

Highland City Planning Commission

March 26, 2019

Approved April 30, 2019

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair Christopher Kemp at 7:00 PM on March 26, 2019. An invocation was offered by Commissioner Jones and those assembled were led in the Pledge of Allegiance by Commissioner Abbott.

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

EXCUSED: Commissioner: Sherry Carruth

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

OTHERS: *See attached attendance list*

PUBLIC APPEARANCES

Commissioner Kemp asked for public comment. None were offered.

CONTINUANCES AND WITHDRAWALS

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.

MOTION: Commissioner Campbell moved to continue items SP-19-02 and CU-19-02 to the April 30th meeting. Commissioner Ball seconded the motion. All were in favor. The motion carried unanimously.

PUBLIC HEARING ITEMS

2. PP-19-01

Millhaven Development is requesting approval of a Preliminary Plat for a 10-lot subdivision known as Spring Creek Subdivision. The property is located approximately at 10029 N 6300 W.

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

Ms. Tannahill reviewed the history of the property and details of the application. She mentioned that the city originally owned the property and intended to develop it as a park. In November 2018 it was decided to surplus the property for residential development. The property was sold January 2019 to Millhaven Development for \$1,915,000 and the proceeds generated from the sell would be utilized for development of the Mountain Ridge Park property and for major park construction repair projects. Ms. Tannahill explained that the proposed development included 10 single-family residential building lots.

Commissioner Kemp asked for public comment.

Resident Katherine Schram wondered what would be done with the irrigation ditch on the north side of the development and why the park was on the south rather than the north. Mr. Crane said the city's plan was to pipe the ditch. He explained that there was a small chance the ditch could be abandoned if no one downstream used it. Mr. Crane explained that the park naturally moved to the south when the city first worked with surrounding neighborhoods and tried to meet requests to line up roads and not impact existing houses. Ms. Schram thought the ditch needed to be piped, but not destroyed because it was an important part of drainage to the southwest. She explained that there was a permanent easement on the south side of the irrigation ditch which provided access to private property. She wondered if it would be changed. Mr. Crane mentioned that staff needed to investigate the matter, but it would be maintained if it was existing. Ms. Schram wondered if there would be a parking lot and if competitive sports would be played at the park. Mr. Crane mentioned that it was a neighborhood park and would not have a parking lot. He said no competitive sports were planned for this location.

Mr. Kelly Sobotka voiced appreciation to the city for working with neighbors. He was concerned with the length of the park. He wondered if fencing was part of the plan. Ms. Tannahill explained that the developer would provide a 6-foot masonry fence along the rear property line and that it was permitted because it was over 40 feet. Mr. Sobotka had concerns with a 6-foot cement wall on three sides of the park.

Mr. Tyrell Grey, Millhaven Development, mentioned that they would do a concrete wall in the back at the city's request. He said they had four different fencing designs for the city to choose from. He pointed out that the developer wanted to make the park very nice and make it look aesthetically pleasing as much as they could. He said they wanted the whole development to have access to the park so there was a meandering trail planned between two homes with landscaping on both sides and an open railing to separate it from the homes. He explained that most Highland residents preferred having a nice stamped concrete wall. Mr. Crane explained that the city preferred solid fencing. He said open fencing had created issues in other locations.

Ms. Schram mentioned that she and her neighbors had animal rights. She wondered if the new lots would also have animal rights. She was concerned about new neighbors complaining. Commissioner Kemp said she would not be made to give up animal rights because she was there first. He asked the developer to communicate with buyers that the surrounding neighborhood had animal rights. Mr. Grey mentioned that two buyers interested in the larger lots both want animals. He said it would be part of the CC&Rs and written on the plat.

Commissioner Kemp asked for additional comments or questions. Hearing none, he called for a motion.

MOTION: Commissioner Abbott moved that the Planning Commission recommend approval for the Spring Creek Subdivision Preliminary Plat with the following four stipulations recommended by staff and one additional stipulation:

1. The final plat shall be in substantial conformance with the preliminary plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
4. Prior to council consideration, reports and plans shall be reviewed by staff.
5. Animal rights on neighboring lots should be stated on the plat.

