



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, February 25, 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 Steve Rock
- Pledge of Allegiance – Commissioner Chris Kemp

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:

PUBLIC HEARING ITEMS:

1. Jed Robinson and Jared Lucero are requesting to replace a through street with a cul-de-sac to accommodate a proposed five-lot subdivision located at 11164 North 4800 West. The proposal will eliminate the planned connection to/from Spruce Drive to 4800 West.

OTHER BUSINESS:

- Planning Commission Chair & Vice Chair Elections

APPROVAL OF MINUTES:

- January 28, 2014 – Regular Meeting

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *March 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 23rd 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 23rd day of January, 2014 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Samantha Stocking, Planning Technician



Community Development

SUBJECT: PUBLIC HEARING – Replacing a planned through street with a cul-de-sac to accommodate a four lot subdivision. (PP-13-06)

MEETING DATE: February 25, 2014

TO: Planning Commission

FROM: Nathan Crane, Community Development Director

REQUEST: Replace a planned through street with a cul-de-sac for a four lot subdivision.

PARCEL SIZE: 4.13 Acres

LOCATION: 11164 North 4800 West

APPLICANT: Jed Robinson and Jared Lucero

OWNER: Pace Manor, LLC

BACKGROUND:

The property is zoned R-1-40 (Single Family Residential). The R-1-40 District allows one home per 40,000 square feet. The minimum lot width is 130 feet. The maximum length of a dead end street or cul-de-sac is 600 feet.

SUMMARY OF REQUEST:

1. The applicant is requesting approval of a cul-de-sac instead of a through street. The proposal eliminates the planned connection to/from Spruce Drive to 4800 West. The applicant has provided an exhibit showing how the interior property could be developed with a cul-de-sac.
2. Section 5-8-105.4.b states:
“Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or most advantageous future development of adjacent tracts.”

CITIZEN PARTICIPATION:

Notice of the February 25, 2014 Planning Commission meeting was published in the Daily Herald on February 9, 2014 and mailed to 26 property owners on February 11, 2014. Two letters of opposition to

the request have been received from the owners of the undeveloped property to the east (Roberge and Peterson). One additional resident spoke with staff seeking clarification of the request.

The applicant has provided a petition signed by surrounding property owners. However, the petition does not include the owners of the undeveloped property to the east. The Petersons did sign the petition but have since submitted a letter of opposition.

ANALYSIS:

- A through road is most desirable for existing and future development of adjacent tracts. The maximum length of a street without two separate access points is 600 feet.
- There are two large parcels owned by separate owners that would be negatively impacted by a cul-de-sac. Of these two parcels, the Peterson parcel could not be developed without the removal of an existing home or incorporation into the Roberge parcel. Spruce/Snowflake Drive could not be extended without an additional connection since it would exceed the maximum length of a dead end street. The Petersons oppose the request.
- The Spruces Subdivision was approved in 2007. The first proposal was for two cul-de-sacs. The developer was required to provide a through street to provide access to the Peterson and Roberge parcels and a connection to 4800 West.
- Due to the power line easement and existing development there is not another alternative to provide a connection 4800 West.
- A connection to 11200 North could only be provided by building a new road between two existing homes. Due to the lack of right-of-way and previous neighborhood opposition, a connection to Manor Drive is not an option.
- A through road is the most efficient to provide utilities for current and future development. Not extending the water line would result in a dead end line and require the upgrading of an existing line in 4800 West. This would be conflict with the City's Water Master Plan.
- 4800 West is designated as a major collector road. With the recent completion of the road construction it connects to I-15. 4800 West has been designed to carry additional traffic.
- 1200 North is local road the dead ends to the existing gravel pit. The road has not been built to existing City standards and exceeds current requirements for dead end streets. It is unknown if/when this road will be reconstructed. Adding additional traffic could be problematic.
- Sanitary sewer currently flows to the west. A cul-de-sac will affect our ability to provide sewer to the property to the east.
- The City Engineer is recommending a through street to accommodate traffic flow and utilities.

FINDINGS:

The proposed request meets the following findings:

- The proposal does not meet the requirements outlined in the Development Code.
- A through road is the most desirable for the coordination of the subdivision with the existing layout or most advantageous future development of adjacent tracts.
- The through street is needed to provide adequate infrastructure to existing and future development in the area.

