

# Highland City Planning Commission

## September 12, 2006

### **Present:**

Commissioner: Larry Mendenhall  
Commissioner: Jennifer Tucker  
Commissioner: Brent Wallace  
Commissioner: Elizabeth Macfarlane  
Commissioner: Jerry Gorrell

City Engineer: Matt Shipp  
City Planner: Lonnie Crowell  
Assnt. Planner: Hannah Thiel  
Secretary: JoD'Ann Bates

**Excused:** Barry Edwards, Brian Braithwaite, Roger Dixon.

Meeting convened at 7:17 pm  
Prayer given by: Jennifer Tucker  
Pledge given by: Austin Kerry

**Visitors:** Chris Dalley, Roma Ockler, Darrel Ockler, Craig Hendricks, Paula Platt, Randy Young, Todd Berry, Clyn Young, Danielle Henderson, Brenda Swasey, Edgar Tooley, Jim Davis, Phil Smith, Steven Barker, Joel Smith, Austin Carey, Kendall Bushman, Clayton Joseph, Matt Joseph, Julie Hendricks, Joyce Parrish, Sherri Berry, Kathryn Schramm, Lynn Walker, Tim Heyrand, Colton Carrier, Colby Heyrend, Jana Sides, Debbie Gardner, Lafe Parrish, Bruce Tucker, Tom Hulbert, Roger Tracy, Beck Ballentine, Dwayne Horsley.

### **Item 1: Mountain Ridge Estates ~ Preliminary Subdivision Approval and Public Hearing**

Larry Mendenhall reviewed the background regarding the proposed subdivision. Larry invited Mr. Horsley to review the concerns of the residents regarding the road connections.

Dwayne Horsley stated the developers had approached staff and asked what they needed to do to have this approved and move forward. He stated that the suggestions made by staff are represented on the new proposed plat. Dwayne concluded that the park will be approximately 18 acres and would be donated to the city.

Matt Shipp stated that this park is part of the Master Plan and will be budgeted for the improvements with the developer participating 20% of the improvements.

Brent Wallace commented he feels the developer is providing things that are not required of them and going above what they need to do to make a nice neighborhood.

Jennifer Tucker felt that parts of her comments are directed towards the history regarding this zoning. Jennifer continued that the parkland bonus density overlay came about due to information that this piece was coming up for sale and the city was concerned that the developer would want to take this property as an open space subdivision. The Planning Commission at that time felt that the new density overlay was a better opportunity for the city to obtain a large park rather than chunks throughout the development. After talking to the developer she found out that his intentions were to develop this parcel as an R-1-40, and indicated that it was never going to be developed under the open space zoning. Therefore, she feels the parkland bonus density ordinance was put upon the city under false pretenses. Jennifer continued to state that the neighbors had worked extensively with the developer, they feel there are other ways the city could buy the park ground but feels this land is being prostituted in a sense for a park. Jennifer concluded that the developer has been good to work with regarding the concerns of the neighbors, but this new proposal is not what they had agreed upon and feels it is not fair it should come at the expense of one or two neighborhoods.

Larry Mendenhall opened the public hearing.

Kendall Bushman inquired if the park area is given to the city, when would it become a park and not a vacant field. Larry Mendenhall feels that it is incumbent upon the city to keep the commitment to create and maintain the park should this subdivision be approved. As far as a specific time frame he does not have an answer to that questions.

Roger Tracy questioned if the area was always part of the master plan. Jennifer Tucker stated that yes it had always been part of the master plan. It's a nice bargain for the city to get the park as part of the development but at the same time the city should have had some foresight in planning to buy this park. Lonnie Crowell responded that that in the mid 90's the city was told that parcel was not available for purchase by the city. Roger inquired regarding the density and if they were the required size. Larry Mendenhall stated that the parkland bonus overlay enables them to reduce the size of the lots and is a valid zone.

Chris Dalley inquired regarding the difference in the number of lots allowed between the R-1-40 and the Parkland Bonus Density. Lonnie Crowell stated that the Parkland Bonus Density allows the developer 17 more lots than what the R-1-40 zone would allow.