Commissioner Campbell seconded the motion. All were in favor. The motion carried unanimously.

3. CU-19-04

The City of Highland is requesting a conditional use permit for 2.32 acres of park known as Spring Creek Park located at approximately at 10029 N 6300 W.

Ms. Tannahill reviewed the details of the proposed park. She explained that a masonry fence would be along properties that abut the park. She said access would be from Mountain View Drive and that a walking path would be between lots 7 and 8. She explained that a concept plan for the park proposed two pavilions, two swing sets, four park benches, one playground, a grass field, and a walking path. Ms. Tannahill mentioned that the city was paying for the park, would provide culinary and pressurized irrigation water shares, and was responsible to maintain landscaping.

Commissioner Kemp opened the public hearing at 7:26 PM and asked for public comment.

Resident Michael Burns asked a question about the cost of the park. Mr. Crane explained that the city already owned the park property.

Commissioner Kemp closed the public hearing at 7:27 PM and called for a motion.

MOTION: Commissioner Campbell moved that the Planning Commissioner accept the findings and recommend approval of the conditional use permit for the Spring Creek Park subject to the following four stipulations recommended by staff.

1. The final plat shall be in substantial conformance with the concept plan and plat received March 14, 2019.
2. All signage shall require a separate permit and comply with the development code.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the city Engineer.
4. Prior to council consideration, reports and plans shall be received by staff.

Commissioner Abbott seconded the motion. All were in favor. The motion carried unanimously.

4. PD-19-01

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

Commissioner Kemp opened the public hearing at 7:28 PM.

Ms. Tannahill explained that the current zoning was R-1-40 but Highland's General Land Use map showed mixed use development. She said 10 acres was required for a PD district, but it was mixed use in the General plan and staff determined that it was an appropriate zone for the property. She said an original concept plan was received on March 18, 2019 with 9.27 units per acre. A new concept plan was received today with changes based on staff and fire marshal comments.

Michael Brodsky with Hamlet Development said they built similar developments over the last 25 years. He reviewed demographics of customers in similar developments. He said the newly submitted concept plan was in full compliance with the PD zone. He reviewed architecture and said two different floor plans were proposed. An HOA would be responsible for private streets, improvements, maintenance of common areas, landscaping front and rear, and snow removal.

Developer Greg Zenger explained that he would build the commercial part of the development on 4800 West. He thought the location was advantageous for high school students because they anticipated 2 or 3 different sandwich shops/fast food. He talked about possibly having a hair shop, tanning, and nail salon to fill in the other spaces.

Resident Rebecca Kaylor said she lived directly behind the 2-story assisted living center and saw first hand how development impacted residential area. She talked about the Allerton's and the impact on equity to homes. She said they had many windows from the center and lights in their windows. She talked about remodeling their home and changing the bedroom to have privacy. She urged the Planning Commissioners to consider unintended consequences. She talked about the development code and minimizing impact on existing development. She thought the city would more than double the impact on the existing homes. She talked about traffic and the difficulty of getting in and out of the neighborhood. Ms. Kaylor mentioned that school buses were not allowed to go into their neighborhood. She said elementary school and junior high kids

had to walk along driveways and travel through two neighborhoods to catch a bus. She thought excess parking in the neighborhood would be an issue. She also voiced concern with lighting and safety on the path for high school students to get to the only lighted school crosswalk. She was concerned that the code required 10 acres for a PD zone, increased traffic with a strip mall, safety of children, trash, and roaming children without adult supervision. She was concerned about piecemealing the development of the area and suggested developing the area as a whole. Ms. Kaylor didn't think the high density residential should be accessed through the existing residential neighborhood.