RECOMMENDATION:

The Planning Commission should **DENY** the request.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and **DENY** the request for a cul-de-sac for the proposed Pace Manor Subdivision.

ATTACHMENTS:

- Attachment 1 - Air Photo w/ Property Ownership
- Attachment 2 - Letters of Opposition
- Attachment 3 - Applicant's Alternative Development Plan w/ Documentation
- Attachment 4 - Applicants Petition



4800 West

Power Line Easement

Pace Manor

11200 North

Roberge

Peterson

Snowflake/
Spruce Drive

Gravel Pit

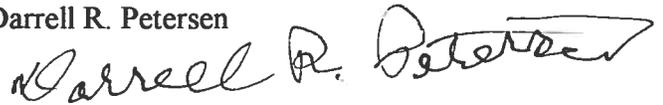
In reference to case PP-13-06:

Dear Planning Committee,

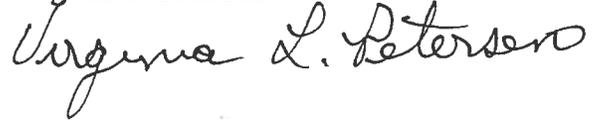
In regards to the planned cul-de-sac on 4800 West, we being property owners in between the Spruces and 4800 West, we believe that would eliminate our future planned development. It would put us in somewhat of a landlocked position. We have invested a lot of money and time into future development, with underground sprinkling systems, fences and having our property surveyed. We want to be friendly and neighborly, but we don't want to be landlocked.

Sincerely,

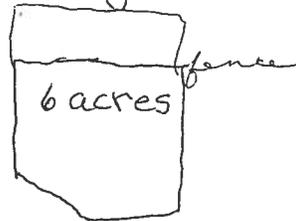
Darrell R. Petersen



Virginia L. Petersen



4649 W. 11200 N.
Highland, Utah 84003



801-756-9546

Lynn Ritchie
11071 N. Manor Dr.
Highland, Utah 84003

Subject: Development: PP-13-06

Highland Planning Commission/City Council:

After reviewing the letter notifying surrounding residents about the above subdivision, I want to give input. Although the master plan calls for a road to run East to West, it does make sense to have a small number of home traffic enter 4800W. Since the map on the back of the letter shows a road from the East exiting to the North on 11200N, I would recommend this becomes part of the conditional use approval of the 5 lot subdivision. This ensures the plot plan as represented on the map. It makes sense to have the connection on 11200N so traffic can be directed to a four corner street that could become a four way stop or future traffic light. I oppose developing the East property with a road connecting to Manor Drive. Manor Drive is too narrow of a street and should never be a through street.

The letter states that this is a 5 lot subdivision, yet the map on the back shows an additional 11 or 12 lots. Does this developer propose and plan to do the additional lots? Having a map that shows that but proposing a 5 lot only subdivision is confusing and misleading. There are no guarantees the map will be correct in the future if it is not part of this request and part of this approval.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Ritchie".

Lynn Ritchie, Highland Manor Estates Resident



WILDLING
ENGINEERING

1472 S. SOUTH HERBERT COURT WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

- DRAWING NOTES:
- LEGEND
- EX 4" WATERLINE
 - EX 6" WATERLINE
 - EX 8" WATERLINE
 - EX 14" WATERLINE
 - PR 8" WATERLINE
 - FUTURE 8" WATERLINE

G:\DATA\13109 Pace Manor\dwg\Archive\HIGHLAND Concept Plan.dwg
PLOT DATE: Jan 14, 2014

NO.	REVISION	DATE

PROJECT INFORMATION

PACE MANOR
SURROUNDING AREA
CONCEPTUAL LAYOUT

HIGHLAND, UTAH

DRAWN MEC	CHECKED	PROJECT # NONE
DATE 7/18/13	ENGINEER'S STAMP	
SCALE 1" = 100'	SHEET 1 OF 1	

PACE MANOR

Water Modeling Discussion

As requested by Highland City, we have completed a water model for the Pace Manor project. We asked Tavis Timothy of Hansen, Allen, and Luce to complete the water modeling of the project and asked him to model the following scenarios:

- Existing Condition of this area, including 4800 West, 11200 North, Manor Drive, and Spruce Drive
- Proposed Pace Manor as currently drawn (cul-de-sac with dead-end waterline)
- Future development east of Pace Manor with connections to Manor Drive and Spruce Drive

Existing Condition

4800 West currently has a 6" waterline from the south to the proposed intersection of Pace Manor. From that point, there is an existing 4" to 11200 North. An 8" waterline has been stubbed into the Pace Manor property at this tee where the line changes from 6" to 4".

