

Highland City Planning Commission

January 29, 2019

Approved February 26, 2019

The regular meeting of the Highland City Planning Commission was called to order by Planning Commissioner Jerry Abbott at 7:00 PM on January 29, 2019. An invocation was offered by Commissioner Tim Ball and those assembled were led in the Pledge of Allegiance by Commissioner Brittney Bills.

PRESENT: Commissioner: Jerry Abbott
Commissioner: Ron Campbell
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Brittney Bills
Commissioner: Tim Ball

EXCUSED: Commissioner: Christopher Kemp
Commissioner Alternate: David Harris

STAFF PRESENT: City Administrator/Community Development Dir.: Nathan Crane
Planner: Tara Tannahill
Community Development Administrator: JoAnn Scott
Planning Commission Secretary: Heather White

OTHERS: *See attached attendance lists*

PUBLIC APPEARANCES

Commissioner Abbott asked for public comment. None was offered.

PUBLIC HEARING ITEMS

1. FP-19-01
William and Dorothy Titera are requesting approval of a 1-lot subdivision located approximately at 9913 N 6180 W.

Ms. Tannahill presented the details of the proposed 1-lot subdivision and explained that the property was approximately .8 acres in an R-1-40 zoning district. She mentioned that three residents attended a DRC (development review committee) meeting and that no written comments were received.

Commissioner Abbott opened the public hearing at 7:06 PM and asked for public comment. Hearing none, he closed the public hearing at 7:07 PM and asked for additional comments. Hearing none, he asked for a motion.

MOTION: Commissioner Campbell moved to accept the findings and recommend approval of the preliminary plat subject to the following three stipulations as recommended by staff:

1. The recorded plat conforms to the final plat date stamped November 20, 2018 except as modified by these stipulations.
2. All public improvements shall be installed as required by the City Engineer.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.

Commissioner Carruth seconded the motion. All present were in favor. None were opposed. The motion carried with one absent.

2. CU-19-03

Highland City is request approval of a conditional use permit of 17.9 acres of property for the purpose of a city park located approximately at 5600 W 10400 N.

Mr. Crane reminded the commissioners that staff was a neutral body and that their role was to present information in a neutral way so the commission and council could make an informed decision. He pointed out that the park was off 10400 N, which was a collector street. He said the area was designated as a city park in the R-1-40 zone. The area was designated in the General Plan as an "Athletic Complex" which meant high use/high intensity park with scheduled competitive sports activities. Mr. Crane reviewed the history of the property and explained that it was purchased by Highland in 2008 through a park bond. The purchase was prior to any recording of lots or subdivisions. He said the first concept plan was presented in 2006 and included three lighted fields, large and small soccer fields, play grounds, pavilions, and a walking path. Another concept plan was prepared in 2014. Changes included the addition of a park maintenance facility, the orientation of soccer fields, and location of the playground and basketball court. Mr. Crane explained that athletic complexes would have an impact on surrounding uses through noise, lighting, intensity, hours of operation, etc. He also pointed out that city infrastructure was planned to accommodate the complex.

Mr. Crane explained that one of the dilemmas for the city was building a park with limited to no funding. He said the city had considered different options including bonds, tax increases, impact fees, or saving over time. He said the Council was not interested in increasing city debt. They had been discussing the option to sell undeveloped parkland to build a portion of the Mountain Ridge Park. In 2018 the City Council was approached by residents wanting to build pickle ball courts for leagues, regional and local tournaments, and open courts. They began fundraising. Mr. Crane explained that two open houses were held with notices sent to the entire city, along with a radius notice as required for conditional use permit applications. He explained that a new park master plan was presented in November 2018. Public concern included the location of the playground, the lack of separation of residential units and pickle ball courts, and the location of the entrance. Mr. Crane reviewed the 2019 master plan and pointed out that the playground was designed to be an all-abilities playground and that pickle ball courts were increased to 27. Mr.

Crane explained that the site included a 5,000 square foot park maintenance building, 25 feet tall, and would be used to serve all the parks in the city. He said activities were designed to be isolated to that building, including storage of mulch and other outdoor materials as needed.

Commissioner Abbott opened the public hearing at 7:23 PM.