Resident Brett Burns was concerned with traffic, consistency in development, property values, and safety for kids walking to school. He acknowledged that the property would be developed someday but hoped the city would consider something similar to the existing neighborhood. He said referred to the development code and talked about creating something relative to the design and scale of the surrounding area. He thought the proposed development did not meet the criteria. Mr. Burns read a letter submitted by David Royster who was out of town and could not attend the meeting. Mr. Royster's concerns were regarding safety, traffic, and high school kids walking to school.

Resident Sandra Hadlock said she was at the meeting on behalf of her husband who sent a letter and could not attend the meeting. She said his biggest concern was the 10 acres required in the PD zone and asked for clarification. Other concerns were safety, increase in traffic and parking, snow and garbage removal, and the HOA. She wondered if enough fees would be collected to keep the HOA functioning. Mr. Crane explained the difference between general plan and zoning. He said the General Plan was changed because the council at the time thought the location wasn't good for an R-1-40 zone due to traffic and what was being developed around it. He said the PD district allowed for deviations with justification that allowed the council to approve one smaller than 10 acres. Ms. Hadlock wanted to see development more congruent with existing development.

Resident Laurie Wright said they loved the family feel of Highland. She acknowledged that development was coming but wanted it to be consistent as well as safe. She voiced concern with the short-term safety regarding construction trucks driving through the neighborhood. She questioned the demographic statistics given by the developer and wondered if most retired residents would want 3-story condos. She mentioned that the developer's plan was to phase out visitor parking and pointed out that visitors would have to park on neighborhood roads. Commissioner Kemp wondered where park patrons currently parked. Ms. Wright explained that they parked on the street in front of houses. She urged the commissioners to consider congruent development with a separate roadway.

Resident Bryce Hayes pointed out that there was an almost universal response from the neighborhood that the development didn't feel right. He thought the proposed development didn't fit and that the "soul" of the neighborhood would be changed. He talked about watching two cars being rear-ended in the snow at the corner. He said it would not be feasible to add 25-30 more cars. He said the development felt completely wrong.

Resident Shaunna Godwin was concerned with safety and that school buses were already not permitted in the neighborhood. She said a left turn out of the neighborhood was not possible when the high school let out because of traffic. She said many students turned south and did a U-turn at the end of the subdivision. She said the traffic was scary and there had been close calls with neighborhood kids. She talked about how empty nesters did not want 3-story houses. Ms. Godwin seconded the concerns already mentioned.

Resident Jared Wright thought the proposal was significantly delinquent in proving beneficial value to residents and safety to children. He thought the development would turn 4718 West into a "twin 3800 West thoroughfare" that posed higher risk of traffic accidents, increased risk, and unreasonable load on the street. He said inadequate parking would inevitably result in overflow parking in a neighborhood that was already dealing with safety issues. He was also concerned about the lack of common sense and respect implied by the proposal. He spoke about the Allerton's home backing up against the memory center and how they lost about \$50,000 in property value and took over 1 year to sell their home. He was not a proponent of fast food or tanning places. He thought more egress was needed and said the force fit of the development gave the impression of greed.

Resident Susanne Brough said she lived in a PUD for 17 years and moved because of the financial burden of the HOA. She said her current property value dropped because of the assisted living center. She said she would be interested in moving to a place like the proposed development but would not buy this plan because she preferred a twin home with master bed on the main floor. She was concerned about parking and the thoroughfare in front of her home. She would welcome a nice residential area with less density.

Resident Sharlene Richards said they currently used the water in the ditch in the back of the property and had no plans to sell their property in the near future. She wondered if the city would declare emanate domain and put a road on her property because the developer showed there was another way out of his development. She said the General Plan was changed to commercial in 2011 and wondered if her property now had to change to mixed use. Commissioner Kemp assured her that the ditch would be piped and that her water would not be cut off. He said they would not be forced to sell. He explained that her property could still be commercial. Ms. Richards was concerned that anticipating the location of a road would bring down the value of her property. She voiced concern with the density and how close the development was to existing homes.

