

# Highland City Planning Commission

April 30, 2019

*APPROVED MAY 28, 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 April 30, 2019. An invocation was offered by Commissioner Abbott and those assembled were led in the Pledge of Allegiance by Commissioner Campbell.

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

**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**

Chair Kemp asked for public comment.

## **PUBLIC HEARING ITEMS**

1. SP-19-02 & CU-19-02  
*Highland Hideaway Storage is requesting approval of a Site Plan and Conditional Use Permit for a flex office use building located approximately at 11251 N. Sunset Drive.*

Continued public hearing –

Ms. Tannahill reviewed the updated architecture elevations and mentioned that the landscaping plan was the same as previously proposed.

Applicant Andrew Patterson explained the new architect plan. He said they had a lot of correspondence with people wanting more office space closer to their home.

Commissioner Kemp said he received many emails from residents who said they wanted something that looked like a higher end house; like the Patterson buildings on the other side of Highland Boulevard. He said the new elevations looked better but was not sure if residents would like it.

Commissioner Campbell recalled favorable comments at the last meeting about splitting the building. He wondered why it was not done. Mr. Patterson explained it was not split due to the uniqueness of the building. He said flex office was usually a continuous building and that maybe he did not understand the request to separate. He said their idea of separation was to give each unit a different “flavor”. Commissioner Campbell explained that two buildings would make it easier to have a more residential look. He thought that Patterson set high standards with the surrounding neighborhood and other building ½ mile away. Mr. Patterson said it would be difficult to separate the building due to an easement constraining the size and functionality of the building. He noted the request to split the building.

Commissioner Abbott said residents were expecting the same look and standards at this location as the Patterson building on Highland Blvd. He thought the building looked too big and very retail. He said it looked better than the last design but thought it would continue to look like a mini mall because of the size of the building. He said it still did not look residential in nature to him.

Resident Jeanette Eyring agreed with comments from commissioners. She thought the new plan still looked like a strip mall and not residential.

Resident Manuel Bueno cited Section 3-4901 of the Highland Code and thought the long building gave an industrial and prefabricated appearance. He was concerned that Patterson originally called the building a warehouse and did not think it was an applicable part of the code. He cited Section 3-4902 and mentioned that Patterson originally said there could be retail. Mr. Bueno voiced concern with the size of the building and the lack of residential nature. He said Section 3-4926 required that a traffic impact analysis be done at the developer’s expense. He thought there were specific roof codes that had not been addressed. He said the code required the developer to mitigate adverse impact on neighboring properties and did not think that had been addressed. He recommended that the building be smaller or split.

Resident Lorraine Collard concurred with what was said. She thought Highland Blvd was an entry into the city. She thought it would be good for businesses to have the same styling of the homes in the area.

Resident Melanie Westcott cited Section 3-4922 and said the existing buildings were a stark contrast to what was being proposed. She recalled being told that anything outside the neighborhood would look residential like the existing building on Highland Boulevard. She agreed with the previous statements from residents. She said it was disappointing to see that

Patterson wanted to build something that looked like a strip mall. She said it looked better than before but did not look residential.

Resident Samantha Kirby wondered what the back elevation looked like and thought it would look like a warehouse. She also wondered about parking.

Commissioner Kemp asked for additional public comments. None were offered. He asked for commissioner comments. He asked if a traffic study was needed. Mr. Crane recalled that a traffic study was provided with the overall site plan. He said the city engineer did not feel that it was needed because of the size of building and access to an arterial street.

Commissioner Jones wished there was a way to make it look acceptable without completely rejecting the design.

Referring to Section .2b of the Utah State Code Conditional Use list, Commissioner Ball said that if the residents of Country French Estates, Ivory Homes, and Bull River purchased their property based on the understanding and intent of the area, they had a reasonable expectation of the developer to be consistent with that. He could understand the point of diminishing property values. He said he wanted to preserve the quality of life that was promised by the developer and that it was the same developer who applied for the conditional use.

