

# Highland City Planning Commission

## April 28, 2020

*APPROVED May 26, 2020*

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:17 PM on April 28, 2020. An invocation was offered by Commissioner Abbott and those assembled were led in the Pledge of Allegiance by Commissioner Campbell.

**PRESENT:** Commissioner: Christopher Kemp (*electronically*)  
Commissioner: Jerry Abbott (*electronically*)  
Commissioner: Ron Campbell (*electronically*)  
Commissioner: Chris Howden (*electronically*)  
Commissioner: Mino Morgese (*electronically*)  
Commission Alternate: Audrey Wright (*electronically*)

**EXCUSED:** Commissioner: Sherry Carruth  
Commissioner: Claude Jones

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Planner: Tara Tannahill  
Planning Commission Secretary: Heather White

**OTHERS:** Caitlyn Erickson (*electronically*), Wade Hadlock (*electronically*),  
Brett Burns (*electronically*), Garrett Seely (*electronically*), Cole  
Peck (*electronically*)

### **PUBLIC APPEARANCES**

Chair Kemp asked for public comment. None were offered.

### **PUBLIC HEARING ITEMS**

2. Public Hearing/Action: Site Plan and Conditional Use Permit for a pump station for Alpine City (SP-20-02 & CU-20-01)  
*The Planning Commission will hold a public hearing to consider a request by Central Utah Water Conservancy District for a Site Plan and Conditional Use Permit for a Pump House for Alpine City located approximately at 4361 W 11000 N.*

Commissioner Kemp opened the public hearing at 7:19 PM. Ms. Tannahill reviewed the information regarding the site plan and conditional use permit application. She mentioned that the property was in the R-1-40 zone and therefore required a conditional use permit. She

explained that the request was for an 896 sf (square foot) pump house building with 3,180 feet of piping. Access would be from 11000 North. The property would include one downward facing light on the pump house, a 6-foot vinyl coated chain link fence, and a berm on the west side of the road.

Applicant Caitlyn Erickson said they had been in contact with residents in the area.

Commissioner Morgese mentioned a concern from residents regarding water flow on the property and wondered if it would be addressed prior to approval. Ms. Erickson explained that a lot of the trees on the pipeline would be removed. She said they were looking into extending a 1 – 1 ½ foot berm along the back properties that would help keep the water from getting on to the other properties as well as another berm for water coming off the hill. She said a storm water analysis had been done to address drainage and they would make sure that the water would not end up going into neighboring backyards.

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

MOTION: Commissioner Campbell moved to approve the Site Plan and Conditional Use Permit for the pump station for Alpine City subject to the following stipulations recommended by staff:

1. Development of the site shall comply with the site plan dated February 2020 and received March 10, 2020.
2. All signage shall require a separate permit and comply with the Development Code requirements.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.

Commissioner Wright seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Howden, Commissioner Morgese, and Commissioner Wright were in favor. None were opposed. The motion carried.

3. Public Hearing/Ordinance: Major amendment to a Planned Development (PD) District named Wildrose (PD-20-01)  
*The Planning Commission will hold a public hearing to consider a request by SBGS Ridgeline Holdings for a major amendment to Fairfield Cove Planned Development District and to be named Wildrose Planned Development District located approximately at 10272 N 4800 W.*

Commissioner Kemp opened the public hearing at 7:28 PM. Ms. Tannahill reviewed the history on the property and details of the application. She said the applicant was proposing a major amendment to the approved Fairview Cove PD District. They proposed to do a fee in lieu of offering recreation space. She said the recreational square footage would be 16,466 sf. The applicant proposed a fee of \$2.45 per square feet which would total \$40,341.70. Ms. Tannahill reviewed the commercial district and residential district changes. She mentioned that one written correspondence was received from the public. She explained that staff was recommending 8 stipulations with a modification to #4. She said the amounts per sf were based on the Spring Creek Park and there was some confusion with how to calculate the fee. She explained that projects generally cost more for cities than for developers.

Commissioner Kemp wondered where the money would go. Ms. Tannahill explained that the City Council would decide if the fund went to Spring Creek Park or to other city parks.

Resident Wade Hadlock said he submitted the written correspondence. He talked about the things the developer took out at the request of neighbors which included a drive though, a vinyl fence between commercial and residential, and 10-foot setbacks. He said neighbors were glad the developer worked with them before submitting the application. He supported the request by the developer. He thought that Wildrose was being built in phases and that the fee in lieu of open space should be spent in Wildrose because new residents would be paying the fee and using the park. Additionally, he thought the city should amend the open space neighborhood of Wildrose to include the 6 new homes, so the fees went to Wildrose.

