



## AGENDA

### HIGHLAND CITY PLANNING COMMISSION Tuesday, January 28, 2014 – Regular Meeting 7:00 p.m.

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah

#### **CALL TO ORDER:** Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Scott Temby
- Pledge of Allegiance – Commissioner Tim Heyrend

#### **APPEARANCES:**

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

#### **WITHDRAWALS AND CONTINUANCES:**

1. Highland City is requesting to amend Chapter 5 Subdivisions relating to exemptions from plat requirements. **To be continued to the February 25, 2014 Planning Commission Meeting.**
2. Highland City is requesting to amend Chapter 10 Definitions, Chapter 6 Conditional Use Procedures, Articles 4.1 R-1-40, and Article R-1-20 relating to requirements for accessory apartments. **To be continued to the February 25, 2014 Planning Commission Meeting.**

#### **PUBLIC HEARING ITEMS:**

1. Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) located at 10298 N 4800 W. *Legislative.*
2. Greg Nield is requesting a conditional use permit for a 10,000 sq. ft. two story office building in the RP (Residential-Professional) District located at 10298 N 4800 W. *Administrative.*

#### **OTHER BUSINESS:**

- Recognition of Service – Jay Roundy

**APPROVAL OF MINUTES:**

- October 29, 2013
- November 12, 2013

**PLANNING STAFF REPORT:**

**COMMISSION COMMENTS AND SUGGESTIONS:**

**ADJOURNMENT:**

NEXT MEETING: *February 25, 2014* at 7:00 pm City Council Chambers

*Legislative: An action of a legislative body to adopt laws or polices.*

*Administrative: An action reviewing an application for compliance with adopted laws and polices.*

**FOR SPECIAL ACCOMMODATIONS**

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

**CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 23<sup>rd</sup> day of January, 2014. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 23<sup>rd</sup> day of January, 2014 the above agenda notice was posted on the Highland City website at [www.highlandcity.org](http://www.highlandcity.org).

Samantha Stocking, Planning Technician

**HIGHLAND CITY**  
**PLANNING COMMISSION MEETING**  
**JANUARY 28, 2014**

<b>REQUEST:</b>	PUBLIC HEARING: Rezoning –R-1-40 (Single Family Residential) to RP (Residential Professional)		
<b>APPLICANT:</b>	Greg Nield		
<b>FISCAL IMPACT:</b>	Unknown		
<b>GENERAL PLAN DESIGNATION</b> Mixed Use	<b>CURRENT ZONING</b> R-1-40	<b>ACREAGE</b> ± 0.70 Acres	<b>LOCATION</b> 10438 North 4800 West

**PRIOR REVIEW:**

The Planning Commission held a public hearing on October 29, 2013. The Commission continued the request as follows:

“MOTION: Commissioner Roundy moved that the Planning Commission CONTINUE agenda items 4, 5, and 6 in order to obtain additional information on possible impacts the requests will create. The Commission is requesting a parking study that addresses current and proposed site usage to make sure from the safety, engineering, and use perspective that there is the amount of parking needed to safely conduct business on the site. The Commission also requests an appraisal to assess the impact on adjacent homes regarding the two story building request versus a one story building. The Commission requests that staff look at both studies, parking and the appraisal, and determine how to best accomplish these tasks and who will incur the cost.”

Staff contacted an appraiser to determine what the costs of an economic impact analysis. Completion of the study was cost prohibitive.

Instead of completing a parking study, the applicant has reduced the size of the building so that the site meets minimum requirements.

**BACKGROUND:**

The Senior Care Assisted Living Overlay Zone (SCALO) was approved by the City Council in October 2009. The intent of the SCALO is to provide locations and opportunities for assisted living facilities and other similar uses while protecting existing residential neighborhoods. The SCALO District can be applied anywhere in the city if the site meets the development standards.

A conditional use permit for Ashford Memory Care was approved by the Council in October of 2009. The facility opened in 2011 and is 10,156 square feet and houses 16 beds for patients.

A conditional use permit to expand the site and building was approved by the Council on December 4, 2012. The expansion added 37,529 square feet and house 42 additional beds and is currently under construction. Upon completion the building will be 47,685 square feet and house 58 beds.

A request for a text amendment and conditional use permit will be considered as separate agenda items.

The adoption of a PD District is a legislative process. The City Council has completed discretion.

**SUMMARY OF REQUEST:**

1. The request is to zone approximately 0.70 acres from R-1-40 (Single Family Residential) to RP (Residential Professional) to allow a 9,602 square foot, two story office building.
2. The RP District allows Community Uses, Financial Institutions, Medicare Facilities, Professional Offices, Single Family Homes, Private Educational Institutions, Preschools, and Day Cares. All uses in the RP District require a conditional use permit.
3. Development standards in the RP District include:
  - Front Setback: 80 feet unless all parking is provided in the rear of the building in which case it is 35 feet.
  - Side Setback: 10 feet unless abutting a residential district in which case it is 25 feet.
  - Rear Setback: 10 feet unless abutting a residential district in which case it is 20 feet.
  - Building Height: 30 feet.
4. Access to the site will be provided from North County Boulevard.

**CITIZEN PARTICIPATION:**

The applicant held a neighborhood meeting on October 9, 2013 at the site. According to the materials presented by the applicant nine people attended the meeting. Comments included setback requirements, moving the building closer to North County Boulevard, building height (two story building is a concern), having the building sunken into the ground to reduce the height, and increasing the size of trees adjacent to the neighbors.

Notice of the Planning Commission public hearing was published in the Daily Herald on October 13, 2013 and mailed to twenty property owners within 500’ of the proposed rezoning on October 10, 2013. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

Notice of the January 28, 2014 Planning Commission public hearing was published in the Daily Herald on January 12, 2014 and mailed to twenty property owners within 500’ of the proposed rezoning on January 13, 2014. No comments have been received.

**ANALYSIS:**

General Plan

- The property is designated as Mixed Use on the General Plan Land Use Map. The Mixed Use Land Use Category encourages residential and non-residential development.

- The purpose of the RP District is to provide for various professional office, private education, and related uses. It is intended to protect and buffer residential neighborhoods from retain commercial encroachment and influence. Uses in the RP District are consistent with typical office uses.

#### Compatibility with Surrounding Land Uses

- The surrounding property to the north, south, and east is zoned R-1-40 and is single family homes. The property to the west is zoned R-1-40 and is Lone Peak High School. Typically, office uses have less impact on adjacent residential uses than other commercial uses; however, adverse impacts do need to be mitigated. Adverse impacts include but are not limited to: building height, location, lighting, hours of operation, etc.
- The scale and design of the building will mitigate any potential impacts on the adjacent residential uses and ensure that it is compatible with the desired residential character of the area. The Commission should discuss whether a two-story building is appropriate at this location. Other impacts can be addressed through review of the conditional use permit.

#### Site Circulation

- The proposed entrances to the development will provide adequate access to the site.

#### Conformance with Development Code

- The proposed development is consistent with the purpose of a RP District. However, the RP District will need to be amended to accommodate the proposed site plan.

### **FINDINGS:**

With the proposed stipulations, the proposed PD appears to meet the following required findings:

- The RP District implements the Mixed Use Land Use Category.
- Adequate access and infrastructure will be provided.

### **RECOMMENDATION:**

The Commission should discuss whether a two-story building is appropriate at this location. The Commission, should also discuss if other measures or conditions are needed to ensure compatibility with adjacent land uses.

Staff recommends that the Planning Commission conduct a public hearing, determine whether or not the request meets the findings and provide a recommendation to the City Council. The Commission may include appropriate stipulations to address compatibility.

### **PROPOSED MOTIONS:**

I move the Planning Commission accept the findings and recommend **APPROVAL** of the proposed PD

district subject to the twenty-one stipulations recommended by staff.

I move the Planning Commission recommend **DENIAL** of the proposed PD district subject to the following findings: (The Commission should draft appropriate findings).

**ATTACHMENTS:**

Attachment A - Sample Ordinance

Attachment A - General Plan Land Use Map and Zoning Map

Attachment B - Aerial

Attachment C - Neighborhood Meeting Summaries

Attachment D - Proposed Site Plan (8.5 x 11)

Attachment E - Draft Minutes of the October 29, 2013 Planning Commission Meeting

ORDINANCE NO. 2013-\*\*

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONE MAP OF HIGHLAND CITY FOR APPROXIMATELY 0.70 ACRES OF LAND GENERALLY LOCATED AT 9976 NORTH ALPINE HIGHWAY AS SHOWN IN FILENAME (Z-12-01), REZONING SUCH PROPERTY FROM R-1-40 RESIDENTIAL TO RP RESIDENTIAL PROFESSIONAL AND IMPOSING CONDITIONS UPON SUCH CHANGE.**

WHEREAS, the Highland City Council desires to amend the Official Zone Map of Highland City; and

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held public hearing on this Ordinance on October 29, 2013 and January 28, 2014; and

WHEREAS, the City Council held a public hearing on this Ordinance on XXX, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That ± 0.70 acres of certain real property located at 10438 North 4800 West more particularly described as Lot 2 of Ashford Plat B, is hereby rezoned from R-1-40 Residential to RP Residential Professional subject to the following condition:

1. XXXX

This condition shall run with the land, and shall apply until such time, if any, that the property is re-zoned either by failure to comply with the conditions or further zoning action by the City Council.

SECTION 2. This zone map amendment is predicated upon compliance with the conditions in Section 1. In the event any condition is violated or unfulfilled, this Ordinance shall become null and void and the zone designation for all of the subject properties shall revert to the R-1-40 Zone.

SECTION 3. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, XXX, 2014.

CITY, UTAH HIGHLAND

\_\_\_\_\_  
Mark Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Rodd Mann	<input type="checkbox"/>	<input type="checkbox"/>

**HIGHLAND CITY  
PLANNING COMMISSION MEETING  
JANUARY 28, 2014**

<b>REQUEST:</b>	A conditional use permit for a 10,001 square foot two-story office building. (CU-13-03).		
<b>APPLICANT:</b>	Mr. Greg Nield		
<b>FISCAL IMPACT:</b>	Unknown		
<b>GENERAL PLAN DESIGNATION</b> Mixed Use	<b>CURRENT ZONE</b> RP (Proposed)	<b>ACREAGE</b> ± 0.70 Acres	<b>LOCATION</b> 10438 North 4800 West

**PRIOR REVIEW:**

The Planning Commission held a public hearing on October 29, 2013. The Commission continued the request as follows:

“MOTION: Commissioner Roundy moved that the Planning Commission CONTINUE agenda items 4, 5, and 6 in order to obtain additional information on possible impacts the requests will create. The Commission is requesting a parking study that addresses current and proposed site usage to make sure from the safety, engineering, and use perspective that there is the amount of parking needed to safely conduct business on the site. The Commission also requests an appraisal to assess the impact on adjacent homes regarding the two story building request versus a one story building. The Commission requests that staff look at both studies, parking and the appraisal, and determine how to best accomplish these tasks and who will incur the cost.”

Staff contacted an appraiser to determine what the costs of an economic impact analysis. Completion of the study was cost prohibitive.

Instead of completing a parking study, the applicant has reduced the size of the building so that the site meets minimum requirements.

**BACKGROUND:**

A request for a rezoning and text amendment will be considered as separate agenda items. The site plan may need to be modified based on the results of the rezoning and Development Code amendments. If the modifications are significant, the Commission may want to continue this request to allow the Commission to review an updated site plan.

A future building was identified as part of the conditional use permit review and approval for the expansion of the facility. However, no details were provided.

A conditional use permit is an administrative action. Consideration is limited to compliance with existing development standards and regulations and three required findings.

**SUMMARY OF REQUEST:**

1. The applicant is requesting a conditional use permit for a 9,602 square foot two story professional office building. End users have not been identified.

**REQUIRED FINDINGS:**

**The Planning Commission must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's analysis.**

**1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The subject property is designated as Mixed Use on the General Plan Land Use Map and the proposed zoning is RP (Residential Professional). Office buildings are permitted in the RP District subject to a conditional use permit.

The surrounding property to the south and east is zoned R-1-40 and is single family homes. The property to the west is zoned R-1-40 and is Lone Peak High School. The property to the north is zoned R-1-40 with the Senior Care Assisted Overlay District and has been developed as assisted living.

The building is setback 85' 9" from the property to the east and ten feet from the property to the south. The RP District requires the building to be setback a minimum of 20 feet to the east and twenty five feet to the south.