Mr. Crane talked about the need to reasonably mitigate the impact, but not necessarily eliminate it. He thought precedent was not relevant in approval or denial of a conditional use permit.

Commissioner Abbott suggested having two or three buildings. He did not think the building met the code because it still looked commercial, not residential.

Commissioner Bills thought it looked better than before. She pointed out that it was not zoned as residential, but that it needed a residential feel.

Commissioner Wright could see a definite intent to improve. She talked about the plans for the back of the building and the need to make it look less commercial but acknowledged that it would have the large doors because of the intent of use for the building. Ms. Wright did not see anything breaking city code except preference in residential design. She understood that the planning commission only addressed adherence to city code.

Commissioner Campbell thought the developer met the burden that they needed to meet for the planning commission. He said he could still recommend other things to make the building look better.

Commissioner Kemp said he agreed with what had been said and sympathized with residents if they were expecting something else. He said the planning commission could not dictate architecture if it met the requirements in the code.

Resident Sherry Cramer said she thoroughly researched extensively and thought the planning commission had more say than they thought they did. She said they could ask the developer to make it more residential.

Resident Melanie Westcott asked for clarification. She referred to the residential feel as defined in Section 3-4922. She wondered why the commissioners could not recognize that it was being interpreted by the residents as not having a residential feel. She said it looked like a strip mall. She talked about Park City and thought Highland should be modeling itself after cities that succeeded in keeping a charm and not concede because developers wanted them to. Commissioner Campbell explained that he assumed that any recommendation the planning commission made would need to be defended in court. If he had to defend it, he wanted to be able to defend it based on his conscience based on what he believed. He thought the developer could do better but could not say that they did not meet the code as he interpreted it.

Mr. Crane explained that Park City had very specific standards in their code. He said in the downtown area they dictated type of roof, finishing, and other details. He explained that Highland did not currently have that level of detail in the zone. He said a specific standard could be adopted prior to a submitted application.

Resident Jeanette Eyring sent a picture of the existing Patterson building and thought the residents agreed with that style. She said the proposed building looked very different.

Resident Teri Jerman said the warehouse look of the building on the back would influence property values in the area.

Commissioner Kemp closed the public hearing at 7:54 PM and called for a motion. After considering details, like including shutters, staggered elevation, and residential windows, the planning commission asked what Mr. Patterson preferred. Mr. Patterson said he took a lot of notes and would be happy to have a continuation.

MOTION: Commissioner Jones moved to continue the public hearing of the conditional use permit to allow the applicant to present a different plan with a more residential feel on May 28. Commissioner Campbell seconded motion. All were in favor. The motion carried unanimously.

Commissioner Kemp suggested that Mr. Patterson meet with staff and possibly residents to review specific comments and suggestions about the residential feel of the building. He said the city wanted to make it a win/win for everyone.

2. TA-19-02

*Highland City is requesting to amend Section 3-510 of the Development Code pertaining to total acreage requirement in the Planned Development (PD) District.*

Commissioner Kemp opened the public hearing at 8:00 PM.

Ms. Tannahill explained that the current development code allowed PD Districts for properties that were at least 10 acres, however, there was also a provision that allowed PD Districts on property less than 10 acres. She explained that the city attorney requested the proposed change because it would offer clarification to the code. Ms. Tannahill reviewed the proposed text amendment.

Resident Wade Hadlock was opposed to the proposed amendment. He said the 10-acre provision was the first provision in the code and should not be amended. He thought the proposed amendment was worded poorly because it sounded like a PD district required less than 10 acres. He talked about the importance of having transitions. He voiced concern with having proper circulation, meeting HOA requirements, and setting a precedent. Mr. Hadlock thought it was difficult to have a proper transition with less than 10 acres. He said it was important to have at least two ways out of a development. He thought it was good to have higher density districts near major collector roads. He said it was important to have enough residents to be able to afford HOA requirements. He did not like the idea of the code relying on the mixed-use designation to protect against misplaced PD's. He believed that the 10-acre rule was there for a very good reason. He said property owners could combine with others to create a PD district and that it wasn't the city's job to water down the rules.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 8:11 PM and called for commissioner comments.

