

Highland City Planning Commission

November 27, 2018

Approved December 11, 2018

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:00 PM on November 27, 2018. An invocation was offered by Commission Abe Day and those assembled were led in the Pledge of Allegiance by Commissioner Sherry Carruth.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Jerry Abbott
Commissioner: Ron Campbell
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Tim Ball

EXCUSED: Commissioner: Brittany Bills
Commissioner Alternate: Brady Brammer

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

OTHERS: *See attached attendance list*

PUBLIC APPEARANCES

Chair Kemp asked for public comment. None were offered.

PUBLIC HEARING ITEMS

1. CU-18-02
Highland City is requesting approval of a conditional use permit for a Community Park known as Mountain Ridge Park. The property is 17 acres and is located approximately at 10029 N. 6300 W.

This agenda item was continued to January 15, 2019.

2. Z-18-02

Eternal Spring is requesting approval of a rezone from R-1-40 to a Professional Office (P.O.) zone to allow for a two story professional office building.

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

Ms. Tannahill reviewed the history and details of the rezone request by Eternal Spring. She mentioned that Eternal Spring was denied in 2013 and then again in 2016 because of parking and building height. The new plan was for an 8,400 square foot building with 34 parking stalls. She explained that the difference between this plan and the last plan was the building size and location. She said 34 parking stalls met building requirements.

Robert Aird, representing Eternal Spring, explained that the building was moved to the north and west to meet setbacks. He said professional office space was the intended use with regular business hours. The upper floor would be moved west as far as possible.

Commissioner Kemp asked for public comment.

Resident Gary Wright owned the property to the east of the proposed development. He said he was not opposed to having an office building there and thought professional office would be the right choice for the space. He mentioned that the care center had ruined the property values of the residents behind it and some people couldn't sell their property. Because of the effect of the care center on neighbors' properties, he was more concerned with this development. He had concerns with square footage, building height and the dumpster location. He said the change to a business office was fine, but wanted to make sure that it could not be changed to a drug rehab, detox center, or teenage reform place in the future. He wondered what fell under the "dr. office" heading. He also pointed out that two dumpsters were shown to be placed 30 feet from his bedroom window and 20 feet off the deck. He wondered if dumpsters could be moved to the west side rather than the east. Mr. Wright said he did not like the two-story plan because of what other buildings did to neighbor's properties. He pointed out that an 8,000 square foot building was denied in 2016. He wondered why a larger building would be approved now.

Ms. Tannahill read the list of uses in the code for Medical Professional Office, Professional Office, and Other Professional Office Services. She said detox centers were not included in any of the approved uses. Commissioner Kemp wondered if it could turn into a detox center in the future. Mr. Crane pointed out that the construction standards were different for commercial and residential. He said a detox center would probably be cost prohibitive in an office space.

Joe Scovel, representing Tori Berry—land owner to the south, said that the proposed building would now look into Tori's bedroom. Their biggest concerns were regarding drainage and an easement. He said the property on the north was built higher so they were concerned with potential drainage issues. Mr. Scovel said they would like to see some sort of cross access easement across all the properties. He suggested having some sort of cross access agreement. He said the issue with the trail would be addressed when they brought in their rezoning application. Mr. Scovel said they were in favor of development of the Eternal Spring property. They just

want to see cohesion that went from the north to the south. He talked about his contact with UDOT.

Commissioner Kemp wondered if a single story building work. He said the assisted living center had been a big detrimental financial impact on the property value of surrounding homes.

Property owner Greg Nield said a single story building with a basement would not work financially for them.

Discussion ensued regarding property values and the effect of a two story building might have. They compared the distance from the proposed building and the property line. Commissioner Kemp mentioned that it seemed everyone was in favor of the building, but they were trying to minimize property value loss to the home owners. The commissioners compared the distance and height of the assisted living center to the distance and height of the proposed building and acknowledged that there was a significant difference between the two buildings.

Morgan Sharp, representing Eternal Spring, pointed out that the maximum height in both the R-1-40 zone and the P.O. zone was 35 feet. He thought their building would be closer to 28 or 30 feet high. He mentioned that the second floor on the proposed building would be only 3,000 square feet. He said there was a significant difference between their proposed building and the assisted living center.

