AGENDA
HIGHLAND CITY PLANNING COMMISSION
Tuesday, July 9, 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 Ron Campbell
• Pledge of Allegiance – Commissioner Brittney Bills

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. **TA-19-04** A request by Tyler Jackson to amend Section 3-623 Temporary Use Permits to allow Produce Stands in residential districts.

DISSCUSSION:

2. **R&J HIGHLAND ESTATES**
Discussion and direction regarding the concept plan for a 70-lot subdivision to be known as R&J Highland Estates Subdivision. The property is approximately 64.46 acres and is located at 9968 N 6630 W. *This item is being presented for discussion only. No action will be taken.*

TRAINING:

3. Mr. Brent Bateman from the Utah Property Ombudsman Office will discuss current State Law as it relates to the review and approval of Conditional Use Permits.

PLANNING COMMISSION AND STAFF DISCUSSION ITEMS:

4. **DEFINITION OF FAMILY**
Discussion and direction regarding Section 10.102 of the Development Code relating to definition of family. *This item is being presented for discussion only. No action will be taken.*

5. **ACCESORY DWELLING UNITS**
Discussion and direction regarding Section 4.105.06 of the Development Code relating to basement apartments. *This item is being presented for discussion only. No action will be taken.*
OTHER BUSINESS:

- Election of Planning Commission Chair position.

APPROVAL OF MINUTES:

- Approval of the June 25, 2019 meeting minutes.

ADJOURNMENT:

NEXT MEETING: August 27, 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 3rd day of July, 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 3rd day of July, 2019 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Tara Tannahill, Planning Coordinator
STAFF RECOMMENDATION:
The Planning Commission should conduct a public hearing, accept the findings, and make a recommendation to City Council.

BACKGROUND:
Sugar Sweet Produce was previously located at 5452 W 11000 North, but with the development of Quick Quack Car Wash the produce stand moved to 6000 W Timpanogos Highway. Sugar Sweet Produce has been operation at 6000 W Timpanogos Highway for 2 and a half years. The location is located in the R-1-40 zone.

Sugar Sweet Produce is a produce stand and the operation months will be from June to September.

A development code amendment is a legislative process.

SUMMARY OF THE REQUEST:
1. The proposed amendment allows Sugar Sweet Produce and other produce stands to operate in a residential zone along an arterial street.

Amended Section 3.623.1.D

General Provisions

D. Temporary uses shall only be permitted in the C-1, CR, and the Town Center Overlay zoning districts. Temporary Uses are prohibited in residentially zoned areas except those with certain institutional uses, regardless of the zoning designation, and produce stands when adjacent to arterial streets. Institutional uses include, but are not limited to: public or quasi public sites, city parks, city buildings, and public schools.
ANALYSIS:

- Currently, the development code only allows temporary uses in the C-1, CR, and the Town Center Overlay zone. With the development of these zones the available vacant land is decreasing.

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-19-04, a request for a text amendment for Temporary Uses 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. Current Development Code Section 3.623 Temporary Uses
3. Narrative
4. Public Comment
ATTACHMENT 1:

ORDINANCE NO. 2019-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 3-623 AS SHOWN IN FILENAME TA-19-04.

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 July 9, 2019 and

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

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

SECTION 1. That Section 3-623 General Regulations of Temporary Uses of the Highland City Development Code, is hereby amended as follows:

Amended Section 3.623.1.D

General Regulations

D. Temporary uses shall only be permitted in the C-1, CR, and the Town Center Overlay zoning districts. Temporary Uses are prohibited in residentially zoned areas except those with certain institutional uses, regardless of the zoning designation and produce stands when adjacent to arterial streets. Institutional uses include, but are not limited to: public or quasi public sites, city parks, city buildings, and public schools.

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, May 21, 2019

HIGHLAND CITY, UTAH
Rodney W. Mann, Mayor

ATTEST:

__________________________
Cindy Quick, City Recorder

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3-623 Temporary Uses

In addition to regulating uses, which are permanent in nature, it is the intent of this section to provide for certain temporary uses for limited periods of time. The purpose of this section is to establish the standards, regulations, procedures, and review criteria, which shall be used when considering an application for a temporary use permit.