Discussion ensued.

Steven Barker a resident in the Pebblewood Subdivision stated that they were told years ago that 5600 West would not be opened up and the new proposal shows that going through. Larry Mendenhall stated he has lived here for many years and was once told that “you can’t buy a view”. What the residents need to do is recognize that the community is growing and they need to have it grow in an orderly fashion. They cannot exclude anyone with the right that goes with their property if it meets the requirements to develop that piece property. There are certain things that we as residents of a growing community must learn to accept.

Kendall Bushman inquired to the road to the west of the Jr. High and who owns that road and are they willing to have that go through. Larry Mendenhall stated that any road that would be a through street would be constructed to city standards and the school district would have no jurisdiction to that road.

Phil Smith a resident in the Pinnacle Estates agreed with comments made regarding the city growing. He was under the assumption that land would be developed but never understood it would be developed with 1/3 acre lots when most of the surrounding lots are close to 1 acre lots. Phil stated he feels the parkland bonus density has been pushed down their throats and wondered why the city should get something for free? Phil stated the developer is not pushing for the park; it’s the city that wants the park given to them. Larry Mendenhall stated he doesn’t think the city is forcing the developer to go in any specific direction. Wayne Horsley stated that as the developer they are indifferent whether they go with the R-1-40 or the parkland density.

Becky Ballentine wanted to know the results of the survey regarding the lot size. Larry Mendenhall stated that questions can not be addressed at this time due to the fact that the survey results have not been completed at this time.

Randy Young stated he appreciates the comments that have been made. His is concerned that there are some short sided views to this proposal. He feels they need to be very careful they are not selling the soul of the city of Highland to obtain this park. He had the understanding when he moved to the area that the surrounding property was also zoned R-1-40. He feels that what they are doing will affect the property values and potential for increased traffic. In return it has the potential to change the entire demographics of what brings people to this area affecting it indefinitely.

Discussion ensued.

Julie Hendricks stated that they moved to Highland due to the influx of the community she was in that time. She cannot see them placing another 120 homes with future development. She does not want the city to sell out family values for a park.

Jana Sides stated her concern is that they will lose the feeling of space and individual homes which is why they chose to live here. Another concern is the 10100 No. traffic will be aggravated by adding another 80 homes. They live on the corner and feels it would impact not only her home but all the neighbors in this area.

Jim Davis a resident of the Pinnacle Estates stated that same concerns. He moved to Highland for the larger acre lots. He always knew that the empty fields would someday develop but feels that what is being proposed would not be worth it.

Craig Hendricks had previously voiced his concerns with the Planning Commission and City Council and have been in discussion with the developer and city staff. He feels that the citizens have not been listened too and their concerns have not been addressed. Some significant concerns is the connection to 10100 No. and the surrounding residents were also promised a buffer zone and larger lots and a trail on the east side. No one is excited about the size of lots. The residents feel that the Developer has listened to them but the city has not. He feels that as residents they have exhausted all efforts to work with Planning Commission and City Council. They feel that unless they go back and look at the proposal again and try to make it work, he will be forced into his last resort which is to obtain legal council. Craig concluded that the Parkland Bonus Density is an option of the developer and feels the city is forcing the developer into the parkland zoning and not the R-1-40 as initially propose.

Bruce Tucker stated he had been involved with the developer and neighbors, and feel that developer has always been accommodating. Bruce stated that the proposal that is being shown is not acceptable. Bruce suggested that one alternative is to let the developer build it out as an R-1-40 and have the city purchase the park. Bruce concluded that nothing is perfect and they are willing to make some concessions to have a park. They would like some buffering and some traffic control. He appreciated the commissions concern and hopes they can come up with some answers.

Discussion ensued.

Hearing no further comments Larry Mendenhall closed the public hearing and brought the issue back to the commission for further discussion. Larry stated that he appreciated the input that had been given.