A site lighting plan has been submitted and shows light levels less than one foot candle along all property lines. The parking lot lighting is four foot bollards that match the existing lighting. All building mounted lighting will be shielded.

Thirty five percent of the site is landscaped. The landscape plan shows a single row of trees behind the building. These trees are spaced closer than 30 feet on center.

Landscape is proposed as screening for ground mounted equipment. Staff believes a wall should be used.

The proposed use will have an impact of the property to the east. The Commission will need to determine if the site plan has included reasonable measures to mitigate the negative impacts.

**2. The use complies with all applicable regulations in the Development Code.**

Primary access to the site is provided from three driveways on 4800 North. A traffic analysis was completed and found the site ingress and egress was sufficient for the site.

The site includes 37 parking spaces which includes 2 ADA accessible spaces. Thirty-seven spaces are required. However, Section 3-4509.2.2 allows the Planning Commission or City Council to

increase the minimum number parking spaces if in their opinion there is an exceptional need for said increased parking.

The RP District requires trash enclosures to be setback a minimum of 100 feet from adjacent residential properties. The enclosure is setback 39 feet from the east and 55 feet from the south property line.

The location of the trash enclosure is problematic. It effectively eliminates one maybe two parking spaces from being useable.

The building architecture is consistent with the existing building. Materials include a stone base, board and cementitious fiber board. The building height is 29' 6".

The building will be setback 88' 5" from the east property line.

A cross access agreement will required.

The RP District requires an 8 foot wall to be placed on all lot lines adjacent to residential districts. The applicant is proposing to use the existing six foot wall on the east side and a view fence on the south side. Details of the view fence have not been submitted.

The RP District also requires 50% of the trees adjacent to residential properties be evergreen. All of the proposed trees are deciduous.

### **3. Conditions are imposed to mitigate any detrimental effects.**

Five stipulations have been included to ensure compliance with the Development Code and compatibility between land uses.

### **CITIZEN PARTICIPATION:**

The applicant held a neighborhood meeting on October 9, 2013 at the site. According to the materials presented by the applicant nine people attended the meeting. Comments included setback requirements, moving the building closer to North County Boulevard, building height (two story building is a concern), having the building sunken into the ground to reduce the height, and increasing the size of trees adjacent to the neighbors.

Notice of the October 29, 2013 Planning Commission public hearing was published in the Daily Herald on October 13, 2013 and mailed to twenty property owners within 500' of the proposed rezoning on October 10, 2013. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

Notice of the January 28, 2014 Planning Commission public hearing was published in the Daily Herald on January 12, 2014 and mailed to twenty property owners within 500' of the proposed rezoning on January 13, 2014. No comments have been received.

### **RECCOMENDATION AND PROPOSED MOTIONS:**

The Planning Commission should hold a public hearing and determine if the proposal meets the required findings. Stipulations can be added to address compatibility or other issues. The request should also be continued to allow the applicant to submit necessary documentation to address their request for reduction in parking if the number of required spaces cannot be provided.

If the Commission determines that the use meets the required findings the following stipulations should be included:

- 1) The proposed use shall conform to the project narrative, landscape plan, and elevations date stamped October 23, 2013 and the site plan dated January 23, 2014 except as modified by these stipulations.
- 2) In accordance with Section 4-109, the conditional use permit will expire if a building permit has not been issued within one year of approval by the City Council.
- 3) Screen walls shall be used for screening of all ground mounted equipment and the trash enclosure. The screen wall shall match the architecture of the building.
- 4) Parking lot screening shall be shown on the landscape and site plans.
- 5) A cross access agreement shall be recorded prior to issuance of a building permit.
- 6) The final plat shall be amended to reflect the change in lot lines.

I move that the Planning Commission find that the proposed use meets the required findings and recommend **APPROVAL** subject to the six stipulations recommended by staff.

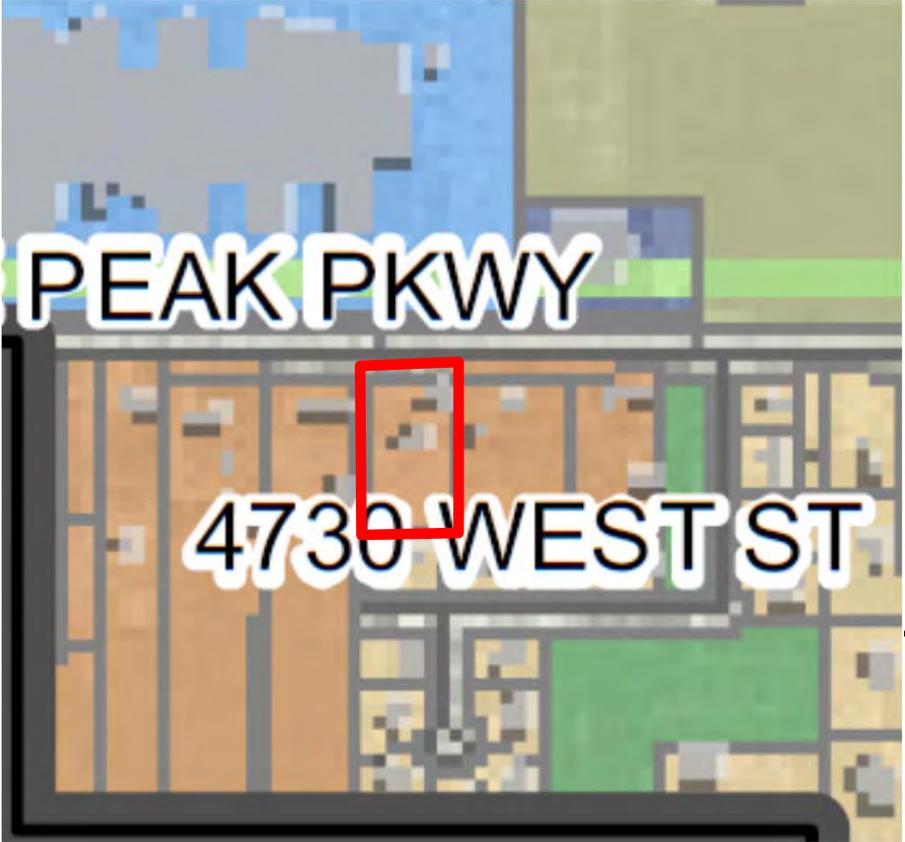
I move that the Planning Commission **CONTINUE** the public hearing to the next meeting to address the following (The Commission should provide appropriate direction):

I move that the Planning Commission recommend **DENIAL** of case CU-13-03, a request for a conditional use permit for the addition to the Ashford Office Building based on the following findings (The Commission should draft appropriate findings):

**ATTACHMENTS:**

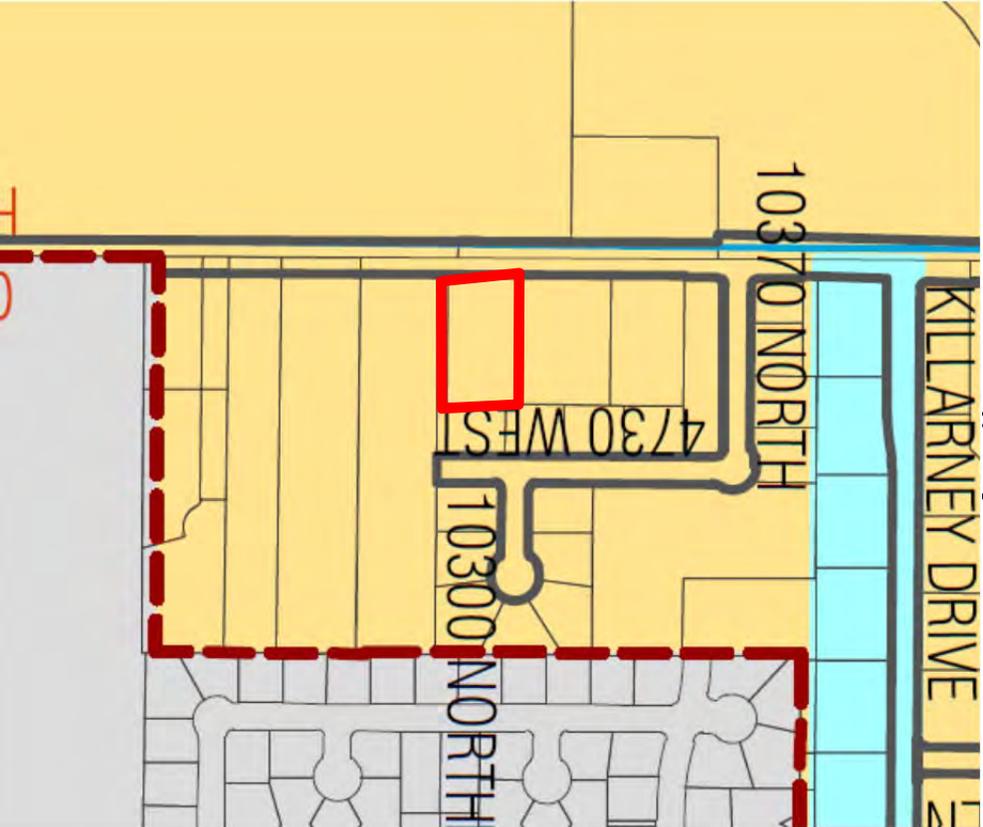
- Attachment A – Zoning Map
- Attachment B – Aerial Photo
- Attachment C – Project Narrative
- Attachment D – Neighborhood Meeting Summary
- Attachment E – Site Plan
- Attachment F – Landscape Plan
- Attachment G – Elevations
- Attachment H – Lighting Plan
- Attachment I – Cross Section
- Attachment J – Draft Minutes of the October 29, 2013 Planning Commission Meeting (Please the minutes in the agenda)

General Plan Land Use Map



Land Use: Mixed Use

Zoning Map



Zoning: R-1-40 (Residential)



Aerial

September 19, 2013

Subject: Project Narrative – Zone Change request to Residential Professional (RP)

To whom it may concern:

As the owners of the parcel located at 10298 N 4800 W (directly South of the Ashford Assisted Living), we are requesting that the zoning be changed to Residential Professional to allow a roughly 10,000 sq ft, 2-story office building. The architecture will match that of the Ashford Assisted Living. We will meet all of the requirements for parking, landscape, building-to-site coverage, etc. within this zone. While meeting with Nathan Crane several weeks ago, he recommended that instead of re-zoning to Professional Office, we request a zone of Residential Professional. We agree that this will provide a better buffer for the neighboring residents. We already have businesses that are ready and eager to come to Highland and occupy this office building upon completion.

1. The existing property is zoned as Residential and the City Master Plan shows it as Mixed Use. The city has allowed it to be a SCALO zone for senior care.
2. This property is directly south of the Ashford Assisted Living Facility. It is on a 5-lane highway across from the high school.
3. Changing this to the RP zone allows us to put a 2-story office building that will clean up the area and will bring more businesses to the city of highland to increase its revenue.
4. Compatibility is exceptional next to an assisted living facility and also acts as a great buffer for neighboring residents as this is light commercial.
5. This would meet the Highland City General Plan exactly by having this be an office building in an RP Zone.
6. The impact will be very positive as it will bring more revenue to the city of highland through higher property tax income as opposed to residential or vacant land.
7. The parking is already laid out by the Ashford Assisted Living and this was all done with UDOT and Utah County. We've even moved a telephone pole to ensure better safety with traffic so that our egress lines up perfectly with the high school.

We look forward to working with the city staff, neighbors, commission, and council.

Sincerely,

Greg Nield

October 9, 2013

Neighborhood Meeting Minutes

7:00 pm

Attendees:

Greg Nield, Melinda Wright, Ryan Ollerton, Cori Ollerton, Rebekah Kaylors., Brett Burns, Marialisa Wright, Gary Wright, and Jackie and Tim Healey.

Announced that what is expressed here is not reflecting the view points of the city of Highland.

Greg showed plans for the building and is proposing to receive RP Zoning for the south lot directly south from the Assisted Living Facility across from Lone Peak.

PO would allow anything RP allows plus some is Greg's understanding. Discussion about different types of zoning, but RP is specifically being requested.

R140 zoning is the current zoning. The Highland City Master Plan has this property as mixed use.

Parking 4 stalls per 1000 sq feet of building is required.

Talking about interested parties in the office building next door.

Question: What are the setbacks?

Neighbors asked if we could increase the rear setback and push the building closer to 4800 West.

Neighbors asked about having the building sunk in ground. Can't move the building down because we are required to have an elevator. Also concerned about water entering the building. They were wondering if we could drop the overall height by 3 or 4 feet. Look into that.