1. General Regulations.

   1. No temporary use permit shall be granted until adequate assurances have been provided ensuring compliance with the provisions of this section and all other applicable city codes.
   2. Temporary uses shall be consistent with the intent and purpose of this section and not to be detrimental to surrounding properties.
   3. Temporary uses shall obtain a Highland City business license.
   4. Temporary uses shall only be permitted in the C-1, CR, and the Town Center Overlay zoning districts. Temporary Uses are prohibited in residentially zoned areas except those with certain institutional uses, regardless of the zoning designation. These institutional uses include, but are not limited to: public or quasi public sites, city parks, city buildings, and public schools.

2. Permitted Temporary Uses. The following uses shall be permitted upon receiving the appropriate approvals and the granting of a temporary use permit by the city.

   1. Christmas tree sales, snow shacks, produce stands, firework stands, or similar seasonally related events;
   2. Off-site commercial sales events;
   3. Temporary retail sales;
   4. Such other uses as the city may deem to be within the intent and purpose of this section.

3. Application Process, Fees, Noticing. Application for a temporary use permit shall be made on forms obtained from the Zoning Administrator. Application for a temporary use permit shall be made by the property owner or a duly authorized agent and a filing fee shall be charged and collected at the time of application submittal. The Zoning Administrator may require additional information deemed necessary to understand the application.

   1. Those temporary uses which meet the following criteria in the opinion of the city do not require posting and may be approved subject to the appropriate conditions. The criteria are as follows:
      1. The use and/or structure complies with all applicable codes and ordinances;
      2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas, or traffic visibility at driveways or street intersections;
      3. The use and/or structures are compatible with surrounding land uses;
      4. Parking on the property is adequate to serve any existing permanent use and the temporary use; and
      5. The temporary use shall only be conducted between the hours of 7:00 a.m. and 11:00 p.m.
   2. Those temporary uses which do not meet the above criteria in the opinion of the Zoning Administrator, shall be posted by the city for public notification within five (5) working days following application submittal and shall be subject to the appropriate conditions.
   3. Application for a temporary use permit shall be reviewed by the Zoning Administrator who shall approve, conditionally approve, or disapprove such application no sooner than five (5) and no later than eight (8) working days from the date of posting where applicable and...
no later than three (3) working days from receipt of application when no posting is required.

4. An application for a temporary use shall only be approved if the Zoning Administrator finds that it meets the requirements herein.

5. Approval may be made subject to further conditions deemed necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. Conditions to be considered may include, but are not be limited to, the following:

1. Regulation of parking, dust control measures and site lighting;
2. Regulation of hours of operation;
3. Regulation of site ingress and egress;
4. Assurance of compliance with building, fire, electrical and all other appropriate codes; and
5. Such other conditions deemed necessary to carry out the intent and purpose of this section.

6. The city shall notify the applicant of the decision in writing and shall state any conditions for approval or reasons for denial on said letter.

7. All temporary use permit approvals shall be made subject to a time limit as set forth by the city. In no event shall a temporary use permit be granted for longer than six (6) months. Upon expiration of the time limit set forth at the time of approval, any continuation of the use shall require the submittal and approval of a new application.

8. Upon expiration of any temporary use permit, any permit holder wanting to extend the length of the permit shall be required to re-apply for a new temporary use permit. Temporary use permit renewals shall be approved for a period not to exceed three (3) months. All temporary uses lasting six (6) weeks or over shall not be renewed more than once within a one-year period.

9. Upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of such use.

4. Appeals. Upon receiving notification of the decision, the applicant, any citizen or any party in interest, aggrieved by the decision may file with the city a written notice of appeal to the Planning Commission within seven (7) calendar days of the decision. Upon appeal, all material in the matter shall be filed by the city with the Planning Commission. The Commission may then review the case and based upon the information, uphold the action of the staff, remand the matter back to staff with instructions for further review or overturn the action of the staff. The Commission’s decision shall be limited to whether or not the proposed use meets the criteria set forth in this section.

