

# Highland City Planning Commission

February 26, 2019

*Approved March 26, 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 February 26, 2019. An invocation was offered by Commissioner Campbell and those assembled were led in the Pledge of Allegiance by Commissioner Ball.

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

**EXCUSED:** Commissioner: Sherry Carruth

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Recorder: Cindy Quick  
Planner: Tara Tannahill  
Engineer: Todd Trane  
Community Development: JoAnn Scott  
Planning Commission Secretary: Heather White

**OTHERS:** *See attached attendance list*

## **RECOGNITION OF OUTGOING PLANNING COMMISSIONER, ABE DAY**

Mayor Mann and Mr. Crane formally thanked Abe Day for his many hours of service on the Planning Commission from 2008 to 2018.

## **OATH OF OFFICE**

Ms. Quick administered the Oath of Office for newly appointed Commissioner Claude Jones and Commissioner Audrey Wright.

## **PUBLIC APPEARANCES**

Commissioner Kemp asked for public comment.

Resident Alan Rencher talked about a letter he received about a park maintenance building but was disappointed that it was not on the agenda. He cited Utah Code 10-9a-507 regarding buildings and structures built outside of normal zoning. He said he was concerned that he did not have a chance to offer public input. He was concerned with an industrial grade building in a residential area and near a park because of traffic flow, heavy equipment, storage, hazardous chemicals, fuel storage, aesthetics of an industrial building in a residential area, value of homes, and light pollution. He said he appreciated the service of the commissioners. He mentioned that he was pleased that there was a prayer and a reminder of the constitution at the beginning of the meeting.

Resident Cody Dingus was concern that a park maintenance building would be in his backyard with storage of fuel and industrial things. He said the height of 25 feet did not match the surrounding neighborhood. He was concerned that residents were not properly notified.

Resident Carley Tall explained that she had emailed, texted, and talked to at least 60 neighbors since the last meeting. She said every adult, youth, and child loved the idea of a multiuse park but not for 27 pickle ball courts. She said the park plan did not coincide with Highland ideals of open space and bigger yards. She wished she had known 5 years ago that the building of the park was dependent on money; she would have been fundraising and writing grants. She said she talked to a council representative after the last meeting and realized there were disparities with what he said and what was true. She learned that noise could cause seizures and mentioned that there was a resident across the street from the proposed park with a seizure disorder. She wanted to see the business plan for the park and pickle ball courts. She stressed that if it was a good deal for Highland today, it would be a good deal tomorrow and that there was no reason to rush the decision. She said the neighbors were ready to work to make the park what the community wanted.

Resident Hilary Gardiner agreed with what had already been said. She explained that she attended the last meeting. Some residents in her neighborhood received notices about the meeting and others didn't. She thought the notice for the last meeting wasn't done very well. She said the residents wanted to be involved and explore other locations instead of just receiving a letter. She felt like residents weren't given a chance to voice opinions of the park maintenance building at the last meeting. She voiced concern for the 27 pickle ball courts for a national pickle ball tournament, number of visitors, traffic, lack of hotels and restaurants in Highland, and lack of adequate parking. She said it was people outside of the community who were fighting for the pickle ball courts. She thought 90% of them lived outside of the city.

Amy Jones explained that she was building a house behind the park and was a soon-to-be resident. She was concerned about the storage of fertilizer. She explained that her son had asthma and that they would not have chosen their lot so close to chemicals. She thought the location of the building, chemicals, and trucks should be reconsidered because of the proximity to an area with children. She asked the commissioner to consider the health and safety of the children and to consider safer locations.

Resident Paul Adams said he saw Highland as one of the most desirable places to live. He was in favor of a park, but not 27 pickle ball courts. He thought a better option was a park that the community could benefit from and that residents could enjoy.

Commissioner Kemp thanked those who offered comments and said their participation was appreciated.

