AGENDA

HIGHLAND CITY PLANNING COMMISSION
Tuesday, May 28, 2019, 7:00 p.m.

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah

CALL TO ORDER: Chris Kemp, Chair
- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Brittney Bills
- Pledge of Allegiance – Commissioner Tim Ball

APPEARANCES:

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

PUBLIC HEARING ITEMS:

1. **SP-19-02 & CU-19-02** Highland Hideaway Storage is requesting approval of a Site Plan and Conditional Use Permit for a flex office use building located approximately at 11251 N. Sunset Drive. **Administrative** – The Applicant is requesting that this item be continued until the June 25, 2019 Planning Commission Meeting.

2. **SP-19-01 & CU-19-01** Eternal Spring is requesting approval of a Site Plan approval and Conditional Use permit for a professional office buildings located approximately at 10298 N 4800 W. **Administrative**

3. **TA-19-03** McKay Christensen is requesting approval to amend Section 3-4704, 3-4713, 3-4716, 3-426, and table 3-47a of the Development Code relating to the Town Center Overlay zone. **Legislative**

4. **Z-19-01** Mark Hampton is requesting approval of rezoning 64.5 acres of property located at 9968 N 6630 W from an R-1-40 to a R-1-30. **Legislative**

APPROVAL OF MINUTES:

- Approval of the [April 30, 2019 meeting minutes](#).

ADJOURNMENT:
NEXT MEETING: June 25, 2019 at 7:00 pm City Council Chambers

Legislative: An action of a legislative body to adopt laws or polices.
Administrative: An action reviewing an application for compliance with adopted laws and policies.

FOR SPECIAL ACCOMMODATIONS

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 23rd day of May, 2019. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 23rd day of May, 2019 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Tara Tannahill, Planning Coordinator
DATE: May 28, 2019
TO: Planning Commission
FROM: Tara Tannahill, Planner/GIS Analyst
SUBJECT: ACTION: Continuance of SP-19-02/CU-19-02

The Applicant is requesting that the above referenced agenda item be continue to the June 25, 2019 Planning Commission meeting to allow additional time to address the architectural concerns raised by the Planning Commission at the last meeting.

Since the item has been continued previously, the applicant will provide addressed, stamped envelopes with no return address for all property owners within 500 feet to notify for the next meeting.

Since this item has been advertised for a public hearing, the Commission will need to formally continue the item.

PROPOSED MOTION:

I move that the Planning Commission continue item SP-19-02 and CU-19-02 to the June 25, 2019 Planning Commission meeting.
DATE: May 28, 2019  
TO: Planning Commission  
FROM: Tara Tannahill  
Planner & GIS Analyst  
SUBJECT: PUBLIC HEARING AND ACTION – A request by Eternal Spring for a Site Plan approval and Conditional Use permit of professional office buildings located in the Professional Office Zone at 10298 N 4800 W (SP-19-01 and CU-19-01) Administrative

STAFF RECOMMENDATION:

The Planning Commission should hold a public hearing and recommend approval of the request subject to the ten stipulations recommended by the Planning Commission.

BACKGROUND:

The site was rezoned from R-1-40 to Professional Office (P.O Zone) District on December 4, 2018. As part of approval, City Council put in four stipulations for the applicant to have as part of the site plan, in addition to the requirements for the P.O District.

Stipulations:
1. The building shall not exceed a total of 8,400 square feet.
2. The building setback is at least 80 feet from the rear property line and no second story shall be closer than 100 feet from the rear property line.
3. The dumpster will be no closer than half way between the east and west property line.
4. The number of parking stalls for the assisted living and the office space be reviewed as part of the site plan and conditional use permit review.

Section 3-4902.7 Conditional Uses states:
7) Any other conditional or other types of professional services which the Planning Commission and City Council determine to be compatible with the intent of the zone.

Section 3-4903.1 Prohibited Uses States:
1) Determination of Use – Whenever a use has not specifically been identified in the foregoing classification, it shall be the duty of the City Planning Commission to determine
if said use:
(a) Is consistent with the intended use of the PO Zone; and
(b) Is compatible with the other listed uses; and
(c) Is compatible with the uses of adjacent properties.

In the Professional Office (P.O Zone) District the City Council is the approval body for a site plan and conditional use permit, after receiving a recommendation from the Planning Commission. The Planning Commission is the approval body for the architectural review.

**Conditional Uses:**
Conditional uses are uses that are meant to give limited flexibility in the review of an application. In Highland, the Planning Commission makes a recommendation to the City Council. A conditional use is regulated by the following standards:

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
(2)
   (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
   (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

If a use is allowed as a conditional use it is assumed that the use is desirable but that it may require an extra level of review. Denial must be based on some factor unique to the proposed location that renders the potential negative effects of the proposed use beyond mitigation. Mitigation means to temper or reduce the negative aspects, not eliminate them.

The action taken in response to an application must be supported by substantial evidence in the record. Substantial evidence is evidence that is relevant and credible. To be relevant, it must relate to the standards in the ordinance. To be credible it must be objective and independent.

**SUMMARY OF THE REQUEST:**

1. The applicant is requesting site plan, architectural plan, and conditional use permit approval for an 8,243 square foot office building. The property is located approximately at 10298 N 4800 W and is .68 acres. The petitioner does not have any tenants at this time.
2. Vehicular access will be provided from a shared access with Ashford Assisted Living Center from 4800 West.

3. There are 33 parking stalls provided with two designated handicap parking stalls.

4. Hours of operation will be 8:00 am to 5:00 pm Monday through Friday. Number of employees is unknown at this time.

CITIZEN PARTICIPATION:

The neighborhood meeting notification sign was posted on the property May 8, 2019 and the neighborhood meeting was held on May 16, 2019. No residents attended the meeting.

Notice of the Planning Commission meeting was published in the Daily Herald on May 12, 2019 and posted on the state website May 9, 2019. Notification of the public hearing associated with this meeting was mailed to all property owners within 500 feet of the proposed site on May 13, 2019. No written correspondence has been received.

REQUIRED FINDINGS:

The Planning Commission must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff’s analysis.

1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The property to the north is Ashford Assisted Living Center. The properties to the south and east are residential homes. The property to the west is Lone Peak High School. There is an existing trail to the south of the property.

2. The use complies with all applicable regulations in the Development Code.

The Development Code allows for professional offices and services in the PO District. The applicant doesn’t have any tenants selected, but they anticipate the type of business to be commercial office related services.

The site plan provides adequate access and onsite circulation for the proposed use. There are 33 parking stalls provided. The Development Code requires 20.
A landscape plan has been submitted showing a minimum of 35% landscaping as required in Section 3-4911 in the Development Code.

The proposed architecture includes the elements required in Section 3-4922 of the Development Code. Materials include wood-grained siding, dark gray metal, brick soldier course, and white stucco.

The foot candles on the East side of the property will need to be reduced as required in Section 3-4915 of the Development Code. Staff is recommending a stipulation that all lighting be less than one-foot candle at the property lines on the east side to reduce the light pollution. A stipulation has been included to address this.

All utility and mechanical is required to be screened from view. A stipulation has been included to address this issue.

The building height is 29 feet 11 inches which is below the 30 feet limit as required in Section 3-4907 in the Development Code.

The building size is approximately 18% of the site coverage. This is below the 30% limitation as required in Section 3-4905 of the Development Code.

The monument sign will need to be reduced in size and updated with the Architectural elements required in Section 3-709 of the Development Code. The signs location will also need to be demonstrated on the site plan. A stipulation has been created to address this.

Sizing will need to be provided for the refuse enclosure because Republic Services is requesting that staff review the size of the refuse enclosures going forward to make sure their vehicles are able to access the dumpster. The refuse container will need to be moved from the frontage of the building as required in Section 4-913 of the Development Code. Architecture will need to be provided for the refuse enclosure to make sure architectural elements are compatible with the building elevations as required in Section 3-4913 of the Development Code. A stipulation has been created to address this.

Fencing will need to be provided along the perimeter of the site plan that abut any residential districts as required by Section 3-612 of the Development Code. A stipulation has been created to address this.

With the proposed stipulations the site plan complies with the stipulations of approval for the rezoning.

3. **Conditions are imposed to mitigate any detrimental effects.**
Draft stipulations have been included to ensure compliance with the Development Code.

**CONCLUSION:**

The proposed use appears to meet the required findings for approval.

**RECOMMENDATION:**

The Planning Commission should hold a public hearing and recommend **APPROVAL** of the proposal subject to the following stipulations:

1. Development of the site shall comply with the site plan January 2, 2018 and building elevations dated May 6, 2019 except as modified by these stipulations.
2. All signage shall require a separate permit and comply with the Development Code requirements.
3. The light levels shall not exceed one-foot candle at the south and east property lines.
4. The refuse container shall be revised to meet the requirements of the Development Code.
5. The monument sign shall be revised to meet the requirements of the Development Code.
6. Prior to council consideration, the second floor setback shall be provided to staff to review.
7. A screen wall shall be installed against the perimeter that abuts a residential district, except the senior care facility.
8. All utility and mechanical equipment shall be screened.
9. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
10. Final civil engineering plans shall be reviewed and approved by the Fire Marshall.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the conditional use permit and site plan subject to the ten stipulations recommended by staff.

