

PLANNING COMMISSION MEETING
Tuesday, June 28, 2022 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah

Present: John Dredge, Presiding
Commissioner Jared Anderson
Commissioner Tyler Dahl
Commissioner Steve Thomas

Absent/Excused: Commissioner Jeff Dodge
Commissioner Donald Dolenc
Commissioner Kathryn Newman
Commissioner Lori Anne Spear

Staff: Chandler Goodwin, City Manager
Gretchen Gordon, Deputy City Recorder
Jenny Peay, Planning Associate

Others: Mark Webb
Jeff Web
Adam Watts
Bryan Prince

PLANNING COMMISSION MEETING

1. Call to Order.

Chair John Dredge called the meeting to order at 6:01 p.m.

2. Public Comment.

There were no public comments.

SCHEDULED ITEMS AND PUBLIC HEARINGS

3. Approval of the Minutes from the May 24, 2022, Planning Commission Meeting.

MOTION: Commissioner Anderson moved to APPROVE the minutes of May 24, 2022. The motion was seconded by Commissioner Dahl. **Vote on motion:** Commissioner Anderson-Yes, Commissioner Dahl-Yes, Commissioner Thomas-Yes, Chair Dredge-Yes . The motion passed unanimously.

4. Review/Recommendation and Public Hearing on Amendments to City Code Title 10 Chapter 6A-2 Related to the SC-1 Commercial Zone District Map.

City Manager, Chandler Goodwin, reported that a request was received from Coldwater Capital, the developer of Sunny Shell Car Wash and Lube Station, to amend the subdistrict of the SC-1 zone. The intent was to change it to more of a mixed-use retail district. When the mixed-use zone was created, it wrapped around the neighborhood as shown on the map displayed. A proposal for a congregate-care facility was presented in 2015 but as the City was reworking the Code, they got feedback from the Apple Blossom Neighborhood that they would like to have input on the commercial uses adjacent to their properties. The City was trying to balance that desire with the understanding that it was always intended to be commercial. The mixed-use was intended to reduce the intensity as it gets closer to the residential areas.

When the Cedar Canyon Subdivision came along, the area was changed from mixed-use with the overlay that wrapped around the neighborhood to a Planned Development (“PD-1”) zone and much of it became residential. The parcel in question now sits across the street from residential instead of a few hundred feet from residential. It was proposed that it be placed in the Mixed-Use Overlay Retail District, which is less intense than the current zone.

There had been some interest in the development, but it lacks visibility from North County Boulevard, which makes development more difficult. Additionally, the number of drive-thrus in the City has increased, and the amount of traffic in the area is high. There are problems as the two nearby drive-thrus conflict with one other. There is also a car wash and lube business along with a high-use gas station that will all produce a lot of traffic. Staff was concerned that another drive-thru will be detrimental to the area and recommended that the zone change be considered.

The applicant, Jeff Wood, reported that the parcel that is left is located behind the Hart’s Gas Station. Since their previous meeting with the Planning Commission, they have met with the neighbors. The goal was to change the zoning from the Retail District to the Mixed-Use Retail Overlay, which allows for broader uses in the hope to limit drive-thrus.

Mr. Wood commented that it is important to create a buffer zone between the residential and the commercial to the north and the south of the site. The SC-1 zone is divided into districts that are intended to differentiate between three levels of land use intensity. The most intense land uses are planned along the frontage of 4800 West where there is the greatest separation from residential uses and the most significant commercial potential. The least intense uses are intended to be located east, adjacent to the elementary school, and near the neighboring residential areas. The proposed buffer zone would be consistent with what is in place to the north and south.

Mr. Wood commented on the amount of traffic being generated by the existing drive-thru restaurants and the car wash and lube shop. The developer is in this for the duration and is interested in seeing the best use for this parcel. There are potentially two to three more drive-thrus coming to the area. Potential retail users for the site are turned away due to a lack of visibility and signage potential. He presented potential users if the zoning were changed. He noted that the quality and nature of any building they develop would be consistent with City standards and be

attractive. Tax revenue was of concern if they were to approve the zone change and if an office-type user came in, however, after conducting research they broke down the sales tax. He asked if it was true that the City only receives one-tenth of the sales tax revenue. Mr. Goodwin responded that the breakdown of the sales tax is based on population, which is quite low in Cedar Hills. Mr. Wood commented that his point in bringing that up was to question how much money the City would lose by changing the zoning of the one parcel. Based on his calculations, it would only be \$1,000 to \$2,000 annually.

Finally, he stated that the goals of the SC-1 zone are to create a commercial city center and a place that is conducive to community gatherings and to provide a place for convenient community service. He felt that a medical office in the space would enhance that zoning goal. He felt that it was consistent with what had been done in the area and is in line with the goals of the SC-1 zone. It is also complementary and beneficial in terms of the use they feel would fit well in that location.

Mr. Goodwin explained that there were two times in the City when they have seen significant changes in sales tax generation beyond the adoption of a CARE or RAP Tax. One was when Walmart opened. The second was in 2017 or 2018 when the U.S. Supreme Court made the point-of-sale jurisdiction. It is difficult to look at all of the sales tax generated and determine what can be attributed to what entity. As a result, he commented that some of that analysis is likely incorrect.

Chair Dredge opened the public hearing.

Mark Webb gave his address as 10186 North Evergreen Circle and felt that softening the zoning to allow something that generates less traffic near the entrance to the neighborhood would be a positive step. He was not opposed to what was proposed.

There were no further public comments. Chair Dredge closed the public hearing.

Mr. Goodwin stated that there is public safety access at the transition from 4700 West to Camilla Lane. The fencing transitions from a block wall to vinyl fencing and there is a gate there that can be opened for emergency access.