Resident Cody Dingus said he represented 369 people who, in four days, signed a petition to block the construction of the pickle ball courts. He said they were excited about a complex on the property that would be used by the residents. He said pickle ball would plan six or seven events annually and bring about 6,000 visitors. He said the two roads getting to the park were by Highland Elementary and Mountain Ridge Junior High. He said Highland did not have hotels and restaurants to accommodate that many people and thought the impact on the land, traffic, and community would be detrimental. He said he could provide a list of residents and comments from those who signed the petition. Commissioner Campbell asked for the statement from the petition that residents were signing. Mr. Cody read from the petition: "Build a park at Mountain Ridge that residents want, not a 27-court pickle ball arena."

Resident Shannon Sanford wanted to see the park developed in a different way. She wondered what the 2008 intent was for Highland wanting a sports complex in the community. Mr. Crane said according to the General Plan, the idea was to provide sporting activities on this side of the city to residents. She thought an athletic complex was an incredible addition to a community by bringing a community and youth together. She said the sports listed would bring youth and community together. She asked the commissioners to consider the use and choice of activities that would unify the community and develop youths' talents. She did not see 27 pickle ball courts as being a way to bring the community together.

Resident Alan Rencher was supportive and passionate about a sporting complex, but had concerns with 27 pickle ball courts. He talked about concern for traffic and increased congestion. He said he asked the city council to do a traffic study on the road between Mountain Ridge Junior High and the park. He liked the idea of having five to eight pickle ball courts, but not 27. He asked the commissioners to consider adding a traffic study with thresholds as one of the stipulations. He said it was important to consider the feelings of the residents in the area. He talked about two instances that he saw while jogging near the junior high school. Both times the police were ticketing people parked along the road because of severe congestion. He said one of the times a little girl almost got hit. He worried about what would happen if more people from outside the community were brought to the area. He briefly voiced concern with noise and light pollution.

Resident Jennifer Knowles thought there needed to be a traffic study. She said her house was directly across the street from the proposed entrance and that she already had trouble getting on the road every morning. She explained there was only one way out of her neighborhood.

Resident Vanessa Moody said she loved sports and pickle ball, but had concerns. She said she contacted Lindon and Brigham City via email regarding pickle ball courts. She said Christy with Brigham City responded to her. She read the email to the commissioners. Regarding sound, the email said, "had to work with issues through the surrounding community. Lights are scheduled to

turn off at 10:00 PM as per our noise ordinance. Neighbors have voiced concerns about the noise of play from the courts both in early morning and evenings."

Regarding parking, the email said, "there had been voiced concerns when tournaments are being held that parking extends into neighborhoods." Ms. Moody explained that Brigham City had 17 pickle ball courts that were used half of the time when tournaments or leagues were not played. Ms. Moody again read from the email, "one of the biggest concerns was the long-term staying power of the sport. Currently, we have seen a lot of interest but to maintain the facility, we've had to have the public maintain the interest. We have had more time spent by the parks department maintaining the area, bathroom, grass, court surface, watering issues, which some was unseen. With resurfacing a court, we feel a court should be resurfaced every 5 years. The current rate is \$5,000 per court." Ms. Moody thought Lindon City had eight pickle ball courts and the email response from Lindon said they had received a lot of complaints from surrounding neighbors. She said she had concerns with the noise and that 27 courts seemed like too many.

Resident Ryan Thompson liked the idea of the sports complex. He thought it was a good use of funds to unite the community and have Highland sports teams rather than bringing outside people in. He thought a sports complex for the community would benefit the kids for generations. He said he was adamantly opposed to 27 pickle ball courts.

Resident Carley Tall said she would like to see a sports complex and a nice place where her 15-year old and 2-year old can go to the same place and have a nice time. She said she lived in Highland, but did very little shopping and playing in the city. She would like to see a big play set for her kids and another soccer field. She wanted to see something that was financially responsible. She mentioned that she was a police officer's daughter. She thought bringing in 1,000's of people who weren't invested in the community would also bring in "riff raff" like theft. She hoped that the city could build something that could be used and needed for a long time.

Resident Mark Thompson was concerned with parking and said that more parking was needed for the number of pickle ball courts. He said 17 acres was not enough space for what was being planned. He said the drawings showed that the area was to be used for youth sports. He mentioned that the Herald reported in the 2008 season that Lone Peak won 10 out of 19 state championships and said more space was needed for youth sports in order to keep a successful program like the 2008 season. He said the pickle ball needed to take the entire property if it was built. He thought the plans of 2006 and 2014 represented something for the kids and said it was a little ridiculous to try to have everything shown the new plan on the site.