**FISCAL IMPACT:**

This action will not have a financial impact on this fiscal year’s budget expenditures.
ATTACHMENTS:

1. Vicinity Map
2. Project narrative
3. Site Plan
Attachment 2:

Site Plan Application Narrative

The property in question was successfully rezoned from residential to commercial zoning earlier this year. We are now applying for our site plan approval and have developed a site plan, building elevations, and associated landscape architecture, civil engineering drawings, and site lighting plans.

When we applied for the rezone we submitted a conceptual site plan with parking mostly to the south of the building. However, in working with staff, we have discovered that the site plan submitted did not meet the zoning’s 35% landscaped area requirement. Because of this we needed to drastically change the site plan. We now have two disconnected parking areas, one at the east and one at the west of the building. Our building is central within the lot and kept more than 10’ from the north property line for fire separation and more than 30’ from the south property line for the setback from residential zones. We have also maintained our 80’ setback from the east property line for the first story and 100’ for the second story as restricted during the rezone process.

The building we are proposing will composed of primarily 3 exterior materials. The ground floor will be broken up into two halves, one of a dark gray brick and the other of a light colored stucco. The brick and the stucco both have expressed reveals and solder coursing to meet the city’s architectural design standards. The upper floor will be clad in a wood grained siding to add warmth and a natural element to the design. The roof of the upper story is a slight shed roof to the east, which gives more height on the street facing side and less on the residential facing side of the building. The architecture is designed to complement the Ashford Assisted Living Center but is more commercial in nature.

We have planned the building to house of up 6 small tenants, 4 on the ground floor and 2 on the upper floor. However, the building is planned for ultimate flexibility and it could house as few as 2 tenants, one on each level. Though we do not have the building pre-leased, we currently expect that these tenants will be commercial offices. It is also most likely that the hours of operation for the type of tenants we will be marketing to will be Monday through Friday 8:00 AM to 5:00 PM.
PROPOSED SIGNAGE LOCATIONS. AREA OF SIGNS NOT TO EXCEED 15% OF EACH FACADE. SEE ELEVATIONS.
DATE: May 28, 2019
TO: Planning Commission
FROM: Tara Tannahill
Planner and GIS Analyst
SUBJECT: PUBLIC HEARING - A request by McKay Christensen to amend Section 3-4704, 3-4713, 3-4716, 3-426, and table 3-47a of the Development Code relating to the Town Center Overlay zone. (TA-19-03). Legislative

STAFF RECOMMENDATION:

The Planning Commission should conduct a public hearing, accept the findings, and make a recommendation to City Council.

BACKGROUND:

There are two residential projects in the Town Center District: Toscana and Blackstone. Toscana was approved for 200 units however only 144 were constructed. Blackstone was approved with 85 units. Therefore, there are 229 units approved. In May 2018, the developer for Blackstone reduced the number of units to 80. Blackstone is currently under construction.

In 2015, the Council hired a consultant to hold a series of public meetings and review the Town Center District. Meetings were held on October 6 and October 27, 2016. Staff also met with the majority property owner on November 23, 2016. Based on the results of these meetings, staff was directed to process an amendment that removed residential uses as permitted or conditional uses in the Town Center. One of the purposes of this amendment was to ensure that residential projects in the Town Center required legislative approval.

In February 2016, the City Council approved the amendment to the Town Center Overlay (TCO) to eliminate residential uses. Any new residential projects can be considered, if determined appropriate, through a zoning text amendment or rezoning.

In February 2017, the City Council approved an amendment to the Town Center Overlay (TCO) to limit the residential units to 229 units to be consistent with the number of units that had been approved.
A development code amendment is a *legislative* process.

**SUMMARY OF THE REQUEST:**

1. The applicant is requesting an amendment to the Town Center Overlay District to allow for a 121-unit development that includes 26 town homes, 8 duplexes, and a three story mixed use building that includes 10,200 square feet of retail and 87 apartment units.

2. The proposed amendment is summarized as follows:

   a. The maximum number of units are increased from 229 to 345.
   b. The maximum density is increased from 12 units per acre to 22.7 units per acre.
   c. Modern Farmhouse is included as an approved architectural theme.
   d. Modern Farmhouse architecture is not required to use heavy timbers in the front of buildings.
   e. The minimum setback on 10700 North of 8 feet is eliminated is eliminated.
   f. The maximum building height in the Town Center Commercial Retail District is increased from 40 feet to 45 feet.
   g. The number of required parking stalls for residential uses is reduced from 3 stalls per unit to 1.25 stalls per one-bedroom unit, 2 stalls per two and three bedroom units and .25 stalls per unit for visitor parking.
   h. The minimum depth of a driveway is being reduced from 22 feet to 18 feet.
   i. Residential units are currently required to have a rear yard. This would be changed to provide a front, side or rear yard.
   j. The following uses are changed for ground floor and upper floor uses:
      - Live work attached residential is changed from not permitted to permitted.
      - Mixed use attached residential is changed from not permitted to permitted.
      - Multi-family attached residential is changed from not permitted to permitted.

**ANALYSIS:**

- The proposed density of 22.7 units per acre exceeds any current or proposed project in the Town Center. Toscana is approximately 18.44 units per acre and Blackstone is 11.27 units per acre.

- The proposed text amendment would decrease the number of parking stalls provided. In 2009, at the time of the approval of the Toscana Development the parking requirement was 1.5 spaces per unit. This was increased to 3.0 stalls per unit in 2010 as parking is an issue in the Toscana development. Blackstone provided 3.6 spaces per unit.
Other commercial buildings in the Town Center Overlay Commercial Retail district are 40 feet or lower in height. The Town Center Flex District allows buildings to be a maximum of 50 feet in height. The location of the commercial building on the concept plan is in the Commercial Retail District. The townhomes demonstrated on the concept plan are under the Flex District.

Double car driveways on average are between 20 and 24 feet. The applicant is proposing 18 feet. Eighteen feet is the typical depth of a parking space. However, it may not be enough for larger vehicles.

The applicant is requesting to remove the setback restrictions on 10700 North. The setbacks restrictions for this zone are “intended to create a separate unique districts with specific determined uses and environments appealing to both automotive and pedestrian scale. This is accomplished by defining the street edge and incorporating pedestrian elements to the street and building”. Placing building structures closer to the road than 8 feet would have the potential to remove pedestrian street elements that make the street more walkable.

If the amendment is approved, the next step in the process would be for the applicant to apply for a site plan. Site plan approval is an administrative process.

RECOMMENDATION AND PROPOSED MOTION:

Staff recommends that the Planning Commission conduct a public hearing, discuss the issues, and make a recommendation to the City Council.

I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendment based on the following findings: (The Commission will need to draft appropriate findings.)

I move that the Planning Commission DENY case TA-19-03, a request for a text amendment for the Town Center Overlay zone based on the following findings: (The Commission will need to draft appropriate findings.)

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year’s budget expenditures.
ATTACHMENTS:

1. Ordinance
2. Narrative
3. Apple Creek Concept Plan
ORDINANCE NO. 2019-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 3-705 AS SHOWN IN FILENAME TA-19-03.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on May 28, 2019 and

WHEREAS, the City Council held a public hearing on this Ordinance on June 18, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. The Chapter 3 Zoning, Article 4.7 Town Center Overlay of the Highland City Development Code, is hereby amended as shown in “Exhibit A”.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, June 18, 2019

HIGHLAND CITY, UTAH

Rodney W. Mann, Mayor

ATTEST:

Cindy Quick, City Recorder
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<th>COUNCILMEMBER</th>
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**TEXT AMENDMENT NARRATIVE**

1. **What is the existing text and proposed text amendment?**
   
   **a. Existing Use is:** Town Center Overlay (Flex Use and Commercial Retail Use)
   
   i. Town Center Overlay District (TCO) was adopted in 1999. The Town Center Flex Use District allowed for “a defined number of residential units (342).” (February 2, 2016 Minutes at 5.)
   
   ii. Toscana development ultimately resulted in 144 units. Blackstone was originally approved for 85 units, but later resulted in 80 approved units. Between the Toscana and Blackstone developments there are 224 units with the Town Center Overlay, leaving 118 units for the Apple Creek Development.
   
   iii. In the February 7, 2017 City Council meeting, the City Council once again recognized that the Town Center Flex Use District “originally allowed a defined number of residential units (342).” (February 7, 2017 Minutes at 7.).
   
   iv. The City Council then took action to limit the number of units in the Town Center Overlay Zone to 229 units—the exact number of units that had already been built by the Toscana development and approved for the Blackstone development (229 units includes the 85 Blackstone units – not 80).
   
   v. This *de facto* rezone eliminating the remaining 118 units from the Town Center Overlay only affected the property owned by Ms. Gustafson and the Spykes (Apple Creek Development), yet neither they nor the applicant was ever notified of the meeting. This was in spite of the fact that Ms. Gustafson’s attorney, Kyle Fielding, previously requested that the City notify him of any proposed action regarding the Property. (August 4, 2015 Minutes at 1; August 4, 2015 Audio of City Council Meeting, at 4:30–6:00.)
   
   vi. In the February 7, 2017 meeting, the City Council noted that “[i]n February 2016, the City Council approved an amendment to the TCO to eliminate residential uses.” (*Id.* (emphasis added).)
   
   vii. In summary, the Property is zoned as “Flex Use” within the TCO, which under the Development Code allows for a “property whose use may include Attached High Density Residential Uses, Live-work Uses, Office Uses, Retail uses or any combination of all four.” The Town Center Flex Use District allowed for a maximum of 342 units since its inception in 1999.
   
   viii. Only in the last two years, and without any notice to the owners of the Property, has the City Council sought to eliminate any residential use within the Flex Use District. It is not a matter of Toscana and Blackstone using all of the density within the Flex Use District. Rather, it is the City Council changing the number of residential units permitted midstream, to the sole detriment of the Apple Creek Development.
   
   ix. The Property’s highest and best use is as a flex use residential and commercial development.
   
