

# Highland City Planning Commission

June 25, 2019

*APPROVED JULY 09, 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 June 25, 2019. An invocation was offered by Commissioner Kemp and those assembled were led in the Pledge of Allegiance by Commissioner Jones.

**PRESENT:** Commissioner: Christopher Kemp  
Commissioner: Jerry Abbott  
Commission Alternate: Audrey Wright  
Commissioner: Ron Campbell  
Commissioner: Sherry Carruth  
Commissioner: Claude Jones

**EXCUSED:** Commissioner: Brittney Bills  
Commissioner: Tim Ball

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Planner: Tara Tannahill  
Planning Coordinator: JoAnn Scott

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

## **CLOSED SESSION:**

The Highland City Planning Commission may temporarily recess the meeting to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated § 52-4-205.

At 6:33 pm Commission Member Ron Campbell MOVED that the Planning commission temporarily recess to convene in a closed session to discuss pending or reasonably imminent litigation, as provided by Utah Code Annotated § 52-4-205. Motion was seconded by Jerry Abbott.

The CLOSED SESSION was adjourned by Chris Kemp.

## **PUBLIC APPEARANCES**

Commissioner Kemp opened the floor for Public Appearances that were unrelated to the agenda items of this meeting.

Ann Sward Hansen of Tamarac Drive in Highland expressed her concern about the upcoming holidays and fireworks hazard. Ms. Sward Hansen would like to know if the City intended to ban fireworks and if not were there locations where they were being prohibited. She asked if fire

drills had been coordinated with the fire departments. Nathan Crane stated that on June 4, 2019 the City Council did act to restrict fireworks. A map is available on the City website showing where the restrictions were.

## **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 opened the public hearing at 7:04 PM.

Nathan Crane gave a brief introduction of petition SP-19-02 & CU-19-02 Highland Hideaway Storage. He stated that the role of staff in the conditional use permit process is to provide a recommendation to the Planning Commission that is based on the Development Code and state law. The Planning Commission duty is to make a recommendation to the City Council. The City Council then acts as the Land Use authority and will make the decision as to whether the conditional use permit is approved. Mr. Crane stated that State law defines and limits the amount of discretion the City Council has on issuing conditional use permits. He stressed that this is a private property rights issue and not a discretionary approval. What matters is if the proposal complies with the Development Code as determined by the City Council. Mr. Crane further stated that Utah State Code defines in section 10-9a-507 what a municipality can do. Mr. Crane also reference case law examples. The Ombudsman's office for the State of Utah also gives advisory opinion on land use cases prior to litigation. Further information and training to cities concerning conditional use permits is available through the Ombudsman's office.

Ms. Tannahill reviewed the details of the application. She noted that in the May 28, 2019 meeting, the Planning Commission voted to continue this petition. Since then, there have been changes made to the plan showing updated architectural details including different materials used throughout the building, windows were added to the second floor area and the east and west elevations showed horizontal elements to provide visual relief.

Andrew Patterson, representing the applicant, addressed the commission. He stated that there had been discussions with residents from the surrounding neighborhoods to try and find a compromise. They have added design elements such as stone columns, shuttered and framed windows, and shingled roof. The siding had been updated to have stone, board. It was their desire to optimize a more residential feel at the request of the neighbors. He stated that there is a good feel of residential flavor overall.

Commissioner Abbott asked if there were no way to split the building into smaller building.

Mr. Patterson stated that with the grading and slope, it would not lend to the cohesiveness of the building. It would also make the back bay doors more visible to traffic, which they felt would not be beneficial.

Commissioner Abbott asked about the exhibit from 2003 which showed separate buildings on the location, if it were feasible then, why not now.

Wayne Patterson stated that when the exhibit was done, it was unknown what would occupy those spaces but they were required to identify some kind of footprint for the site. The buildings were intended to be changed based on usage. The real estate market drives what type of building is done.

Eric Larsen stated that the applicant has tried to accommodate the concerns of the residents. He felt that the building architecture met the intent of the zone.

Commissioner Abbott asked what were to be the uses of those looking at these buildings.