Cedar Hills Resident Kristi Rogers voiced concern with property values. She explained that the proposed apartments would look right down into her back yard and create no privacy for them. She pointed out that the development did not come close to matching the design or scale of neighboring developments. She said she did not understand why the development would be approved without being at least 10 acres.

Cedar Hills Resident Bob McFadden anticipated development, but not something so different than the surrounding area. He asked the commissioners to imagine what it might look like from his house and seeing a wall out his windows. He said it would drive his property values down as

well as his mood and good will. He preferred single family dwellings and hoped the developer could come back with a different plan.

Resident Judy Telfer said it was difficult to drive onto North County Boulevard because of school and businesses in either direction. She said the elderly people from the Ashford Center used their road to go to the park and was concerned about safety. She was concerned that renters would move into the proposed development.

Resident Timo Hoggard said he had no intention of selling his property south of the proposed development. He was not necessarily against the development but wanted a fence between his property and the development. He said he had animals and, in the past, had a neighbor complain about animals. This neighbor complained about the fence and threw grass clippings on his property that could kill the horses. He asked that a nice fence be installed and mentioned that he had no trouble with his new neighbor. He wasn't thrilled about the strip mall and fast food aspect of the development, but thought it made good business sense because of the high schoolers. He voiced concern with parking and wished the city would enforce the no parking zone. He thought the density seemed high and suggested having an access road from 4800 West.

Resident Bob Valentine talked about moving back to Utah and buying the model home in the Wild Rose development. He said he was a mostly retired realtor and talked about the higher density products currently being built by the lake. He said they were low quality and did not want them in Highland. He talked about traffic issues coming out of the development and thought 17 additional townhomes was "madness".

Commissioner Campbell read a letter from Resident Gary Wright who was opposed to any multifamily zone next to Wild Rose neighborhood if it connected to Wild Rose. Mr. Wright approved the commercial element on 4800 West. The letter voiced concern with reducing property values, increased traffic, and multifamily units turning into rental properties. He suggested approving commercial for the front 1-acre along 4800 West and keeping the back portion of the property as single family dwellings. Mr. Wright thought any development using Wild Rose roads for access should be bound by the same covenants as the Wild Rose development.

A Highland resident thought the 3-story building did not fit the warmth and closeness of the city. She thought older residents would not stay in the development very long.

Cedar Hills Resident Lisa McFadden said they did not want to look at the back of the development. She mentioned that Cedar Hills had an entrance into the park and there were 100's of kids from her neighborhood that used the trail to go to school.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 8:47 PM and asked for Planning Commissioner comments.

Commissioner Jones said he needed additional time to review the proposed development and did not feel he could decide at this meeting.

Commissioner Ball did not think the proposed development was consistent with the General Plan. He thought it put an undue burden on existing neighbors and neighborhoods. Additionally, he did not think it was consistent with the existing quality of the area.

Commissioner Abbott was in favor of the commercial element off 4800 West but thought 6-8 units should be on the remaining property. He mentioned that higher density usually had some kind of buffer. He did not think it was fair for existing residents to have high density in the area. He said high density did not fit the area.

Commissioner Bills agreed with commercial along 4800 West. She was not completely opposed to duplexes but concerned with 3-story buildings. She was not too worried about traffic because it mostly came from the high school and Walmart.

Commissioner Wright preferred more time and more conversation with the commissioners regarding the proposed development. She voiced concern about traffic and mentioned that there were many accidents near the high school. She talked about the change in the high school lunch schedule which would result in students leaving earlier for the day. She thought maybe school administrators were trying to alleviate some of the traffic issues. Ms. Wright liked the idea of commercial use on 4800 West and the buffer it created for residential use. She thought it was a logistical problem to have more traffic on a smaller road, especially during a heavy snow year.

Commissioner Campbell said he also needed more time to consider the new concept. He thought there were many issues with the concept plan. He said 2-story homes might be problematic for neighbors and 3-story homes were ridiculous. Mr. Campbell thought there was little difference between this plan and the care center and pointed out that property values dropped when the center was built. He thought having 17 new residents drive through existing roads was problematic. He said 6-8 units might be reasonable. He thought enough damage was done to the Wild Rose community and said the neighbors in Cedar Hills should also be considered.