Jerry Gorrell appreciated the comments made and feels that the message he has heard over and over is that the residents have come to Highland for the space and the family environment and they don't want to give that up. One concern he has is the traffic along 6000 W. and 10400 No. He feels the roads at this time are not prepared to handle this subdivision let alone the rest of the future developments being proposed. Jerry commented that there are numerous parks in that area and he would like to see the parks spread out a little more. Jerry concluded that he is concerned with the way the process has worked; it seems that the city

pressed the developer to change the zoning of their development and he is concerned with that practice.

Elizabeth Macfarlane commented that one of her concerns is that if there is not a park the citizens will have more homes. She continued to state that the “extra funds” residents stated they would be willing to pay in extra taxes. She stated that might not seem like a lot but when you are older those “extra funds” become a great concern. She knows park is an issue, while she feels the residents are opposed to the park she feels there needs to be a compromise. She would like to see the lots to be no less than an acre. Elizabeth concluded by inviting the public to attend the meetings again to give their comments that she appreciated hearing.

Brent Wallace inquired to the developer what prompted him to change the proposal in the last week. Dwayne Horsely stated that he had a meeting with the Mayor and staff and there were some suggested changes.

Brent applauded the citizens for caring enough to attend the meeting. He stated that he has seen this in his neighborhood and he sees it here. Residents don't mind seeing development come in they just don't want it in their neighborhood. No matter how this is developed there will still have traffic and homes in that area. Brent concluded that he would like to wait until the survey comes out to know the wishes of the citizens.

Jennifer Tucker stated that the residents do realize that development will continue regardless. In this case they bought their property knowing that this was zoned R-1-40. She feels that there were suggestions made that would make this acceptable to both the citizens and the city. The neighborhood feels like these last minute changes is unduly burdensome on the citizens.

Larry Mendenhall thanked everyone for their comments made and felt it was helpful in the decision that will have to be made. Having had great input that is greatly appreciated, Larry entertained a motion.

**Motion by Elizabeth Macfarlane, Planning Commission denies Preliminary Approval for the Mountain Ridge Subdivision as proposed.**

**Second by Jerry Gorrell**

Lonnie Crowell stated he would like to clarify some of the history of this proposal. This developer is the 3<sup>rd</sup> contracted developer on this piece of property. The original contractor came to the city and requested the opportunity other than the R-1-40 due to the price of the land the owner was asking. Staff approached the City Council to see if they would consider another option other than Open Space. The parkland bonus density zoning is the end result of an opportunity that allows the city to have the same open space normally allowed by ordinance. Tonight your job is not to question the ordinance or the City Council, but to ensure this proposal complies with ordinance. The developer was not forced to do the

parkland subdivision it was originally requested by the City Council. They thought it would be great to have a park and avoid open space subdivision. In the meeting with the mayor recently they felt that as professionals it didn't make sense in planning and engineering to close off roads that are intended to go through. Staff is following the advice of the City Council that the citizens elected.

Larry Mendenhall stated that Mr. Crowell is correct in that the subdivision as it is currently proposed does fall within the guidelines of the Parkland Bonus Density Overlay Zoning with the exception of the trail which is something that can be worked out. What the commission is trying to do is to make an intelligent assessment of this proposal, and try to come to a compromise that would be acceptable to the developer, the city and all the residents.

Discussion ensued.

**Amended Motion by Jerry Gorrell, Planning Commission moves to continue the Preliminary Subdivision Approval the Mountain Ridge Subdivision until the following issues can be addressed, 1) The East West corridor connection, 2) Wait until after the survey results are in to see if they need to apply the Parkland Bonus Density Overlay zoning to the piece of property, 3) Would like further information as to the impact this would have on 10400 No. and 10100 No., requiring a traffic study by the developer.**

**Second Jennifer Tucker.  
Unanimous vote, motion carried.**

**Item 2: CR Zone ~ General Plan Amendment, Zone Map Amendment and Public Hearing**

Larry reviewed the background of the proposed amendment stating Mr. Hulbert had made a request to create this commercial retail zone. The particular CR Zone is designated to be on the North West corner of SR92 and SR72. The city does not at this point have a commercial retail zone. Larry commented that it is his belief that at some point there will be commercial on that specific corner. With the creation of the CR Zone the city will have input as to what will be in that zone.