   **b. Proposed Use:** In summary, the proposed text amendment would restore to the property the 118 units recently removed from the property. The proposed Apple
Creek development is a mixed use development comprising 10,000 sf of retail and 121 residential units (three more units than the 118 units originally allocated to the TCO). If required, Apple Creek is willing to stipulate to 118 units, the exact amount of units previously approved in the TCO.

2. **What separates this property from other property in Highland for this text amendment to be considered?**
   a. As stated above, the land within the TCO was purposefully “set aside” and “designated” by the Highland City for this specific use, which includes high-density housing.
   b. This land and zoning was included in Highland City’s General Plan dating back to 1999.
   c. Surrounding homeowners purchased their properties knowing (dating back to 1999), the Town Center Overlay allowed 342 units.
   d. The property is located on a major highway SR 74, perfectly suited for high density.
   e. The property is currently surrounded by multifamily housing developments.
   f. The property is located next to a police station and within a quarter mile of the fire station.

3. **How can the proposed text amendment benefit Highland City more than the existing use?**
   **The apple creek development will provide:**
   a. 10,000 sq. ft. of commercial. (The mixed-use nature of the project allows Apple Creek to develop 10,000 sq. ft. of commercial where it would otherwise be difficult to sustain on its own merit).
   b. Restaurant space with large outdoor patio seating.
   c. Opportunity for residents in Highland to downsize and stay in the community they love.
   d. Townhomes and twin-homes that will increase the per square foot value of sales in the surrounding area.
   e. Large amounts of open space and highly amenitized.
   f. Provide a high quality development consistent with the TCO vision.

4. **What is the compatibility of the prosed text amendment with surrounding area?**
   a. The City Councils decision in 2018 to remove the 118 units from the zone, specifically and unfairly targeted the Apple Creek property at the exclusion of other properties already approved within the Town Center Zone. Indeed, consistent with the aforementioned zoning provisions (paragraph 1.a above), all of the property within the Town Center Overlay Zone, with the exception of the proposed Apple Creek development, has been allocated high-density residential units. Apple Creek is, therefore, perfectly compatible with all other uses within the surrounding area.
   b. The commercial mixed-use is the most suitable use fronting the noisy and busy SR 74 Highway; the townhomes are consistent with Toscana and Blackstone directly
adjacent to the property; and, the twin homes are consistent with the Villages directly to the west of the property.

5. **How is the proposed text amendment consistent with the Highland City General Plan and in compliance with the Highland City Development Code and other city codes & regulations?**

a. As stated above, the Property is part of the TCO.

b. The proposed Apple Creek development is consistent with the TCO based on the following provisions in the Development Code:

i. The Highland City Development Code ("Development Code") provides that the purposes of the Town Center Overlay Zone are to, among other things, "provide a central area where commercial, retail and residential could be blended in an attractive walkable, open space environment," and to "provide higher density development with well-planned open space public gathering areas." (Development Code, § 3-4701 (emphasis added).)

ii. The Development Code states that, "[i]n establishing the zones...due and careful consideration was given, among other things, to the suitability of the land for particular uses and to the character of the zone." (Id., § 3-304 (emphasis added).)

iii. The Property is zoned primarily as "Flex Use." Flex Use is defined under the Development Code as a "property whose use may include Attached High Density Residential Uses, Live-work Uses, Office Uses, Retail uses or any combination of all four." (Id, § 3-4702(4).)

iv. The zone also states “All residential buildings along the main roads within the Town Center Overlay Zone must be a minimum of three (3) stories in height.” (Development Code, § 3-4716(1)(h).)

v. The Development Code also permits buildings within the Town Center Flex Use District and the Town Center Mixed Use Residential District to be “up to fifty (50) feet in height.” (Development Code,§ 3-4713(5)(e)(i)and(5)(f)(0.)

As stated in the TCO, “due and careful consideration was given” in creating the Town Center Overlay Zone with the development code provisions listed above. The proposed text amendment would restore residential units that were removed from the property.

The Apple Creek development also boasts:

- 10,000 sf of retail space with generous outdoor patio areas
- remarkable amenities with a third level outdoor deck and clubhouse, pool, and jacuzzi
- High-end townhomes will sale for $375,000-450,000 per unit.
- High-end twin-homes will sale for $450-550,000 per unit – a price point higher than any other product in the immediate area.
APPLE CREEK LOFTS
HIGHLAND, UT

APPLE CREEK LOFTS

PROJECT DATA
OVERALL SITE BOUNDARY 5.80 ACRES

HOUSING
LOFTS BUILDING 87 UNITS
TOWNHOMES - TYPE 1 15 UNITS
TOWNHOMES - TYPE 2 11 UNITS
DUPLEXES 8 UNITS
TOTAL HOUSING 121 UNITS

COMMERCIAL
LOFTS BUILDING 10,000 SF

PARKING PROVIDED
SURFACE STALLS 217
GARAGE STALLS 66
VISITOR STALLS 16
(TOTAL 299 STALLS)
TOTAL PARKING 299 STALLS

LANDSCAPE/OPEN SPACE 85,960 SF
(1.8% OF SITE)

**ALL AREA CALCULATIONS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE**
Apple Creek
Mixed-use Development

Including:

- 86 loft-style apartments
- 26 Townhouses
- 8 Twin homes
- 10,000 sq. ft. of retail
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Town Center Flex-Use District
Town Center Commercial Retail District
Town Center Residential District
Town Center Mixed Use Residential District
Town Center Civic District
Open Space District
Parking Access Points
Designated Parking (Generally)
SITE PLAN
APPL{E CREEK LOFTS

PROJECT DATA
OVERALL SITE BOUNDARY 5.80 ACRES

HOUSING
LOFTS BUILDING 87 UNITS
TOWNHOMES - TYPE 1 15 UNITS
TOWNHOMES - TYPE 2 11 UNITS
DUPLEXES 8 UNITS
TOTAL HOUSING 121 UNITS

COMMERCIAL
LOFTS BUILDING 10,200 SF

PARKING PROVIDED
SURFACE STALLS 217
GARAGE STALLS 66
VISITOR STALLS 16
(AT TYPE 2 TOWNHOMES)
TOTAL PARKING 299 STALLS

LANDSCAPE/OPEN SPACE 85,960 SF (34% OF SITE)

**ALL AREA CALCULATIONS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE**

39
LOFT APARTMENTS & COMMERCIAL RENDERINGS
APPLE CREEK LOFTS

PROJECT DATA
OVERALL SITE BOUNDARY 5.80 ACRES

HOUSING
LOFTS BUILDING 87 UNITS
TOWNHOMES - TYPE 1 15 UNITS
TOWNHOMES - TYPE 2 11 UNITS
DUPLEXES 8 UNITS
TOTAL HOUSING 121 UNITS

COMMERCIAL
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SURFACE STALLS 217
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VISITOR STALLS 16
(AT TYPE 2 TOWNHOMES)
TOTAL PARKING 299 STALLS
LANDSCAPE/OPEN SPACE 85,960 SF
(34% OF SITE)

**ALL AREA CALCULATIONS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE
Clubhouse & Exercise
2,000 sq ft
Top deck
Outdoor Amenities
2,000 sq ft
LEVEL 1: 10,000 SQ FT OF COMMERCIAL
COMMERCIAL LIGHTING PLAN

1. Limited Lumins on retail signs
2. Down facing sconces to reduce light pollution
3. Recessed cans under awnings
4. Bollard lighting at entry to parking

NOTE: LIGHTS ARE TO BE FULLY SHIELDED. 'SAG' LIGHTING NOT ALLOWED. LIGHTS NOT TO EXCEED 1 FOOT CANDLE AT PROPERTY LINE
AMENITIES
APPLE CREEK LOFTS

PROJECT DATA
OVERALL SITE BOUNDARY 5.80 ACRES

HOUSING
LOFTS BUILDING 87 UNITS
TOWNHOMES - TYPE 1 15 UNITS
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TOTAL PARKING 299 STALLS

LANDSCAPE/OPEN SPACE 85,960 SF
(34% OF SITE)