(Ord #2011-TBD, 3/01/11)
Sugar Sweet Produce

For Highland City

20th June 2019

Narrative summarizing the proposed text amendment and the purpose of the request.

I am proposing an exception or grandfather clause for allowing of sale of fresh fruits and vegetables on the south east corner of 6000 West Timpanogos Highway, Highland, UT. This will have no effect on the current zoning and only apply to the months of operation, June-September. This exception will continue indefinitely as long as a produce company obtains a licence and temporary use permit each year. It applies only to the sale of fresh fruits and vegetables and will not permit the sale of any other products or at any other locations.

No permanent changes of any kind will be made to the lot. A temporary structure made of metal and cloth mesh anchored down by 55 gallon drums will be placed there for the months of operation.

A fresh fruit and vegetable stand has been running during the proposed months for the past 2.5 years without issue. I am asking to be grandfathered in and continue business in the exact way I have in the past.

Benefits to the city and community include maintenance of the property by mowing the weeds and keeping the property free of trash. The lot immediately across the street is littered with trash and overgrown weeds causing a fire hazard. I have been doing business in Highland for over 10 years and have many citizens who are loyal customers. They have come to rely on us as a staple for their summer BBQ’s and family gatherings, not to mention their canning and wholesome food storage for the winter months.

The residential home bordering the property is owned by the Purser’s. They are in support of this change. I have attached an email from them confirming their position.

Thank you for your consideration in this matter.

Tyler Jackson
Temporary Use Permit Narrative

1. Sugar Sweet Produce is applying for a temporary use permit to sell fresh produce on the corner of 6000 W Timpanogos Hwy.
2. Dates of use will be June 4-September 4
3. Hour of operation will be from 9 am-7 pm
4. Structure being used will be a canopy anchored by 50 gallon metal water barrels.
5. NA—Vacant lot
6. Structured will be located on a vacant lot. Plenty of parking will be available.
7. No site lighting will be used.
8. Traffic will not be impacted by the temporary structure.
9. Sugar Sweet Produce will clean area nightly and all structures will be removed upon termination of use in September.
Attachment 4:

Date: June 27, 2019

Subject: Email Correspondence

Email from Anna Purser dated June 18, 2019:

Dear Highland City,

We live on the property that borders the empty lot on the southeast corner of Timpanogos Highway and 6000 W. I'm writing to let you know that we have enjoyed having the produce stand next door to us for the past few years. It doesn't cause any problems with traffic or parking, it contributes to a small town feel, and the produce they sell is good quality and nice to have convenient access to.

I thought I would share my thoughts in case it has any bearing on your decision to grant them the right to continue selling in that location.

Thank you so much,

Anna Purser
DATE: July 9, 2019
TO: Planning Commission
FROM: Tara Tannahill
      Planner and GIS Analyst
SUBJECT: MEMORANDUM – Discussion and direction regarding the concept plan for a 70-lot subdivision to be known as R&J Highland Estates Subdivision. The property is approximately 64.46 acres and is located at 9968 N 6630 W. This item is being presented for discussion only. No action will be taken.

The applicant is proposing a 70-lot subdivision to be known as R&J Highland Estates and is located approximately at 9968 N 6630 W. The property is approximately 64.5 acres and is currently zoned R-1-40 Single Family Residential.

The applicant is requesting discussion and feedback on the current concept plan received July 1, 2019 prior to them submitting for a preliminary plat approval. Staff has two design modifications for lot 3.

1) Staff recommends a knuckle between lot 61 and 62 to help discourage south bound traffic.
2) Section 2 in the Engineering Design Standards requires the road connection onto 9810 N to be 150 feet from 6530 W.