Resident Alisha Crump hoped that public comment really did matter. She said she was told that if they raised the money they would probably get the courts and hoped that wasn't the case. She was opposed to the pickle ball courts. She said her family had been waiting for more youth fields. She talked about concern for the costs of maintenance and upkeep. Ms. Crump said the community did not want to be big, didn't want traffic, and didn't want 5,000 people coming for tournaments. She encouraged the city to not take the "free money" because it was short-term and would take tax money to maintain the courts.

Resident Kevin Thatcher said he was excited about having pickle ball courts for the community, but not 27 of them. He liked the idea of having a mixed use area. He did not like the idea of

having tournaments and didn't think they would benefit the city. He thought Highland needed more sports complexes and needed to be dedicated to the residents.

A Highland resident voiced concern for the traffic, congestion, and bringing in people from the outside. He encouraged the city to make a park for Highland residents.

Resident Maureen Wengert talked about her experience with the Alpine Country Club pool. She told how she didn't have objections, but didn't realize at the time that she had to be a member of the club in order to use the swimming pool. She said the pool was on her end of the gate and people parked in front of her house and blocked the mail box instead of parking in the front of the country club. She thought tournament parking would ruin the neighborhood by parking on streets and blocking residents.

Resident Mary Waters said she respected people who were willing to try something totally different. She said Lorna Reid told her at a previous meeting that the pickle ball courts were not right if it wasn't right for the city. She said she talked to people in St. George about their complex. Ms. Waters learned that St. George spent about \$99,000 each year on employee wages to maintain the courts. She said they had three leagues consisting of 55 people, 52 people, and 53 people. They charged \$25 per league. She said they had 5-8 courts full during open court and the only time they had more than 8 courts full was during tournament play. She talked about her experience with Open Court and sponsors and said a sponsor was a yearly renewal. She hoped that the city could build something that worked for the community.

Resident Sherry Kramer said she wrote the Council in November about concerns with the 24 court facility. She offered to help the pickle ball group to find a more suitable location and didn't hear back from them. She decided to join the Friends of Mountain Ridge Park Coalition. She recommended that the park be a community neighborhood park, not a regional park focused on pickle ball tournaments. She also recommended to approve the conditional use permit for Mountain Ridge Park with the following conditions: 1. remove 27 pickle ball courts and replace with 4-6 pickle ball courts, 2. require noise and traffic studies to be done, 3. require noise abatement for the 4-6 pickle ball courts if noise abatement is recommended by the noise study, 4. require traffic abatement to be done if traffic abatement is recommended by the traffic study, and 5. remove the storage facility.

Resident Lisa Bartholomew said she agreed with Ms. Kramer regarding the traffic and noise. She mainly wanted to represent her 12-year old daughter who wanted to see basketball courts in the plans. She wanted to see something planned more for the community.

Resident Lorna Reid, Director of Highland City Foundation, said the foundation had done a lot of research on the courts, the park, traffic patterns, people who play, tournaments, and every aspect of pickle ball. She explained that 27 pickle ball courts were the same size as 7 tennis courts. She said only 104 people could play at one time and intentionally planned 184 parking spaces to provide more than enough parking. She said there would be no scheduled court play on Sunday and no scheduled tournaments during the time school was in session. They proposed 4 tournaments for the entire year which was equivalent to 15 days of play. She suggested that the commissioners read their research on leagues. Ms. Reid said the leagues and tournaments would

pay for the construction of the courts as well as the upkeep. She said the courts would generate a positive cash flow of about \$69,000 annually. She said the upkeep would take \$10,000 per year and \$50,000 would be use every 5 years for resurfacing. They proposed post tension courts with a life time of 25 years. She said council would decide how to use of the excess funds generated by the courts, leagues, and tournaments. Ms. Reid talked about money she donated to schools and her volunteer time at the high school, junior high and elementary school. She said the kids were the most important thing to her. She explained that the tournament schedule for September would be an Amateur Athletic Union tournament for children 18 or under. She pointed out the article in the September 21 Herald Extra where it was reported that there was a reduction of crime since bringing in pickle ball courts. Ms. Reid mentioned that some of the residents did not have accurate information and that a flier with blatant inaccuracies had been circulated. She clarified saying that a regional tournament would be held only if approved by the City Council. She said the school was 1 mile away and on a different road. She mentioned that businesses in the community would benefit if people spent money in the city. She said the courts would be funded by the pickle ball foundation and not use tax dollars to build or maintain them.