Lobby would be in the middle area. Seating (waiting room) would likely be in individual offices.

No way around steps up or down.

We will not build the building unless we have a sufficient number of companies to lease the space. Right now we do have the interest of companies wanting to come to Highland city specifically to this location.

We would make no steps at all like we have at Ashford.

Height for Assisted Living is around 31 feet. Continued discussion about the height limit and options available. If building is lowered you run into problems with flooding. Greg explained how the storm drain works.

The sump pumps help with drainage.

We were asked if we would be willing to push the building to the front of the property along 4800 W like the Ashford.

Greg replied he would be okay with that. Will there be a chimney? No.

What about the colors on the building? Will it be similar? The reply was yes.

Do you have to build a two stories to make it worth it? Yes, 1 floor won't work.

30 or 35% open space (whichever is required currently in the RP zoning) will work. What kind of parking lot are you building now?

Next step this goes to the planning commission. If all goes well what is your plan for breaking ground?

We would want half preleased. 6 month build. Home Health and Hospice is one of the companies wanting to be there and they don't have patients that visit their office. So it's minimal traffic in and out. They have a weekly IDT meeting with their staff that lasts a couple hours. Other than that, they are out in the nearby cities visiting patients in their homes.

Are there rules about what kind of signs you can use? City would regulate that.

How many office spaces? 2 up and 2 down. Each potential lease would take a quarter.

I would love more open space by my house of course. Will you put a row of tall trees?

Planning commission meeting next. Public forum.

Greg asked about any other concerns?

Push it as far away from Wild Rose as possible.

Two story building is a concern. Realtor showed proof the property value has gone down.

Greg replied that it would not work to be one level.

Business would require certain sq footage.

Greg acknowledged the unhappiness of Rebekah, and Sue Brough and Cori.

Cori feels that she can affect a difference in the zoning.

High School is what depreciates our value.

Cori asking about bigger trees as more of a buffer. She mentioned there's a nursery that has large, mature trees and they warranty them down in American Fork.

Greg expressed concern that mature trees tend to die more likely than a regularly installed tree.

Neighborhood Mtg - Office Building

NAME	SIGNATURE
RYAN DUERTON	Ryan
Cory Overtor	Cory Overtor
Rebekah Kaybe (also representing Broughs)	R. Kaybe
BRETT BURNS	Brett Burns
MARIALISA WRIGHT	MariaLisa Wright
Gary	Gary
JACKIE & TIM HEACEY	T. Heacey
Greg Nield	Greg Nield
Melinda Wright	

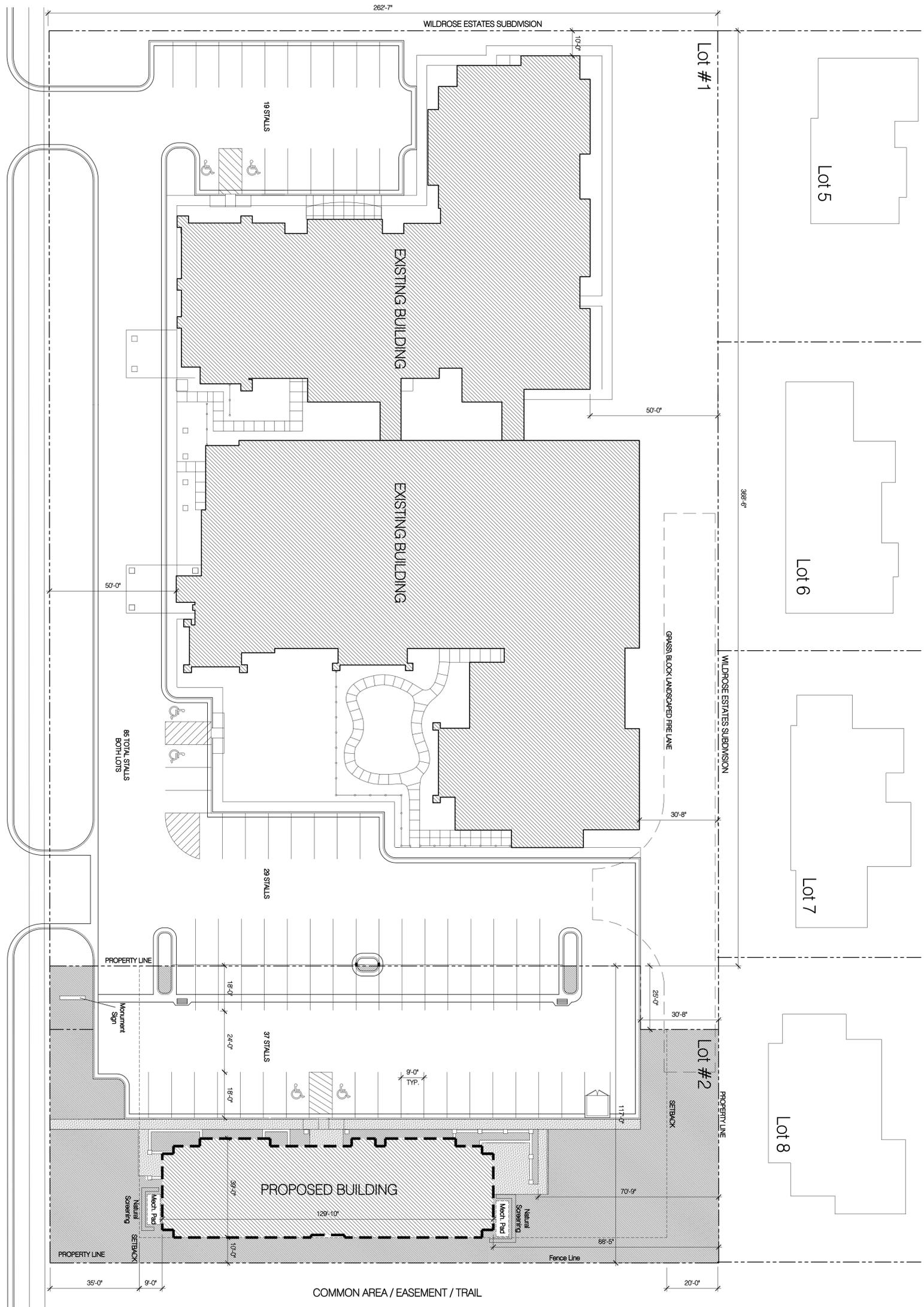
REFERENCE NOTES

1.

boque building  
730 pacific avenue  
salt lake city  
Utah 84104  
\* 801-521-6186  
† 801-539-1916  
ffkr.com

**FFKR**  
ARCHITECTS

PROPOSED BUILDING	Description	Area	Required	Provided
Lot 2 (Professional Building) R-P Zone Total Square Footage		29,913		
	3-4505: Site Coverage	4,802 s.f.		
	(1) Total Building Coverage	7,492 s.f. max		4,802 s.f.
35% of site (with P.C. and/or C.C. approval)	(1) Total Building Coverage	10,470 s.f. max		
	(2) Landscaping Coverage	10,470 s.f. min.		12,471 s.f.
	35% total land area			
3-4506: Building Setbacks	Side	10'		10'
	Rear	20'		7'-2"
	Front	35'		44'
3-4507: Building Height		30' max		29'-6"
3-4509: Parking	(1) Parking Lot Characteristics			
	(d) Size of spaces	9'x18'		9'x18'
(e) Handicapped (ADA)		2		2 (One Van)
	(2) Specific Requirements for Each Land Use			
(a) Parking stalls for all uses shall be 4.0 per 1,000 s.f.		9,602 s.f. - 416 s.f.		37
	(c) In cases where less parking is appropriate - See (c)	9,602 s.f. - 416 s.f.		37
Lot 1 (Memory Care) SCALO Zone Total Square Footage		97,395		
	3-606: Site Coverage	34,127 s.f.		
(1) Total Building Coverage		34,098 s.f. max		34,127
	35% of site	34,098 s.f. max		34,127
(2) Landscaping Coverage		34,098 s.f. min.		36,125
	35% total land area			
3-4607: Building Setbacks	Side	10'		10'
	Rear (single story)	30'		30'-9"
Rear (two story)		50'		50'
	Front	50'		50'
3-4607: Building Height		35' max		30'-5"
3-4610: Parking	(7) Parking Lot Characteristics			
	Quantity of beds (1 space per 2 beds)	31		32
Quantity of Employees (1 per employee)		14		16
	(d) Size of spaces	9'x18'		9'x18'
(e) Handicapped (ADA)		2		4 (One Van)



**A1** SITE PLAN  
SCALE 1" = 20'-0"  
0 10' 20' 40'

400 WEST STREET / NORTH COUNTY BOULEVARD

ASHFORD MEMORY CARE - OFFICE BUILDING 10322 N 4800 W HIGHLAND, UTAH 84003 SCHEMATIC DESIGN	
DATE	9/12/2013
DATE	10/16/2013
DATE	01/09/2014
DATE	01/14/2014
PROJECT NUMBER	13083
DRAWN BY	FO
CHECKED BY	
SCALE	
SITE PLAN	
AS 100	