## **WITHDRAWALS AND CONTINUANCES**

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 Dr.*
2. *The Highland City Council is requesting approval of a Site Plan and Conditional Use Permit for a park maintenance building located at the northeast corner of 10400 North and SR 74.*

Commissioner Kemp explained that item 1 needed to be continued to the next meeting. He said item 2 was withdrawn from the agenda. Additionally, he said item 4 would be heard before item 3.

**MOTION:** Commissioner Campbell moved to continue item SP-19-02 & CU-19-02 to the March 26<sup>th</sup> meeting. Commissioner Abbott seconded the motion. All were in favor. None were opposed. The motion carried.

## **PUBLIC HEARING ITEMS**

4. FP-19-02  
*Cole Peck is requesting approval of a 1-lot subdivision located approximately at 6992 West 9600 North.*

Ms. Tannahill reviewed the details of the application and asked if the commissioners had any questions. Commissioner Campbell wondered if the lot was considered a flag lot. Ms. Tannahill said it was not a flag lot because of enough frontage.

Commissioner Kemp opened the public hearing at 7:28 PM and asked for public comment. Hearing none, he closed the public hearing at 7:29 and called for a motion.

**MOTION:** Commissioner Campbell moved that the Planning Commission accept the findings and approve FP-19-02 subject to the following 3 stipulations recommended by staff:

1. The recorded plat conforms to the final plat received February 6, 2019 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 Abbott seconded the motion. All were in favor. None were opposed. The motion carried unanimously.

3. CU-19-05  
*Highland City Council is requesting approval of a Conditional Use Permit for a Salt Storage Building located approximately at SR-92 and North Park Drive.*

Ms. Tannahill reviewed the details of the application. She explained that the proposal was first approved in 2015 by the Planning Commission and City Council but expired after 1 year. She reviewed the results of the 2015 bus study. Ms. Tannahill reviewed the new site plan. She said the parking capacity near Park Drive was increased. The main entrance to the facility was on Park Drive with secondary access to SR-92. The facility would be a 1,600 square foot salt storage building with a 4,800 square foot concrete retention pad. Ms. Tannahill said the hours of operation were dependent on weather. She said a radius notification was sent. 1 written correspondence was in favor and 3 were opposed.

Commissioner Kemp opened the public hearing at 7:34 PM.

Mr. Trane explained that the space was currently used for salt storage but was not covered, too small, and difficult for trucks to get to. He mentioned that the salt company was concerned with future deliveries. He also mentioned that a state audit reported that Highland needed covered salt storage. He explained that the secondary access to SR-92 was pending.

Commissioner Bills wondered if a new study was done since 2015. Mr. Trane said a new study was not done. He explained that the access was no different than what was currently done with salt deliveries. He said deliveries were avoided during times when students were at the bus stop.

Resident Cody Dingus asked that this location be considered for the park maintenance building because it was more isolated. Mr. Trane explained that the site was too small. He said 14 different concept plans with different sites throughout the city were considered at since 2014. Mr. Crane mentioned that relocating the parking to the other side of the street was a consideration but did not work because of drainage and other constraints.

Resident Calvin Garvin wondered if access for the facility went through the area where the students waited for the bus. Mr. Trane explained that one entrance was only for deliveries and that the storage area was enclosed by a gate. He explained that it was currently used that way.

Commissioner Campbell thought it was key that the deliveries be at times when students were not in the area.

Mr. Galvin understood that the road was built because Highland did not want to build the road at the right angle for school buses because it was too much money. He said a quasi-school zone was created to provide a safe place for children to get on and off the bus. He said trucks and children

did not mix. He talked about his experience with being a truck driver and the limited visibility when driving a truck. He said the probability of problems with children and trucks was very high. He said that if the commissioners voted yes, they were knowingly putting the children at risk and the city would not protect them. He said they would be personally at risk if a child was hurt. Commissioner Kemp asked if Mr. Galvin was threatening the commissioners. Mr. Gavin said he was not threatening but telling the commissioners what may happen. He suggested having access in a different location. Mr. Trane explained that the city currently had a problem that the new facility would fix. He said trucks were backing into the facility but the new facility with access to SR-92 would make it so they did not have to back up. He agreed that trucks and kids did not mix. Mr. Galvin said that there was a chance that trucks might have to back up in the future and that they might need to drive through the bus stop area in the future while kids were present.

