

# Highland City Planning Commission

May 28, 2019

*APPROVED JUNE 25, 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 May 28, 2019. An invocation was offered by Commissioner Bills and those assembled were led in the Pledge of Allegiance by Commissioner Ball.

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

**EXCUSED:** Commission Alternate: Audrey Wright

**STAFF PRESENT:** 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 was offered.

## **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.*

Commissioner Kemp explained that the applicant asked to continue Items SP-19-02 and CU-19-02. He opened the public hearing at 7:04 PM.

**MOTION:** Commissioner Campbell moved to continue Item SP-19-02 and CU-19-02 to the June 25, 2019 Planning Commission meeting. Commissioner Carruth seconded the motion. All were in favor. The motion carried unanimously.

2. SP-19-01 & CU-19-01

*Eternal Spring is requesting approval of a Site Plan approval and Conditional Use permit for a professional office building located approximately at 10298 N 4800 W.*

Commissioner Kemp opened the public hearing at 7:05 PM.

Ms. Tannahill reviewed the details of the application. She said the site plan met the 35% landscaping requirement in the PO district. She reviewed the proposed architect materials and explained that the monument sign would need to be redesigned. She mentioned that no residents attended the neighborhood meeting and that the city had received no written correspondence.

Commissioner Kemp ask for public comment.

Resident Gary Wright was in favor of the project because something needed to be there but thought traffic would potentially be an issue. He talked about how there could be traffic issues with the access to the care center and service trucks. He hoped that the lighting was lower to the ground. Mr. Wright was concerned that the development not create an alleyway with the wall on the south side of the development and suggested that it be wrought iron with stone.

Commissioner Kemp asked the applicant if something could be done about the access and the problems with service trucks. Darin Man with Eternal Spring explained that it was a shared access and was not on their property. He said the trucks were there for a minimal amount of time and that cars could go around them.

Commissioner Kemp wondered what the plan was for the south wall and thought that a wrought iron fence made sense for safety. Mr. Man understood that a masonry wall was required by code, but said they were open to consider other options. Mr. Man said their lighting plan needed to be modified in order to meet code requirements. He said they would be happy to put in lower style lights like the assisted living center. Commissioner Kemp wanted the development to ensure that lights did not shine lights into of adjacent houses.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 7:15 PM and called for a motion.

MOTION: Commissioner Campbell moved that the Planning Commission accept findings and recommend approval of the proposal subject to the 10 following stipulations as recommended by staff including modifications to #3 and #7:

1. Development of the site shall comply with the site plan dated January 2, 2018 and building elevations dated May 6, 2019 except as modified by these stipulations.
2. All signage shall require a separate permit and comply with the Development Code requirements.
3. The light levels not exceed one-foot candle at the south and east property lines *and have a maximum light height of 4 feet.*

4. The refuse container shall be revised to meet the requirements of the development Code.
5. The monument sign shall be revised to meet the requirements of the Development Code.
6. Prior to council consideration, the second floor setback shall be provided to staff to review.
7. A screen wall, *including the possibility of using wrought iron*, shall be installed against the perimeter that abuts a residential district, except the senior care facility.
8. All utility and mechanical equipment shall be screened.
9. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
10. Final civil engineering plans shall be reviewed and approved by the Fire Marshall.

Commissioner Jones seconded the motion.

Commissioner Ball had a question on the motion. He referred to a previous discussion regarding the angle of the top floor and privacy of adjacent homes. He wanted to ensure that the issue was addressed. Commissioner Kemp thought the setback was far enough now that it was no longer an issue.

Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Carruth, and Commissioner Jones were in favor. The motion carried unanimously.

Commissioner Kemp thanked the applicant for being flexible with their design.

3. TA-19-03

*McKay Christensen is requesting approval to amend Section 3-4704, 3-4713, 3-4716, 3-426, and table 3-47a of the Development Code relating to the Town Center Overlay zone.*

Commissioner Kemp opened the public hearing at 7:19 PM.