**GENERAL LANDSCAPE NOTES:**

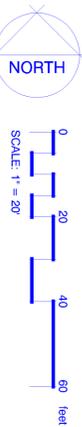
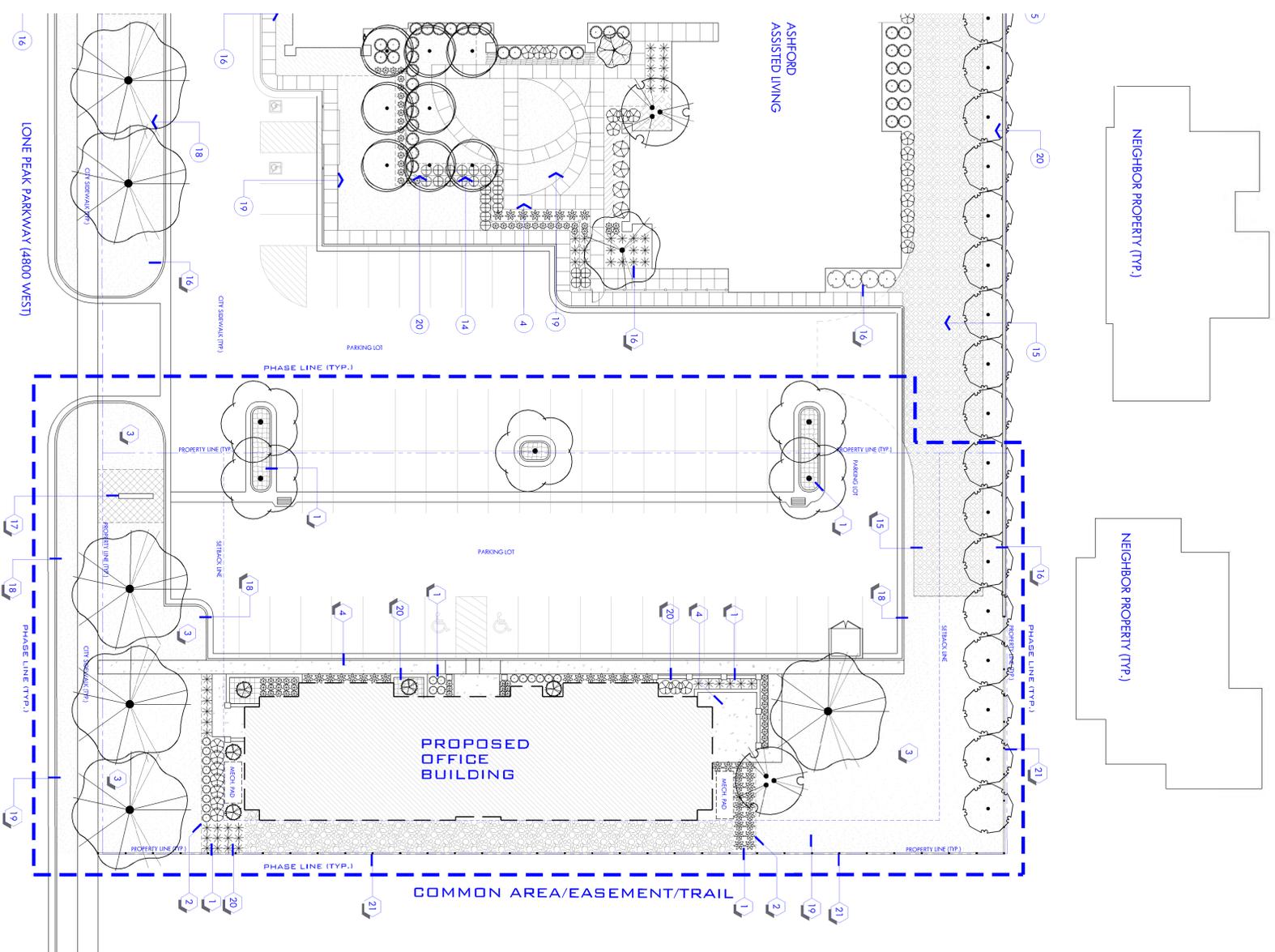
1. ALL LANDSCAPE SHALL BE IN COMPLIANCE WITH LANDSCAPE REGULATIONS, 2014 EDITION, ORDINANCE NO. 2133, SERIES OF 2004 AND THE PLANNING ASSOCIATION OF UTAH (PAU) DESIGN STANDARDS FOR LANDSCAPE ARCHITECTURE.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE UTAH PLANTING STANDARDS AND SPECIFICATIONS FOR LANDSCAPE ARCHITECTURE.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE UTAH PLANTING STANDARDS AND SPECIFICATIONS FOR LANDSCAPE ARCHITECTURE.
4. CONTRACTOR SHALL NOT VERIFY PROTECT WITH CONSTRUCTION AS SHOWN WHEN IT IS NECESSARY TO PROTECT EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN RISK AND EXPENSE.
5. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN RISK AND EXPENSE.
6. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN RISK AND EXPENSE.
7. ALL TREE AND SHRUB LOCATIONS SHALL BE STAKED BY THE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT.
8. PLANT DISTRIBUTION WILL NOT BE REFINISHED WITHOUT APPROVAL BY LANDSCAPE ARCHITECT AND ENGINEER.
9. ALL SHRUB BEDS TO BE BLACK ORGANIC MULCH TO DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
10. ALL PLANTING SHALL BE PLACED TO BE PROTECTED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
11. ALL PLANTING SHALL BE PLACED TO BE PROTECTED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
12. ALL PLANTING SHALL BE PLACED TO BE PROTECTED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
13. SOD TO BE 100% FROM STATE GROWERS. USE BLACK ORGANIC MULCH FROM GUYANA. SOD TO BE 100% FROM STATE GROWERS. USE BLACK ORGANIC MULCH FROM GUYANA. SOD TO BE 100% FROM STATE GROWERS. USE BLACK ORGANIC MULCH FROM GUYANA.
14. ALL PLANTING SHALL BE PLACED TO BE PROTECTED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
15. PLANTS SHALL BE INSTALLED IMMEDIATELY UPON DELIVERY TO BE. IT IS NOT POSSIBLE TO STORE PLANTS FOR LONGER THAN 14 DAYS.
16. PLANNING THIS SHALL BE EXCAVATED TO A MINIMUM OF TWICE THE WIDTH OF THE ROOTBALL. DO NOT DISTURB SOIL AT THE BOTTOM OF THE EXCAVATION.
17. AFTER PLANT INSTALLATION, ALL PLANT MATERIAL SHALL BE RELOCATED TO THE ROOTBALL OR TO AN APPROPRIATE LOCATION.
18. LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR ONE YEAR FROM DATE OF FINAL INSPECTION.
19. ALL LANDSCAPE SHOWN ON THESE PLANS SHALL BE MAINTAINED IN A NEAT AND ACCURATE MANNER. REQUIRED MAINTENANCE ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, FERTILIZING, PRUNING, WEEDING, AND REPLANTING OF DEAD OR DAMAGED PLANTS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS FOR MAINTENANCE ACTIVITIES.
20. SEE SHEET P-501 FOR PLANTING DETAILS.
21. SEE CIVIL AND ARCHITECTURAL DRAWINGS FOR ALL STRUCTURAL, MECHANICAL, ELECTRICAL, AND FINISHING NOTES.

**REFERENCE NOTES**

- | SYMBOL | DESCRIPTION   | QTY      | DETAIL |
|--------|---|----------|--------|
| 1      | PLANTING AREA (TYP)   | 64/P-501 |        |
| 2      | 6X1/4" RUSTED STEEL EDGING (TYP)  | 84/P-501 |        |
| 3      | TURF AREA (TYP)   | 74/P-501 |        |
| 4      | CONCRETE WALKWAY - SANDSCAPE CONCRETE FINISH - COLOR - GRAY (TYP)   | /        |        |
| 15     | TURF BLOCK (TYP) - FIRE TRUCK HAMMERHEAD AREA ONLY (PER CONTRACTOR)   |          |        |
| 16     | EXISTING LANDSCAPE PLANNINGS - PROJECT-IN-PLACE (TYP.)  |          |        |
| 17     | NEW SIGN AND LANDSCAPE PLANNINGS LOCATION - MATCH EXISTING SIGN (PER OTHERS)  |          |        |
| 18     | IRRIGATION SYSTEM SHALL BE 100% AUTOMATIC AND MEET CITY REQUIREMENTS AND SHALL BE WATER EFFICIENT.  |          |        |
| 19     | IRRIGATE TURF AREAS WITH LOW PRECIPITATION RATE TURF ROTARY HEADS WITH AT LEAST 1.000" HEAD TO HEAD COVERAGE (TYP.) - [LAYOUT PER CONTRACTOR] |          |        |
| 20     | IRRIGATE SHRUB AND PLANTER BEDS WITH WATER EFFICIENT IN-LINE DRIP AND DRIP EMITTERS (TYP.) - [LAYOUT PER CONTRACTOR]                          |          |        |
| 21     | FENCELINE (BY OTHERS)   |          |        |

**PLANT SCHEDULE**

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	CE8	CERCIS CANADENSIS 'FOREST PANSY' TM / FOREST PANSY REDBUD	2" CAL	1	
	CC2	CHAMAECYPARIS ORBITUSA 'WELLS HINOKI KING' / HINOKI KING FALSE CYPRESS	7" MIN.	5	
	PL2	PLATANUS ACERIFOLIA 'BLOODGOOD' / LONDON PLANE TREE	2" CAL	4	
	PC2	PIRUS CALIFORNIANA 'CHANICLEER' / CHANICLEER PEAR	2" CAL	5	
	ZG	ZELKOVA SERRATA 'GREEN VASE' / SAWLEAF ZELKOVA	2" CAL	5	
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	BN	BERBERIS THUNBERGII 'NANA' / CRIMSON PYGMY BARBERY	5 GAL	19	
	KF	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER' / KARL FOERSTER GRASS	1 GAL	24	
	BB	EUONYMUS ALATUS 'COMPACTUS' / DWARF BURNING BUSH	5 GAL	10	
	SOD	HEMEROCALLIS HYBRID 'STELLA DE ORO' / STELLA DE ORO DAVID LILY	1 GAL	35	
	RK	PENNINGTONIA ORIENTALE 'KARLE ROSE' / KARLE ROSE MOUNTAIN GRASS	1 GAL	36	
GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	CS2	TIMOTHY GRASS 'LANSCAPE ROCK STAKER PARSON' - (80) 1409-9200	ROCK MULCH		1,334 SF
	ASS PER	ASSORTED PERENNIALS/ANNUALS	1 GAL	12" o.c.	310 SF
	PIP	DELONIXA COOPERI / PURPLE ICE PLANT	FLAT	12" o.c.	311 SF
	SF	SEDUM SPURBUM 'FULDAGLUT' / STONECROP	FLAT	12" o.c.	67 SF
SOD/SEED	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	TB	TURF GRASS / TURF GRASS	SOD		8,024 SF



**ASHFORD OFFICE BLDG**  
10322 NORTH LONE PEAK PARKWAY  
HIGHLAND, UTAH 84003

**DATE:** 10.18.13  
**PROJECT NO.:** 1344  
**DRAWN BY:** BAR  
**CHECKED BY:** BAR

**REVISIONS:**

**REGISTERED LANDSCAPE ARCHITECT**  
# 5197921  
Brandon A. Reed

**STAMP:**

The designs shown and described herein including all referenced materials, drawings, specifications and models thereof are proprietary and can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from LS1344.

These drawings are available for limited review and evaluation by clients, consultants, contractors, general contractors, vendors, government agencies, or any other party only in accordance with this notice.

**LOFT SIX FOUR**  
LANDSCAPE ARCHITECTURE  
ARCHITECTURAL SITE DESIGN  
10322 NORTH LONE PEAK PARKWAY  
HIGHLAND, UTAH 84003  
PHONE: 313.440.4400  
WWW.LS1344.COM

**SHEET**  
**LP101**

DATE	STATUS

DATE	REVISION

PROJECT NUMBER	13083
FILE	
DRAWN BY	Author
CHECKED BY	Checker
SCALE	1/8" = 1'-0"

PROJECT NUMBER	13083
FILE	
DRAWN BY	Author
CHECKED BY	Checker
SCALE	1/8" = 1'-0"

COLORED ELEVATIONS

A201



ELEVATION  
29' - 6"

**C2** South  
SCALE: 1/8" = 1'-0"

WINDOWS

CEMENTITIOUS FIBER BOARD SHINGLES -  
MATCH EXISTING FACILITY

SYNTHETIC STONE VENEER -  
MATCH EXISTING FACILITY

ASPHALT SHINGLES

CEMENTITIOUS FIBER BOARD



ELEVATION  
29' - 6"

**B2** East  
SCALE: 1/8" = 1'-0"

ASPHALT SHINGLES

CEMENTITIOUS FIBER BOARD SHINGLES -  
MATCH EXISTING FACILITY

SYNTHETIC STONE VENEER -  
MATCH EXISTING FACILITY

CEMENTITIOUS FIBER BOARD



**A2** North  
SCALE: 1/8" = 1'-0"

SITE LIGHTING - PER ELECTRICAL

CEMENTITIOUS FIBER BOARD SHINGLES -  
MATCH EXISTING FACILITY

CEMENTITIOUS FIBER BOARD

SITE LIGHTING - PER ELECTRICAL

ASPHALT SHINGLES

WINDOWS

SYNTHETIC STONE VENEER -  
MATCH EXISTING FACILITY

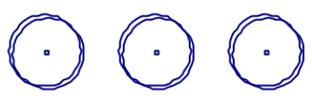
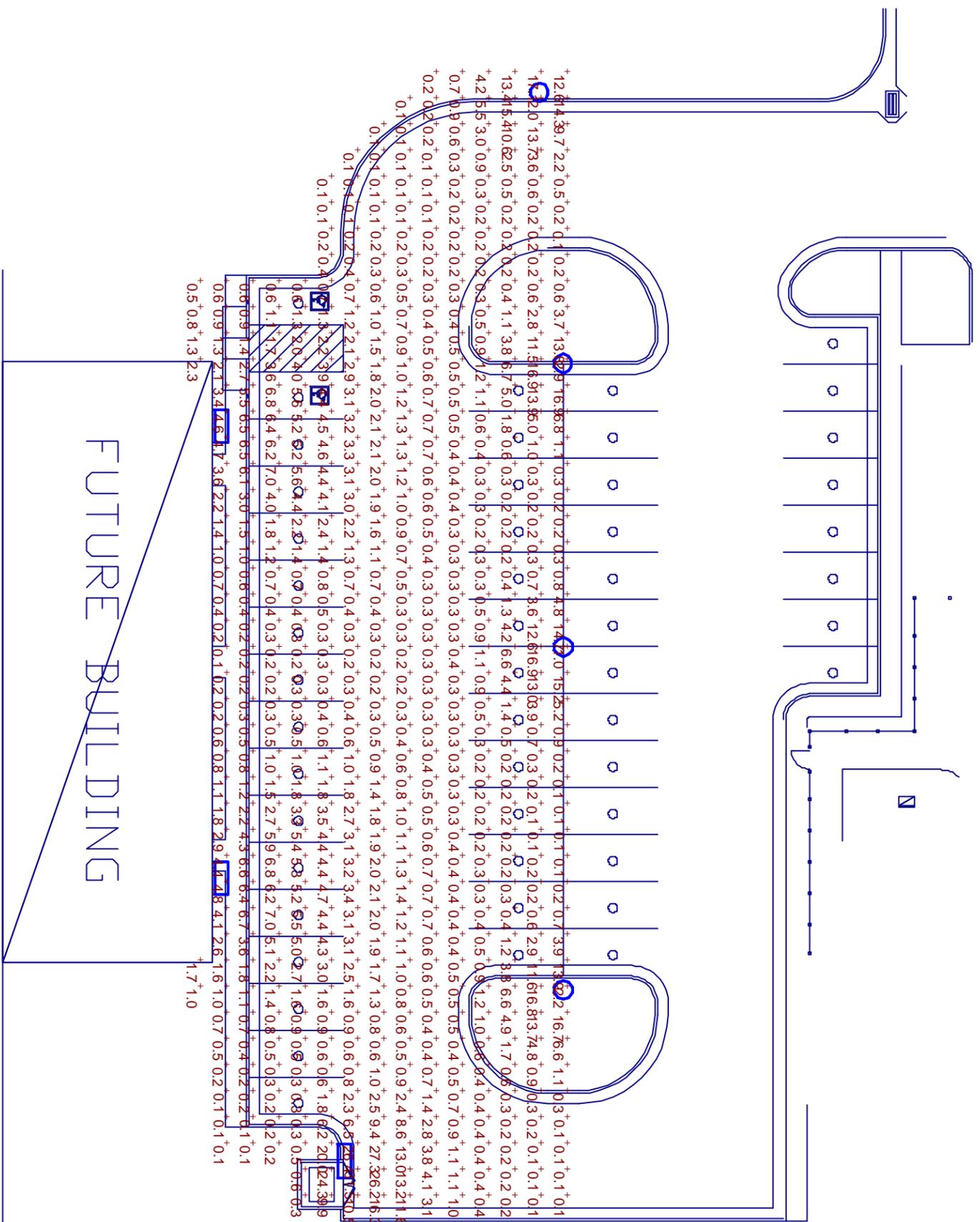
# STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #2	+	2.3 fc	31.5 fc	0.1 fc	315.0:1	23.0:1