Commissioner Howden asked for an explanation regarding the changes to the setbacks. Applicant Garrett Seely explained that they anticipated having a shared access to the south of the property and that the back of the building would face the trail. He recognized that they still needed approval from UDOT (Utah Department of Transportation). He said he received an email from UDOT today stating that the current access would remain and that aligning the access with North County Boulevard would be part of the site plan process. He said UDOT wanted to condense some of the entrances on North County Boulevard.

Commissioner Howden wondered what would happen to the area once the fee was paid. Ms. Tannahill explained that if the fee in lieu was approved there would be no recreational area provided for the residential PD district. The fee going to Highland city parks would be maintained by the city and it would be up to the City Council to decide whether the funds go to the local park. Mr. Crane pointed out that Wildrose park was a city park. He said the Special Service Board, which was the City Council, would have to vote for the property to be included in the open space special service district which was a separate issue and required a separate action from the Council.

Resident Brett Burns said he was in support the same as Mr. Hadlock. He wanted to make sure that the 25 ft setback was included in the plans. He was supportive of the change in fencing and other items as mentioned. Mr. Seely confirmed that all items were included in the plans.

Commissioner Kemp closed the public hearing at 7:42 PM and called for a motion.

MOTION: Commissioner Abbott moved that the Planning Commission accept the findings and recommend approval of the major amendment to the Wildrose PD district subject to the following 8 stipulations and the modification to #4 as recommended by staff:

1. Development shall comply with the Wildrose Project Plan and Narrative date stamped April 17, 2020 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.
4. Prior to Council review, the fee in lieu of providing open space for the residential district shall be agreed upon by the applicant, the City Administrator and City Engineer.
5. The parkway detail along North County Boulevard shall be a minimum of 29 feet and shall be demonstrated prior to approval of Preliminary Plat.
6. Access approval from UDOT shall be required prior to approval of the preliminary plat.
7. The development shall include commercial and no more than six (6) homes.
8. A concept plan for the commercial district shall be provided prior to City Council review.

Commissioner Campbell seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Morgese, and Commissioner Wright were in favor. Commissioner Howden was opposed. The motion carried with one opposed.

4. Public Hearing/Action: Preliminary Plat approval for Wildrose Plat B Subdivision (PP-20-03)  
*The Planning Commission will hold a public hearing to consider a request by SBGS Ridgeline Holdings for a preliminary plat approval for a 7-lot subdivision located approximately at 10272 N 4800 W.*

Commissioner Kemp opened the public hearing at 7:47 PM. Ms. Tannahill reviewed the details of the proposed 7-lot subdivision. Phase 1 was residential use and would have access from 4730 West. Phase 2, the commercial district, would be reviewed separately. Access would be from North County Boulevard and the city requested that UDOT provide a letter of access because of the change of use.

Mr. Seely read the email he received from UDOT which stated that no access changes to North County Boulevard were proposed at this time. It also said there was no access to North County Boulevard from the back 6 lots of the subdivision.

Commissioner Wright wanted to make sure that landscaping would not limit visibility when accessing North County Boulevard.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 7:54 PM and called for a motion.

MOTION: Commissioner Campbell moved that the Planning Commission accept the findings and approve the Preliminary Plat for Wildrose Plat B Subdivision subject to the following 6 stipulations recommended by staff:

1. The recorded plat conforms to the preliminary plat date stamped April 15, 2020 and received April 21, 2020 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.
4. All signage shall require a separate permit and comply with the Development Code.
5. The applicant shall provide a letter from UDOT demonstrating the access requirements for the site along North County Boulevard prior to council review.
6. Improvements with the commercial lot shall be provided during the site plan, unless improvements are made to lot 7 or access for utilities or roadway access is needed onto North County Boulevard.

Commissioner Howden seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Howden, Commissioner Morgese, and Commissioner Wright were in favor. None were opposed. The motion carried.

5. Public Hearing/Ordinance: Amend multiple sections of the Development Code relating to Accessory Buildings (TA-20-12)

*The Planning Commission will hold a public hearing to consider a request by Cole Peck to amend multiple sections of the Highland City Development Code relating to Accessory Buildings.*

Commissioner Kemp opened the public hearing at 7:56 PM. Ms. Tannahill explained that the applicant proposed an amendment to accessory buildings in order to park trailers and equipment in a building. She reminded the commissioners that the amendment would apply to the whole city and that there were 143 properties that could potentially meet the requirements of the proposed changes. Ms. Tannahill mentioned that code enforcement had received complaints about storing larger equipment in accessory buildings or on larger lots. Increasing building size could allow larger equipment to be stored inside. She compared accessory building requirements in surrounding cities.

Applicant Cole Peck said he was trying to build a nice-looking unattached building in his backyard. He said he did not like flat roofs and minimum pitches. He didn't want a "bunch of junk" stored in his yard and talked about various trailers. He said he talked with all the neighbors who seemed to be fine with his proposal. He said his property had a church to the east and a farm to the north and that there was a lot of horse property around his lot. He wanted the building to match the house.

