Meeting, with the noted change. The motion was seconded by Commissioner Anderson. Vote on motion: Commissioner Anderson-Aye, Commissioner Dodge-Aye, Commissioner Dolenc-Aye, Commissioner Newman-Aye, Commissioner Thomas-Aye, Chair Dredge-Aye. The motion passed unanimously. Commissioner Dahl was not present for the vote.

4. Review/Recommendation and Public Hearing on the Preliminary Plan for Mahogany Heights Subdivision located in the R-1-15,000 Residential Zone.

Planning Associate, Jenny Peay presented the staff report and stated that the request involves a

landowner who would like to subdivide his property into two parcels. The subject property is located at 9096 North Canyon Road immediately before making the turn up to Canyon Heights. Ms. Peay reported there is enough square footage to create the two lots. The parcel is located in the R-1-15,000 zone, but there are complications with the utilities that will be resolved before final plat approval. For the purposes of tonight's meeting, a Concept/Preliminary Plan approval was all that was needed.

The proposed flag lot is a permitted use in the R-1-15,000 Zone. The applicant has called out the setbacks and has a building envelope for each of the proposed parcels. The setbacks for the buildings must be a combined total of 24 feet with a minimum of 10 feet. There is enough room on the lot for these conditions to be accommodated. Additionally, the frontage must face the sidewalk.

On a map displayed, Ms. Peay identified the location of the existing home the driveways. She acknowledged that there are difficulties with some of the utilities. Power lines run across the back of the property and there is an aerial easement that the applicant will have to meet. The driveway slope is just under a 12% grade. The Code specifies that up to 8% is allowed and up to 12% with City approval. The applicant would have to make sure that the slope does not exceed the 12% maximum. There are also slope considerations that would have to be mitigated with some retention resolutions.

The City Engineer and the Fire Marshal have reviewed the preliminary plans and could answer specific questions.

New access with curb and gutter will need to be added and the applicant will have to work with Utah County to obtain approval for that. The driveway access on the north of the property will be solely for this property. Ms. Peay identified on the map where another portion would have to be incorporated. The applicant will need to provide a public utility easement for sewer, water, water laterals, a sewer main, and onsite stormwater retention. Ms. Peay identified on the map where the applicant called out the water easement, however, some corrections will need to be made to the plan. It was noted that the applicant still needs to convey water to the City.

The existing easement is currently owned by the Jordan Valley Water Conservancy District, the Central Utah Water Conservancy District, and the U.S. Department of the Interior. The applicant will need to list the easement on the property, and it cannot be within the building envelope. Additionally, there is a 20-foot City sewer lateral that runs parallel to the easement. The elevation at the back of the property needs to be at a level not to exceed the 12% grade for the driveway. There is also the County road easement that will need to be addressed with the County.

Chair Dredge opened the public hearing.

John Vanderzwaan gave his address as 9095 North Renaissance Drive. He was concerned about the setbacks and the roof heights and whether the proposed home will block his view.

Cyril Draney gave his address as 3132 North Canyon Road and was concerned about all of the issues identified. He questioned why the issues were not addressed prior to approval being granted.

The high voltage line was of concern and Mr. Draney indicated that he was not able to build his home beneath it. He assumed that would be the case with this applicant as well.

Ms. Peay stated that the rear setbacks are 25 feet from the rear lot line and 30 feet in the front. There needs to be a total of 24 feet on the sides with a minimum of 10 feet. The elevation can be a maximum of 35 feet from the front elevation. Cedar Hills does not protect views. It was noted that this is only a preliminary plan. After this meeting, the matter will go to the City Council. All conditions must be met before final approval can be granted. Discussion ensued regarding the potential traffic impact and access to the proposed additional lot.

The applicant, Forrest Phillips, identified himself as the owner of Forrest Phillips Construction, LLC, and gave his address as 383 North 835 East in Lindon. He addressed concerns raised in the public comments. He explained that after speaking with the power company it was determined that they would be allowed to build under the high voltage power lines as long as there is a 25-foot clearance. The property has been surveyed and the power company is aware of the issues. The lower transmission lines will be moved prior to construction. Mr. Phillips reported that the roof design will likely be flat but has not yet been designed.

Commissioner Thomas asked Mr. Phillips about the height of the power lines at the sag. Mr. Phillips was unsure but offered to check.

Ms. Draney asked where the power lines will be moved to. Mr. Phillips stated that they will be buried. She expressed concern with the potential for them to be buried across her property. Mr. Phillips stated that they would just be burying the power, phone, and cable lines that cross the proposed property.

Mr. Vanderzwaan asked for clarification on the requirement that the applicant stay at or below 25 feet beneath the power line. Mr. Phillips explained that the measured distance was from the foundation of the home to the lowest point on the swag line. Mr. Draney argued that the new home will be out of character with other homes in the neighborhood due to the proposed size. Mr. Phillips explained that the existing home with the basement is just under 4,000 square feet. The new home will be between 4,000 to 5,000 square feet, which is in line with the existing home. The new home will have a daylight or walkout basement on the main level. All of the square footage will not be on one level.

Commissioner Thomas stated that there is a fine line between what is allowed and what is prudent. He wondered if some of the issues regarding access and utilities could be addressed before the Commission votes on the application. Ms. Peay reminded the Commission that this is a preliminary plan and is necessary in order for the application to move forward. All of the remaining concerns will be addressed with the final plan.