Ms. Tannahill reviewed the history and details of the TCO (Town Center Overlay) zone and the application. She explained that there were two residential projects in the TCO zone that resulted in 229 total residential units. She explained that residential unit building options were removed from the TCO in February 2016 to ensure that residential projects required legislative approval. In February 2017 the City Council approved an amendment to the TCO to limit the residential units to 229 in order to be consistent with the number of units that had already been approved. She explained that the applicant was requesting an amendment to the TCO which would allow for a 121-unit development that included 87 apartments with a proposed density of 22.7 units per acre. She reviewed the list of proposed amendments.

Applicant McKay Christensen said they were hoping that the residential units that were taken away were put back in the TCO. He said there was originally 342 units allocated to the TCO. 229 units were approved with other developments which left 118 units left in the district. He

explained that the Town Council voted to deny the developer's original request to increase the density in 2015 or 2016, then shortly thereafter voted to remove the residential units from the district. Mr. Christensen reviewed the details of their proposed development. He said they were the only property left. He said their proposed development had 10,000 square feet of ground level retail with preliminary commitments from retailers. He talked about the proposed retail units, amenities, construction materials, town home and twin home design and layouts, and parking.

Commissioner Kemp was concerned that the proposed number of parking stalls was not enough. He thought an 18-foot driveway was not large enough. Mr. Christensen explained that there was a limited location where an 18-foot driveway was used. He said all the town homes and twin homes had two car garages. Additionally, there was a visitor parking area as well as 66 stalls for retail.

Commissioner Abbott wondered if residents would be required to park in garages. Mr. Christensen said they would be happy to require it with the HOA. He said the patio could be shortened in order to meet the 22 feet.

Commissioner Ball asked about emergency vehicle access because it looked like the roads were a little narrow. Mr. Christensen reviewed the proposed circulation plan and thought they met emergency vehicle standards.

Commissioner Jones asked about the decision to remove the residential use within the TCO. The Planning Commission discussed reasons for the Council's decision which included concerns with density and traffic. Mr. Christensen explained that there were originally 118 units. They turned in an application for 240 units and after that the City Council took away the residential. They were asking for the residential back. He said they also listened to what the Council wanted which included a development that had 10,000 square feet of retail, had a lot of amenities, and was a 2-story high-end product.

Commissioner Kemp asked for public comment.

Resident George Ramjoué said he was president of the Coventry HOA (Home Association). Although he was not officially representing the HOA he had received a lot of feedback from residents. He thought it was too bad that the proposed development was not approved before Toscana and Blackstone because it was a decent project. He was in favor of the design and quality of the project, but not in favor of the high-density use. Mr. Ramjoué thought the city needed to be more discerning and patient with land use. He thought commercial use or quality office space was appropriate and asked the city to consider the impact of high density and traffic issues. He suggested that the city consult with someone to promote it as a commercial property.

Resident Steve Martinez thought it would be nice if there was a plan to make it not look like a "hodge podge" development. He thought the proposed bright white buildings were out of place when everything else was earth tones. He thought that a lower density should be considered.

Resident Laurie Miller was concerned about the high density. She liked the feel of the town center area but was concerned with increased traffic and parking issues if more density was added. She talked about living in Riverton and how the feel of the area changed with higher density. She was concerned with cars filling the streets. She liked to see more office space and retail.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 8:03 PM and asked for a motion.

Commissioner Ball thought the proposed density was more comparable to Provo or Sandy and said it was inconsistent with the spirit in Highland. He thought the product looked very nice, but the list of variances seemed too long. He said it seemed that the compelling reason for facilitating the project was economic expediency which he did not think was the responsibility of the Planning Commission.

Commissioner Abbott thought the project looked like exactly what should be in the town center area. He agreed with parking concerns and 18-foot driveways and thought it needed to be stipulated with the HOA. He thought the commercial height and density were issues.