Commissioner Kemp said he liked the renderings submitted by Mr. Peck, however, the problem was the other 142 lots in the city. He said not everyone would make the accessory buildings nice like him. Mr. Peck understood the concern and said if there was another way to get the building approved, he would do it. He pointed out that his home was on a 3-acre lot and most people would subdivide a 3-acre lot.

Commissioner Campbell wondered if it was possible to have a height restriction on the eave of the building instead of the peak of the roof. He asked about the complaints to the city. Ms. Tannahill explained that they were regarding people storing various contractor business equipment in accessory buildings such as diesel trucks, tractors, and equipment when there was a home occupation business. She said there were also complaints about storing equipment on the property. Mr. Crane explained that it was a twofold issue with business and residential. He said they had received complaints recently about trailers and semis parked outside every night on a specific property. He said larger lots attracted contractors and storage of commercial equipment and that the proposed amendment would encourage that kind of use on residential property. He wondered if the Commission thought it was appropriate to store business equipment in a residential area. Mr. Crane said the city could change the definition of how height was measured but it would be a fundamental change. With doing so, the roof pitch could be a challenge and one current trend was a very steep roof pitch.

Commissioner Abbott mentioned that a 35-foot tall building indicated a 2-story building. He pointed out that the picture of the building from Mr. Peck had a room on top. Mr. Peck agreed and said it was mostly the look of the building that he liked. He said he would not store his excavation equipment at his house and the accessory building would keep his yard from being cluttered with various trailers that did not fit in a regular garage. He said he wanted 14 ft. doors on the accessory building and talked about roof pitch. He wanted the building 50 ft. from the

house with setbacks of 125 ft on the north, at least 150 ft on the south, and 30-35 ft. on the west. He said he did not like the look of the flat roofs and wondered if there was a way to make something look nice.

Commissioner Wright reviewed the setback requirements in relation to the proposed amendment. She pointed out that 10 ft setbacks with a 35 ft tall building would create very unhappy neighbors.

Commissioner Campbell talked about amending the setback requirements to say for every foot above 25 ft, up to 35 ft, there was an additional 2 ft setback requirement in all directions. He said he saw it in another city code.

Commissioner Abbott mentioned that he built a similar 25 ft. barn in his backyard. He talked about how it blocked his neighbor's view and what he did to remedy the issue. He thought the requested amendment was like the request for flag lots in that it made sense for the applicant, but not necessarily for the whole city. He did not think it would work as written, but there might be room for compromise based on lot size and roof pitch. He thought everyone agreed that the amendment would work with Mr. Peck's property, but not city-wide. He was not opposed to reviewing a proposed amendment that could accommodate larger lots and give setback credit.

Mr. Crane pointed out that they were supposed to be accessory buildings. He said that when policy was drafted that applied to the entire city at what point does the accessory building move from being an accessory to a home to the primary use. He pointed out that an accessory building that was bigger than the home was one of the concerns in the staff report. He wondered what the primary use was and asked if it would be an accessory building at that point.

Commissioner Wright mentioned that residents making accessory buildings secondary housing was an issue that had been recently discussed. She agreed with Commissioner Abbott. She said there were many accessory buildings in Highland and thought the issue would be brought up again. She was willing to look at rewriting the proposed amendment to include a gradual setback relating to height.

Commissioner Campbell liked the concept of having a restriction on eave height if it was decided to approve heights above 25 ft. as well as having the setback credit.

Residents Mark and Debbie Wittington understood that it might not be appropriate for all the city, but they had no objections to the style, size, and height of the building proposed by Mr. Peck on his property.

Resident Earl Simmons was in support and liked the comments regarding looking at adjusting eaves and setbacks. He thought it could work citywide. He thought everything that Cole talked about would enhance the area and look nice. Mr. Simmons would rather have a building that Mr. Peck proposed than a shorter building with a flat roof.

Resident Ron Peck thought the proposed building would look nice. He thought a building set back on a large property would not block the view as much as a house next door.

Commissioner Abbott proposed another option of controlling the type of roof if the building was over 25 ft.

Commissioner Kemp closed the public hearing at 8:27 PM and called for a motion.

MOTION: Commissioner Campbell moved to continue the business item and allow the applicant to work with city staff to work up proposed language as discussed. Commissioner Abbott seconded the motion. Commissioner Abbott, Commissioner Campbell, Commissioner Howden, Commissioner Morgese, and Commissioner Wright were in favor of the motion. Commissioner Kemp was opposed. The motion carried with one opposed.