ATTACHMENT H

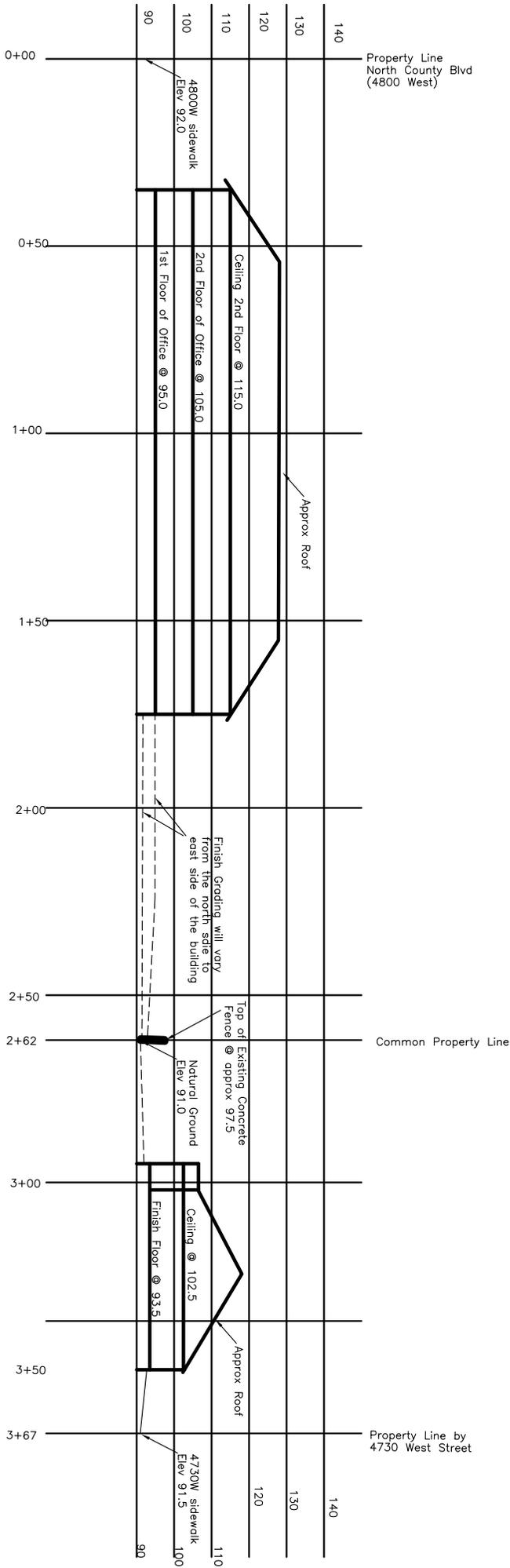
# LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	B1	4	KBR8 100M R5	8 IN ROUND BOLLARD	ONE 100-WATT CLEAR E-17 METAL HALIDE VERTICAL BASE-DOWN POSITION.	KBR8_100M_R5.ies	8500	1.00	140
	WM1	3	WSQ 150M FT (PULSE START)	ARCHITECTURAL SCNCE WITH FORWARD THROW DISTRIBUTION WITH CLEAR FLAT GLASS LENS. CLEAR LAMP. MEETS THE NIGHTTIME FRIENDLY CRITERIA	ONE 150-WATT CLEAR ED17 PULSE START METAL HALIDE HORIZONTAL POS.	WSQ_150M_FT_(PULSE_ST ART).ies	14000	1.00	189



Plan View  
Scale 1" = 25'

Proposed Ashford Office Building Cross Section  
 East-West with Lot 8 to the East



1 **Highland City Planning Commission**  
2 **October 29, 2013**  
3

4 The regular meeting of the Highland City Planning Commission was called to order by Planning  
5 Commission Chair, Christopher Kemp, at 7:00 p.m. on October 29, 2013. An invocation was offered by  
6 Commissioner Temby. Commissioner Heyrend led those assembled in the Pledge of Allegiance.  
7

8 **PRESENT:** Commissioner: Chris Kemp  
9 Commissioner: Tim Heyrend  
10 Commissioner: Abe Day  
11 Commissioner: Jay Roundy  
12 Commissioner: Scott Temby  
13

14 **EXCUSED:** Commissioner: Sherry Carruth  
15 Commissioner: Steven Rock  
16

17 **STAFF PRESENT:** Community Development Director: Nathan Crane  
18 Treasurer: Jill Ballamis  
19  
20

21 **OTHERS:** Greg Nield, Cori Ollerton, Ryan Ollerton, Tim Irwin, Brian Braithwaite, Gary Wright,  
22 Rebekah Kaylor, Robert Valentine, Rodney J. Davis, Rustin Ostler, Maria Wright, Shaunna Godwin, Mykel  
23 Godwin.  
24

25 **A. APPEARANCES**  
26

27 Commissioner Kemp invited comments from the public regarding items not on the agenda. Hearing no  
28 comments Commissioner Kemp continued with the scheduled agenda items.  
29

30 **B. WITHDRAWALS AND CONTINUANCES**  
31

32 **C. PUBLIC HEARING AND LEGISLATIVE ACTION**  
33

- 34 1. **CU-13-02** Rod Davis is requesting a conditional use permit to expand an existing church parking  
35 lot located at 6072 West 9600 North. *Administrative.*  
36

37 Commissioner Kemp opened the public hearing.  
38

39 Nathan Crane, Community Development Director, explained that this a request for a Conditional Use  
40 Permit to expand the parking lot for the existing church at 6800 West and 9600 North. Mr. Crane  
41 indicated that this is one of the few times we will be addressing property in the R-1-20 zoning district;  
42 churches are permitted in the zoning district. The overhead Power Point presentation was referenced for  
43 the parking lot expansion, landscape plan, and lighting plan. The light levels are shown as one candle foot  
44 or less at the property lines.  
45

46 There was a Neighborhood Meeting held; seven individuals attended the meeting. Some questions  
47 referenced ingress and egress of the expanded parking lot and how power is going to be provided to the  
48 lot.  
49

1 A radius notification and newspaper notice were done for this project. One comment has been received in  
2 support of the application.

3  
4 Hearing no comments from the Commissioners, the applicant, or the public, Commissioner Kemp closed  
5 the public hearing.

6  
7 **MOTION: Commissioner Temby moved that the Planning Commission accept the findings and**  
8 **recommend APPROVAL OF case CU-13-02, a request for a conditional use permit for the**  
9 **expansion of a parking lot for an existing church subject to the three stipulations recommended**  
10 **by staff.**

- 11  
12 1. The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations  
13 date stamped November 21, 2012 except as modified by these stipulations.  
14 2. Prior to the issuance of a building permit, the applicant shall provide a letter from UDOT  
15 approving the driveway locations and spacing.  
16 3. In accordance with Section 4-109, the conditional use permit will expire if a building permit has  
17 not been issued within one year of approval by the City Council.

18  
19 **Motion seconded by Commissioner Roundy. Unanimous vote, motion carried.**

- 20  
21 2. **FP-13-11** Rod Davis is requesting minor subdivision approval for a two lot  
22 subdivision to allow for the expansion of a church parking lot located at 6072  
23 West 9600 North. *Administrative.*

24  
25 Commissioner Kemp opened the public hearing.

26  
27 Nathan Crane explained that this request is for a minor subdivision approval; this request will create two  
28 lots. This item is correlated to the previous item for the church parking lot expansion. The property  
29 where this request is located was previously a vacant lot. It will be divided into two lots; one for a  
30 residential home and the other for the parking lot expansion. The right of way dedication is included as a  
31 part of this subdivision. As mentioned earlier, there is the one comment that has been received in support  
32 of this. Mr. Crane indicated that we are recommending approval subject to five stipulations.

33  
34 Commissioner Day asked if this property is owned by the LDS Church. A representative from the LDS  
35 Church indicated that the property is currently under contract.

36  
37 Commissioner Kemp closed the public hearing.

38  
39 **MOTION: Commissioner Temby moved that the Planning Commission accept the findings and**  
40 **recommend APPROVAL of case FP-13-11 a request for minor subdivision approval for Chapel**  
41 **Meadows Plat B, a two lot minor subdivision subject to the five stipulations recommended by**  
42 **staff.**

- 43  
44 1. The recorded plat shall conform to the final plat date stamped October 17, 2013 except as  
45 modified by these stipulations.  
46 2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to  
47 recordation of the final plat as required by the Development Code.  
48 3. All required public improvements shall be installed as required the City Engineer.  
49 4. The civil construction plans shall meet all requirements as determined by the City Engineer.

- 1 5. Prior to recordation, the final plat shall be revised as determined by the Community Development  
2 Director and City Engineer.  
3

4 **Motion seconded by Commissioner Heyrend. Unanimous vote, motion carried.**  
5

- 6 3. **TA-13-08** Greg Nield is requesting to amend Article 4.5 RP (Residential-  
7 Professional) District relating to building setbacks, trash enclosure locations,  
8 and screen wall requirements. *Legislative.*  
9
- 10 4. **Z-13-01** Greg Nield is requesting to rezone 0.9 acres from R-1-40  
11 (Residential) to RP (Residential-Professional) to allow for a 10,001 square  
12 foot two-story office building located at 10298 North 4800 West. *Legislative.*  
13
- 14 5. **CU-13-03** Greg Nield is requesting a conditional use permit for a 10,000  
15 square foot two story office building in the RP (Residential-Professional)  
16 District located at 10298 North 4800 West. *Administrative.*  
17

18 Commissioner Kemp opened the public hearing.  
19

20 Mr. Crane explained that agenda items 3, 4, and 5 are all interrelated to one another and that he will review  
21 all of those at this time so as to make the requests clear. One application request cannot be done without  
22 the other and vice versa. Mr. Crane began a detailed review of the requests.  
23

24 The proposal is to build a 10,000 square foot two story office building. When we did the expansion of the  
25 assisted living on 4800 West, across from the High School, the applicant had purchased property to the  
26 north and the south. They showed a proposed building on the property to the south; no details other than  
27 a pad were shown at that time. Several applications are needed in order to facilitate the request.  
28

29 Mr. Crane emphasized that a lot of the zoning districts we have are specific to certain projects and in order  
30 to apply them to other projects, amendments have to be made to accommodate those.  
31

32 He explained that in the RP Zone, that unless the parking is behind the building, there is an 80 foot front  
33 setback. This is designed to encourage parking behind the building. A couple of uses that utilize the  
34 parking in the rear are The Pointe and office building on the southeast corner of the Alpine Highway and  
35 Timpanogos Highway. In the case of this request, amending the front setback will allow for parking to be  
36 closer to the street and farther away from the adjacent homes.  
37

38 The proposal is that the front setback be reduced to 30 feet for those instances where it will create an  
39 increased buffer between a building and existing residence. Side setbacks are 25 feet from an existing  
40 residence; it also allows that reduction when the Land Use Map shows a non-residential use designation in  
41 the area on the property and you have written approval from a property owner. Mr. Crane explained that  
42 these are just proposals that are open for debate. The goal was to incorporate some kind of neighborhood  
43 notification involvement and knowledge of things that are going on. If they understand their property is  
44 also in transition and they are willing accommodate this that is something the Commission can consider.  
45

46 Mr. Crane indicated that another amendment involves the trash enclosure; they are currently required to  
47 be 100 feet from any existing residential use. On the General Plan, this site is designated as Mixed Use  
48 and that was changed about a year ago. Any time there is a transition between non-residential and  
49 residential uses, things do not always develop concurrently. There are issues to the south and east of this

1 site where there are residential uses. With the current requirement, the trash enclosure for this site would  
2 need to be 100 feet from each of these existing residential uses.