**ALL AREA CALCULATIONS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE**
Level 2: CLUBHOUSE

- Fitness room
- Clubhouse w/ kitchen, big screen TVs, generous gathering spaces
Level 3: OUTDOOR DECK

- Outdoor fireplaces
- Gathering spaces and dining tables
AMENITIES

• Clubhouse & Fitness room
• Pool & jacuzzi
• Park
• Fire-pits
• Outdoor bbq/grilling area
• Connection to biking trails
• 1/2 mile to Alpine Country Club
TWIN-HOME & TOWNHOME EXTERIOR DESIGN INSPIRATION
26 TOWNHOMES

APPLE CREEK LOFTS

PROJECT DATA
OVERALL SITE BOUNDARY 5.80 ACRES

HOUSING
LOFTS BUILDING 87 UNITS
TOWNHOMES - TYPE 1 15 UNITS
TOWNHOMES - TYPE 2 11 UNITS
DUPLEXES 8 UNITS
TOTAL HOUSING 121 UNITS

COMMERCIAL
LOFTS BUILDING 10,200 SF

PARKING PROVIDED
SURFACE STALLS 217
GARAGE STALLS 66
VISITOR STALLS 16
(AT TYPE 2 TOWNHOMES) 299 STALLS
TOTAL PARKING

LANDSCAPE/OPEN SPACE 85,960 SF
(34% OF SITE)

**ALL AREA CALCULATIONS ARE APPROXIMATE
AND ARE SUBJECT TO CHANGE**
8 DETACHED TWIN HOMES
8 DETACHED TWIN HOMES
TWIN HOME
COLOR PACKAGES
Brick

Hardie Board

Metal Railing

Brick

Windows/Doors

Material List:
- Brick
- Hardie Board
- Metal Railing
- Windows/Doors
<table>
<thead>
<tr>
<th>TYPE</th>
<th>STALLS PER</th>
<th>UNITS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>APTS 1 BED</td>
<td>1.25</td>
<td>57</td>
<td>71</td>
</tr>
<tr>
<td>APTS 2 BED</td>
<td>2</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td>6.6</td>
<td>10,000</td>
<td>66</td>
</tr>
<tr>
<td>VISITOR</td>
<td>23%</td>
<td>-</td>
<td>20</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>87</strong></td>
<td><strong>217</strong></td>
<td></td>
</tr>
<tr>
<td>TOWNS</td>
<td>2</td>
<td>26</td>
<td>52</td>
</tr>
<tr>
<td>TWINS</td>
<td>2</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>VISITOR</td>
<td>47%</td>
<td>34</td>
<td>16</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>30%</strong></td>
<td><strong>121</strong></td>
<td><strong>301</strong></td>
</tr>
</tbody>
</table>

**PARKING**
The circulation plan contemplates “right in/right out” access from Alpine Hwy. Access off Alpine Hwy. and the location of an access point(s) is subject to UDOT approval.
END
DATE: May 28, 2019
TO: Planning Commission
FROM: Tara Tannahill
Planner & GIS Analyst
SUBJECT: PUBLIC HEARING AND ACTION – Mark Hampton is requesting a rezoning of 64.5 acres of property located at 9968 N 6630 W from an R-1-40 to a R-1-30 (Z-19-01).

STAFF RECOMMENDATION:

The Planning Commission should conduct a public hearing and recommend approval of the proposed rezoning subject to the four stipulations recommended by staff.

BACKGROUND:

The property is 64.5 acres, is currently zoned R-1-40 Single Family Residential and owned by R& J Land LTD. The property is primarily used for farming.

The General Plan Land Use Map designates the property as Low-Density Residential. The R-1-40, R-1-30, and R-1-20 Zoning Districts implement this land use designation.

The R-1-40 District allows for one home per 40,000 square feet of land within the development with 25% of the lots being between 20,000 to 30,000 square feet. The minimum lot width is 130 feet.

The R-1-30 District allows for one home per 30,000 square feet of land within the development with 25% of the lots being between 20,000 to 25,000 square feet. The minimum lot width is 120 feet.

Rezone requests are a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to rezone 64.5 acres from R-1-40 Single-family Residential to R-1-30 Single-family Residential to allow for seventy-nine (79) single-family residential subdivision. The subdivision will occur on 56.8 of the 64.5 acres. The remaining 7.7 acres will be dedicated to the City for preservation of the
Mitchell Hollow Drainage/Open Space Area. Lot sizes will range from 20,000 to 25,000 square feet as required by the R-1-30 District.

2. A conceptual site plan of the site has been provided. The site plan will be reviewed for compliance with the R-1-30 zone during review of the preliminary plat.

3. The applicant has designated 7.74 acres to open space along the Mercer Hollow trail to the east of the property. The applicant is proposing to complete the Mercer Hollow walking trail with the development.

4. Access to the site will be from 9860 North, Madison Avenue, and 10200 North.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on May 8, 2019. Approximately forty-five people attended the meeting. Many residents voiced concerns about the increased traffic and lack of maintenance of the open space/trails by the City.

On May 16, 2019 Staff received a phone call from Duane Chase to request that the applicant stub a road to their property for future development. The property is 3 acres and to the east of the proposed site and west of Mitchell Hollow.

Notice of the Planning Commission public hearing was published on the state website on May 9, 2019, published in the May 12, 2019 edition of the Daily Herald, and mailed to all property owners within 500 feet on May 13, 2019. We have not received any written comment from adjacent property owners expressing concern of the potential development.

ANALYSIS:

General Plan

- The property is designated as Low Density Residential on the General Plan Land Use Map. The maximum density of 1.22 units per acre is consistent with the General Plan.

- The applicant is proposing to dedicate 7.74 acres of land to the City that is shown on the General Plan Land Use Map as a Trail Corridor and Greenway. This area includes identified wetlands and other natural vegetation. This area is known as the Mitchell Hollow Drainage and has been preserved from Mitchell Park on the North to 700 North in American Fork on the South. Preserving these lands meets the Goals and Polices of the Environmental and Natural Systems Element of the General Plan.

- A Main City Trail is planned for Mitchell Hollow. A major portion of this trail has been constructed from the Murdock Canal Trail south to this project. The applicant is proposing to continue this trail. This trail has also been shown on the Mountainland Association of Governments TransPlan50 Bike/Ped projects.
• The proposed development is consistent with the General Plan Land Use Map designation and implements many of the goals and objectives of the General Plan.

Compatibility
• The surrounding property is zoned R-1-40. There is an area adjacent to the site at the south west corner that is zoned R-1-20.

• The following chart identifies the surrounding developments and densities.

<table>
<thead>
<tr>
<th>Subdivision</th>
<th>Location</th>
<th>Density (Units / acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R&amp;J Highland Estates (Proposed)</td>
<td>N/A</td>
<td>1.22 Units / Acre</td>
</tr>
<tr>
<td>Wimbleton (Open Space)</td>
<td>West</td>
<td>1.50 Units / Acre</td>
</tr>
<tr>
<td>Canterbury South (Open Space)</td>
<td>North</td>
<td>1.74 units / Acre</td>
</tr>
<tr>
<td>Hidden Pond (Open Space)</td>
<td>East</td>
<td>1.08 Units / Acre</td>
</tr>
<tr>
<td>Mountain View Acres</td>
<td>East</td>
<td>0.92 Units / Acre</td>
</tr>
<tr>
<td>Willow Ridge Estates</td>
<td>East</td>
<td>1.08 Units / Acre</td>
</tr>
<tr>
<td>Mitchel Hollow</td>
<td>South</td>
<td>0.52 Units / Acre</td>
</tr>
<tr>
<td>Shady Acres (R-1-20)</td>
<td>Southwest corner</td>
<td>1.48 Units / Acre</td>
</tr>
<tr>
<td>Madison Meadows</td>
<td>Southwest</td>
<td>1.13 Units / Acre</td>
</tr>
</tbody>
</table>

Average Density Surrounding Area: 1.18

• The following chart compares the number of lots that could be proposed based on 64.5 acres:

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Lots</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-40</td>
<td>70</td>
<td>1.08</td>
</tr>
<tr>
<td>R-1-30</td>
<td>93</td>
<td>1.45</td>
</tr>
<tr>
<td>R-1-20</td>
<td>140</td>
<td>2.17</td>
</tr>
<tr>
<td>Proposed</td>
<td>79</td>
<td>1.22</td>
</tr>
</tbody>
</table>

• The proposed residential subdivision with a maximum density of 1.22 units per acres will be compatible with the existing development in this area.

Circulation
• Primary access to the site will be provided from Madison Avenue/ 9680 North. Madison Avenue is an existing and planned major collector that connects the east and west sides of Highland. On the west side of the City it is known as Canal Boulevard. The connection of this road has been planned for a long period of time. The developer will be responsible for their portion of the construction of this street.

• Additional local street connections will be made to 9810 North, 10200 North, and 10250 North. These streets have been built with these future connections in mind. The developer will be responsible for any improvements to these streets.

Utilities
• There are adequate system utilities in the surrounding streets.

• There is an existing drainage ditch on the site that will either need to be abandoned or piped depending on the need downstream.