Resident Diane Probst said her neighborhood had doubled in size since 2015 and there were 11 bus stops. She wondered how the trucks could be sure there were no kids during the times the facility needed to be accessed. She said the kids sometimes stayed in the area to play for an hour instead of going home and that bikes were locked to the fence. She said she sometimes tried to pick up kids from her neighborhood who were waiting on the sidewalk whose parents forgot to pick them up. Commissioner Wright pointed out that the new facility would have a fence with sliding gate to keep the facility petitioned off. Mr. Trane said it would be a 6-foot fence with the parking lot extended to the east as much as possible. Ms. Probst wondered if any other locations were considered for the salt storage facility, specifically the gravel pit. Commissioner Kemp wondered how deliveries were currently handled. Mr. Trane explained that deliveries were not done in the early morning or early afternoon. He said trucks currently backed into the facility. Other locations were considered but the city did not own the gravel pit area. Ms. Probst wondered if a land lease around the gravel pit could be done during the winter. She liked the plan for the gate but still thought there would be liability in the future. Commissioner Kemp wondered if there was currently an issue. Ms. Probst said currently there were no issues.

Commissioner Campbell pointed out that the new facility would mitigate current challenges. He said it would not increase the danger to the kids and would mitigate the current danger. Mr. Trane added that the new facility would be bigger, and the number of deliveries would reduce to 1/3 of the current amount.

Commissioner Bills said she had not ever seen trucks in the area while waiting for her kids to get off the bus and thought nothing would change with the new facility. She pointed out that a 6-foot chain link fence would separate the salt drop-off zone and the kids and that the trucks would drive straight through. Mr. Trane added that deliveries would happen 2-3 times each month and scheduled during a time when children were not picked up or dropped off for the bus.

Ms. Probst asked again if other sites were considered and talked about the liability if there was an accident. Mr. Trane said yes, other sites were considered. He said the city currently had a liability and hoped that there would never be an issue.

Resident Allen Rencher wondered why a more modern traffic study had not been done and asked the commission to delay a vote until a newer traffic study could be reviewed. He thought it wise

to consider the Utah Code and what it said about mitigation of sites for conditional use permits for wellheads, pumps facilities, and large amounts of chemicals. He asked about long-term plans for maintenance and storage facilities. He thought the city was not being strategic in the decision making. He wondered if the city was taking all the measures to mitigate the risk. He thought there needed to be a strategy for maintenance buildings and facilities.

Resident Sherry Kramer thought taxes needed to be raised to keep the standard of living. She wondered if the residents realized that the maintenance buildings were important, and if the residents did not want the buildings by the children then maybe they would come up with funds, so the city could take out a bond and buy land where it was appropriate. She suggested asking American Fork if the maintenance buildings could go south of their irrigation ponds that were in Highland City.

Resident Andrew Ford explained that residents met with the city administrator, police, school district, and others sometime during 2010-2012 to discuss different ideas that could accommodate the safety for the children. As a result, the parking lot was formed. Mr. Ford explained that the city at that time made it clear that the space was needed in the future for storage or maintenance. He said the bus stop was far away from any other structures and posed other safety issues. He wondered how the salt drop-off and loading would happen. He pointed out that the city needed to put the salt storage somewhere. He acknowledged that many of his neighbors did not want it but explained that the residents were told up front. Mr. Ford mentioned that kids generally cut across the Alpine field and were recently told they couldn't. Because of this, Mr. Ford thought the number of kids riding the buses would increase. Commissioner Kemp pointed out that new residents might not know that maintenance facility locations had been considered for a long time.