3  
4 Another requirement of the RP District is an 8 foot wall as a buffer between residential and non-  
5 residential uses. There is currently a 6 foot wall on the east property line and the applicant is requesting a  
6 reduction to the existing 8 foot requirement.

7  
8 The applicant is also requesting that the fence adjacent to the trail on the north side of the site be reduced  
9 from 8 feet and they wish to do an alternative that would be wrought iron or some type of combination;  
10 the details have not yet been provided. This trail provides access from the Wild Rose Subdivision to Lone  
11 Peak High School. The proposal is that if the wall is adjacent to open space and we have permission from  
12 property owners, it could be reduced. The purpose of the wall is to provide a buffer, create transition, and  
13 compatibility.

14  
15 At this time, Mr. Crane asked if the Commission had any questions on the items he has reviewed up to this  
16 time for the Development Code amendments.

17  
18 Commissioner Temby asked for clarification regarding the front and side setbacks; his clarification was  
19 that the setback is measured from the street. Mr. Crane indicated that is correct.

20  
21 Commissioner Heyrend asked for clarification on the setbacks. Mr. Crane explained that the goal is to  
22 create a larger setback where there are adjacent residential areas. Mr. Crane expressed that he is trying to  
23 make sure that this RP District can be applied in other areas and with other buildings.

24  
25 The Commission chose to have Mr. Crane continue his presentation with this project and the multiple  
26 application items that are required and have an overall discussion after hearing everything.

27  
28 Mr. Crane moved forward to the Rezone application and indicated that the site is currently zoned R-1-40.  
29 On the General Plan Land Use Map, the property is shown as Mixed Use which allows for residential and  
30 non-residential uses. This applies to about 0.7 acres. The areas to the east and south include existing  
31 residential. Lone Peak High School is located to the west of the site and the existing facility is located to  
32 the north.

33  
34 When working on a Rezone, the entire General Plan needs to be looked at, not just the Land Use Map.  
35 The goals and objectives inside the General Plan need to be looked at. Compatibility with surrounding  
36 uses needs to be addressed. In this case, the input that Mr. Crane has received concerns the two story  
37 building adjacent to the existing single family use. Another thing to look at is the circulation on and off  
38 site; a lot of times when a property is rezoned, depending on what the request is, traffic volumes can be  
39 increased. The last element for consideration is conformance with the Development Code. Mr. Crane  
40 indicated that staff's recommendation on this item is that it is really up to the Planning Commission and  
41 City Council to determine compatibility between land uses. Mr. Crane explained that there are a number  
42 of ways to address compatibility, such as fences, landscaping, and lighting. The overall recommendation is  
43 that the Planning Commission hold the public hearing, determine compatibility, include enough assurances  
44 to properly buffer between the different types of uses, and other compatibility issues. Mr. Crane reminded  
45 the Commission that they and the City Council have discretion so we can provide conditions to rezoning if  
46 we need to.

47  
48 Mr. Crane moved onto the Conditional Use Permit request. The office building is about 30 feet tall and  
49 includes approximately 10,000 square feet. The building is setback almost 86 feet from the existing  
50 residential area to the east. It is setback 10 feet from the property to the south. A lighting plan was

1 provided that includes the appropriate lighting. With the landscape plan, the buffer is extended that would  
2 apply to the east half of the site. The site does provide the required landscaping of 35%. Mr. Crane that  
3 staff feels that the landscaping proposed to screen the ground and man equipment need to be walls that  
4 match the architecture of the building. The site includes 37 parking spaces; 2 of the spaces are ADA  
5 compliant. Mr. Crane stated that the number of spaces is about 2 short of our requirement; the RP  
6 District does allow the Commission to consider a reduction in parking if studies are provided. Mr. Crane  
7 expressed concern over reducing parking even if only by a couple of spaces; there is no overflow. He also  
8 indicated that not knowing what users will be occupying this building will also have a potential impact to  
9 the number of parking spaces; some users have a higher demand for spaces than others. The architecture  
10 of the building was reviewed on the overhead.

11  
12 Mr. Crane expressed that staff is concerned with the location of the current parking structure; it is  
13 problematic. It leaves a parking space as unusable. Staff feels that it should be moved one space east for  
14 circulation purposes.

15  
16 A cross access agreement will be required between the Assisted Living and this use. There is a plat request  
17 later on the agenda tonight that will be reviewed; it will create two separate lots. If either parcel is sold off  
18 in the future, it is important to have the cross access agreements between the two to avoid any issues.

19  
20 The RP District requires that 50% of the trees that are adjacent to the residential properties be evergreens.  
21 Given the history on this case, we need resident input on this issue. Currently the trees are proposed as  
22 deciduous.

23  
24 Mr. Crane went over the required findings that the Commission needs to address/review. In addition, if  
25 those findings are met, staff has included 5 additional stipulations.

26  
27 Commissioner Kemp opened the public hearings for agenda Items 3, 4, and 5 at this time.

28  
29 Greg Nield, applicant, explained that a few months back he met with City Staff about moving forward  
30 with their office building. He indicated they have always shown there would be ample parking for a two  
31 story office building. When they came to the City, they looked at different zones to see which would be  
32 best for this use; the PO and RP zones were looked at. It was recommended that the steer toward the RP  
33 Zone as it would be a better buffer for the adjacent neighbors. Mr. Nield expressed that he may be  
34 mistaken, but he did not think there was a need for them to come ask for an amendment to the code, but  
35 because of what the neighbors prefer with the setback, that would then require an amendment.

36  
37 Mr. Nield addressed the parking concerns. He clarified that with the assisted living facility, they are  
38 required to have 45 stalls and they show that they have 48. He said that if they are 2 stalls short on the  
39 office building side, they actually have 3 additional stalls on the assisted living side, so technically they have  
40 1 additional stall than what is required overall.

41  
42 Commissioner Kemp posed a question to Mr. Nield that even though they may meet the parking  
43 requirements with the sites combined, doesn't he feel that in real practical use there will be a shortage of  
44 spaces with close to 60 residents there, especially on a Sunday when visitors come. Commissioner Kemp  
45 asked what the plan is if the parking is not adequate. Mr. Nield expressed that the nice thing about the  
46 office use is that on Sundays, the office will be closed and there will be parking available there if it is  
47 needed. Sunday seems to be the busiest day and evenings are another busy time. Mr. Nield said they feel  
48 this is a really good relationship where the office closes at 6pm which will allow for overflow parking; that  
49 timeframe is typically when there is an increase in visitors. Greg stated that he had done his own study on  
50 parking on random days and at random times and there was never a time when all the spaces were full.

1 There was on average about 10 stalls that were occupied. Greg expressed that even with the additional  
2 staff, that he is very confident there will be adequate parking.

3  
4 Mr. Nield addressed the tree concern and indicated that he spoke with Cori Ollerton and has agreed to do  
5 every other tree evergreen; the landscape plan is not accurate.

6  
7 It was clarified that the cross access agreements would stay in place forever and stay with the land  
8 regardless if the property was sold.

9  
10 Commissioner Temby addressed his concern over the location of the trash enclosure in the 2<sup>nd</sup> spot on the  
11 eastern border. He inquired whether it would be possible to move that to the western edge. Greg Nield  
12 indicated that had been considered and an even better solution may be to use that 1 additional parking stall  
13 and make it green space with a buffer and use that as the trash area. Commissioner Temby explained his  
14 concerns come from personal experience where he was the neighbor adjacent to a similar setup and on  
15 trash day, the garbage truck would come at 4:30am and wake him up.

16  
17 Commissioner Heyrend asked if Commissioner Temby would want the trash enclosure to be near the  
18 street where it is visible though. Commissioner Temby indicated that we already have them in the city.  
19 Commissioner Heyrend expressed he prefers them hidden. Commissioner Temby indicated that in the  
20 interests of the adjacent property owners, he feels this would be an acceptable compromise to move it  
21 west.

22  
23 Mr. Nield used the overhead for discussion on location of the trash enclosure. The Commissioners  
24 participated in this discussion. Greg explained that from his employee's standpoint, the current proposed  
25 location works best due to the nature of their work and the areas they are coming from to the garbage.  
26 The trash is removed weekly around 9am to 10am; Greg anticipates that it would remain a similar time in  
27 the future. The number of pickups is likely to increase as the site is expanded. Commissioner Kemp  
28 asked why it is located one stall in and not in the end stall. Mr. Nield explained that for accessibility of the  
29 garbage truck, it was designed this way.

30  
31 At this time, the Commission heard comments and concerns from the public.

32  
33 Shaunna Godwin expressed that her biggest concern is the safety; the road is so busy, especially during the  
34 school year. Ms. Godwin showed where the current bus stop location is and voiced her concerns about  
35 that location once this construction and expansion has taken place. She has concerns that her subdivision  
36 will become an area where drivers go to turn around or get through; this raises additional safety concerns  
37 for her and their homes.

38  
39 Cori Ollerton brought with her photos from her home onto the site and vice versa into her lot, as well as  
40 from some of her neighbors homes, and the bus stop. Her comment was that they are very close; she's  
41 even had a construction worker wave to her from the site while she was inside her home. Ms. Ollerton  
42 voiced her main concern is their privacy. She said that with phase 1 they worked really well through it and  
43 were able to compromise. She indicated that changed with phase 2 and they ended up with a building 30  
44 feet from them and being able to see into the facilities windows. Now we're on phase 3 and we have a  
45 parking lot on the exact other side of the fence with a garbage can nearby. She expressed that these were  
46 things they tried so hard not to have the first time. Ultimately, they do not want a two story building in  
47 their backyard. Ms. Ollerton said that in talking with Greg Nield, it is financially better for them to do a  
48 two story building, but she asks as what point does a business financial gain say it okay for a neighborhood  
49 financial loss. It's been said many times that property values do not decrease; the property value decreases  
50 though if the sale-ability decreases and Cori said that theirs has. They have had many people comment

1 that they would not purchase their home or the neighbors due to the adjacent building(s). Cori  
2 complimented the building; her favorite is phase 1. To continue building and expanding is not what they  
3 as adjacent neighbors want. Cori suggested waiting to build the office building to see what impact that  
4 phase 2 has and what the impacts are; for instance, see how the parking situation is. Ms. Ollerton  
5 reiterated the buffer's importance for their privacy; they would like the stone fence to remain as it is stated.  
6 Ms. Ollerton suggested that continuing this item may be a good idea in order to further evaluate the  
7 requests.

8  
9 Ryan Ollerton expressed that he and his wife, Cori, share similar views on this project. He commented  
10 that they have not yet even felt the full magnitude of the expansion that is phase 2. The patients are not  
11 even moved in and they are proposing a 10,000 square foot office building. Mr. Ollerton said they have  
12 appreciated Greg working with them on their concerns. He has concerns on the buffer; he and his wife  
13 feel that a two story building on this site is a bit much. A 1 story building with similar types of tenants,  
14 that he is desiring, may be a great fit and also mitigate the parking issue with a smaller magnitude of a  
15 building.

16  
17 Mr. Ollerton remarked that when the expansion request was brought before the Commission, they voted it  
18 down. When it was also brought before the City Council, they also voted it down and at the last minute a  
19 deal was struck and it was in, so it was not easy for that one to even happen. As resident's to look at plans  
20 and know exactly how it is going to look and feel is not fair; now that it is built, it is a little more expansive,  
21 closer, and more intrusive than they had ever planned, even if it does meet the requirements that were  
22 passed. Mr. Ollerton said that with in mind, they have tried to play their cards to mitigate what is there  
23 now and make it so there is a buffer; Greg has been good in discussing the trees. The trees are the primary  
24 thing for the Ollerton family. Mr. Ollerton proposes that the size and caliper of tree increase from what is  
25 shown or required to create immediate shading.