A question was raised regarding the height of the proposed building. Mr. Wood responded that the overall height would be less than 35 feet. The footprint of the building would be approximately 3,500 square feet, so the Code would require six parking spaces per 1,000 square feet. There was discussion of the landscaping requirements. Mr. Goodwin preferred to see fewer requirements and felt that sometimes the City requires a lot of non-usable landscaping that needs a lot of water. He hoped to see water-wise landscaping there. He indicated that the site plan will be discussed at a future meeting and is not the focus tonight.

A comment was made regarding conditional versus permitted uses. Mr. Goodwin explained that permitted uses do not need to come before the Planning Commission. There was discussion regarding sales and property tax issues and school funding. A comment was made that as Cedar Hills has such a small amount of commercial, it is important to not change it out frivolously. The

developer reached out to the surrounding neighbors and did his due diligence to ensure that the residents were informed, and their concerns heard.

Mr. Wood explained that at previous meetings they discussed potential uses for the parcel. The office use was one of several options. If they were set on building an office there, they would be pursuing a subdistrict. Instead, they are pursuing the Mixed-Use Retail Subdistrict, which encompasses a larger array of potential businesses. Businesses that have shown interest in the current zone, in his opinion, are not what the City would want there. However, they intend to have a business in the City for a very long time and would like to do the right thing by pursuing the best possible use for the parcel. The intent of the application was to look at a broader range of options for the parcel.

Discussion ensued regarding changes in the use and repercussions as a result of the proposed development. Visibility of the parcel was discussed as well as possible retail uses. One concern was that once the City gives up control with respect to the zoning issue, they will never regain control. This is the last commercial property, and the City needs to consider the highest and best use. Changing the zoning for a potential proposal seemed too speculative from a planning perspective.

Another comment was made that this decision does not close the door to development. With conditional uses, the conditions are typically fairly easy to meet. If the zoning remains as-is, a Conditional Use Permit could be granted to allow some leeway without making significant changes as long as any potential issues can be mitigated.

Mr. Wood commented that it sounded like the Commission was concerned about the retail revenue generated. For them, it is much more lucrative to find a retailer that fits within the current zoning, however, they were looking at the best use for the area with the surrounding residential. The City does care about tax revenue but is concerned with providing what is best for the residents.

Mr. Wood asked if a pediatric dental office would be a use that would be considered beneficial for the community. There was further discussion about the possibility of finding a tenant before the Commission makes a final decision. Mr. Goodwin stated that it would be difficult. He stated that it is a lot to ask the developer to find a tenant, propose the building site, and design the project with the potential to ultimately be denied.

MOTION: Commissioner Dahl moved to NOT RECOMMEND to the City Council the changes to City Code for the SC-1 Commercial Zone. The motion was seconded by Commissioner Anderson. Vote on motion: Commissioner Anderson-Yes, Commissioner Dahl-Yes, Chair Dredge-No, Commissioner Thomas-Yes. The motion passed 3-to-1.

5. Discussion on the City's General Plan Land Use Element.

Mr. Goodwin continued the discussion of the General Plan revision, starting with Section 3, Intent of the Commercial Zone. He reported that much of the language comes from the existing General Plan and from the Code. There is language that addresses community gatherings in the SC-1 Zone.

Mr. Goodwin commented that that is not the intent. There is a lot of impracticality in the language with parks and fountains that take up space but do not generate revenue. The City is not running events in commercial zones, so it should not be trying to be a community area. Instead, it is a commercial zone.

Language in the section regarding the juxtaposition of residential and commercial, aesthetically pleasing, economically viable, and self-sustaining needs to be revised. It was concluded that remaining with the colonial-style architecture in the commercial areas was preferred. Section 3.13 should be changed to specify low water usage and xeriscape landscaping. A comment was made that they want the area to be unique in appearance. Mr. Goodwin stated that they can create a nice look with established, mature trees. Water conservation needs to be a priority. An abundance should mean no more than 30%. He suggested use of the term “Appropriate Landscaping”. The specific language can be in the Code while the general language is sufficient for this document. It would be up to the applicant to show why their Landscaping Plan is appropriate.

Mr. Goodwin continued with the Commercial Zone and District Descriptions, which reviews the four subdistricts and the overall intent coming from the adopted design guidelines. Section 4 involves Public Facility Zones, Parks, and Open Space. Separating out those areas makes sense because they are completely separate items. The Public Facilities Zone includes public buildings, pump houses, etc. Parks, trails, and open spaces will be separated for the purpose of description. He was surprised by how much encroachment there is when homeowners that border open spaces build on them and use them for their personal use. The wording in the General Plan will help provide direction to the Planning Commission and the City Council when there is encroachment. A new zone will not be created. The zone is Public Facilities, and Parks, Trails, and Open Space and all need to be treated differently.

Section 5-Future Zoning includes what will take place over the next five to 20 years. It was noted that the City is virtually built out. Mr. Goodwin identified the areas that could potentially be developed in the future. Sections 6 and 7 were to be reviewed at the next meeting. The goal was to have the General Plan ready for review and approval by the next meeting.

ADJOURNMENT

6. Adjourn.

MOTION: Commissioner Thomas moved to adjourn. Commissioner Anderson seconded the motion. Vote on motion: Commissioner Anderson-Yes, Commissioner Dahl-Yes, Commissioner Thomas-Yes, Chair Dredge-Yes . The motion passed unanimously.

This meeting adjourned at 7:28 p.m.

Approved:
July 27, 2022

/s/ Colleen A. Mulvey, MMC
City Recorder