11200 North has both a 4" waterline as well as a 14" waterline. Both are live and operational, although the Highland City master water plan shows the 4" line eventually being abandoned and all services connected to the 14" line.

Manor Drive has a 6" waterline stubbed north to the north edge of the cul-de-sac right of way.

Spruce Drive has an 8" waterline stubbed west to the property east of Pace Manor.

According to the water model of the existing condition, the 4" section of 4800 West and the Manor Drive dead end waterline does not meet the current standard of fire flow (1,500 gallons per minute for residential development).

Proposed Pace Manor

The model for the existing condition plus the Pace Manor project shows that some improvement needs to be made in this area to obtain adequate fire flows for the new project. One way in which this is accomplished is to replace the existing 4" line in 4800 West with an 8" line between the Pace Manor intersection and the intersection of 4800 West and 11200 North. *When the model is run with this improvement, there are sufficient fire flows for the Pace Manor project, without a connection to the east. In addition, the 4800 West area is improved to the current fire flow standard.*

Future development east of Pace Manor

We have prepared a concept plan showing how the property to the east may develop and that includes a road connection to Spruce Drive and 11200 North. This will also be how this property is served with water service. However, the water model and Highland City water master plan indicates that the Manor Drive waterline system needs a connection to improve the fire flow for this existing area. We propose that this connection be made to this future waterline between Spruce Drive and 11200 North. *Making these connections as shown on this plan results in sufficient fire flows for the Manor Drive area as well as the future development between Spruce Drive and 11200 North.*



MEMORANDUM

Date: January 8, 2014

To: Mike Carlton, P.E.
Wilding Engineering

From: Ryan Hales, P.E., PTOE, AICP
Jeremy Searle, EIT

Subject: Highland - Pace Manor Subdivision Opinion Letter

UT13-551

The purpose of this memorandum is to provide an opinion letter for the proposed Pace Manor Subdivision, located in Highland, Utah. Hales Engineering has been asked to evaluate the transportation master planning, local roads and connectivity of the proposed subdivision roads. The proposed site is shown in Figure 1.



Figure 1 Proposed Pace Manor Subdivision in Highland, Utah

Proposed Subdivision

A site plan for the proposed subdivision has been prepared by Wilding Engineering and is included in Appendix A. The site plan shows a road that connects to the existing Spruce Drive, runs westward before turning north and connecting to 11200 North at approximately 4700 West. A cul-de-sac is shown on the west end connecting to 4800 West at approximately 11100 North.

The proposed land use for the development has been identified as follows:

Cul-de-sac:

- Single-Family Detached Housing: 4 units

Spruce Drive Extension:

- Single-Family Detached Housing: 12 units

Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation (9th Edition, 2012)*. Trip generation for the proposed project is as follows:

Cul-de-sac:

- a.m. peak hour: 3 trips
- p.m. peak hour: 4 trips
- Daily: 38 trips

Spruce Drive Extension:

- a.m. peak hour: 9 trips
- p.m. peak hour: 12 trips
- Daily: 114 trips

Highland City General Plan

According to the Highland City General Plan, Update February 2008, the Spruce Drive extension does not show up on any transportation master plan maps or documents. The road will function as a minor local road so it is expected that it has not been explicitly planned.

Several transportation related goals and policies are stated in the Highland City General Plan that apply to the proposed project. Some of these include:

Goal: To provide an arterial and major collector road system that is safe, functions efficiently, and accommodates peak hour traffic volumes.

Policy: Highland City will work to preserve the character and function of arterials and major collector roads by maintaining standards for elements such as sight distance and access management and collecting current traffic volume data.