26  
27 Mr. Ollerton indicated that if the request is approved, they are in favor of moving the building closer to  
28 4800 West. The garbage is a concern; the number of tenants is increasing and the receptacle has not.  
29 Moving the trash enclosure away from the residences is also favorable. The fence on the north and south  
30 sides when this was passed at expansion were supposed to be the masonry all the way around; this is still  
31 favorable the entire way around and that it not be wrought iron. Mr. Ollerton requested that the size of  
32 the trees be in writing if this request passes. He indicated that if the lighting plan is the same as phase 1  
33 that that is good with them.

34  
35 Gary Wright lives directly east of the site. He thinks the project is favorable; he does not have a problem  
36 with a two story building. Mr. Wright echoed the idea of the garbage being moved to the west as  
37 suggested earlier in the meeting. Gary likes the idea of the evergreen trees as discussed. Overall, he likes  
38 the project and has no qualms about it.

39  
40 Commissioner Temby asked if Gary Wright has any comments regarding the sale-ability of his home. Mr.  
41 Wright stated that the person looking to buy the home has to be okay with the surroundings; it is not for  
42 everyone. He expressed that he personally would prefer a nice professional office building behind his  
43 home any day versus a neighbor.

44  
45 Bob Valentine lives in the Wild Rose Subdivision and he is a licensed real estate agent and instructor. He  
46 said he sold a home in Wild Rose two months ago and got a very good price on it. It is not right on  
47 directly adjacent to the Ashford facility. Mr. Valentine does not think that the facility has harmed property  
48 values; he feels that what has harmed the home values was the financial collapse in 2008. He agreed with  
49 Gary Wright that he would prefer to have this use on the property. Mr. Valentine said his desire would be  
50 to see the properties to the south of Ashford be developed into similar types of properties. Mr. Valentine

1 commended Greg Nield on his forward thinking projects. He commented on the bus stops and suggested  
2 the bus stop move a block to the north to help mitigate concerns. Bob's opinion of the fence is that it be  
3 6 foot wrought iron fence so that the residents could see into the park; he does not have really strong  
4 feelings on the fence.  
5

6 Rebekah Kaylor lives directly behind the two story portion of the Ashford facility. Ms. Kaylor indicated  
7 that she had also spoken extensively with her next door neighbor Sue Brough who is behind the one story  
8 portion of the facility. Both of them in regards to the new zoning would urge the Planning Commission to  
9 urge the City Council to wait. Ms. Kaylor indicated there is no urgency here. She requested that the  
10 Commission let the residents wait until the facility is fully finished and functional and properly assess the  
11 impact it has upon their homes and the neighborhood. Then we can look at what needs to happen in the  
12 next place. Ms. Kaylor said that if they wait and then decide the impact is not such a negative and move  
13 forward with looking at a rezone that her husband and her main issue is where someone else's freedom  
14 ends, hers begins and this is what we're looking at here. They fully support entrepreneurship and  
15 commend Greg Nield for that. City zoning laws are put in place to protect property owners in situations  
16 just like this.  
17

18 Ms. Kaylor indicated that her neighbor Sue Brough did consult with a realtor and was told that her home  
19 had devalued sufficiently because of the nearness and impact and that she will need to wait before she can  
20 move. Ms. Kaylor has over 15 windows overlooking into their backyard; she has been impacted by lights  
21 in the night from those windows. As far as the fence goes, she feels very strongly. That is where their  
22 children walk every day to and from school; it is a safety issue. Ms. Kaylor voiced concern over workers at  
23 the facility that may be able to track patterns of the children and possibly take advantage of that; Ms.  
24 Kaylor pleaded for the Commission to consider that. She said that they want the full wall and at least 6  
25 feet. Ms. Kaylor pleaded and urged the Commission to find out first what the impact is going to be before  
26 looking at the south lot.  
27

28 Greg Nield addressed comments made from the residents. In regards to the fence, Nathan Crane did  
29 requested Greg to speak with the neighbors that were on the north property line. Greg indicated that he is  
30 working to get the information on that. One concern they have with a solid fence is visibility when exiting  
31 the lot; the building is sunken into the ground where it is two stories, so when coming out of the parking  
32 lot, there is a ramp therefore visibility is important. Mr. Nield referred to the code where it spells out that  
33 one type of fencing is required along the perimeter; on the site plan, a 3 foot wrought iron fence is shown  
34 on the south and north property line. Greg indicated this was because the plat says nothing over 4 feet  
35 can be constructed if adjacent to public open space.

36 Mr. Crane explained that we are talking about two different fencing issues. One with the Conditional Use  
37 Permit and it did not show a 3 foot fence. The other issue with the fence is on the south side adjacent to  
38 the City trail. The fence discussion on the north was a part of this expansion was separate issue that we're  
39 dealing with.  
40

41 Mr. Nield addressed the tree sizes. He indicated that with moving the building closer to 4800 West that  
42 the impact is lessened for the adjacent homes. Then with trees to buffer, it also creates a more appealing  
43 situation. He indicated that if they need to put in 3 or 4 larger trees, they are open to that; even though  
44 there is the potential they will die out sooner.  
45

46 Commissioner Kemp asked if it is feasible for Greg to do a one story office building instead of the two  
47 story building. Greg indicated that for them it is not feasible. He stated they have had a several different  
48 companies approach them and there are two that look very promising. One is a health and hospice  
49 company; they would be a very low traffic business. Another one show interest is a chiropractor, as well as  
50 a dentist.

1  
2 Greg further explained that to do a one story building, they would only be allowed to what code allows,  
3 which Greg thought was 30% building to site coverage. So with a single level, they would have half the  
4 revenue. Going to a two story allows for greater revenue and allows them to pay for their mortgage. He  
5 stated they would not do a single level building. Commissioner Roundy asked if they have looked at a  
6 single story with a basement as an option. Mr. Nield said that the neighbors had brought that up, but they  
7 have a couple of concerns. They are required to have an elevator and when looking at a basement set up,  
8 it is problematic with ADA requirements and the slope that is required. Mr. Nield expressed that it is a lot  
9 harder to lease and office space where the windows are sunken down; marketability is less viable.

10  
11 Commissioner Kemp asked for Mr. Nield's thoughts on putting off the project to see what the impact is  
12 once the Ashford build out is complete. Greg stated that he does not like that idea at all. Commissioner  
13 Kemp asked if that is because he is afraid of what the impact will really be. Greg said that is not the case  
14 at all; he feels really confident that there is ample parking. He said you can go into other cities and see  
15 what the potential impact would be by looking at a building that is already completed. Mr. Nield indicated  
16 that in his experience, the majority of other cities require 30% less parking than what Highland City does  
17 for Assisted Living.

18  
19 Mr. Crane clarified an earlier subject matter that came up; the RP District allows 25% site coverage; the  
20 Commission and Council may approve up to 35%, which is what the applicant is proposing.

21  
22 Rebekah Kaylor added that the neighbors that live on the north side do not have children that ride the  
23 bus. She believes the people with children riding the buses would be the ones that should be talked to for  
24 input.

25  
26 Bob Valentine said that he planted 7 Shademaster trees on the back of his property for privacy 3 years ago;  
27 he is astonished at how fast the trees grew in 3 years. He encouraged these types of trees to be used.

28  
29 Commissioner Roundy thinks that we need to be very careful in insuring compatibility. He recommended  
30 holding a public hearing where specific issues can be discussed. The first item he suggests is a parking  
31 study that has been prepared by a professional outside company. He thinks that the building should shift  
32 to the west. He does not think it is wise to reduce parking. The comments he's heard about this facility  
33 have all been positive; he sees this facility as one that will bring in more residents and people, but hence  
34 more traffic. Another issue is that he recommend an appraisal be done and look at the impact that a two  
35 story building will have on the adjacent homes. Commissioner Roundy likes the ideas of the large caliper  
36 trees and the solid masonry fence.

37  
38 Commissioner Temby is concerned about the privacy and potential impact on the residents adjacent to the  
39 property. Both pro and con issues have been presented that have value. He feels that there can mitigating  
40 factors incorporated that would both address the noise and privacy issues; either by adding or increasing  
41 the caliper of trees, arranging the setbacks so that the building is closer to 4800 and the trash area is moved  
42 to a less impactful area. Commissioner Temby said that he looks at the use of the property in conjunction  
43 with the residential properties and the professional nature is preferred over commercial. Looking at 4800  
44 West was what it was before what it is today, R-1-40 was a good fit and he is not sure if it still is. As far as  
45 traffic, he anticipates a slight increase. Along with the arguments for continuance and delay, he expressed  
46 that he is not a proponent of delay in city development without compelling evidence justifying the delay;  
47 he just does not think we have that here.

48  
49 As far as the appraisal, that is an interesting proposal, but what would we need to see in it that would  
50 change what we do here today. Commissioner Roundy stated that if it is going to have a significant impact

1 on the residents then that is going to let us know that a two story versus a one story and which is best. We  
2 can then turn that back to the applicant. He said one of the charges they are given as Commissioners is to  
3 protect the values, so that is where is coming from for the request of the appraisals.  
4

5 Commissioner Day said his only comments surrounded different locations for the trash enclosure. He  
6 suggested moving it to the front north corner in the L shape. Commissioner Kemp asked the applicant if  
7 the garbage company said the dumpster needs to be upsized or anything. Mr. Nield indicated that the size  
8 of the dumpster can increase or the number of pickups per week can increase too.  
9

10 Commissioner Day asked what the current proposed setback from the west is. Mr. Crane indicated it is 86  
11 feet and 25 feet is what is required without an amendment. Commissioner Day said he is not in favor of  
12 that change for future developments that may come in that would look for that exception. In regards to  
13 the fence, Commissioner Day would lean toward keeping a consistent style of fence. Along the south side  
14 with the trail, he indicated that a narrow corridor has never been a concern he's had, people are allowed in  
15 the state to protect themselves in the various ways that they can so if people want to risk attacking  
16 someone, it's up to them, but in general, he leans towards keeping the fences consistent.  
17

18 Commissioner Heyrend said that he can recall the last time that Ashford came in and he was not in favor  
19 of the two story back then because of the many windows that face the backyards; he said if that was his  
20 house, he would not appreciate it. He does not think anyone in this room would appreciate that. The idea  
21 is to screen it and put in an 8 foot fence. He said he is in favor of the hip roof with no windows that faces  
22 residential, which still allows the two story building without compromising the privacy of the residences  
23 behind you; any good architect would take that into account. He said at a bare minimum, he would  
24 definitely recommend the large trees; that is the price to pay when you want to build right next to  
25 someone's house with a 30 foot setback. He said when you mix two different types of environments right  
26 next to each other, it is not an acceptable use to be looking into one another's properties. He expressed  
27 that he is happy to see the much larger setback on this proposed building. He is happy to recommend  
28 changing the code for this purpose. In this case, he would recommend the hip roof. The garbage  
29 dumpster should be located as far away from those residences as possible. He suggested the dumpster go  
30 next to mechanical area of the building; this will encourage them to keep up on the garbage and keep the  
31 smell in charge. Commissioner Heyrend concluded by saying it is his opinion that we need to protect the  
32 residences from the businesses; he has seen a lot of abuses of businesses on residences. The fence should  
33 be solid construction on both sides for privacy.  
34

35 Commissioner Kemp said he likes the large setback that is proposed. His goal is to minimize the impact  
36 on the residences as much as possible both aesthetically and from a financial standpoint. The office use is  
37 probably one of the best uses there could be considering they will likely be closed on the weekends. He  
38 prefers that they have the proper number of parking stalls and feels they will still be short when the office  
39 building is in use. The garbage should be moved as far from residences as possible. He prefers a solid  
40 fence on the north side and possibly wrought iron on the south although he is not entirely sure on that.  
41 He stated that if this is allowed to go in as a two story building, the impact on the residences need to be  
42 minimized as much as possible. This can be done through larges trees or 8 foot fence or a combination of  
43 the two. He also likes the idea of some sort of appraisal done to see the true impact to the adjacent homes  
44 is financially. Commissioner Kemp concluded by saying with the huge expansion currently going on, he is  
45 not in favor of cramming this through as fast as we can until we have a little bit more information.  
46

47 Mr. Crane and the Commission went over minor items of clarification before entering a motion.  
48

49 **MOTION: Commissioner Heyrend moved that the Planning Commission accept the findings**  
50 **and recommend APPROVAL of the ordinance amendment with the following change:**

1 **Section 3-4515.d:**  
2 **Change from 100 feet to 70 feet of any residential use.**

3  
4 **Motion seconded by Commissioner Temby.**

5  
6 **Those voting aye: Commissioner Temby, Commissioner Roundy, Commissioner Heyrend, and**  
7 **Commissioner Kemp. Those voting nay: Commissioner Day. 4:1 vote, motion carried.**

8  
9 **MOTION: Commissioner Day moved to amend the original motion to change Section 3-4506 as**  
10 **follows:**

11  
12 The Planning Commission may reduce the front yard setback to thirty-five (35) feet if the reduction will  
13 increase the rear yard setback between the building and existing residential uses.