Mr. Larsen stated that there will be no large trucks or deliveries made to these offices. They will potentially be occupied by a flooring company with showrooms. He further stated that there are a variety of uses that could be in these offices.

Commissioner Abbott asked if there would be professional uses such as those listed in the code such as engineering firms, dentists, etc.

Mr. Larsen stated that with the exception of maybe the dentist, professional offices, fulfillment centers, etc. could use these spaces with offices in the front and files in the back.

Mr. Wayne Patterson – Felt that they have met the criteria of the code. They have tried to address concerns of the neighbors and accommodate their desires. There have been a lot of misconceptions and rumors about what they are going to be building.

Commissioner Kemp opened the public comment period.

Resident Todd Amberry of the Country French subdivision stated that he and his wife recognize that progress must happen. Patterson's had met with them and addressed concerns that they had with materials used on the building. He is concerned with the use of the building in the future and the type of business in the building. He and his wife still favor the residential style for the building. Traffic is of great concern to him. He would like the Planning Commission and City Council to consider how the additional traffic impacts their neighborhood. What can be done to mitigate this impact? They would like something in writing.

Resident Chris Brown agreed with Todd Amberry. He would like to find a solution so that the proposed building would match what was already built. This is what the residents understood would be built in the commercial area.

Resident Andrew Howlett stated that the look was inconsistent and that the use as proposed was questionable. The appearance of the building looks more industrial. He felt that it devalued the property of the adjacent property owners. He had looked at studies where homes that were within line of site or next to industrial uses were reduced by 15%.

Resident Johanna Warr stated her concern with the amount of traffic on Highland Blvd and the site visibility. She is concerned that something be done to help with the safety do to more traffic being added. She further stated that the landscaping of the first two office buildings of Patterson's acts to softens the size of the buildings. What are the plans for the landscaping for these buildings?

Resident Steven Evans stated that he was very concerned with the added traffic. He currently owns a building in Sandy City that is similar to this which is called 'light industrial'. It is called light industrial because of its size. His concern is that it will morph into a retail area because of its size.

Resident Amy Boren echoed all those who were concerned with traffic. She stated that there had already been one fatal accident on 11800 North and Highland Boulevard. She has teen drivers and is concerned with the traffic on Highland Boulevard. She is also concerned with the number of bikers that use Highland Boulevard. Because of the curve in the road, cars need to pull out further into the road to see traffic.

Resident Melanie Westcott was first attracted to the area by the office buildings at the intersection of Timpanogos Highway and Highland Boulevard. She could not understand why they could not continue the plan from 2003 and put in buildings that were similar. She feels that the rising property values in Highland are because of codes that protect the 'feel' of Highland as a bedroom community. Melanie thinks that the building looks very industrial in nature and that it needs to be consistent with the intended use of the zone. She referenced the Development Code section 3-4961 stating that in her opinion the building did not meet the criteria of scale, height, bulk, materials, and is monotonous and repetitious.

Resident Manuel Bueno stated that he provided to the Planning Commission a letter from an attorney hired by the residents to interpret the Development Code relative to this application. It is the attorney's opinion that the flex office space is not permitted in this zone. He felt that the biggest concern of the residents is the look of the building. He felt that there were a number of changes suggested but not implemented.

Resident Ann Sward Hansen remembered when the storage units were approved and constructed. Residents wanted the units set back off the road to be out of sight in light of this also being a residential area. She expressed concern with traffic flow and safety. She asked if it were in the City's plan to widen Highland Boulevard. Ann stated that a conditional use permit is a request for an exception to a rule. She recommended that there be an independent review of the Development Code, the zoning, and what is legally allowed.

Resident Clyde Redford, a resident in Country French, stated that he did not like the look of the proposed building. Specifically, he felt that it did not look residential in nature. He cannot see where the high demand of a building of this nature is because there are other vacant commercial parcels near Town Center. He felt they should build offices similar to the two that are on the corner of Timpanogos Highway and Highland Boulevard. He is also concerned with the volume of traffic.