The commissioners wondered what precedent the amendment might set for future development. Mr. Crane explained that there was currently a section in the development code that allowed modifications to development standards. The city attorney believe that it would be better to clarify it through the proposed amendment. He said there were three or four areas within the city that were mixed-use.

Commissioner Kemp wondered what kind of consequences the amendment would cause for the city. Mr. Crane explained that they would not have to worry about precedent because there were very specific stipulations in the PD district. He said the city was already doing what was required. The amendment just added clarification to the code. He said intent of the amendment was to clarify that a PD district could be considered on an area less than 10 acres that had been designated as mixed use on the General Plan.

Commissioner Abbott explained that buffers and other things were already considered on mixed use developments regardless of the size of property.

Commissioner Campbell added that the proposed amendment did not restrict the city, it just clarified the code.

MOTION: Commissioner Campbell moved that the planning commission accept the findings and recommend approval of the proposed amendment. Commissioner Abbott seconded the motion. Commissioner Abbott, Commissioner Bills, Commissioner Campbell, Commissioner Jones, and Commissioner Wright were in favor. Commissioner Kemp and Commissioner Ball were opposed. The motion carried with two opposed.

3. PD-19-01

Andrew Simonsen is requesting rezoning to allow residential and non-residential 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.

Ms. Tannahill reviewed changes made to the residential portion of the proposed PD plan which included single family detached homes, two community pocket parks, removal of the crash gate, reduced density, and other changes. She said the commercial portion did not change much.

Commissioner Kemp opened the public hearing at 8:28 PM.

Resident Timo Hoggard was not opposed and thought the proposed development met the city code and rules. He said he still thought a separate access to 4800 W would be ideal and would address a lot of the concerns. Mr. Crane explained that UDOT wanted to review actual construction drawings and that the developer would need to meet UDOT construction standards. Mr. Hoggard said he had no intention to develop his property and that the neighboring lot should not be denied development.

Resident David Royster said he worked from his home a lot and that his home office faced the street. He explained that there were many “fender-benders” with the current traffic load, especially at the time school ended. He said there was also a lot of pedestrian traffic with kids walking to school. He talked about protecting kids and the neighborhood by not allowing the development and adding more traffic on the road.

Resident Brett Burns talked about the loss of property value with a 10-foot setback and a wall behind his home. He said the proposed development was not different than the assisted living development. He understood that the property owner wanted the biggest gain, but it was at the expense of his loss. He said the amended plan was better but was not a density match as was suggested in the previous meeting. He asked the commissioners to consider the neighborhood value. He mentioned that the neighborhood paid dues to and took care of the common land.

Mr. Burns relayed comments from another resident, Bryce Hayes, who could not attend the meeting. He said Mr. Hayes had concerns regarding the development threatening the quality of life and quality of homes. Mr. Hayes said force-fitting homes was irresponsible and did not fit.

Resident Patti Royster asked the commissioners to put themselves in her shoes and said they would want something like the existing homes. She said the PD district did not comply with the current code. Ms. Royster talked about safety issues with increased traffic and the ability to get out of her driveway.

Resident Grace Maggard voiced concern with the proposed 10-foot fence. She was concerned that the proposed private road was a fire hazard. She spoke mainly about safety for residents and visitors of the Wild Rose subdivision who used the park. She said she witnessed public safety vehicles like fire trucks, garbage trucks, snow plows, and school buses have trouble with existing

roads. She said school bus drivers refused to enter the subdivision because of safety concerns. She said snow build up and car-lined streets exacerbated the problems. Ms. Maggard said that adding more homes without a second exit would make the problem worse.