Resident Rachel Adams agreed with Friends of Mountain Ridge Park Coalition regarding the need for traffic and noise studies. She explained that her house sat high and talked about the acoustics and line of sound from the courts. She read that acousticians recommended that pickle ball courts located within 500-600 feet of residential properties or other noise sensitive areas be reviewed by an acoustical engineer during the site selection phase. She said many pickle ball courts had a berm to help with noise abatement. Ms. Adams said she called 5-10 places with pickle ball courts which all had fewer courts on no less than 45 acres. She said many were put a good distance from residential areas with berms. She though the park plan was beautiful but was concerned about the location.

Resident Chris Malouf reported that Spendiarian and Willis Acoustics and Noise Control (acousticalnoise.com) said pickle ball courts within 150 feet of residential structures required careful abatement to avoid complaints, courts within 350 feet often required abatement, and courts within 500-600 feet of residential structures should be reviewed by an acoustical engineer. He pointed out that no specific abatement was considered in the plan. He said that if 104 people were playing at a time, there would be others waiting to play and there would be more than 104 cars. He said there were already parking violations with individuals who came to play soccer and that there were already issues with children running into the street. He talked about the first correspondence between the city and people wanting pickle ball courts and asked the commissioners to consider who they were serving; residents or others. He was also concerned about the cost and didn't see how it was going to generate revenue. He thought it was incomplete and inaccurate planning and information.

Resident Michelle Wilkinson agreed with the Friends of Mountain Ridge Park Coalition. She said she loved pickle ball and wanted a park that was for Highland City. She felt like the pickle ball courts were a rushed thing. She asked that the city take more time to see if it was a big sport in Highland and suggested building just a few courts. She said St. George received a lot of neighborhood complaints. She pointed out that the September tournament would be during the school year.

Alpine Resident Chris Thackeray said he lived next to the courts in Alpine. He said the courts transformed the community. He said there were basketball courts before that were seldom used. He said the pickle ball courts galvanized the community from ages 5-89. He said 4 courts in Alpine wasn't enough and the 6 courts in Orem were now over run. He asked the Commissioners to consider what was offered for the kids in the community. He wasn't sure if pickle ball was right, but said there was a rush because there was an opportunity to keep funds down.

Resident Thomas Ritchie was concerned with cost. He understood that the park would cost \$5.7 million; \$1.3 million to go towards the park plus \$1.1 million that the city already had. He calculated that there was still \$2.6 million needed and wondered where it was coming from. He talked about the city building that needed to be paid off and parks that needed to be completed. He said because the courts would be used for tournaments they would need to be built a little nicer than what would normally be put in.

Resident Seth McClure said he would be happy if the park was left as a grass field, but understood the development for use of residents of Highland. He did not understand why it would be build for outside interest, outside money, or outside reasons. He said he had concerns regarding traffic, safety, noise, and refuse. He thought the problems and issues with the soccer fields would be exacerbated by the proposed park. He talked about why he moved to Highland and thought that a sports complex with tournament level play would change the dynamics of his neighborhood. He did not think the proposed park would serve the needs of his family or other residents and could be better used in much different ways. He asked the Commissioners to reconsider the proposed plan. He said he was not against pickle ball, just the number of courts. Additionally, he thought an entrance on 5600 West would cause additional traffic concerns, especially in correlation to the fields near Mountain Ridge Junior High School.

Resident Tanya Colledge said she agreed with most of what had been said. She wondered if there was a way to make the courts multifunctional or multiuse. She was afraid that the city would get nice pickle ball courts, but have weeds in the other areas that couldn't be finish or maintain. She thought the park needed to be more multiuse.