Findings:
The proposed rezoning meets the following findings:

• It is in substantial conformance with the City’s General Plan.
• It will result in compatible in land use relationships.
• Protects a natural resource that is valuable to the community.
• Adequate access and infrastructure will be provided.

RECOMMENDATION AND PROPOSED MOTION:
Staff recommends that the Planning Commission hold a public hearing, accept the findings, and recommend APPROVAL of case Z-19-01 a request to rezone 64.5 acres from R-1-40 to R-1-30 subject to the following stipulations:

1. The preliminary plat shall be in substantial conformance with the concept plan dated May 17, 2019 except as modified by these stipulations:
2. The proposed 7.4 acres of open space to be dedicated to Highland City shall include a conservation easement/deed restriction as approved by the City Attorney.
3. The applicant shall be responsible for the construction of Madison Avenue as determined by the City Engineer.
4. A stub road to the property to the east shall be provided and shown on the preliminary plat as required by the City Engineer.

FISCAL IMPACT:
This action will not have a financial impact on this fiscal year’s budget expenditures.

ATTACHMENTS:

1. Vicinity Map
2. Ordinance
3. Neighborhood Meeting Summary
4. Project Narrative
5. Preliminary Plat Concept Plan
6. Vicinity Zoning Map
7. Duane Chase Property
8. 2008 Roads Master Plan
ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONE MAP OF HIGHLAND CITY FOR APPROXIMATELY 64.464 ACRES OF LAND GENERALLY LOCATED AT 9968 NORTH 6630 WEST AS SHOWN IN FILENAME (Z-19-01), REZONING SUCH PROPERTY FROM R-1-40 RESIDENTIAL TO R-1-30 RESIDENTIAL AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Highland City Council desires to amend the Official Zone Map of Highland City; and

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held public hearing on this Ordinance on May 28, 2019; and

WHEREAS, the City Council held a public hearing on this Ordinance on June 18, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That ±64.464 acres of certain real property located at 9968 North 6630 West more particularly described in Exhibit A attached hereto and incorporated herein, is hereby rezoned from R-1-40 Residential to R-1-30 Residential subject to the following condition(s):

1. The preliminary plat shall be in substantial conformance with the concept plan date stamped May 17, 2019 except has modified by these stipulations:
2. The proposed 7.4 acres of open space to be dedicated to Highland City shall include a conservation easement/deed restriction as approved by the City Attorney.
3. The applicant shall be response for the construction of Madison Avenue as determined by the City Engineer.
4. A stub road to the property to east shall be provided and shown on the preliminary plat as required by the City Engineer.

This/These condition(s) shall run with the land, and shall apply until such time, if any, that the property is re-zoned either by failure to comply with the conditions or further zoning action by the City Council.
SECTION 2. This zone map amendment is predicated upon compliance with the conditions in Section 1. In the event any condition is violated or unfulfilled, this Ordinance shall become null and void and the zone designation for all of the subject properties shall revert to the R-1-40 Zone.

SECTION 3. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, June 18, 2019.

HIGHLAND CITY, UTAH

__________________________________
Rodd Mann, Mayor

ATTEST:

_________________________________
Cindy Quick, City Recorder

<table>
<thead>
<tr>
<th>COUNCILMEMBER</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brian Braithwaite</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Ed Dennis</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Tim Irwin</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Kurt Ostler</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Scott Smith</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>
EXHIBIT A

Parcel 12:012:0057

Legal Description: COM N 0 DEG 45' 44" W 1973.784 FT & E 1.74 FT FR SE COR. SEC. 3, T5S, R1E, SLB&M.; S 0 DEG 26’ 27" E 399.605 FT; S 0 DEG 7’ 36" E 115.403 FT; S 87 DEG 30’ 54" W 487.104 FT; N 6 DEG 9’ 0" E 8.202 FT; S 87 DEG 43’ 0" W 348.87 FT; N 28 FT; S 87 DEG 43’ 0" W 435.664 FT; N 0 DEG 30’ 23” W 405.564 FT; N 89 DEG 25’ 39" E .869 FT; N 0 DEG 40’ 38" W 78.702 FT; N 87 DEG 52’ 56" E 1270.862 FT TO BEG. AREA 14.691 AC.

Parcel 12:012:0058

Legal Description: COM N 0 DEG 45' 44" W 1973.784 FT & E 1.74 FT FR SE COR. SEC. 3, T5S, R1E, SLB&M.; S 87 DEG 52’ 56” W 1270.862 FT; N 0 DEG 40’ 38" W 741.94 FT; E 233.1 FT; N 0 DEG 4’ 1” W 466.688 FT; E 1025.445 FT; S 47 DEG 52’ 26” E 11.766 FT; N 65 DEG 24’ 6” E 4.095 FT; S 0 DEG 20’ 0” W 460.51 FT; S 87 DEG 52’ 15” E 5.65 FT; S 0 DEG 26’ 27” E 694.735 FT TO BEG. AREA 32.060 AC.

Parcel 12:011:0041

Legal Description: COM N 0 DEG 1’ 51” W 466.689 FT & W 1034.966 FT FR E 1/4 COR. SEC. 3, T5S, R1E, SLB&M.; E 1025.445 FT; N 47 DEG 52’ 56” W 118.634 FT; N 83 DEG 46’ 58” W 72.77 FT; N 42 DEG 52’ 50” W 195.45 FT; N 27 DEG 19’ 13” W 449.76 FT; N 15 DEG 56’ 25” W 9.39 FT; N 16 DEG 50’ 19” W 99.65 FT; N 24 DEG 26’ 0” W 109.11 FT; N 22 DEG 24’ 54” W 97.58 FT; N 20 DEG 7’ 27” W 12.62 FT; N 9 DEG 48’ 6” W 37.18 FT; N 0 DEG 3’ 52” W 44.15 FT; N 3 DEG 2’ 40” W 98.42 FT; N 10 DEG 56’ 8” W 154.55 FT; S 68 DEG 17’ 25” E 49.49 FT; S 73 DEG 10’ 6” E 29.84 FT; S 77 DEG 19’ 44” E 19.77 FT; S 84 DEG 2’ 43” E 18.89 FT; S 84 DEG 59’ 13” E 26.11 FT; N 0 DEG 0’ 57” E 100.235 FT; S 89 DEG 58’ 9” W 576.033 FT; S 0 DEG 4’ 1” E 1331.26 FT TO BEG. AREA 17.713 AC.
R&J Highland Estates
Neighborhood Meeting

Date: May 8, 2019
Time: 6:00pm
Place: Highland City Community Center Room A-1
Location: 5378 W. 10400 N., Highland

Meeting started at 6:05pm with approximately 40-45 people in attendance. Scott Miner started the meeting by welcoming everyone to the meeting. Scott introduced himself and stated he lives in a neighborhood adjacent to the property being re-zoned and is friends and a partner with Mark Hampton, who was approached by the land owner a number of months ago to help with the development of the property. The meeting was then turned over to Mark Hampton.

Mark Hampton introduced himself and explained the property owner, who has owned the property for many years, approached him a few months ago and asked for his help in developing the property as the property was part of a family trust and the assets of that trust were in the process of being liquidated. A power point presentation was started which provided an overview of the project. Please see a copy of the slide show presentation attached. Note: Throughout the meeting various slides from the slideshow were referenced and various slides were moved between as citizens raised questions/and or concerns.

Mark Hampton explained the 3 parcels contained approximately 64 acres. The property was currently zoned R-1-40 and a request to rezone the property to R-1-30 had been submitted to the city. The property would include open space and continuation of the Mitchell Hollow trail.
An unidentified resident asked how many lots were included in the development and it was answered that there were 79. Another resident asked what the difference was between the R-1-40 zoning and R-1-30? Another citizen responded R-1-40 is for acre lots. A number of residents starting making comments about R-1-30 being higher density. Mark explained the difference in what was being proposed under R-1-30 vs. R-1-40 was approximately 6 more lots. Taylor Clegg, a resident, was concerned about 6 more homes adding more traffic.

Dave Larsen, a resident, then brought up the issue of traffic on his street. Dave said his street had lots of traffic already from the other neighborhoods and that people speed down his street. Dave then got up and went to the screen and pointed out that the proposed development had two roads which would bring more traffic from the development onto 9810 North and onto his street 6530 West. Dave said there needed to be another road that allowed for residents to enter and exit from north end of the project. He said there would be construction traffic and resident traffic that would impact his street and there had to be additional road connectivity from the North. Other residents on 6530 West voiced similar concerns about having two road connects at the top of their street (9810 North).

Mark responded to Dave’s concerns by saying the site plan would be modified to allow for a road connection to be made on the north end of the property.

A resident stated 10250 N would have to be widened to accommodate more traffic. Mark responded the road by the property could be widened. A resident named Camilla Wright stated there was a
R&J Highland Estates
Neighborhood Meeting

preschool on the north eastern side of Mitchell Hollow and that traffic from the preschool can back-up on 10250 North at pick-up times.