6. Public Hearing/Ordinance: Amend Section 3-4902 & 3-4903 of the Development Code relating to Professional Office (PO) Districts (TA-20-07)

*The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend section 3-4902 and 3-4903 of the Highland City Development Code relating to Professional Office (P.O) District.*

Commissioner Kemp opened the public hearing at 8:31 PM. Ms. Tannahill reviewed the details of the request to amend Sections 3-4902 and 3-4903 of the Development Code. She explained that the City Council recently approved an office warehouse as part of the PO zoning district. Mr. Crane said the current language in the code was very ambiguous. Staff thought it was appropriate to remove the ambiguous language and keep a short list of uses in the code. Since the office warehouse was approved staff thought it was appropriate to include it in the list of uses in the zone. He said the proposed amendment was to simply decrease ambiguity in the future.

Commissioner Kemp asked for public comment.

Commissioner Abbott asked about the warehouse that was approved by the Council even though the neighboring residents were very opposed to it. Ms. Tannahill explained that the attorneys reviewed the code and that it was determined that the office warehouse was a compatible use for the zone. Mr. Crane added that a lot of the decision was based on the currently language in the code.

Commissioner Kemp closed the public hearing at 8:36 PM and called for a motion.

MOTION: Commissioner Kemp moved that the Planning Commission accept the findings and recommend approval of the proposed amendment. Councilmember Campbell seconded the motion.

*Question on the Motion:* Commissioner Morgese asked about the background and reason for the proposed amendment. Mr. Crane explained that the proposed change was to eliminate ambiguity. He explained that broad language in the code limited the ability of the Planning Commission and Council to review conditional use permits. By eliminating the broad language, it gives a specific use list for the zone instead of open-ended language.

Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Howden, Commissioner Morgese, and Commissioner Wright were in favor of the motion. None were opposed. The motion carried.

7. Public Hearing/Ordinance: Amend Section 3-4110 of the Development Code relating to large animal shelter (TA-20-10)

*The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend multiple sections of the Highland City Development Code relating to Large Animal Shelters.*

Commissioner Kemp opened the public hearing at 8:39 PM. Ms. Tannahill explained that the Highland City building official requested that the large animal shelter code be revised because the current code did not require a building permit, did not have a height restriction, and any side of the building could be 50% open. She reviewed the proposed changes which included a height restriction of 25 ft, the longest side had to be at least 50% open, and a building over 200 sf required a building permit because it should have engineer drawings.

Commissioner Morgese wondered if an animal shelter was only permitted in zones that also allowed animal rights. Ms. Tannahill reviewed the definition for large animal shelters. She explained that animal shelters were only allowed in the R-1-20, R-1-30, and R-1-40 zones. She reviewed requirements of surrounding cities. Setbacks would remain the same.

Commissioner Kemp asked for public comment. Hearing none, he closed the public hearing at 8:43 PM and called for a motion.

MOTION: Commissioner Kemp moved that the Planning Commission accept the findings and recommend approval of the amendment. Commissioner Abbott seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Howden, Commissioner Morgese, and Commissioner Wright were in favor. None were opposed. The motion carried.

8. Public Hearing/Ordinance: Amend Section 10-102 of the Development Code relating to definition of Main Dwelling (TA-20-11)

*The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend section 10-102 of the Highland City Development Code relating to Definition of Main Dwelling.*

Commissioner Kemp opened the public hearing at 8:44 PM. Ms. Tannahill reviewed the text amendment request by the Highland City building official regarding the definition of Main Dwelling. She explained that the building official thought there needed to be a width requirement for a breezeway. Staff was also requesting that there be clarification that underground walking paths could not be utilized to connect the main structure. Staff proposed a 6 ft width requirement.

Commissioner Abbott thought the proposed amendment was reasonable.

Commissioner Kemp closed the public hearing at 8:47 PM and called for a motion.

**MOTION:** Commissioner Abbott moved that the Planning Commission accept the findings and recommend approval based on the findings as discussed. Commissioner Kemp seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Howden, Commissioner Morgese, and Commissioner Wright were in favor. None were opposed. The motion carried.

### **APPROVAL OF MINUTES**

**MOTION:** Commissioner Campbell moved to approve the March 24, 2020 minutes. Commissioner Abbott seconded the motion. All present were in favor. The motion carried.

### **COMMISSION COMMENTS AND SUGGESTIONS**

Commissioner Kemp wondered if there was an update on the property near the high school. Mr. Crane said that the city was working with them on infrastructure plans and final plats. He last heard that they were looking at pushing back the heavy construction home start date from this fall to winter or spring because of the pandemic. He said the road might be paved by October.

Commissioner Wright wondered if there was an update on Mountain Ridge Park. Mr. Crane did not have an update. He said the city needed to reevaluate funds in the budget because of the current economic situation. He said they were holding off on Mountain Ridge Park for now.

Mr. Crane said Spring Creek was started with a possible completion at the end of June.

### **ADJOURNMENT**

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

The meeting was adjourned at 8:52 PM.