Commissioner Kemp was in favor of commercial along 4800 West. He thought allowing the assisted living center to be built was a huge mistake and hurt property values. He said he voted against it and felt bad that it was approved. He thought there were too many compatibility issues with the proposed concept. Commissioner Kemp thought Highland had a responsibility to also consider the neighborhood that was in Cedar Hills. He said the traffic on 4800 West was crazy and that teenagers were not experienced enough to know how to drive well. He thought it was extremely dangerous. He agreed with suggestions made by Commissioner Abbott and having fewer lots. He understood that developers needed to make a profit but said the city's business was to ensure that there was good product design that fit with the city. He thought the current concept was not compatible.

Mr. Brodsky explained that the townhouses would be two stories above ground in the front and back instead of three as was shown in his presentation. He said they would be the same height as houses in surrounding neighborhoods. He clarified that showing a stub road on the concept plan would not result in eminent domain and that no one would be forced to connect to the road. He explained that the crash gate was because the fire department said an emergency exit was needed. He pointed out that the General Plan indicated mixed use and that 17 units was low

density. Mr. Brodsky explained that roads in the development would be built large enough for emergency vehicles. He said they would provide fencing between adjacent properties. He thought a buffer was created by the open space in the concept plan. He was sure their product would remain owner occupied because of the price point and not turn into rental properties. He acknowledged that 17 units was a small HOA and explained that a professional management company would be managing the community.

Commissioner Kemp thanked Mr. Brodsky for his comments and asked if they wanted a chance at the next meeting to address comments made by the commission. Mr. Brodsky said they wanted the opportunity to come back to the Planning Commission. Commissioner Kemp called for a motion.

MOTION: Commissioner Campbell moved to continue PD-19-01 to the April 30, 2019 meeting and recommended that the applicant seriously consider, and address comments and issues discussed by the Planning Commission. Commissioner Jones seconded the motion. Commissioner Jones, Commissioner Ball, Commissioner Abbott, Commissioner Bills, Commissioner Wright, and Commissioner Campbell were in favor. Commissioner Kemp was opposed. The motion carried.

Commissioner Kemp explained that he did not see the point of continuing the application. In his opinion there were so many changes that needed to be made that the applicant needed to start over with the concept design.

Commissioner Abbott asked that the applicant was aware of and considered comments made about the multi-family element of their plan.

APPROVAL OF MINUTES

Commissioner Campbell moved to approve the February 26, 2019 meeting. Commissioner Wright seconded the motion. All were in favor. The motion carried unanimously.

PLANNING STAFF REPORT

Mr. Crane mentioned that an open house would be held tomorrow night for the USDC property from 5:30 to 7:00 at city hall. He said the units dropped from 1100 + to 699. He said it was tentatively planned for the commission to review the USDC Planned development District at the next meeting.

COMMISSION COMMENTS AND SUGGESTIONS

Commissioner Bills wondered when it was appropriate to ask a developer to make changes to his design. Mr. Crane explained that part of due process included working with the developer and asking if they were willing to make changes or if they preferred to have a decision so the

application could move forward to the council. He said some developers were willing to make changes and others just wanted to have the application addressed by the council. Regarding PD-19-01, a resident talked about notices that were or were not received. She wondered if emails could be sent out to residents. Mayor Mann mentioned that there was a way to sign up on the city website requesting agendas for the planning commission and council. The resident did not want to receive all agendas. Mr. Crane explained that the city did not have a way to have everyone's email address who might be affected by a potential project. Commissioner Wright mentioned that other neighborhoods selected representatives to attend city meetings and then communicated with the rest of their group. She suggested working together as a neighborhood. Mr. Kemp explained the purpose of neighborhood meetings held by developers. Mr. Crane suggested that he talk to residents in more detail after the meeting.

ADJOURNMENT

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

The meeting was adjourned at 9:17 PM.