Resident Wade Hadlock was opposed to the updated plan. He said the 10-acre rule was a good one and thought other parts of the code needed to be considered. He talked about the plan not having adequate transportation nor minimizing impact of adjacent development. He thought setbacks on the north should match adjacent property. He said the same kind of development could be obtained by making separate commercial and residential land use designations. He thought the property owner might be trying to obtain the mixed-use district to gain more relaxed residential standards. Mr. Hadlock thought all PD districts should have primary access to collector roads. He thought the HOA would fail and talked about complaints the city might receive from HOA members. He talked about other options for the property.

Resident Elisabeth Luntz was concerned with increased traffic. She read a letter from Residents Dave and Rebekah Kaylor who were unable to attend the meeting. The letter talked about the assisted living center development, loss of \$50,000 of property value, difficulty in reselling, and reduced quality of life. It talked about development that could work better with traffic patterns connected with the school. The letter talked about property fronting North County Blvd that added to property values. It talked about concern with the HOA and the few members who would be funding it.

Resident Gary Wright said R-1-40 zoning was the core value of Highland and made the city unique. He thought the proposed development was a way to hijack property values. He said the city couldn't get this property wrong because others would follow. He did not think it was a win/win for anyone except of the developer. He asked that nothing but R-1-40 be considered for the property. He turned in a statement signed by residents indicating support for a separate ingress/egress directly onto North County Blvd/4800 West. They did not want any roadway connection between the Wild Rose development and new development.

Resident Tammy Hodson said it was not right to do a dense build-out on two acres of land just because 4800 West had changed. She said residents along 4800 West had spent years trying to help the city understand the danger that some decisions were putting the neighborhoods in. She said the city was landlocking the neighborhoods because of traffic. She talked about the need for ambulances to be able to get to her home and how she was told more than once that traffic kept them from arriving sooner.

Developer Michael Brodsky said they were not trying to force a product that was not consistent with city planning. He said he heard neighbors' concerns and tried to provide a transition. He said the density and roads were consistent with private road design required for fire access, the total number of homes was below the maximum for single access roads, the addition of 10 homes would not have a significant impact on 4800 North, and the HOA discussions were irrelevant because of his experience with setting them up and maintaining. He said there was an existing trail not on the subject property but was in the plan to provide connectivity. He said they knew of the UDOT requirements and knew they needed to meet them. Mr. Brodsky explained that perimeter fencing was proposed to provide privacy for exiting and new houses. He said side

yards also provided more privacy. He said the height of homes were voluntarily restricted. He thought the property was an excellent example of a PD district on two acres. He said the stub road was provided for future development. He thought it provided an opportunity for commercial use.

Commissioner Campbell asked about the type of fencing that would be used. Mr. Brodsky proposed 6-foot white vinyl fencing.

Commissioner Wright talked about her concern with traffic. She wondered if there was a roadway out of the development on the south. She talked about possible traffic issues with future development. Mr. Brodsky explained that any property to the south would be able to connect to the stub road.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 9:10 PM. He asked for commissioner comments.

Commissioner Jones did not think there was enough land to do what needed to be done.

Commissioner Ball said the mixed-use might be acceptable under different circumstances, but not with the current layout. He thought the residential component was not compatible with surrounding properties, but the commercial element was appropriate.

Commissioner Abbott liked the commercial component and the three homes backing it. He thought the private road should go all the way to the south with three or four homes with back yards backing the back yards of adjacent property. He talked about the possibility of a private/half road with a future developer building the other side.

Commissioner Bills was not opposed to the commercial but thought the city would be doing a disservice to Wild Rose by putting that many homes in a small space.

Commissioner Wright thought there were unseen consequences with the park and Wild Rose. She understood the problems with sports groups taking over and on-street parking. She appreciated the flexibility of the developer to decrease the number of units. She wondered how the city would handle future development and drivers getting onto 4800 W.

Commissioner Campbell said he agreed with Commissioner Abbott's comments. He liked the plan for commercial with two homes backing it, a road on the south, and a cul-de-sac resulting in an R-1-20 transition. He could not support the current plan.