Resident Chris Malouf pointed out that the residents were opposed to the proposed plan. He said 27 courts didn't make sense for the community. He wondered where the funding was coming from. Mr. Crane explained that the city had \$1.2-1.6 million. Overall, the park would cost \$5.7 million. He said the Council would discuss different funding options at the next Council meeting. He said March 1st was a deadline for the pickle ball portion of the facility to raise \$750,000. He explained that contractors would have to follow a bid process once construction plans were finalized. Mr. Malouf thought the conditional use application had been accelerated and hoped that the Commissioners listened to the residents.

Resident David Christiansen said he wanted to hear more from those who were in favor of the project to hear both sides. He said he wanted to hear more about the positives and encouraged others to speak up.

Non-resident Monique Robbins said she came to Highland a lot for various reasons. She said pickle ball could be played with families and thought it could bring families and communities

together and get kids off the couch. She mentioned that a lot of church buildings now had pickle ball lines in the gym. She said lots of age ranges could play together.

Resident Wesley Warren agreed with Ms. Robbins and said he was excited about pickle ball. He wondered if the proposed plan reflected the amount of pickle ball that Highland wanted. He was sad to not see the baseball fields, basketball courts, and volleyball courts from the previous plans. He did not think that Highland was represented in the proposed plan and said there wasn't enough diversity of activities. He hoped to see pickle ball, but not as much.

Resident Shannon Sanford asked that the city consider if the \$750,000 to be raised by the pickle ball foundation reflected broad city support.

Commissioner Abbott closed the public hearing at 8:42 PM and asked for additional comments.

Commissioner Ball said his concern was mainly with the parking situation. He said that certain parameters needed to be met with a conditional user permit and that the use should not be detrimental to the health, safety, or general welfare of persons residing or working in the general area. He talked about how 180 parking spots would not be enough if the tournaments attracted up to 6,000 people. He thought that if a reciprocal agreement could be entered into with the LDS Church, they might be able to accommodate about 1,500 people. He wondered where the other 4,500 people would park. He said the use would be detrimental if they had to park on streets and in neighborhoods. Commissioner Ball said the plan looked like a great idea, but was concerned about the parking and traffic. Ms. Reid explained that 6,000 people would probably be a region or county-wide event that included pickle ball, volleyball and basket ball. She said that kind of event would not be held in Highland. She explained that the facility could not accommodate more than 800 people in a tournament over the course of 5 days.

The Planning Commission discussed the potential number of pickle ball players, spectators, and others using the park for activities different than pickle ball and how it would impact traffic and parking.

Commissioner Day talked about the Beacon Hills Park not being finished yet. He estimated that there was a \$3 million shortfall. His main concern was the cost of the park. He wondered if it could be done in phases and if the courts could be dual use? Mr. Crane said the park would have to be done in phases based on current funding. He thought it could be built with dual use. Commissioner Day was concerned that the current plan showed just one main use. He hoped to see it multi-use. He was not in favor of using taxpayer money to support one group of people and not be more inclusive.

Commissioner Bills said she had 5 main concerns: 1. inconsistency with the other two plans, 2. the plan wasn't what the residents wanted, 3. parking, 4. noise, and 5. costs. She said she didn't like phasing because sometimes the later phases did not get done. She wondered how consistent the \$65,000 revenue from tournaments would be. She thanked Ms. Reid for all the time she volunteered at the schools and all the research for the proposed facility. Ms. Reid explained that the AAU (Amateur Athletic Union) wanted a 4-year contract. She explained that the resurfacing was not contingent on the tournaments. She said city and community tournaments could be an

added revenue stream. She said the proposal included 12 courts that could be used for reservations, leagues, camps, and lessons, which could also be another revenue source. Ms. Reid said the estimate of generating funds was annually and the \$50,000 needed for resurfacing was needed every 5 years. She said the City Council could determine when the tournaments were held or even if they wanted them.

Commissioner Carruth said she was concerned about costs, the parks that were started but not finished, parking, and the number of residents who were opposed to the proposed plan. She thought the Commissioners needed to consider that the community didn't want so many pickle ball courts.

Commissioner Campbell said he agreed with much of what had already been said. He thought the discussion needed to be continued and noise studies needed to be done. He said he was in favor of phasing, but wanted to see a plan. He thought the Commissioners were not ready to make a decision because more information and studies were needed.