14  
15 **Motion dies due to lack of a second.**

16  
17 6. **FP-13-10** Greg Nield is requesting a minor subdivision approval for a two lot  
18 subdivision to allow for the Ashford Assisted Living office building at 10322  
19 North 4800 West. *Administrative.*

20  
21 Moving forward with the agenda, Commissioner Kemp suggested we entertain a motion on Agenda Item  
22 4, which is the Rezone request. Commissioner Day inquired whether this item should be continued seeing  
23 as there has been discussion about continuing some of the other items. Mr. Crane expressed that if the  
24 Commission is looking for additional information, Agenda Items 4 and 5 should go together and even  
25 possibly Item 6 too. Once the zoning is changed, your hands are tied so to speak. Commissioner Temby  
26 clarified that at this point, the Planning Commission would recommend the Development Code  
27 Amendment to the City Council; Commissioner Kemp indicated that is correct, but nothing else at this  
28 point.

29  
30 **MOTION: Commissioner Roundy moved that the Planning Commission CONTINUE agenda**  
31 **items 4, 5, and 6 in order to obtain additional information on possible impacts the requests will**  
32 **create. The Commission is requesting a parking study that addresses current and proposed site**  
33 **usage to make sure from the safety, engineering, and use perspective that there is the amount of**  
34 **parking needed to safely conduct business on the site. The Commission also requests an**  
35 **appraisal to assess the impact on adjacent homes regarding the two story building request versus**  
36 **a one story building. The Commission requests that staff look at both studies, parking and the**  
37 **appraisal, and determine how to best accomplish these tasks and who will incur the cost.**

38  
39 Mr. Crane explained that he has had past experience with applicants covering the cost of additional  
40 studies, but the City chose who to hire out for the studies. Commissioner Roundy was in favor of this.

41  
42 **Motion seconded by Commissioner Heyrend.**

43  
44 Commissioner Kemp continued the public hearing.

45  
46 **Those voting aye: Commissioner Heyrend, Commissioner Day, Commissioner Roundy,**  
47 **Commissioner Kemp. Those voting nay: Commissioner Temby. Vote 4:1, motion carried.**

48

1 7. **TA-13-06** Highland City Council is requesting to amend Chapter 3, Article 7 of the Highland City  
2 Development Code relating to the placement and duration of political signs. *Legislative*  
3

4 Nathan Crane explained that the City Council is requesting to amend temporary signs relating to political  
5 signs. There are 4 key points: allow them in all zoning districts, gives a maximum size of 32 square feet  
6 and a maximum height of 8 feet, gives timeframe for when the signs can be placed and when they need to  
7 be removed. One of the key things is that this allows signs anywhere. Currently the ordinance does not  
8 allow signs on public property unless approved by the City Council.

9 Commissioner Temby asked what the current process is for someone wanting to place a sign. Mr. Crane  
10 indicated there is no permit process; the individual just places the sign.

11 Commissioner Heyrend asked what the implication is on first amendment rights on City property. Mr.  
12 Crane said it is always a debate on whether or not cities allow political signs; most cities do not allow them.

13 Mr. Crane stated that the key is that if a political sign is going to be allowed, then all have to be allowed,  
14 regardless of which side you are in favor of. You have to be content neutral.

15 Commissioner Day commented that when he ran for City Council, some signs in residential areas would  
16 disappear and in that sense, they are somewhat self-regulatory. He voiced concerns over signs creating site  
17 hazards for vehicles. Mr. Crane suggested adding language to address the clear vision triangle.  
18

19 Commission Roundy asked if the area between the sidewalk and curb is considered public or private. Mr.  
20 Crane clarified that it is public right of way. Theoretically, signs could be placed in these areas. Mr. Crane  
21 told the Commissioners that they can include language prohibiting the placement of signs in these park  
22 strip areas in residential zones.  
23

24 Commissioner Temby voiced that he wants to keep the ordinance as it stands. He said that with the  
25 ordinance the way that it is, there was no shortage of political signs anywhere. By expanding the ordinance  
26 to allow additional signs, it would make the community look unsightly.

27 Commissioner Kemp opened the public hearing.  
28

29 Tim Irwin, City Councilman, explained that the City Council wanted to make it available for candidates to  
30 be able to put their signs on public property. He thinks the restrictions the Planning Commission has  
31 voiced so far are good. As Nathan said, we have to put both sides out and that makes sense. The idea  
32 that someone would come along and place a sign in his park strip would be self-regulated; he does not  
33 think that will be an issue. Mr. Irwin said that some of the Council candidates have said it would be nice  
34 to be able to put their signs out on the parkways because it takes a lot of times to go to the various houses  
35 and get permission. He suspects that most candidates would not place their sign in front of another  
36 candidate's home. Most people think that the right of way, even though that it's the City's right of way,  
37 that it belongs to the people who take care of it. Mr. Irwin indicated that his experience is that most  
38 people are very respectful of people's homes and do not go beyond that. He said it is convenient to be  
39 able to put the signs out on the highway and you are looking for name recognition. As a candidate, it is  
40 nice to have it in front of people's homes that you know that are influential and it's also nice to have it  
41 along the highway where the name recognition gets stronger.  
42

43 Commissioner Temby asked if he has any concerns about the over distribution of signs. Mr. Irwin said he  
44 thinks it's pretty reflective of how they are going to spend the City's money. He said that the problem you  
45 would have with restricting numbers would be with enforcement. He does not think he wants staff out  
46 counting signs. Mr. Irwin commented that there is a very short window to have these signs out and he

1 actually feels it should be shorter than what is proposed. He thinks the time period should be 15 days  
2 before an election and 5 days after.

3  
4 **MOTION: Commissioner Day moved that the Planning Commission accept the findings and**  
5 **recommend APPROVAL of the amendment relating to the size and placement of political signs**  
6 **with the addition that signs shall not be put up more than 30 days prior to the date of an election,**  
7 **signs shall not be permitted in the park strips directly in front of homes, and signs shall not be**  
8 **permitted in the clear vision triangle of an intersection.**

9 **Motion seconded by Commissioner Roundy.**

10  
11 **Those voting aye: Commissioner Roundy, Commissioner Day, Commissioner Heyrend,**  
12 **Commissioner Kemp. Those voting nay: Commissioner Temby. 4:1 vote, motion carried.**

13  
14 **D. OTHER BUSINESS**

15  
16 No other business items for discussion.

17 **E. APPROVAL OF MINUTES**

18  
19 SEPTEMBER 24, 2013 – REGULAR MEETING

20  
21 **MOTION: Commissioner Heyrend moved to approve the Meeting Minutes for September 24,**  
22 **2013 as amended. Motion seconded by Commissioner Temby. Unanimous vote, motion carried.**

23  
24 **F. ADJOURNMENT**

25  
26 **MOTION: Commissioner Heyrend moved to adjourn. Motion was seconded by Commissioner**  
27 **Day. Unanimous vote, motion carried.**

28  
29 Meeting adjourned at [9:44:16 PM](#).

1 **Highland City Planning Commission**  
2 **November 12, 2013**  
3

4 The regular meeting of the Highland City Planning Commission was called to order by Planning  
5 Commission Chair, Chris Kemp, at 7:00 p.m. on November 12, 2013. An invocation was offered by  
6 Commissioner Roundy. Commissioner Rock led those assembled in the Pledge of Allegiance.  
7

8 **PRESENT:**

9 Commissioner: Chris Kemp  
10 Commissioner: Tim Heyrend  
11 Commissioner: Sherry Carruth  
12 Commissioner: Abe Day  
13 Commissioner: Steve Rock  
14 Commissioner: Jay Roundy  
15

16 **EXCUSED:**

17 Commissioner: Scott Temby  
18

19 **STAFF PRESENT:**

20 Community Development Director: Nathan Crane  
21 Secretary: Samantha Stocking  
22

23 **OTHERS:** Greg Nield.  
24

25 **A. APPEARANCES**

26 Commissioner Kemp invited comments from the public regarding items not on the agenda. Hearing no  
27 comments Commissioner Kemp continued with the scheduled agenda items.  
28

29 **B. WITHDRAWALS AND CONTINUANCES**

- 30 1. TA-13-08 Greg Nield is requesting to amend Article 4.5 RP (Residential-Professional) District  
31 relating to building setbacks, trash enclosure locations, and screen wall requirements. *Legislative.*  
32 **To be continued to the December 10, 2013 Planning Commission Meeting.**
- 33 2. Z-13-01 Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP  
34 (Residential-Professional) to allow for a 10,001 square foot two-story office building located at  
35 10298 North 4800 West. *Legislative.* **To be continued to the December 10, 2013 Planning**  
36 **Commission Meeting.**
- 37 3. CU-13-03 Greg Nield is requesting a conditional use permit for a 10,000 square foot two story  
38 office building in the RP (Residential-Professional) District located at 10298 North 4800 West.  
39 *Administrative.* **To be continued to the December 10, 2013 Planning Commission**  
40 **Meeting.**  
41

42 **C. PUBLIC HEARING AND LEGISLATIVE ACTION**

- 43 1. FP-13-10 Greg Nield is requesting a minor subdivision approval for a two lot subdivision to  
44 allow for the Ashford Assisted Living office building at 10322 North 4800 West. *Administrative.*

1 Mr. Crane explained the request for a minor subdivision approval, a two lot subdivision. Lot one is 2.2  
2 acres and houses the existing assisted living facility. Lot two is 0.7 acres; the applicant has a proposal for an  
3 office building to be considered in the future. Access to the site is from North County Boulevard or 4800  
4 West. As required, the plat includes the appropriate public utility and parkway detail easements. There is  
5 also a standard requirement for water shares. Cross parking and access agreements will need to be in place  
6 before the plat is recorded. Mr. Crane offered to answer any questions and indicated that the applicant was  
7 present.

8 Greg Nield reiterated the proposal for a two lot subdivision. Mr. Nield pointed out that the Ashford  
9 Memory Center is opening next month and as a requirement for financing, the parcel with the existing  
10 buildings and the parcel for a future building must be separate parcels. That requirement is what led to the  
11 minor subdivision request. For more clarification of the request he stated, that there are three existing  
12 parcels which will be condensed into two lots; Ashford Assisted Living will be on one lot and a future  
13 office building will be on the other. In addition to this information Mr. Nield stated that there will have to  
14 be cross sections and access for the shared parking lot of the two parcels.

15 Commissioner Kemp closed public hearing.

16 **MOTION: Commissioner Day moved that the Planning Commission accept the findings and**  
17 **recommend APPROVAL of case FP-13-11 a request for minor subdivision approval for Chapel**  
18 **Meadows Plat B, a two lot minor subdivision subject to the five stipulations recommended by**  
19 **staff.**

- 20
- 21 1. The recorded plat shall conform to the final plat date stamped October 17, 2013 except as  
22 modified by these stipulations.
  - 23 2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to  
24 recordation of the final plat as required by the Development Code.
  - 25 3. All required public improvements shall be installed as required the City Engineer.
  - 26 4. The civil construction plans shall meet all requirements as determined by the City Engineer.
  - 27 5. Prior to recordation, the final plat shall be revised as determined by the Community Development  
28 Director and City Engineer.
- 29

30 **Motion seconded by Commissioner Roundy. Unanimous vote, motion carried.**

31

32 **D. OTHER BUSINESS**

- 33
- 34 • 2014 Planning Commission Meeting Schedule
- 35 ○ Sherry Carruth and Jay Roundy terms are over.

36 **E. COMMISSIONERS COMMENTS AND SUGGESTIONS**

37

38 **F. PLANNING STAFF REPORT**

39

- 40 • New Maps

41

42 **G. ADJOURNMENT**

43

44 **MOTION: Commissioner Rock moved to adjourn. Motion was seconded by Commissioner**  
45 **Roundy. Unanimous vote, motion carried.**

1  
2 Meeting adjourned at 7:09 pm. [7:11:38 PM](#) .

DRAFT