The road connection on 10250 N is required to help with traffic flow and for public safety. The road connection onto 10200 N through the Wimbledon Subdivision is substandard and will most likely need to be widened depending on traffic flow from this subdivision. In addition, without 10250 N connection the only connection to the west of the subdivision would be Madison Avenue/9860 W connection.

Mitchell Hollow is to the east of the property.

ATTACHMENTS:
1. Vicinity Map
2. Concept Plan
ATTACHMENT 1:

Utah County Parcel Map

The information contained in this Utah County Record is true and correct to the best of the information available. The accuracy is presumed for any map illustrated, printed data or information with no explicit survey or legal authority.

Date: 5/2/19
Staff receives weekly questions about the development codes definition of family in regards to multi-family rental and basement apartment rental.

**Section 10.102.23:**

Family.

1. One or more persons related by blood, marriage, adoption or legal guardianship, including foster children, and no more than two adults and their children who are unrelated to the residing family; or

2. A group of not more than four persons not related by blood, marriage, adoption or legal guardianship, including foster children living together as a common household
Staff receives weekly questions about the development codes basement apartment rental requirements and about residents renting to multiple families.

**Section 4.105.06:**

6. Basement Apartments. Basement Apartments shall have substantial requirements which may be in addition to those listed above, as follows:

a. Basement apartments shall only be considered for residential properties that are occupied by the owner(s) of the single family residence; and

b. Basement apartments shall only be considered for properties in which the apartment is attached to the main dwelling in the basement portion of the home; and
   i. Owners of property with a basement apartment shall be required to apply for and pay for two separate city utility charges; and
   ii. Owners of property with a basement apartment shall pay for two “first can” garbage can rates; and

c. Basement apartments shall only be considered for properties that meet parking requirements, as noted below, and properties that have completed 70% of their front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code; and

d. No more than one (1) basement apartment shall be considered for each single family residence; and

e. The home shall be modified to meet all fire, safety, health and building codes; and

f. Modifications to a home for basement apartments shall be approved and inspected by the Fire Marshall and building inspector prior to occupancy by renters; and
   i. Applicants shall provide plans to be reviewed and approved by the City Building Inspector and City Fire Marshall prior to occupancy; and
   ii. Modifications shall be provided for by the home owner to meet all current
International Building Code (IBC) requirements typically associated with any legal duplex or similar multi-family construction; and

iii. Modifications shall not be made that are inconsistent with current zoning requirements as otherwise defined within the R-1-40 and R-1-20 zones.

g. The front of the home shall NOT be modified in any form that will give the appearance that separate units are incorporated within the home including separate addresses and mailboxes; and

h. The primary entrance for the basement apartment shall be provided for from the rear of the home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing and is not visible from the street; and

i. One off-street parking space shall be provided per bedroom within the rented area of the home, with a minimum of two (2) off-street renter parking spaces; and

j. Permanent on-street parking of any kind shall be prohibited for occupants of any residence requesting basement apartments; and

k. Any signage associated with a basement apartment shall be prohibited including addressing, directional, or similar; and

l. The property owner shall be required to record a deed restriction upon their property immediately after approval and before occupancy notifying the County of the basement apartment and providing notice to future purchasers that the apartment use is conditionally approved with the seller, it may not continue to the buyer without additional land use approval obtained by the buyer, and is null and void at the moment of each sale of the property.

m. A basement apartment Conditional Use may be reviewed annually, semi-annually or upon complaint from adjacent property owner; and
Highland City Planning Commission
June 25, 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 June 25, 2019. An invocation was offered by Commissioner Kemp and those assembled were led in the Pledge of Allegiance by Commissioner Jones.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Jerry Abbott
Commission Alternate: Audrey Wright
Commissioner: Ron Campbell
Commissioner: Sherry Carruth
Commissioner: Claude Jones

EXCUSED: Commissioner: Brittney Bills
Commissioner: Tim Ball

STAFF PRESENT: Community Development Director: Nathan Crane
Planner: Tara Tannahill
Planning Coordinator: JoAnn Scott

OTHERS: See attached attendance list

CLOSED SESSION:
The Highland City Planning Commission may temporarily recess the meeting to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated § 52-4-205.