Commissioner Abbott mentioned that he was a developer in Arizona and had never been to a meeting where a park was so badly opposed. He said parks were usually a happy thing. He was concerned that it was not necessarily a community park; it was a pickle ball facility. He thought the most common suggestion was to make it multiuse. Commissioner Abbot thought the courts should be able to be converted to basketball and tennis courts. He was concerned about traffic and parking. He thought having big open fields and places to go play and practice soccer or Ultimate Frisbee was one of the biggest issue with kids in sports. He agreed that the community should have pickle ball courts and thought there needed to be a way to generate funds. He asked if there was a traffic report. Mr. Crane said he wasn't able to find one and was waiting to hear back from a consultant. Commissioner Abbott pointed out that noise would be an issue for anyone who built by a park, although he thought there needed to be some type of noise abatement.

MOTION: Commissioner Campbell moved that the conditional use permit for the purpose of a city park be continued and that the following items were needed before it was addressed again by the Planning Commission:

1. Noise study for the purpose of defining needed abatement
2. Traffic study
3. Explore multiuse options
4. Phasing plan based on available funding
5. City wide survey to determine resident interest
6. Explore the need for wide open spaces and associated costs

Commissioner Day seconded the motion. Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Carruth, and Commissioner Day were in favor. None were opposed. The motion carried with one absent.

Commissioner Abbott called for a short break at 9:07 PM.

The meeting was again called to order at 9:20 PM.

Commissioner Abbott explained that the conditional use permit would quickly be readdressed. Mr. Crane explained that the proposed park maintenance building would replace some existing storage that the city was losing. Commissioner Campbell asked to amend his motion as follows:

AMENDED MOTION: Commissioner Campbell moved that the Planning Commission recommend approval of the proposed park maintenance building and that the conditional use permit for the purpose of a city park be continued until the following items could be addressed by the Planning Commission:

1. Noise study for the purpose of defining needed abatement
2. Traffic study
3. Explore multiuse options
4. Phasing plan based on available funding
5. City wide survey to determine resident interest
6. Explore the need for wide open spaces and associated costs

Commissioner Day seconded the amended motion. Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Carruth, and Commissioner Day were in favor. None were opposed. The motion carried with one absent.

3. SP-19-02 and CU-19-02

Highland Hideaway Storage is requesting approval of a Site Plan and Conditional Use Permit for an office warehouse building located approximately at 11251 N. Sunset Drive.

Ms. Tannahill reviewed the details of the application. She mentioned that the surrounding property was a church to the east and residential R-1-40 zoning to the south. She said the current zoning for the site was PO (professional office) zone. The proposed flex office space would be a 20,064 square feet building on 2.13 acres. 46 parking stalls and 2 handicapped stalls were already provided. Hours of operation would be 8:00 AM - 6:00 PM, Monday - Saturday. She said they anticipated tenants to be professional office, financial or legal offices, medically related services, or other types of professional services or art galleries. Access would be from Sunset Drive and a shared road with neighbors to the east. She mentioned that the architectural elevations met the Development Code in the PO zone. She said the proposed development met the landscaping requirement but the developer still needed to provide a median improvement plan as part of the landscaping. She mentioned that the majority of public comments (written correspondence) were regarding the architecture of the building.

Commissioner Abbott opened the public hearing at 9:26 PM and asked for public comment.

Resident Manuel Bueno was opposed to the project in it's current form. He was concerned with the use of warehouse space and larger trucks coming to the area. He was also concerned that the hours of operation could not be enforced. He wondered why they couldn't stay with office space. He voiced concern with the look of the proposed building and pointed out that the other buildings in the area had a residential look as defined in the code. He said the height and look were directly against the code. He hoped the medians on Highland Blvd would be finished by the developer.

Resident Anne Sward Hansen thought the proposed building was incongruent to what the neighborhood was. She said the adjacent neighborhood was high-end housing and was concerned that the warehouse would lower home values. She voiced concern about security and the possibility of extra lighting. She said it was already a congested area. She thought it was obtrusive. She voiced concern with height and asked the Commission to deny the conditional use.