Larry Mendenhall opened the public hearing.

Lynn Warr a nearby resident stated he feels this is clearly a revenue zone for the city and is concerned with one or two neighborhoods having to bear the brunt. Lynn questioned if there were to be any buffering to the existing homes and feels that commercial does not always benefit the cities at all times. His concern is going from R-1-40 to a major commercial zone. Lynn continued that he also has a concern regarding traffic issues especially if there were more lights proposed for that area. Lynn would like to wait for the results of the survey to see what the

overall opinion of the citizens is regarding what they would like to see on that corner.

Larry Mendenhall indicated that information had been provided from the applicant that shows where the buildings could be placed and some architecture to show what they would look like. Although there is not a zone at this time this information gives the commission and staff a chance to look ahead at what could be proposed.

Roger Tracy a resident in the surrounding area inquired regarding what this proposal would do to the property values in that area. Tom Hulbert stated in his experience the homes that are adjacent to this type of proposal are the ones that will be directly affected, properties beyond that they are making every attempt to mitigate the impact. Tom does not see any reason for an increase in traffic through the subdivisions; he does not see a need for people to go through the subdivisions versus the main roads. They have been restricted with the height of the buildings and buffering has been proposed with this application. Tom concluded that an appraiser would have to determine the property values.

Discussion ensued.

Roger Tracy stated a concern regarding reports he has read stating that commercial area brings a higher crime rate. Larry Mendenhall indicated that if this development is properly buffered and if they are taken pains to provide adequate security and create barriers he feels that they can mitigate a great deal of the concern of the crime rate. Tom Hulbert stated it is his job as the property owner to provide an environment where there tenants can conduct their business in a productive and safe way. He will make every effort to make this development a safe and secure area for both his tenants and the adjacent residents.

Discussion ensued.

Ron Stutz questioned why Highland needs a retail development? The citizens have not supported the Lone Peak Development but yet they are proposing commercial across the street. He feels that Highland cannot support two major grocery stores. Ron continued that people move to Highland for the open space not the commercial availability. He feels the citizens will continue to shop the bigger stores and feels there are other options that would benefit Highland better than this commercial area.

Darrel Ockler a resident in the area stated that they recognize there is going to be changes that will happen. What he would like to see happen is residential-commercial with professional offices that may be supported in this area more than retail. Darrel does not see enough interest in the Highland area that would support this kind of development.

Larry Mendenhall suggested Tom Hulbert's company had done things well and feels it would be a disappointment if they didn't understand the demographics of Highland. He feels that some of the proposed tenants are going to be professionals and some specialty stores. Part of the demographic analysis has to do with personal income and he feels retailers will take a look at that and feel this is a great place to open a business. Larry concluded that he feels the commission and the residents need to do is to focus on 3 things, 1)what do they want 2)how do they want it to look and 3)how do they protect themselves in the future.

Discussion ensued.

Hearing no further comments Larry Mendenhall closed the public hearing and brought the issue back to the commission for further discussion.

Jennifer Tucker indicated she feels that maybe the zone needs to be looked at a little more in detail with some more concerns portrayed by the citizens. In order for the developer to balance the use is to know the concerns of the neighbors.

Brent Wallace commented that the questions is do we need it and do we want it. He feels that yes we need it for the tax base and competition is a good thing. Having a retail development will bring in Alpine shoppers and will benefit the city. If they had the right stores citizens would shop in Highland.

Elizabeth Macfarlane stated her concern regarding information that right now is before the state legislature which is a no food tax that will only help a certain group of people. Elizabeth continued to state that Alpine and Highland are already high targets for theft due to the income of the residents. She sees this development having a park city look, and not an Orem look.

Jerry Gorrell inquired regarding the comments of the City Council continuing this item until after the survey results were available. He had a concern as to why they are reviewing this proposal due to that the survey having a major impact on the General Plan in which this is a part.