Commissioner Campbell liked the proposed product and hoped something could be worked out. He said he could not support it at this point because there were too many requested changes.

MOTION: Commissioner Campbell moved that the Planning Commission deny Item TA-19-03; a request for a text amendment in the town overly zone, based on the finding that there were too many changes that needed to be made to accommodate the proposed development.

Commissioner Carruth seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Carruth, and Commissioner Jones were in favor. The motion carried unanimously.

Commissioner Kemp liked the idea and liked that the developer was thinking outside the box. He appreciated the time and effort that was spent on the concept. He recommended that the developer meet with city staff before the next Council meeting to discuss what could be done that was best for Highland residents as well as help the developer be successful. He said the city loved the commercial element of the development. Commissioner Campbell added that he hoped it could be worked out.

4. Z-19-01

*Mark Hampton is requesting approval of rezoning 64.5 acres of property located at 9968 N 6630 W from an R-1-40 to an R-1-30.*

Ms. Tannahill reviewed the details of the proposed rezone. She mentioned that access to the development would be from 9860 North, Madison Avenue, and 10250 North. She said the applicant would dedicate 7.74 acres to preserve Mitchell Hollow. She explained that 70 lots were permitted in R-1-40 and an R-1-30 designation would permit 93 lots, but the applicant was

proposing a 79-lot subdivision. She said the city received 21 written correspondence that were not in favor.

Commissioner Kemp opened the public hearing at 8:18 PM.

Applicant Mark Hampton said they tried to listen to neighbors and minimize the number of lots with the trail and dedications. He said they were okay with capping the development at 79 lots.

Mr. Quentin White had no problem with the project but was against the zone change. He said it was in the middle of an R-1-40 area, would have no transition, and thought it would set a precedent. He talked about Madison Ave and thought turning it into an arterial road was a bad idea. He suggested using a road on the north or south as an outlet to the subdivision. He also hated to see the Lehi ditch changed. Commissioner Kemp mentioned that Madison Ave was planned to be an arterial road for a long time.

Resident Kyle Pettit said he was vehemently opposed to Madison Ave becoming an east-west corridor. Mr. Crane explained that changing the property to R-1-30 would have no impact on future plans for Madison Ave. Mr. Pettit wondered why the developer couldn't give the same concessions with R-1-40 zoning.

Resident Mike Bond was in favor of leaving the zoning at R-1-40. He said he did his due diligence 9-10 years ago when he moved to Highland and there was no major plan for Madison Ave. He said it was frustrating for him because the area was not designed for a major corridor. He wondered if the plan for the corridor would be discussed again.

Resident Douglas Richards owned the farm to the southeast of the proposed development and was concerned about traffic and noise. He agreed that there should be another review of the plan for the corridor and was against the corridor. Mr. Richards mentioned that neighbors were dumping trash on his side of the road which included cement, limbs, and Christmas trees. He said it was atrocious. He mentioned that there were probably drug deals going on at the end of the road that he already talked to the police about it.

Resident Kevin Pace said the development posed challenging traffic control and equitable distribution issues. He talked about the potential number of cars per lot and calculated that there would most likely be 240-300 extra cars. He said he would strongly advocate equitable distribution of traffic flow, noise, particulate matter pollution, and safety issues. He said the suggestion of having 6530 West take the traffic from the subdivision was not a good one and explained that the road was built in 1973 to accommodate 19 families on an old farm road. It was never intended to be the major thoroughfare. He said a north exit was absolutely needed on 10250 North. He said Madison Ave as a connector road had been the plan for 30 years and thought it would be a traffic mess without it. He thought it was a matter of public safety, fairness, and good community respect for neighbors if Canal Blvd was finished to Madison Ave, require a northern access to 10250 North, and offset the southern exit so that it did not tie directly into 6530 West.