Commissioner Bills understood that the hill was graded improperly by the developer. She said she also understood that the houses in the area were originally designated to go to Alpine Elementary School. Commissioner Bills pointed out that the area around the subject property was zoned R-1-40. She said any other developer would be asked to make the area look "presentable". She pointed out that it was the entrance to the city from the canyon. She thought the city would ask any developer to add a park strip, trees, bushes, or something to make the entrance look more presentable. She wondered if there was a way to put the same requirement on the city that would be placed on a builder constructing in an R-1-40 zone. She said residents of the neighborhood understood that the entrance would have a sign with landscaping. She wondered if something more than a bench and chain link fencing could be done.

Commissioner Kemp agreed and thought the area should look as good as possible. He was concerned with the area and the kids being so far away from houses. He wondered if a security camera and lighting could be included. He wondered if the building could be moved in the future. Mr. Crane explained that the structure would be a permanent building with rebar in the walls.

Mr. Train explain that loading and delivery would only be on the west side of the fence. He said the gate would only be open when a truck was driving through. He said an east/west fence was considered but there was concern because it would minimize the turn around space. He thought

the drop off and pickup times could be avoided instead of adding east/west fencing. He said fencing could be considered again if needed. Mr. Train explained that the trucks would drop the salt in front of the building. The front-end loader would then push the salt inside. The salt storage plow trucks would then pull up to the building, the loader would fill them with salt and then they would drive straight through.

Commissioner Kemp wondered if delivery time should be restricted. Mr. Train said it could. He said they were currently doing their best to avoid scheduling deliveries outside of bus drop off and pick up times. He said the plows would not be in the bus area if SR-92 access was permitted.

Commissioner Abbott mentioned that the city could stock pile more salt with the new facility and have not as many deliveries. He said the new facility would improve the situation, make it safer for the kids, and bring the city in compliance. He asked about the possibility of fencing and landscaping. Mr. Trane said that if the city did not get SR-92 access they would reconfigure to ensure that there was a completely separate access for the trucks. He said they would look into some kind of fencing. He said irrigation might be an issue for landscaping, but they could look at xeriscaping. He said they could potentially add a security camera on the pump house and extra lighting might be a possibility.

Commissioner Bills wondered if there was a drip system on the hill. She wondered if the city knew the bus drop off and pickup times. Mr. Trane said that staff knew exactly when those times were, and scheduled deliveries were avoided during those times. Mr. Trane estimated that construction would be during the summer months and that he hoped to meet with someone next week regarding SR-92 access.

Resident Sherry Kramer agreed with Commissioner Bills that xeriscaping might not look nice. She said drip irrigation could make the area look nice as an entrance to the residential area and canyon.

Resident Kelly Spafford asked for clarification regarding SR-92 access. Mr. Trane explained that a separate fenced entrance would be needed if access was not granted.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 8:23 PM. He asked for additional comments from the commissioners. Hearing none, he called for a motion.

**MOTION:** Commissioner Campbell moved that the Planning Commission accept the findings and recommend approval of the conditional use permit subject to the following 4 stipulations recommended by staff and 3 additional stipulations:

1. Development of the site shall conform to the site plan dates stamped February 21, 2019 except as modified by these stipulations.
2. The building shall be enclosed.
3. No deliveries shall be scheduled during normal school bus pickup and drop off times.
4. To the fullest extent possible, the salt building shall not be used during normal school bus pickup and drop off hours.

5. Xeriscape or xeriscape landscaping should be included and standards should be equivalent to what is expected of other developers and include the possibility of east/west fencing.
6. Approval will be contingent on whether or not access from SR-92 is permitted. If access from SR-92 is not permitted, the new design should be reviewed by the planning commission.
7. The possibility of lighting and security cameras should be considered and are highly recommended.

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

Commissioner Kemp stressed the point that the priority with the design and use of the facility had to be the children. He said the kids' safety had to come first.

### **APPROVAL OF MINUTES**

**MOTION:** Commissioner Bills moved to approve the January 29, 2019 minutes. Commissioner Campbell seconded the motion. All were in favor. None were opposed. The motion carried unanimously.

### **ADJOURNMENT**

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

The meeting was adjourned at 8:27 PM.