Mr. Phillips reported that he has already begun the process of moving the power pole and resolving some of the other issues with the water transfer lines and access to Canyon Road.

Commissioner Thomas asked about the utility laterals and if they would have to be moved or accessed from the roadway. Mr. Phillips stated that the sewer lateral is on the property and not on

the roadway. The irrigation is not on the roadway. The culinary water and the fire hydrant were identified as the most significant issues that have to deal with. There is also a culinary water line on the opposite side of the road that will need to be brought across. The lateral to the existing home comes from Canyon Heights.

Commissioner Thomas asked about the slope of the driveway. Ms. Peay stated that anything above 8% grade needs to be approved by the City Council, with the maximum slope being 12%. Mr. Phillips stated that the current plan shows two separate driveways, which is the preferred option, however, they could combine them and create a more gradual slope to meet City requirements if necessary.

Commissioner Thomas mentioned that one concern with subdividing a lot in an existing subdivision is that some people attempt to circumvent certain requirements, but the City must enforce the current requirements. stated that per the current zoning, they are within the parameters of the Code. Mr. Thomas remarked that it is not the size he was concerned about but trying to manage all of the easements and changes necessary to make the project work. Mr. Phillips stated that he would not be this far into the project if he did not know that it was possible. He has been working with various entities to ensure that everything is taken care of appropriately.

Ms. Peay stated that this particular property is in need of improvements and is difficult to work on. Mr. Phillips has been cooperative and willing to comply with the various City requirements.

Ms. Peay stated that per the Fire Report, the applicant must provide a location for a new fire hydrant. The approach angle for the fire apparatus must be provided to ensure that it is accessible to emergency vehicles. The turning radius is a little too sharp at one point. The minimum inside turning radius is 28 feet and adequate space for unobstructed apparatus navigation is required. The plan will need to be adjusted to compensate for this as part of the final plan. Another concern was that a turnaround is needed since the driveway is greater than 100 feet. There must be an area to park an ambulance or fire truck. The building may require stairs to reach an entrance to ensure that the slope does not exceed 12%.

Ms. Peay reported that the applicant must coordinate a right-of-way with Utah County for the utilities and meters. The grading plan does not show any turnarounds, which will have to be addressed in order to meet Fire Code. An additional five feet of sidewalk and a high-back curb will be needed. Stormwater concerns will also need to be addressed. The Public Utility Easement (“PUE”) does not need to be extensive and can be incorporated into Lot 2.

Commissioner Anderson asked about storm retention. Ms. Peay explained that the applicant must provide it onsite.

Commissioner Thomas expressed concern regarding the complexity of the project. Mr. Phillips stated that while there is much to be done, it is important to at least get preliminary approval before spending more on a project that may be rejected. Discussion ensued regarding the challenges and future plans for the property. Mr. Phillips explained that an existing foundation was poured illegally for a garage that will need to be removed and perhaps a new garage built for the existing home at some point.

Ms. Peay reported that all of the staging material for the project will be stored on-site and not on the road.

Mr. Draney stated that it is difficult to access the property due to the issues that exist. He felt that some of the issues should be dealt with before moving forward. Ms. Peay explained that when doing a preliminary plat, the City determines if the proposal meets the square footage, setback, and access requirements.

Commissioner Thomas said that based on what has been presented, the request appears to comply with City Code. Ms. Peay stated that the parcel is considered a flag lot because of the long driveway. As a result, it has slightly different requirements than a standard lot.

Commissioner Dahl asked if there is one Pressurized Irrigation (“PI”) box to access the sewer main. Mr. Phillips stated that the existing home does have a PI box. There will need to be a second for the new lot. Ms. Peay explained that the engineering notes show the PI meter location along with the culinary meter and fire hydrant. That information was not included in the packet because it is not needed for preliminary plat approval.

MOTION: Commissioner Thomas moved to APPROVE the concept/preliminary plan for the Mahogany Heights Subdivision located at 9096 North Canyon Road in the R-1-15,000 Residential Zone subject to the following conditions:

1. **Engineering approval.**
2. **Fire Marshal approval.**
3. **Utility easement review.**
4. **Change of building envelope.**

The motion was seconded by Commissioner Dolenc.

Commissioner Thomas mentioned that the home design needs to be consistent with the subdivision design because of the setback requirements, building heights, and materials used. Ms. Peay explained that the City cannot require that. All of the utility issues will be addressed prior to final plat approval. Mr. Phillips offered to provide sample elevations of the home and the layout of the driveway prior to or at the time of final plat approval. Commissioner Anderson stated that he will have to provide building plans to the utility companies to get approval for the utilities. Mr. Phillips stated he hoped to get City approval at the same time. It was determined that Building Permits cannot be pulled before approval of the final plat.

VOTE ON MOTION: The motion passed with the unanimous consent of the Commission.

ADJOURNMENT

5. Adjourn.

MOTION: Commissioner Dolenc moved to adjourn. Commissioner Dodge seconded the motion. The motion passed with the unanimous consent of the Commission.

This meeting adjourned at 6:59 p.m.

Approved by Council:
April 26, 2022

/s/ Colleen A. Mulvey, MMC
City Recorder