Resident Caleb Frischknecht said the conditional uses in the code associated with the PO zone had such specific restrictions because it was so close to the R-1-40 zone with 1+ acre lots. He said the uses found in Section 3-4902 needed to not only satisfy special conditions imposed by the planning commission, but also had to satisfy the conditions already imposed by the code in Section 3-4901. He specifically mentioned that the intent of the zone was to prevent the erection of buildings or substructures with an industrial or prefabricated appearance and it needed to promote the architecture with a residential flavor. He said the current design did not do that. Mr. Frischknecht said he preferred to see a tax base in Highland and development along Highway 92, but he did not agree with the proposed development. He said there was no sales tax with the proposed development, it was inconsistent with the PO zone, and it didn't fit with the surrounding community.

Resident Melanie Westcott mentioned that the area was on a hill and would sit higher than was shown. She thought it strange that Patterson wanted to build a warehouse across the street from one of their nicest developments in Highland.

Resident Jan Eyring explained that she and many of her neighbors moved to Highland to have a nice county feel. She was very strongly opposed to anything that had an industrial look at the entrance to beautiful neighborhoods. She said the look was inconsistent and didn't fit.

Resident Laura Mustard said she cared about the development of Highland and that the city stayed beautiful and unique. She said the development seemed like something that would be found on Geneva Road. She thought the road was a major entrance-way to Highland.

Resident Dustin Schulthies said he had lived in two Patterson developments in Highland and that he was shocked that they wanted to build it in the area near one of the nicest Patterson developments. He said it was clearly a warehouse development. He said the road was a main entrance into Highland that was mainly residential and hoped the developer would keep it that way. He wanted a larger tax base, but said the city needed to put in businesses that made sense for the area. He asked the Planning Commission to not move the application forward.

Resident Kristen Ellsworth said one of her biggest concerns was that it took years to get a crosswalk to go to the elementary school. She said the proposed development would make a lot more traffic that would affect the kids. It would also bring more crime, was an eyesore, and would bring down housing values.

Resident Mysha Bolen said the area was a beautiful entrance into Highland and that a warehouse didn't make sense. She said the other Patterson building was made to look like a residential unit. She was strongly opposed.

Ross Welch with Patterson Construction explained that there would not be loading docks on the buildings. He said semis would not be able to deliver items; it would be more of UPS deliveries. He explained that they were getting requests for buildings with more flex space. He said that the idea was that the building needed to have residential flavor; not actually look residential. He understood there was concern, but clarified saying that it was in a business park flex space in a professional office zone, not a warehousing operation. Mr. Welch said there would not be industrial uses in the units.

Eric Larsen, working with Patterson, explained that there would be no loading docks and would have ground level doors. Each unit would be about 3,000 square feet. He said the units would cater to household units like gymnastic studios or fulfillment companies with low traffic. He pointed out that they met the 35% landscape requirement and that the dock doors would face the storage units. He said they hoped to secure a retail-type tenant for the smaller corner unit. He said they were open to different elements for the architectural design in order to meet the residential flavor. He said they would meet sign regulations.

A resident voiced concern that the plan looked and sounded like a strip mall that should be on Geneva Road or a frontage road. She didn't think it belonged across the street from a multimillion dollar home development. She wondered how signage would work on an office building that was supposed to look like housing.

Mr. Larsen thought there was an exaggeration in saying that it was a strip mall because it implied more retail. He explained that the development would be a quasi-flex retail. He said it was a business park with showroom/office in the front and storage/distribution/fulfillment in the back. He said they were willing to hear the city's comments on architecture design and change the facade. Mr. Larsen also talked about supply and demand and said there was no demand for office buildings at this location. He said this type of building was the product that was being called for at this location. He said it wasn't an eyesore and encouraged people to look at some of their other products with various facades. He said it was a higher-end flex product.

Resident Anne Sward Hansen thought residents were objecting to the size of the entire building. She thought 20,000 square feet was incongruent to the neighborhood. She wondered if there was any kind of berm on the front of the building. Mr. Larsen showed her pictures and said that they distinguished different units by using different elevations, parapets, etc.

Mr. Bueno explained that the term "warehouse" was first used by the developer. He talked about units allowed within the zone and read about the PO zone from the code. He emphasized that the PO zone promoted the overall functionality, safety, and visual attractiveness of professional office buildings storage buildings, promoted architecture with a residential flavor, promoted development that worked in harmony with the open rural atmosphere, and prevented the erection of buildings with an industrial or prefabricated appearance. He wondered why the developer couldn't just have office space.