Resident Brett Burns said he lived directly east of Mr. Wright's house. He talked about the concerns of the reduced property values to home owners. He said he was conceptually not opposed to an office building, but a two-story design, dumpsters near residential, and lights in windows made it worse. He talked about the path on the edge of the property and said it was a throughway for kids to the school so they would want an open fence. He voiced concern with potential commercial options that might come to the space. He was not in favor of the path proposed by Mr. Scovel and Ms. Berry.

Commissioner Kemp asked for additional comments. Hearing none, he closed the public hearing at 7:45 PM.

Commissioner Day said he would like to see the plan before approving anything. He said he was a little uneasy with approving a P.O. district without thinking about the ramifications to future development on the south and the effect to residential property owners. He suggested having stipulations defining a building similar to what was presented, or waiting to review a site plan.

Commissioner Abbott liked what was presented. He agreed with the concerns with the dumpster. He thought pulling the building forward was the right thing to do. He liked the proposed design. He thought he would rather have a two-story building with the top level pushed forward because it would block noise from the busy street better than a single-story building. Commissioner Abbott pointed out that the building was turned to the side so it would not look right into backyards.

Commissioner Ball thought repositioning the building and relocating the dumpster negated the concerns of the residents. He preferred to see the elevation of the building but thought it was a good plan.

Commissioner Campbell said he would support the zoning change with stipulations that included something to define the building position: minimum 80 feet from first floor to property line and 100 feet from second floor to property line.

Commissioner Carruth said she agreed with most of what is said. She would like stipulations on the size of the building and setbacks. She thought it would be nice to see a little more detail on the building.

Commissioner Kemp agreed with the other commissioners. He suggested adding a stipulation in order to cap building size.

Mr. Wright wondered if there could be a stipulation regarding no windows on the east side. Commissioner Kemp thought the detail of a window could be handled later in the building approval process.

MOTION: Commissioner Day moved that the Planning Commission recommend approval to change the property to a P.O. District with the following four stipulations:

1. building is no more than 8,400 square feet
2. back of the building - first floor is at least 80 feet, second floor is at least 100 feet from the adjacent property line to the east
3. dumpster is removed away from the east property owner as far as possible
4. overall parking plan is reviewed

Commissioner Campbell seconded the motion. Commissioner Kemp, Commissioner Carruth, Commissioner Campbell, Commissioner Day, Commissioner Abbott, and Commissioner Ball were in favor. None were opposed. The motion carried with one absent.

OTHER BUSINESS

Approval of the 2019 Planning Commission Meeting Calendar.

MOTION: Commissioner Campbell moved to accept the proposed 2019 Planning Commission Meeting Calendar as presented. Commissioner Carruth seconded the motion. All present were in favor. The motion carried with one absent.

PLANNING STAFF REPORT

Update on Development Activity and City Projects.

Mr. Crane mentioned that the State awarded the development center property to Boyer company. He said the city would meet with them tomorrow to begin discussions on infrastructure, layout, etc. He said Canal Boulevard going east from SR-74 to North County Boulevard was under design by Horrocks Engineers.

Mr. Crane said the city was working on a design plan for Mountain Ridge Park. Residents had come forward requesting that the city build a national championship level pickleball complex which would include 27 courts. One public open house was held and the results were mixed. In order to facilitate the complex, the city was accepting proposals from developers to purchase the Spring Creek Park.

Mr. Crane mentioned that Patterson was wanting to do assisted living on the Longhorn property.

Commissioner Day asked about 6800 West. Mr. Crane said staff was working on an interlocal agreement that would help facilitate the structure.

Commissioner Abbott asked about the status of the museum. Mr. Crane thought funding was due in December, but didn't know the current status.

Mr. Crane mentioned that staff was working on open space encroachment issues. He explained that some property owners abut a natural easement and some built out into it. He said more than 200 property owners had encroached in the open space. He said drainage channels could not be altered.

ADJOURNMENT

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

The meeting was adjourned at 8:04 PM.