Resident Christian Wright said he was very opposed to a northern access. He said there was an incline with a bend in the road that was a safety concern. He said the road would need to be expanded and the safety concerns considered. He was fine with rezoning with a cap on the number of lots that couldn't be changed in the future. His property backed Mitchell Hollow Park and he was afraid that the area would not be preserved. He wondered if a fence could be added to the eastern side of the development. Mr. Wright said the residents paid an open space fee but the city was not maintaining the current trails in the area. He asked that the city maintain the trails if the trail system was expanded.

Resident Kevin Clegg talked about how the neighborhood was not made to handle the extra traffic. He stressed the importance of equitable distribution of traffic. He proposed that the entrance just below lot 3 be moved to the left so traffic was not filtered to 6530 West. He explained that 6530 West was narrow with a lot of kids. He talked about cars speeding and the safety issues. He proposed to keep the north entrance open and add a cap for 79 lots.

Resident Derek White asked how the cap would ensure that more lots were not built. Mr. Crane explained that if the cap was approved additional lots would not be permitted and the developer would need to go through the application process to get it changed. Mr. White said that many friends and neighbors were concerned with the connector and that they were feeling a little dismissed regarding the connector discussion. He was opposed to rezoning and thought the city should not set a "foolish" precedent. He thought everyone should be "playing by the same rules". He thought rezoning to R-1-30 would strengthen and establish a legal precedent and weaken the city's legal position when future developers wanted to rezone property. He thought future developers would be emboldened to threaten the city with law suits. Mr. White thought the developer did not sufficiently define why the rezone would be in the best interest of the city. Referring to the developer application, Mr. White pointed out that builders were already busy, that the collector road was a moot point because any development required construction of the road, and that Mitchell Hollow was a flood zone and therefore unbuildable. He talked about animals seen in the hollow and said that the hollow did not limit the number of homes that could be built. He asked that current zoning be maintained. He was concerned with mutual backscratching and said it appeared that the city wanted a connector and trail.

Resident Daniel Campbell was against R-1-30 based on the principles mentioned by Mr. White. Mr. Campbell thought the biggest issue was the connector road and wondered how residents could make it an issue. He did not think the city was accurately portraying how much traffic would come from Cedar Hills and northeast of Highland. He thought the intersection at 6630 North and Madison Ave would become the most dangerous in Highland because of kids from school. He talked about people speeding and going through intersections too fast. He asked to address the connector road, and have it potentially stopped. He thought the traffic could naturally take Alpine Highway.

Resident Scott Thompson was opposed to the rezone. He agreed with Mr. White and Mr. Campbell and other comments made. He thought it was a bad idea and set a dangerous precedent.

Resident Devin Dyer said he was in the construction business and liked a lot of lots, but he was opposed to the rezone. He said no one wanted an asphalt parking lot and trail. He said there were people at the end of the road all the time doing drug transactions and the city did not need another parking lot to invite more. He wondered why the city would want more asphalt maintenance when there was no budget to cover it.

Resident Tammy Sandstrom was adamant that the road to the north needed to be part of the development. She was against the rezone.

Resident Carrie Madsen said she was all for development but was very opposed to the rezone. She was concerned that the city was taking on more trails and parking lots to maintain because a councilmember told her there was no funding to keep it up. She was opposed to making the lots smaller.

Resident Michael Durham, also representing his wife, did not think allowances should be made. He thought the property should remain R-1-40. He voiced concern regarding traffic. He thought the discussion with the connector was not separate from the zoning. He thought the intersection at 6800 West from the connector was an issue. He thought that a non-negotiable cap should be in place if the property was rezoned.

Resident Dain Hodson said he and his wife were opposed to the rezone.

Resident Kelly Sobotka thanked the commissioners for their service. He was opposed to the rezone and did not think the gift of the land and trail was really a gift because nothing could be built on it. His main concern was the connector road. He recommended that there be a major traffic study be done to understand the amount of traffic that would flow through the area and to understand what it would do to the neighborhood.