At 6:33 pm Commission Member Ron Campbell MOVED that the Planning commission temporarily recess to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated § 52-4-205. Motion was seconded by Jerry Abbott.

The CLOSED SESSION was adjourned by Chris Kemp.

PUBLIC APPEARANCES
Commissioner Kemp opened the floor for Public Appearances that were unrelated to the agenda items of this meeting.

Ann Sward Hansen of Tamarac Drive in Highland expressed her concern about the upcoming holidays and fireworks hazard. Ms. Sward Hansen would like to know if the City intended to ban
fireworks and if not were there locations where they were being prohibited. She asked if fire
drills had been coordinated with the fire departments. Nathan Crane stated that on June 4, 2019
the City Council did act to restrict fireworks. A map is available on the City website showing
where the restrictions were.

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.

Commissioner Kemp opened the public hearing at 7:04 PM.

Nathan Crane gave a brief introduction of petition SP-19-02 & CU-19-02 Highland Hideaway
Storage. He stated that the role of staff in the conditional use permit process is to provide a
recommendation to the Planning Commission that is based on the Development Code and state
law. The Planning Commission duty is to make a recommendation to the City Council. The
City Council then acts as the Land Use authority and will make the decision as to whether the
conditional use permit is approved. Mr. Crane stated that State law defines and limits the
amount of discretion the City Council has on issuing conditional use permits. He stressed that
this is a private property rights issue and not a discretionary approval. What matters is if the
proposal complies with the Development Code as determined by the City Council. Mr. Crane
further stated that Utah State Code defines in section 10-9a-507 what a municipality can do. Mr.
Crane also reference case law examples. The Ombudsman’s office for the State of Utah also
gives advisory opinion on land use cases prior to litigation. Further information and training to
cities concerning conditional use permits is available through the Ombudsman’s office.

Ms. Tannahill reviewed the details of the application. She noted that in the May 28, 2019
meeting, the Planning Commission voted to continue this petition. Since then, there have been
changes made to the plan showing updated architectural details including different materials used
throughout the building, windows were added to the second floor area and the east and west
elevations showed horizontal elements to provide visual relief.

Andrew Patterson, representing the applicant, addressed the commission. He stated that there had
been discussions with residents from the surrounding neighborhoods to try and find a
compromise. They have added design elements such as stone columns, shuttered and framed
windows, and shingled roof. The siding had been updated to have stone, board. It was their
desire to optimize a more residential feel at the request of the neighbors. He stated that there is a
good feel of residential flavor overall.
Commissioner Abbott asked if there were no way to split the building into smaller building.

Mr. Patterson stated that with the grading and slope, it would not lend to the cohesiveness of the building. It would also make the back bay doors more visible to traffic, which they felt would not beneficial.

Commissioner Abbott asked about the exhibit from 2003 which showed separate buildings on the location, if it were feasible then, why not now.

Wayne Patterson stated that when the exhibit was done, it was unknown what would occupy those spaces but they were required to identify some kind of footprint for the site. The buildings were intended to be changed based on usage. The real estate market drives what type of building is done.

Eric Larsen stated that the applicant has tried to accommodate the concerns of the residents. He felt that the building architecture met the intent of the zone.

Commissioner Abbott asked what were to be the uses of those looking at these buildings.

Mr. Larsen stated that there will be no large trucks or deliveries made to these offices. They will potentially be occupied by a flooring company with showrooms. He further stated that there are a variety of uses that could be in these offices.

Commissioner Abbott asked if there would be professional uses such as those listed in the code such as engineering firms, dentists, etc.

Mr. Larsen stated that with the exception of maybe the dentist, professional offices, fulfillment centers, etc. could use these spaces with offices in the front and files in the back.

Mr. Wayne Patterson – Felt that they have met the criteria of the code. They have tried to address concerns of the neighbors and accommodate their desires. There have been a lot of misconceptions and rumors about what they are going to be building.