Larry Mendenhall indicated that the primary reason they are reviewing this proposal is that they need to keep this moving forward. Although they will not be voting on this item tonight, the public hearing has brought about a great number of comments that will impact their preparation to make a future decision.

Jerry Gorrell stated what makes this difficult for him is the two big boxes shown on the plat. His concern is that it changes the nature of the city and it leads to the next question as to why not have it down the road. The other concern is the negative impact it will have regarding the traffic and the left hand turn required as stated. The citizens of this community have shown that there is not a demand for retail in this area. Jerry concluded that his biggest concern is that he is not convinced that this is not a net-net benefit revenue for the city. He feels that even though these developments bring in some tax revenue they also bring with them

demands for additional services. He feels that this type of development often ends up costing more than it makes.

Larry Mendenhall suggested that the commission look into the future. What would happen if this area was built out piece by piece ? This developer is giving us an opportunity that will be adjusted as they review the next two or three items on the agenda. There are a few tools they can use to help craft this ordinance. He feels Highland has been very proactive as to how the buildings that are allowed to look and feels that they have that opportunity to help craft this ordinance. The creation of the commercial retail zone is a tool that the commission is putting together to govern what goes on that corner.

Discussion ensued.

**Motion by Jerry Gorrell, Planning Commission moves to continue the General Plan Amendment and Zone Map Amendment for the CR Zone to the next regularly scheduled Planning Commission meeting.**

**Second by Brent Wallace.  
Unanimous vote, motion carried.**

**Item 3: CR Zone ~ Preliminary Subdivision Approval and Public Hearing**

Larry Mendenhall opened the public hearing.

A resident commented that he feels the traffic would be greatly increased and is concerned with the safety of the children in the neighborhood where there are no sidewalks.

Hearing no further comment Larry closed the public hearing and brought the item back to the commission for further discussion.

**Motion by Jerry Gorrell, Planning Commission moves to continue the Preliminary Subdivision Approval for the CR Zone to the next regularly scheduled Planning Commission meeting.**

**Second by Elizabeth Macfarlane.  
Unanimous vote, motion carried.**

**Item 4: CR Zone ~ Site Plan Review and Recommendation**

Larry Mendenhall inquired as to the possibility of some type of acoustical barrier around the perimeter to absorb the sounds coming from the commercial buildings. Tom Hulbert stated they had met with the two residents directly affected. On their side of the wall they are willing to landscape their yard to the

resident's specifications to help minimize the wall and the sound. There will also be the trees along the development side of the fence. Tom continued to state that other homeowners to the west will also be contacted.

Discussion ensued regarding the possibility of re-arranging the placement of the larger buildings.

**Motion by Jerry Gorrell, Planning Commission moves to continue the Site Plan Review and Recommendation of the CR Zone to the next regularly scheduled Planning Commission meeting.**

**Second by Brent Wallace.  
Unanimous vote, motion carried.**

**Item 5: CR Zone ~ Architectural Review and Approval**

Tom Hulbert presented two options of color boards in reference to the proposed buildings. The buildings will be consistent in color, with the elevations and design varying. Tom offered to have the architects attend the next meeting to relay the designs in more detail.

**Motion by Brent Wallace, Planning Commission moves to continue the Architectural Review and Approval for the CR Zone to the next regularly scheduled Planning Commission meeting.**

**Second by Jerry Gorrell.  
Unanimous vote, motion carried.**

**Item 6: Conditional Use ~ Code Amendment and Public Hearing**

**Motion by Elizabeth Macfarlane, Planning Commission moves to continue the Conditional Use Code Amendment and Public Hearing to the next regularly scheduled Planning Commission meeting.**

**Second by Brent Wallace  
Unanimous vote, motion carried.**

**Item 7: Approval of Meeting Minutes for August 22, 2006**

**Motion by Jennifer Tucker, Planning Commission grants approval of the Meeting Minutes for August 22, 2006 as amended.**

**Second by Brent Wallace.  
Unanimous vote, motion carried.**

Meeting adjourned at 11:12 pm