Resident Trent Reed of 6252 Apple Cross Circle in Skye Estates expressed his opinion. He stated that the same product is in other communities such as Springville and Holiday, Utah. He has an accounting firm and this type of property is something that they look at. It is a good option for business like his where they can put cubicles in the back area. He liked the industrial feel and noted that some businesses are using the bay doors as a design element. Trent is concerned with traffic but felt that Patterson is doing their best. He also has driving teens. He further stated that as far as the design and architecture goes, you will have as many opinions as there are people.

Commissioner Kemp asked if the applicant had any comments to what had been said.

Wayne Patterson stated that they would be willing to help mitigate legitimate traffic concerns. He did not want to table this item until August.

Commissioner Kemp closed the public hearing.

Commissioner Abbott stated that it would be hard to approve the application as he felt that it did not meet the design review guidelines. He feels that the Introduction: Purpose/Intent verbiage of the PO Zone (3-4901) in the Development Code is not enforceable. There is language that addresses pitched roofs and monotonous repetition. He asked and recommended to Patterson's that there be 2 buildings. He noted that all elevations did not appear to be architecturally treated. The roof appeared to be a mansard roof and the code did not allow this style of room. Mr. Abbott expressed concern in the occupants of the building units. The code specifically states that there is to be no retail. He asked if a flooring store generates sales, is it not defined as retail. Mr.

Abbott suggested that perhaps the Development Code needs to be amended to reflect what is enforceable.

Mr. Abbott referenced a Table 3-47a from the Town Center zone section of the Development Code. He noted that there appeared to be conflicting language on the exhibit.

Mr. Crane stated that when there is conflicting language, such as on this table from the Town Center zone, the language from the Professional Office zone would govern.

Mr. Abbott felt that the application currently does not meet the guidelines of the code.

Commissioner Wright feels that the building would be one that she would look at for her family's business. She feels that the code is vague as far as its definition of aesthetics. The building appears to be a large, bulk of a building, and with no retail, it will drive who the tenant is. She stated that there can be a sifting of use when a business license is applied for.

Commissioner Campbell stated that the commission should outline the findings as to why they would deny it or approve it with stipulations. He felt that the lists would be the same. The City Council will look at this application based on the findings of the Planning Commission.

Commissioner Abbott also wished to note that under architectural design, the Code specifically states that the location of each building on the site plan is designated on exhibit 'A'. He noted that this requirement has not been changed. The Code further states that the buildings are to go within these areas.

MOTION: Commissioner Abbott moved to deny the request for SP-19-02 and CU-19-02 based on specific issues that can be resolved before the City Council meeting. Specifically, Section 3-4922 of the Development Code, Architectural Design, the plan does not conform closely to the existing Exhibit A; in the same section under 1a., Overall Architectural Outline, the bulkiness of the building needs to be addressed; in 1b., the proposed building appears to be monotonous and repetitious; 1g. all elevations should be architecturally treated with the exemption of the back; 1i., all the buildings are required to have public restrooms, including a men's room, women's room and a handicapped room. Under Conditional Uses section 3-4902, the zone is intended to allow for professional services, not general retail or commercial. In section 3-4919 the roof design cannot be a mansard or fake mansard roof. Commissioner Campbell seconded the motion.

Voting was as follows:

Yes	-	Commissioner Jones
		Commissioner Abbott
		Commissioner Wright

Commissioner Campbell

Commissioner Kemp

No -

Commissioner Carruth

The motion carried to deny approval of the SP-19-02 and CU-19-02 application for Conditional Use and Site Plan. This item will be forwarded to the City Council for their consideration.

## **OTHER BUSINESS**

Mr. Crane stated that staff would no longer print hard copies of the Planning Commission packet for the commissioners. Electronic packets would be provided via Dropbox or the City website. Commissioners could use their own devices to view the packet or the City will provide a device for viewing during the meeting. The City would provide a stipend to the commissioners during each of their terms that could be used toward the purchase of a device. The electronic devices would allow the use of electronic voting during meetings.

## **APPROVAL OF MINUTES**

**MOTION:** Commissioner Campbell moved to approve the minutes from the May 28, 2019 meeting. Commissioner Carruth seconded the motion. All were in favor. The motion carried unanimously.

## **ADJOURNMENT**

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

The meeting was adjourned at 9:22 PM.