Kathy Bruner stated that on the site plan it appeared the road connection onto 9810 North showed part of their property was going to be taken. Mark responded that the road connection could be done without taking their property and the intent wasn’t to do so.

Mike Bond, a resident, raised the concern of the city trail system and the lack of maintenance. Other citizens joined in voicing their opposition to the city trail system and that they are required to maintain the trails because the city doesn’t. Mark explained that the requirement to continue the Mitchell Hollow trail came from the city.

An unidentified resident brought up a concern about Madison Avenue and the significant amount of traffic that a road like that would bring to the area. A number of citizens also voiced their opinion that a road like Madison Avenue would have a negative impact on their home value and a property zoned R-1-40 should not allow for a thoroughfare road like Madison Avenue. Some residents stated they purchased their home with the understanding that there wouldn’t be a large thoroughfare type road because of the R-1-40 zoning. The discussion amongst residents continued regarding traffic coming from Cedar Hills and developments planned over by Lone Peak High. Dan Campbell commented the new development by Cedar Hills would bring lots of traffic through the city (Highland) and increase the use of Madison Avenue. A citizen requested that Madison Avenue not be a large thoroughfare through the property and Mark Hampton and Scott Miner
both explained the requirement for the road was part of the city’s master road plan and was being required.

Unidentified citizen and Dave Larsen had an exchange regarding adding an additional road connection to the north. Citizen didn’t want the road and Dave responded he was sick of all the traffic coming down his street from all the other neighborhoods. Many of the citizens became argumentative amongst themselves about traffic and the roads. A citizen asked the question of who would be responsible to put in the roads in the proposed development. Mark Hampton responded that roads within the development would be installed and paid for by the land owner/developer.

A citizen then commented R-1-30 zoning is typically a transitional zone and the property should remain R-1-40. Scott Miner explained that the current site layout contained an average lot size of .57 acres and with the smallest lots being about .46 acres and that the development located on the north end of the property contained .22 acre lots, lots in the development located to the west of the property were roughly third acre lots and lots located to the east were roughly .46 acres, which was the smallest size of the lots being proposed in the current site plan. Mark commented that the lots proposed exceeded in average size to the existing homes/lots by 24%.

Shana Ballard, a citizen, asked about the wetlands located in the bottom of Mitchell Hollow, the impact of a major road crossing through to connect to Madison, how the wetlands would be mitigated and if the government would allow for it. Mark Hampton responded that the wetlands could be mitigated effectively and in such a way that would
be allowed within regulations. A question from citizens was asked how the stream would continue under the road. Mark stated a metal or concrete culvert could be used to allow for the stream to continue under the road and towards the south.

Citizens then had a discussion amongst themselves regarding the size of Madison Avenue and whether it would be a two, three or four lane road.

Another citizen brought up the trail system and that there shouldn’t be more trails and others agreed.

Madison Avenue connection was brought up again and the impact of additional traffic. Dave Larsen responded that the Master Plan showed the road way back in the 1990’s. Citizens talked about the crazy amount of traffic the connection of the Canal road and Madison Avenue would have on the area.

Citizens brought up concerns about green space in the area. A citizen, Bond, commented about the inclusion of a park in the development. Mark Hampton explained that there would be open space to located on the west side of the property and given to the City to extend the tail system.

Citizen then made a comment regarding Madison Avenue saying Cedar Hills and American Fork traffic will all be coming through and it’s not wanted.

Kathleen Bruner, resident, asked about the timeline of the development. Mark Hampton responded that it would take a few months and by next summer building would start.
R&J Highland Estates
Neighborhood Meeting

who would buy the lots and Mark explained that large production home builders had approached the land owner to purchase and develop the property but the property owner chose to develop it themselves. Mark explained that most likely the lots would be sold to owner/builders and smaller builders which may purchase a small number of lots. The homes going in should be nice homes and there won’t be a HOA however there will be CC&Rs recorded to insure nicer homes.

Camilla Wright, resident, asked if the new development will have fences on the property and specifically if there could be fences by the trail. She and others stated that the city requirements didn’t allow for tall/solid fences to be placed by their property that had trails. Mark responded that he wasn’t sure what the fencing requirements were. Another citizen stated that their Ward had to do a cleanup event because the city doesn’t clean up the trails.

Mark Hampton thanked everyone for coming and for their feedback.

At approximately 6:47 the meeting was officially closed.
Rezone Request Project Narrative

Highland Estates

1.) What is the existing and proposed use (included a detailed description)? Currently the property is Zoned R-1-40 and is being used for agricultural use and is actively being farmed. The property owner would like to formally request a Zone Change to allow for the property to be developed for R-1-30 Residential Zoning use.

2.) What separates this property from other property in Highland for this use to be considered? The Family has held this land in farming for as long as its been owned. Over the year’s developments have encircled the property with 100% residential developments. On the North homes have been built on lots less than a quarter acre in size. Along the West property line, lots that average slightly less than a third acre in size exist. On the East across the hollow we find lots that range from .45 acres to .78 acres. And on the Southern boundary we find 1 acre lots. It should be also noted that the City has master planned a larger arterial road going East and West connecting through the hollow and creating better connectivity. Please also note that traversing along our Easterly boundary is a small “hollow” with a little stream. It is our intention to complete and extend the walking trail from North (connecting to the existing trail) down and through the length of the property. This hollow feature allows for open space and creates an amazing public feature but reduces the maximum amount of lots to provide such an amenity. We would suggest that the R-1-30 zone would allow for a natural blending and compliment the surrounding residential uses in the area.

3.) How can the use benefit Highland City more than the existing use? With strong residential housing needs in our community this rezoning will help provide a solution for the need of “Owner Builders” and custom home production on residential lots within the city. Development of the property will also open up part of the property for public open space and continue the city trail system. The requested site and concept plan eliminate a number of dead-end roads located on both sides of the property and allows for additional travel routes and community connectivity for Highland residents.

4.) What is the compatibility of the proposed use with surrounding land uses? Proposed use is compatible and compliments the surrounding property as property on the north, west, and south sides is already being used for single family residences. As stated in Section #2, the R-1-30 would blend the existing uses into our project and compliment those residential lot sizes the surround us. The Property to east will also provide open space and the continuation and connection of the city’s Mitchell Hollow Trail system.
5.) **How is the proposed use consistent with the Highland City General Plan and in compliance with the Highland City Development Code and other city codes & regulations?** Proposed site and concept plan comply with the requirements of Highland City General Plan R-1-30 Zone requirements.

6.) **Discuss the impact of public services, including utilities, schools, and recreation.** Development of the property will improve connectivity for the city by connecting the east and west sides of Mitchel Hollow. Utilities in the area anticipated the eventual development of the property and as we tie these connections together, better water flow and redundant sources increases the capacities of the existing infrastructure. The proposed concept and site plan allow for public usage of property that is currently private and will increase recreational opportunities of residents through the use of the city trail system.

7.) **Discuss ingress and egress to the property, as well as site circulation.** Proposed concept and site plan allow for the connectivity and circulation of traffic by connecting existing roads on the west side to those on the east and to the south. This with the connectivity desires of Highland City makes this proposal beneficial to the public health, safety and welfare to the citizens of Highland City.
Highland City Planning Commission
April 30, 2019

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:00 PM on April 30, 2019. An invocation was offered by Commissioner Abbott and those assembled were led in the Pledge of Allegiance by Commissioner Campbell.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Ron Campbell
Commissioner: Audrey Wright
Commissioner: Brittney Bills
Commissioner: Jerry Abbott
Commissioner: Tim Ball
Commissioner: Claude Jones

EXCUSED: Commissioner: Sherry Carruth

STAFF PRESENT: Mayor: Rod Mann
Community Development Director: Nathan Crane
Planner: Tara Tannahill
Planning Coordinator: JoAnn Scott
Planning Commission Secretary: Heather White

OTHERS: See attached attendance list

PUBLIC APPEARANCES
Chair Kemp asked for public comment.

PUBLIC HEARING ITEMS
1. SP-19-02 & CU-19-02
   Highland Hideaway Storage is requesting approval of a Site Plan and Conditional Use Permit for a flex office use building located approximately at 11251 N. Sunset Drive.

Continued public hearing –
Ms. Tannahill reviewed the updated architecture elevations and mentioned that the landscaping plan was the same as previously proposed.
Applicant Andrew Patterson explained the new architect plan. He said they had a lot of correspondence with people wanting more office space closer to their home.

Commissioner Kemp said he received many emails from residents who said they wanted something that looked like a higher end house; like the Patterson buildings on the other side of Highland Boulevard. He said the new elevations looked better but was not sure if residents would like it.

Commissioner Campbell recalled favorable comments at the last meeting about splitting the building. He wondered why it was not done. Mr. Patterson explained it was not split due to the uniqueness of the building. He said flex office was usually a continuous building and that maybe he did not understand the request to separate. He said their idea of separation was to give each unit a different “flavor”. Commissioner Campbell explained that two buildings would make it easier to have a more residential look. He thought that Patterson set high standards with the surrounding neighborhood and other building ½ mile away. Mr. Patterson said it would be difficult to separate the building due to an easement constraining the size and functionality of the building. He noted the request to split the building.