Commissioner Kemp agreed with Commissioners Abbott and Campbell with a ½ road and cul-de-sac on the south side of the property, four lots on the east side, and two lots behind the commercial property. He thought the commercial made sense.

**MOTION:** Commissioner Jones moved to recommend denial of the application due to density and compatibility with surrounding neighborhoods. Commissioner Abbott seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills,

Commissioner Campbell, Commissioner Jones, and Commissioner Wright were in favor. None were opposed. The motion carried unanimously.

Commissioner Kemp adjourned the meeting and called for a 5-minute break at 9:18 PM. He called the meeting to order again at 9:26 PM. The same members of the planning commission were in attendance.

4. PD-19-02

*The Boyer Group is requesting rezoning to allow residential and non-residential mixed used development under the Planned Development (PD) District. The property is approximately 115 acres and is located approximately at 9900 N on North County Boulevard.*

Ms. Tannahill reviewed the history of the property and the application for mixed-use development. She said the main access would be from Canal Boulevard, 4800 W, and 10100 N. She talked about four residential pod types and said the development would be built in six phases with the commercial element built in the last phase. She reviewed the density tabulation of the 699 single family units. Ms. Tannahill reviewed details of the proposed planned development. Mr. Crane mentioned that the general sentiment of the traffic study was that there would be an impact to roads, but it would not be a significant and that intersections would not fail due to road design.

Commissioner Kemp opened the public hearing at 9:42 PM.

Spencer Moffat with The Boyer Group gave a brief history of the company and property. He said that diverse housing types were a hallmark of a good mater plan communities. He talked about receiving feedback at the neighborhood meetings and adjusting housing types as well as road alignments and street trees. Mr. Moffat explained that the project had a hard cap at 699 units with some flexibility to change the number of units within each pod. He said that typically The Boyer Group would select a builder early in the process and then catered the plat towards the builder's plans, but the Boyer Group would process the application and build the roads.

Commissioner Kemp asked about the plan for Knight Avenue. Mr. Moffat explained that because of resident feedback, they reoriented the homes along Knight Avenue to the interior of the subdivision and enlarged the buffer with a 10-ft park strip.

Commissioner Wright asked if they had planned for single level units. Mr. Moffat said there were a couple of pieces in the plan that would work for the 55+ age group.

Resident/Councilmember Scott Smith said he was on the governing board for USDC. He talked about the history of the subject property. He explained that funds from the sale of the property would benefit disabled individuals throughout the state. He mentioned that he lived in the area by the proposed development and would experience all the negatives but was willing to make the sacrifice for the common good of the city and to benefit those who were disabled. He said some

members of the board wanted to annex the property into American Fork, but he was an advocate for Highland, for the disabled, and for local communities with traffic and densities.

Commissioner Kemp closed the public hearing at 10:01 PM.

MOTION: Commissioner Abbott move to recommend approval of PD-19-02 with the following five stipulations recommended by staff:

1. Development shall comply with the Ridgeview Project Plan and Narrative date stamped April 18, 2019 except as modified by these stipulations.
2. All public improvements shall be installed as required by the City Engineer.
3. Residential Uses in the Commercial Office District shall comply with the Carriage Lots or the Flex Residential areas.
4. A theme wall shall be constructed between the residential and commercial areas.
5. The civil construction plans shall meet all requirements as determined by the City Engineer.

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

## **APPROVAL OF MINUTES**

MOTION: Commissioner Jones moved to approve the minutes from the March 26, 2019 meeting. Commissioner Abbott seconded the motion. All were in favor. The motion carried unanimously.

## **PLANNING STAFF REPORT**

Mr. Crane mentioned that a budget open house would be held on Thursday. He said the city council was proposing a property tax increase to help fund safety requests. He encouraged everyone to attend. Mr. Crane said the commissioners would be asked to attend stakeholder meetings in May.

## **ADJOURNMENT**

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

The meeting was adjourned at 10:04 PM.