Commissioner Kemp opened the public comment period.

Resident Todd Amberry of the Country French subdivision stated that he and his wife recognize that progress must happen. Patterson’s had met with them and addressed concerns that they had with materials used on the building. He is concerned with the use of the building in the future and the type of business in the building. He and his wife still favor the residential style for the
building. Traffic is of great concern to him. He would like the Planning Commission and City Council to consider how the additional traffic impacts their neighborhood. What can be done to mitigate this impact? They would like something in writing.

Resident Chris Brown agreed with Todd Amberry. He would like to find a solution so that the proposed building would match what was already built. This is what the residents understood would be built in the commercial area.

Resident Andrew Howlett stated that the look was inconsistent and that the use as proposed was questionable. The appearance of the building looks more industrial. He felt that it devalued the property of the adjacent property owners. He had looked at studies where homes that were within line of sight or next to industrial uses were reduced by 15%.

Resident Johanna Warr stated her concern with the amount of traffic on Highland Blvd and the site visibility. She is concerned that something be done to help with the safety due to more traffic being added. She further stated that the landscaping of the first two office buildings of Patterson’s acts to soften the size of the buildings. What are the plans for the landscaping for these buildings?

Resident Steven Evans stated that he was very concerned with the added traffic. He currently owns a building in Sandy City that is similar to this which is called ‘light industrial’. It is called light industrial because of its size. His concern is that it will morph into a retail area because of its size.

Resident Amy Boren echoed all those who were concerned with traffic. She stated that there had already been one fatal accident on 11800 North and Highland Boulevard. She has teen drivers and is concerned with the traffic on Highland Boulevard. She is also concerned with the number of bikers that use Highland Boulevard. Because of the curve in the road, cars need to pull out further into the road to see traffic.

Resident Melanie Westcott was first attracted to the area by the office buildings at the intersection of Timpanogos Highway and Highland Boulevard. She could not understand why they could not continue the plan from 2003 and put in buildings that were similar. She feels that the rising property values in Highland are because of codes that protect the ‘feel’ of Highland as a bedroom community. Melanie thinks that the building looks very industrial in nature and that it needs to be consistent with the intended use of the zone. She referenced the Development Code section 3-4961 stating that in her opinion the building did not meet the criteria of scale, height, bulk, materials, and is monotonous and repetitious.
Resident Manuel Bueno stated that he provided to the Planning Commission a letter from an attorney hired by the residents to interpret the Development Code relative to this application. It is the attorney’s opinion that the flex office space is not permitted in this zone. He felt that the biggest concern of the residents is the look of the building. He felt that there were a number of changes suggested but not implemented.

Resident Ann Sward Hansen remembered when the storage units were approved and constructed. Residents wanted the units set back off the road to be out of sight in light of this also being a residential area. She expressed concern with traffic flow and safety. She asked if it were in the City’s plan to widen Highland Boulevard. Ann stated that a conditional use permit is a request for an exception to a rule. She recommended that there be an independent review of the Development Code, the zoning, and what is legally allowed.

Resident Clyde Redford, a resident in Country French, stated that he did not like the look of the proposed building. Specifically, he felt that it did not look residential in nature. He cannot see where the high demand of a building of this nature is because there are other vacant commercial parcels near Town Center. He felt they should build offices similar to the two that are on the corner of Timpanogos Highway and Highland Boulevard. He is also concerned with the volume of traffic.

Resident Trent Reed of 6252 Apple Cross Circle in Skye Estates expressed his opinion. He stated that the same product is in other communities such as Springville and Holiday, Utah. He has an accounting firm and this type of property is something that they look at. It is a good option for business like his where they can put cubicles in the back area. He liked the industrial feel and noted that some businesses are using the bay doors as a design element. Trent is concerned with traffic but felt that Patterson is doing their best. He also has driving teens. He further stated that as far as the design and architecture goes, you will have as many opinions as there are people.