Commissioner Abbott said residents were expecting the same look and standards at this location as the Patterson building on Highland Blvd. He thought the building looked too big and very retail. He said it looked better than the last design but thought it would continue to look like a mini mall because of the size of the building. He said it still did not look residential in nature to him.

Resident Jeanette Eyring agreed with comments from commissioners. She thought the new plan still looked like a strip mall and not residential.

Resident Manuel Bueno cited Section 3-4901 of the Highland Code and thought the long building gave an industrial and prefabricated appearance. He was concerned that Patterson originally called the building a warehouse and did not think it was an applicable part of the code. He cited Section 3-4902 and mentioned that Patterson originally said there could be retail. Mr. Bueno voiced concern with the size of the building and the lack of residential nature. He said Section 3-4926 required that a traffic impact analysis be done at the developer’s expense. He thought there were specific roof codes that had not been addressed. He said the code required the developer to mitigate adverse impact on neighboring properties and did not think that had been addressed. He recommended that the building be smaller or split.

Resident Lorraine Collard concurred with what was said. She thought Highland Blvd was an entry into the city. She thought it would be good for businesses to have the same styling of the homes in the area.

Resident Melanie Westcott cited Section 3-4922 and said the existing buildings were a stark contrast to what was being proposed. She recalled being told that anything outside the neighborhood would look residential like the existing building on Highland Boulevard. She
agreed with the previous statements from residents. She said it was disappointing to see that
Patterson wanted to build something that looked like a strip mall. She said it looked better than
before but did not look residential.

Resident Samantha Kirby wondered what the back elevation looked like and thought it would
look like a warehouse. She also wondered about parking.

Commissioner Kemp asked for additional public comments. None were offered. He asked for
commissioner comments. He asked if a traffic study was needed. Mr. Crane recalled that a traffic
study was provided with the overall site plan. He said the city engineer did not feel that it was
needed because of the size of building and access to an arterial street.

Commissioner Jones wished there was a way to make it look acceptable without completely
rejecting the design.

Referring to Section .2b of the Utah State Code Conditional Use list, Commissioner Ball said
that if the residents of Country French Estates, Ivory Homes, and Bull River purchased their
property based on the understanding and intent of the area, they had a reasonable expectation of
the developer to be consistent with that. He could understand the point of diminishing property
values. He said he wanted to preserve the quality of life that was promised by the developer and
that it was the same developer who applied for the conditional use.

Mr. Crane talked about the need to reasonably mitigate the impact, but not necessarily eliminate
it. He thought precedent was not relevant in approval or denial of a conditional use permit.

Commissioner Abbott suggested having two or three buildings. He did not think the building met
the code because it still looked commercial, not residential.

Commissioner Bills thought it looked better than before. She pointed out that it was not zoned as
residential, but that it needed a residential feel.

Commissioner Wright could see a definite intent to improve. She talked about the plans for the
back of the building and the need to make it look less commercial but acknowledged that it
would have the large doors because of the intent of use for the building. Ms. Wright did not see
anything breaking city code except preference in residential design. She understood that the
planning commission only addressed adherence to city code.

Commissioner Campbell thought the developer met the burden that they needed to meet for the
planning commission. He said he could still recommend other things to make the building look
better.

Commissioner Kemp said he agreed with what had been said and sympathized with residents if
they were expecting something else. He said the planning commission could not dictate
architecture if it met the requirements in the code.
Resident Sherry Cramer said she thoroughly researched extensively and thought the planning commission had more say than they thought they did. She said they could ask the developer to make it more residential.

Resident Melanie Westcott asked for clarification. She referred to the residential feel as defined in Section 3-4922. She wondered why the commissioners could not recognize that it was being interpreted by the residents as not having a residential feel. She said it looked like a strip mall. She talked about Park City and thought Highland should be modeling itself after cities that succeeded in keeping a charm and not concede because developers wanted them to.

Commissioner Campbell explained that he assumed that any recommendation the planning commission made would need to be defended in court. If he had to defend it, he wanted to be able to defend it based on his conscience based on what he believed. He thought the developer could do better but could not say that they did not meet the code as he interpreted it.

Mr. Crane explained that Park City had very specific standards in their code. He said in the downtown area they dictated type of roof, finishing, and other details. He explained that Highland did not currently have that level of detail in the zone. He said a specific standard could be adopted prior to a submitted application.

Resident Jeanette Eyring sent a picture of the existing Patterson building and thought the residents agreed with that style. She said the proposed building looked very different.

Resident Teri Jerman said the warehouse look of the building on the back would influence property values in the area.

Commissioner Kemp closed the public hearing at 7:54 PM and called for a motion. After considering details, like including shutters, staggered elevation, and residential windows, the planning commission asked what Mr. Patterson preferred. Mr. Patterson said he took a lot of notes and would be happy to have a continuation.

MOTION: Commissioner Jones moved to continue the public hearing of the conditional use permit to allow the applicant to present a different plan with a more residential feel on May 28. Commissioner Campbell seconded motion. All were in favor. The motion carried unanimously.

Commissioner Kemp suggested that Mr. Patterson meet with staff and possibly residents to review specific comments and suggestions about the residential feel of the building. He said the city wanted to make it a win/win for everyone.

2. **TA-19-02**

*Highland City is requesting to amend Section 3-510 of the Development Code pertaining to total acreage requirement in the Planned Development (PD) District.*

Commissioner Kemp opened the public hearing at 8:00 PM.
Ms. Tannahill explained that the current development code allowed PD Districts for properties that were at least 10 acres, however, there was also a provision that allowed PD Districts on property less than 10 acres. She explained that the city attorney requested the proposed change because it would offer clarification to the code. Ms. Tannahill reviewed the proposed text amendment.

Resident Wade Hadlock was opposed to the proposed amendment. He said the 10-acre provision was the first provision in the code and should not be amended. He thought the proposed amendment was worded poorly because it sounded like a PD district required less than 10 acres. He talked about the importance of having transitions. He voiced concern with having proper circulation, meeting HOA requirements, and setting a precedent. Mr. Hadlock thought it was difficult to have a proper transition with less than 10 acres. He said it was important to have at least two ways out of a development. He thought it was good to have higher density districts near major collector roads. He said it was important to have enough residents to be able to afford HOA requirements. He did not like the idea of the code relying on the mixed-use designation to protect against misplaced PD’s. He believed that the 10-acre rule was there for a very good reason. He said property owners could combine with others to create a PD district and that it wasn’t the city’s job to water down the rules.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 8:11 PM and called for commissioner comments.

The commissioners wondered what precedent the amendment might set for future development. Mr. Crane explained that there was currently a section in the development code that allowed modifications to development standards. The city attorney believe that it would be better to clarify it through the proposed amendment. He said there were three or four areas within the city that were mixed-use.

Commissioner Kemp wondered what kind of consequences the amendment would cause for the city. Mr. Crane explained that they would not have to worry about precedent because there were very specific stipulations in the PD district. He said the city was already doing what was required. The amendment just added clarification to the code. He said intent of the amendment was to clarify that a PD district could be considered on an area less than 10 acres that had been designated as mixed use on the General Plan.

Commissioner Abbott explained that buffers and other things were already considered on mixed use developments regardless of the size of property.

Commissioner Campbell added that the proposed amendment did not restrict the city, it just clarified the code.

MOTION: Commissioner Campbell moved that the planning commission accept the findings and recommend approval of the proposed amendment. Commissioner Abbott seconded the motion. Commissioner Abbott, Commissioner Bills, Commissioner Campbell, Commissioner
Jones, and Commissioner Wright were in favor. Commissioner Kemp and Commissioner Ball were opposed. The motion carried with two opposed.

3. PD-19-01

Andrew Simonsen is requesting rezoning to allow residential and non-residential mixed use development under the Planned Development (PD) District. The property is approximately 2.85 acres and is located east of 10272 N 4800 W.

Ms. Tannahill reviewed changes made to the residential portion of the proposed PD plan which included single family detached homes, two community pocket parks, removal of the crash gate, reduced density, and other changes. She said the commercial portion did not change much.

Commissioner Kemp opened the public hearing at 8:28 PM.

Resident Timo Hoggard was not opposed and thought the proposed development met the city code and rules. He said he still thought a separate access to 4800 W would be ideal and would address a lot of the concerns. Mr. Crane explained that UDOT wanted to review actual construction drawings and that the developer would need to meet UDOT construction standards. Mr. Hoggard said he had no intention to develop his property and that the neighboring lot should not be denied development.

Resident David Royster said he worked from his home a lot and that his home office faced the street. He explained that there were many “fender-benders” with the current traffic load, especially at the time school ended. He said there was also a lot of pedestrian traffic with kids walking to school. He talked about protecting kids and the neighborhood by not allowing the development and adding more traffic on the road.

Resident Brett Burns talked about the loss of property value with a 10-foot setback and a wall behind his home. He said the proposed development was not different than the assisted living development. He understood that the property owner wanted the biggest gain, but it was at the expense of his loss. He said the amended plan was better but was not a density match as was suggested in the previous meeting. He asked the commissioners to consider the neighborhood value. He mentioned that the neighborhood paid dues to and took care of the common land.