Mr. Larsen explained that if retail use was denied they would have to do a professional service use which might include veterinary services. He reminded everyone that this was not leaning toward an industrial use. He explained that there was an element of warehouse in the back, which was the same as storage, with professional office in the front.

Mr. Crane reminded the audience and Planning Commission that State law for conditional use permits was set up in a way that if an applicant complied with the existing code they were entitled to approval. He said it was not a discretionary choice by the Planning Commission and/or Council. He read from Section 3-4902 and explained that the Planning Commission could determine if the use, when not specifically identified, was consistent with the intended use of the PO zone, compatible with other listed uses, and compatible with uses on adjacent properties.

A resident pointed out that the Patterson Construction website showed the homes across the street and encouraged the Commissioners to look at the website. He wondered if the use fit.

Another Highland resident agreed with Mr. Crane that conditional uses were not discretionary if they satisfied the conditions. He said the code required that the development adhere to the listed intents and that it had a residential feel and not a prefabricated feel. He thought it was important to preserve the character of the neighborhood.

Resident Ken Berg, civil engineer for the project, said the building was set back 76 feet from the right of way with 22 feet of landscape buffer and was similar to what was across the street in the residential area. He thought he was a "poster child" of someone interested in the proposed office space. He said he provided professional engineering services, needed office space, and needed storage for 13 years of paper drawings which he legally had to keep. He said this was the kind of use that would be appealing to him. He talked about the grading of the property and said they would try to keep the building down as much as possible in order to keep it similar to the road.

Commissioner Abbott closed the public hearing at 10:17 PM and asked for additional comments.

Commissioner Day's biggest concern was with the facade and thought that it needed to be more consistent with surrounding areas. He wondered if other materials, insets, and maybe stonework could be used to make it more consistent.

Commissioner Ball was concerned with the prefabricated and industrial feel of the appearance. He was concerned that the application was a conditional use of a conditional use which resulted in an iteration not resembling the original intent. He did not believe that retail was consistent with the PO zone. He thought the juxtaposition of the development with high-end residential development seemed incongruent and incompatible with sensible zoning.

Commissioner Bills pointed out that there were specific tenants and uses that were permitted and not permitted. She asked the developer to provide pictures or locations of other projects that were more compatible with what this project might look like.

Commissioner Carruth said the architecture needed to be more friendly with what was already there and not quite so industrial looking.

Commissioner Campbell said for him it came down to asking if the project fit the conditions of the code. He thought work needed to be done to make it a better looking building. He pointed out that it was a fact that it was professional office. He acknowledged that the residents wanted the property to be residential, but said it was not going to be. He said the city had an obligation to mitigate effects of lighting, etc. of an office building and thought it needed more of a residential flavor.

Commissioner Abbott mentioned that the Patterson office development on SR-92 was perfect for this property. He said a 20,000 square foot building was very large and thought what was presented looked like big storage buildings. He said the picture of the door on the back looked like they were 16 feet tall which would allow a semi delivery. He saw the appeal for the office space, but thought it needed to be split up so that it wasn't one large building. He suggested off-setting and maybe using the same architecture that was in the area. He said the other development was ideal and suggested using a storage garage separated from the office buildings. He agreed with the conditional use permit, but pointed out that the code stated that it needed a residential flavor. He thought the design didn't fit.

MOTION: Commissioner Day moved that the Planning Commission continue the Patterson Construction project and send it back to them to take another architectural attempt so that it integrated better with surrounding office buildings and homes in the residential areas, and to bring it back to the Planning Commission for approval at a later date. Commissioner Campbell seconded the motion. Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Carruth, and Commissioner Day were in favor. None were opposed. The motion carried with one absent.

APPROVAL OF MINUTES

Ms. Tannahill said there needed to be a change to the December 11, 2018 minutes. She explained that stipulation #1 in the motion for Public Hearing Item FP-18-03 needed to read, "The recorded plat conforms to the final plat date stamped October 17, 2018 and drawings date stamped August 31, 2017 except as modified by these stipulations."

MOTION: Commissioner Campbell moved to approve the December 11, 2018 minutes with changes as noted. Commissioner Carruth seconded the motion. All present were in favor. None were opposed. The motion carried with one absent.

ADJOURNMENT

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

The meeting was adjourned at 10:30 PM.