Commissioner Kemp asked if the applicant had any comments to what had been said.

Wayne Patterson stated that they would be willing to help mitigate legitimate traffic concerns. He did not want to table this item until August.

Commissioner Kemp closed the public hearing.

Commissioner Abbott stated that it would be hard to approve the application as he felt that it did not meet the design review guidelines. He feels that the Introduction: Purpose/Intent verbiage of the PO Zone (3-4901) in the Development Code is not enforceable. There is language that
addresses pitched roofs and monotonous repetition. He asked and recommended to Patterson’s
that there be 2 buildings. He noted that all elevations did not appear to be architecturally treated.
The roof appeared to be a mansard roof and the code did not allow this style of room. Mr.
Abbott expressed concern in the occupants of the building units. The code specifically states that
there is to be no retail. He asked if a flooring store generates sales, is it not defined as retail. Mr.
Abbott suggested that perhaps the Development Code needs to be amended to reflect what is
enforceable.

Mr. Abbott referenced a Table 3-47a from the Town Center zone section of the Development
Code. He noted that there appeared to be conflicting language on the exhibit.

Mr. Crane stated that when there is conflicting language, such as on this table from the Town
Center zone, the language from the Professional Office zone would govern.

Mr. Abbott felt that the application currently does not meet the guidelines of the code.

Commissioner Wright feels that the building would be one that she would look at for her
family’s business. She feels that the code is vague as far as its definition of aesthetics. The
building appears to be a large, bulk of a building, and with no retail, it will drive who the tenant
is. She stated that there can be a sifting of use when a business license is applied for.

Commissioner Campbell stated that the commission should outline the findings as to why they
would deny it or approve it with stipulations. He felt that the lists would be the same. The City
Council will look at this application based on the findings of the Planning Commission.

Commissioner Abbott also wished to note that under architectural design, the Code specifically
states that the location of each building on the site plan is designated on exhibit ‘A’. He noted
that this requirement has not been changed. The Code further states that the buildings are to go
within these areas.

MOTION: Commissioner Abbott moved to deny the request for SP-19-02 and CU-19-02 based
on specific issues that can be resolved before the City Council meeting. Specifically, Section 3-4922
of the Development Code, Architectural Design, the plan does not conform closely to the
existing Exhibit A; in the same section under 1a., Overall Architectural Outline, the bulkiness of
the building needs to be addressed; in 1b., the proposed building appears to be monotonous and
repetitious; 1g. all elevations should be architecturally treated with the exemption of the back;
1i., all the buildings are required to have public restrooms, including a men’s room, women’s
room and a handicapped room. Under Conditional Uses section 3-4902, the zone is intended to
allow for professional services, not general retail or commercial. In section 3-4919 the roof
design cannot be a mansard or fake mansard roof. Commissioner Campbell seconded the motion.

Voting was as follows:

- Yes - Commissioner Jones
- Commissioner Abbott
- Commissioner Wright
- Commissioner Campbell
- Commissioner Kemp
- No - Commissioner Carruth

The motion carried to deny approval of the SP-19-02 and CU-19-02 application for Conditional Use and Site Plan. This item will be forwarded to the City Council for their consideration.

OTHER BUSINESS

Mr. Crane stated that staff would no longer print hard copies of the Planning Commission packet for the commissioners. Electronic packets would be provided via Dropbox or the City website. Commissioners could use their own devices to view the packet or the City will provide a device for viewing during the meeting. The City would provide a stipend to the commissioners during each of their terms that could be used toward the purchase of a device. The electronic devices would allow the use of electronic voting during meetings.

APPROVAL OF MINUTES

MOTION: Commissioner Campbell moved to approve the minutes from the May 28, 2019 meeting. Commissioner Carruth seconded the motion. All were in favor. The motion carried unanimously.

ADJOURNMENT

MOTION: Commissioner Jones moved to adjourn the meeting. Commissioner Wright seconded the motion. All were in favor. The motion carried.

The meeting was adjourned at 9:22 PM.