Resident Ginger Harris said she liked the idea of having a smaller lot while being able to stay in the same area. She did not think adding 9 more lots was a big deal and was in favor of the rezone.

Resident David Larsen voiced concern with traffic. He talked about growing up in Highland and farming the land. He said he loved the hollow and loved the land. He said the traffic was already an issue and talked about current speeders. He understood that the 57-ft wide east/west corridor had been in the plan since 1989 and thought the plan needed to be followed. Mr. Larsen thought the development needed access at 10250 North. He was not opposed to the development. He talked about being on the city council 35 years ago and focusing on proper planning at that time. He said the east/west corridor needed to be finished for equitable distribution of traffic. He talked about two boys drag racing up his street and said there was already a traffic problem. He suggested moving the south access road a little to the west of 6530 W.

A Highland Resident said he was in favor of R-1-40. He mentioned that the city code read that the R-1-40 zone should expect a minimum of vehicular traffic. He thought that the Planning Commission should not have put Madison Ave through an R-1-40 zone if it was expected to be a corridor. He said that he lived in Cedar Hills and knew what kind of traffic would come through.

He said Highland was not what the connector was going to be. He thought it was unfortunate that the area was zoned R-1-40 in the first place.

Resident Alyssa Bond thought one of the reasons most residents loved Highland was because of the green space and thought that the green space in the proposed project was completely unusable. She thought the residents from the 79 houses would use the Wimbledon Park. She suggested keeping the R-1-40 zone and adding green space for the new homes. She talked about all the traffic on the corridor. She liked the feel of Highland and wanted to keep it smaller.

Commissioner Kemp closed the public hearing at 9:14 PM.

Mr. Crane explained that the map in the packet was from the 2008 General Plan. It showed the east-west connector/Madison Ave./Canal Blvd. connecting to 6800 W. He understood that it was in the city plans since late 1989 or early 1990. He said the Utah County parcel map included extra width for the collector road with subdivisions that were approved along the corridor and recorded in 1994. He said the city was responsible to ensure there was east/west connection and was collecting impact fees for the construction of the road. He said the statement that the Planning Commission or Highland City was trading zoning for the construction of the road was inaccurate. He said the developer would be funding part of the road, but not all of it. He explained that the developer would be responsible for the local section. He said the road was needed for several reasons. He acknowledged that there were a lot of concerns about connection and reminded the Planning Commission that they were seeing a concept plan and that a lot of details still needed to be worked out.

Commissioner Ball thought it was a very nice project, but it was not the Planning Commission's responsibility to maximize profitability. He did not think there was a compelling reason to grant a rezone, but there existed compelling reasons to deny the request. He said that ensuring the quality of life of existing residents was within the Planning Commission's primary responsibilities.

Commissioner Abbott thought the two houses located at the intersection of the northern access road and 10250 N would get pounded with headlights and thought there needed to be consideration of that when planning the road. He explained that the developer would get a tax benefit for dedicating the Mitchel Hollow property regardless of the zoning. He was not sure Highland wanted the liability of the hollow if there were no funds to maintain trails. He did not see a compelling reason to rezone.

MOTION: Commissioner Abbott moved to deny the request and keep the R-1-40 zoning. Commissioner Campbell seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Carruth, and Commissioner Jones were in favor. The motion carried unanimously.

Commissioner Kemp encouraged the residents to attend the City Council meeting to have their voices heard. Mr. Crane mentioned that the item would be heard by the Council on June 18<sup>th</sup>. He also mentioned that the Council was considering a public safety fee or property tax. He said the final open house was Thursday at 7:00 PM and encouraged everyone to attend.

## **APPROVAL OF MINUTES**

**MOTION:** Commissioner Campbell moved to approve the minutes from the April 30, 2019 meeting. Commissioner Abbott seconded the motion. All were in favor. The motion carried unanimously.

## **ADJOURNMENT**

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

The meeting was adjourned at 9:22 PM.