Mr. Burns relayed comments from another resident, Bryce Hayes, who could not attend the meeting. He said Mr. Hayes had concerns regarding the development threatening the quality of life and quality of homes. Mr. Hayes said force-fitting homes was irresponsible and did not fit.

Resident Patti Royster asked the commissioners to put themselves in her shoes and said they would want something like the existing homes. She said the PD district did not comply with the current code. Ms. Royster talked about safety issues with increased traffic and the ability to get out of her driveway.
Resident Grace Maggard voiced concern with the proposed 10-foot fence. She was concerned that the proposed private road was a fire hazard. She spoke mainly about safety for residents and visitors of the Wild Rose subdivision who used the park. She said she witnessed public safety vehicles like fire trucks, garbage trucks, snow plows, and school buses have trouble with existing roads. She said school bus drivers refused to enter the subdivision because of safety concerns. She said snow build up and car-lined streets exacerbated the problems. Ms. Maggard said that adding more homes without a second exit would make the problem worse.

Resident Wade Hadlock was opposed to the updated plan. He said the 10-acre rule was a good one and thought other parts of the code needed to be considered. He talked about the plan not having adequate transportation nor minimizing impact of adjacent development. He thought setbacks on the north should match adjacent property. He said the same kind of development could be obtained by making separate commercial and residential land use designations. He thought the property owner might be trying to obtain the mixed-use district to gain more relaxed residential standards. Mr. Hadlock thought all PD districts should have primary access to collector roads. He thought the HOA would fail and talked about complaints the city might receive from HOA members. He talked about other options for the property.

Resident Elisabeth Luntz was concerned with increased traffic. She read a letter from Residents Dave and Rebekah Kaylor who were unable to attend the meeting. The letter talked about the assisted living center development, loss of $50,000 of property value, difficulty in reselling, and reduced quality of life. It talked about development that could work better with traffic patterns connected with the school. The letter talked about property fronting North County Blvd that added to property values. It talked about concern with the HOA and the few members who would be funding it.

Resident Gary Wright said R-1-40 zoning was the core value of Highland and made the city unique. He thought the proposed development was a way to hijack property values. He said the city couldn’t get this property wrong because others would follow. He did not think it was a win/win for anyone except of the developer. He asked that nothing but R-1-40 be considered for the property. He turned in a statement signed by residents indicating support for a separate ingress/egress directly onto North County Blvd/4800 West. They did not want any roadway connection between the Wild Rose development and new development.

Resident Tammy Hodson said it was not right to do a dense build-out on two acres of land just because 4800 West had changed. She said residents along 4800 West had spent years trying to help the city understand the danger that some decisions were putting the neighborhoods in. She said the city was landlocking the neighborhoods because of traffic. She talked about the need for ambulances to be able to get to her home and how she was told more than once that traffic kept them from arriving sooner.

Developer Michael Brodsky said they were not trying to force a product that was not consistent with city planning. He said he heard neighbors’ concerns and tried to provide a transition. He said the density and roads were consistent with private road design required for fire access, the total number of homes was below the maximum for single access roads, the addition of 10
homes would not have a significant impact on 4800 North, and the HOA discussions were
irrelevant because of his experience with setting them up and maintaining. He said there was an
existing trail not on the subject property but was in the plan to provide connectivity. He said they
knew of the UDOT requirements and knew they needed to meet them. Mr. Brodsky explained
that perimeter fencing was proposed to provide privacy for exiting and new houses. He said side
yards also provided more privacy. He said the height of homes were voluntarily restricted. He
thought the property was an excellent example of a PD district on two acres. He said the stub
road was provided for future development. He thought it provided an opportunity for commercial
use.

Commissioner Campbell asked about the type of fencing that would be used. Mr. Brodsky
proposed 6-foot white vinyl fencing.

Commissioner Wright talked about her concern with traffic. She wondered if there was a
roadway out of the development on the south. She talked about possible traffic issues with future
development. Mr. Brodsky explained that any property to the south would be able to connect to
the stub road.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing
at 9:10 PM. He asked for commissioner comments.

Commissioner Jones did not think there was enough land to do what needed to be done.

Commissioner Ball said the mixed-use might be acceptable under difference circumstances, but
not with the current layout. He thought the residential component was not compatible with
surrounding properties, but the commercial element was appropriate.

Commissioner Abbott liked the commercial component and the three homes backing it. He
thought the private road should go all the way to the south with three or four homes with back
yards backing the back yards of adjacent property. He talked about the possibility of a
private/half road with a future developer building the other side.

Commissioner Bills was not opposed to the commercial but thought the city would be doing a
disservice to Wild Rose by putting that many homes in a small space.

Commissioner Wright thought there were unseen consequences with the park and Wild Rose.
She understood the problems with sports groups taking over and on-street parking. She
appreciated the flexibility of the developer to decrease the number of units. She wondered how
the city would handle future development and drivers getting onto 4800 W.

Commissioner Campbell said he agreed with Commissioner Abbott’s comments. He liked the
plan for commercial with two homes backing it, a road on the south, and a cul-de-sac resulting in
an R-1-20 transition. He could not support the current plan.
Commissioner Kemp agreed with Commissioners Abbott and Campbell with a ½ road and cul-de-sac on the south side of the property, four lots on the east side, and two lots behind the commercial property. He thought the commercial made sense.

**MOTION:** Commissioner Jones moved to recommend denial of the application due to density and compatibility with surrounding neighborhoods. Commissioner Abbott seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Jones, and Commissioner Wright were in favor. None were opposed. The motion carried unanimously.

Commissioner Kemp adjourned the meeting and called for a 5-minute break at 9:18 PM. He called the meeting to order again at 9:26 PM. The same members of the planning commission were in attendance.

4. **PD-19-02**

The Boyer Group is requesting rezoning to allow residential and non-residential mixed used development under the Planned Development (PD) District. The property is approximately 115 acres and is located approximately at 9900 N on North County Boulevard.

Ms. Tannahill reviewed the history of the property and the application for mixed-use development. She said the main access would be from Canal Boulevard, 4800 W, and 10100 N. She talked about four residential pod types and said the development would be built in six phases with the commercial element built in the last phase. She reviewed the density tabulation of the 699 single family units. Ms. Tannahill reviewed details of the proposed planned development. Mr. Crane mentioned that the general sentiment of the traffic study was that there would be an impact to roads, but it would not be a significant and that intersections would not fail due to road design.

Commissioner Kemp opened the public hearing at 9:42 PM.

Spencer Moffat with The Boyer Group gave a brief history of the company and property. He said that diverse housing types were a hallmark of a good master plan communities. He talked about receiving feedback at the neighborhood meetings and adjusting housing types as well as road alignments and street trees. Mr. Moffat explained that the project had a hard cap at 699 units with some flexibility to change the number of units within each pod. He said that typically The Boyer Group would select a builder early in the process and then catered the plat towards the builder's plans, but the Boyer Group would process the application and build the roads.

Commissioner Kemp asked about the plan for Knight Avenue. Mr. Moffat explained that because of resident feedback, they reoriented the homes along Knight Avenue to the interior of the subdivision and enlarged the buffer with a 10-ft park strip.
Commissioner Wright asked if they had planned for single level units. Mr. Moffat said there were a couple of pieces in the plan that would work for the 55+ age group.

Resident/Councilmember Scott Smith said he was on the governing board for USDC. He talked about the history of the subject property. He explained that funds from the sale of the property would benefit disabled individuals throughout the state. He mentioned that he lived in the area by the proposed development and would experience all the negatives but was willing to make the sacrifice for the common good of the city and to benefit those who were disabled. He said some members of the board wanted to annex the property into American Fork, but he was an advocate for Highland, for the disabled, and for local communities with traffic and densities.

Commissioner Kemp closed the public hearing at 10:01 PM.

MOTION: Commissioner Abbott move to recommend approval of PD-19-02 with the following five stipulations recommended by staff:

1. Development shall comply with the Ridgeview Project Plan and Narrative date stamped April 18, 2019 except as modified by these stipulations.
2. All public improvements shall be installed as required by the City Engineer.
3. Residential Uses in the Commercial Office District shall comply with the Carriage Lots or the Flex Residential areas.
4. A theme wall shall be constructed between the residential and commercial areas.
5. The civil construction plans shall meet all requirements as determined by the City Engineer.

Commissioner Campbell seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Jones and Commissioner Wright were in favor. None were opposed. The motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Commissioner Jones moved to approve the minutes from the March 26, 2019 meeting. Commissioner Abbott seconded the motion. All were in favor. The motion carried unanimously.

PLANNING STAFF REPORT

Mr. Crane mentioned that a budget open house would be held on Thursday. He said the city council was proposing a property tax increase to help fund safety requests. He encouraged everyone to attend. Mr. Crane said the commissioners would be asked to attend stakeholder meetings in May.

ADJOURNMENT
MOTION: Commissioner Campbell moved to adjourn the meeting. Commissioner Abbott seconded the motion. All were in favor. The motion carried.

The meeting was adjourned at 10:04 PM.