Goal: To fully acknowledge, understand, and plan for the traffic impacts of new residential and commercial development within the City.

Policy: To require that all commercial developments and all residential developments of greater than 10 units provide Traffic Impact Studies of the development.

Goal: To provide a safe and pedestrian-friendly local street system.

Policy: To plan for and construct Highland City streets so that they accommodate all users including vehicles, pedestrians, and bicyclists and provide maximum safety for all.

Connectivity

Highland City has asked that the developer look at the possibility of extending Spruce Drive west all the way to 4800 West at approximately 11100 North (instead of swinging it north to 11200 North and having a cul-de-sac on 4800 West). There has been some concern that if Spruce Drive were connected through to 4800 West, that additional cut-through traffic would use the road. However, it is the opinion of Hales Engineering that very little cut-through traffic would use the road in that manner because Timpanogos Highway (SR-92) is a much faster roadway than the proposed local road. It is likely that the trips on the road would primarily come from the proposed single family homes. As shown above, approximately 38 daily trips would result from the 4 proposed houses on the cul-de-sac, and approximately 114 daily trips would result from the 12 proposed houses on the Spruce Drive extension.

It is the opinion of Hales Engineering that either road configuration would meet Highland City's goals of providing connectivity as well as a safe and pedestrian-friendly local street system.

Conclusions

Based on the Hales Engineering study findings, the proposed development would provide connectivity as well as a safe and pedestrian-friendly local street system with either road configuration. The expected number of trips on Spruce Drive, whether it connects to 11200 North or 4800 West is anticipated to be approximately the same.

If you have any questions regarding this memo completed by Hales Engineering, please feel free to contact us.

APPENDIX A

Site Plan



WILDING
ENGINEERING
1477 S. SOUTH HERBERT GORET WAY
SALT LAKE CITY, UTAH 84105
WWW.WILDINGENGINEERING.COM

DRAWING NOTES:

NO.	REVISION	DATE

PROJECT INFORMATION
HIGHLAND CITY
CONCEPTUAL LAYOUT
HIGHLAND, UTAH

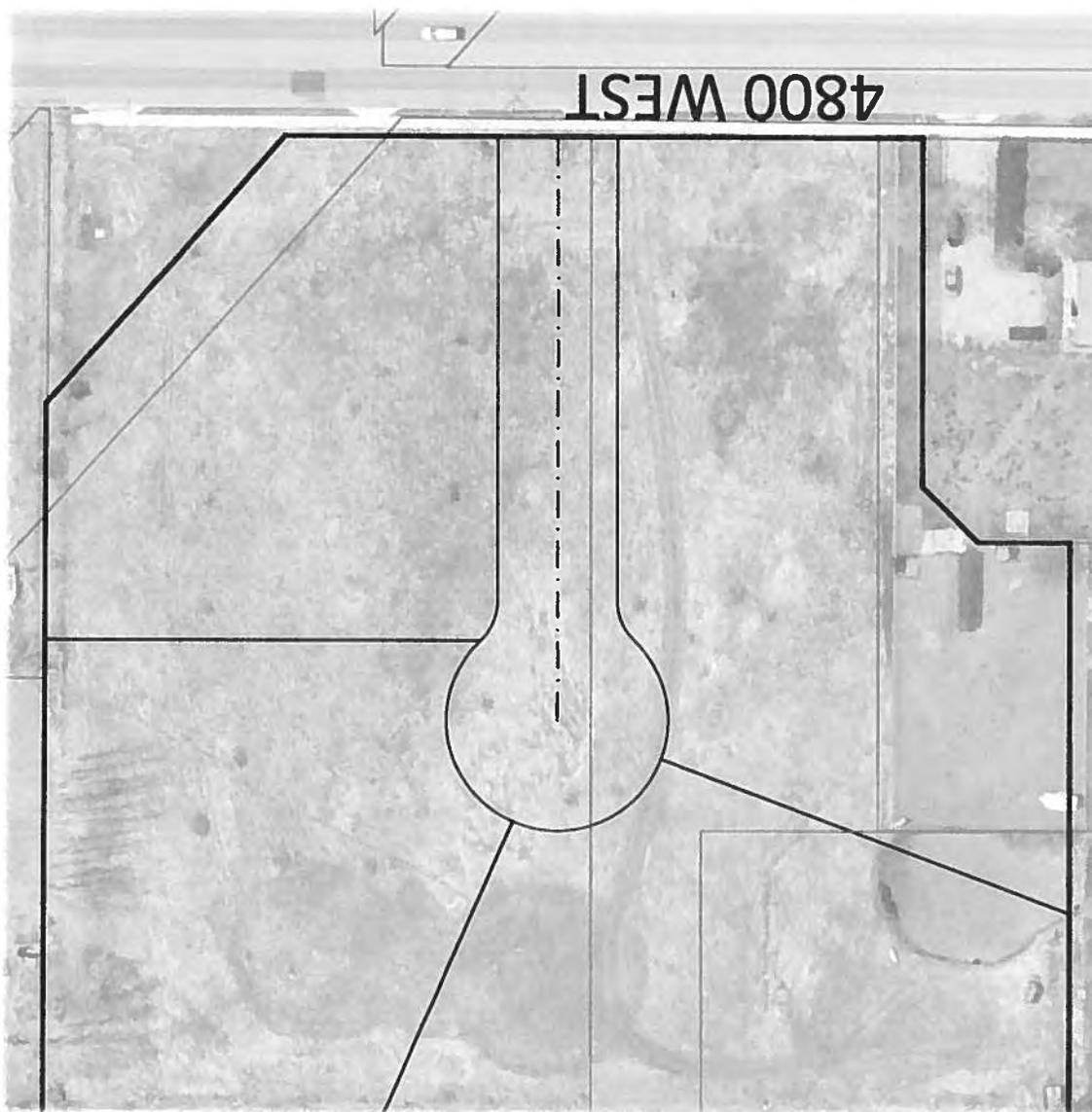
DRAWN MEC	CHECKED	PROJECT # NONE
DATE 7/18/13	SCALE 1" = 100'	SHEET 1 OF 1
ENGINEER'S STAMP		

To whom it may concern,

We the undersigned either support or do not object to the Pace property* being developed as a cul-de-sac accessed from 4800 West. (*Utah County Parcels: 49:242:0004, 49:475:0005, 49:475:0004, and 11:055:0065)

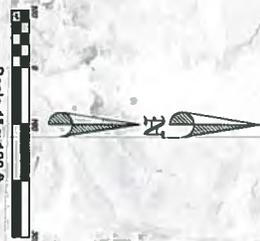
In addition, we the undersigned do not and will not support N. Spruce Dr. or W. Canterbury Rd. connecting directly to 4800 W. We would adamantly oppose any such proposal.

The undersigned understand there is a public approval process, which needs to be undertaken, but we hereby support the Pace project moving forward in a fashion as generally depicted below.



Signatures on following page.

RECEIVED JAN 22 2014



- LEGEND**
- 6" WATERLINE
 - 8" WATERLINE
 - 14" WATERLINE
 - 18" WATERLINE
 - FUTURE 6" WATERLINE

WILDING ENGINEERING

1437 S. BERRY STREET, SUITE 200, WASH DC, VA
 WWW.WILDINGENGINEERING.COM

DATE: 04/14/14

NO.	REVISION	DATE

PACE MANOR SURROUNDING AREA CONCEPTUAL LAYOUT

HIGHLAND, UTAH

PROJECT INFORMATION

NAME: MEC
 CHECKED: NONE
 DATE: 7/18/13
 SCALE: 1" = 100'
 SHEET: 1 OF 1

36_100121_01_3109 Pace Manor Layout_Archive\HIGHLAND Concept Plan.dwg
 COT: 04/14/14 04/14, 2014

1. Mouritsen, Maren M.
2. Hodgkinson, Andrew and Colleen
3. White, Cameron and Adrienne
4. Robinson, Derek and Hope
5. Moody, Jon and April
6. McDonald, Richard & Megan
7. Hall, Nathan & Ashley
8. Taylor, Christopher & Chandler
9. Gonzalez, Aaron and Alexandra

Maren Mouritsen
Andrew & Colleen Hodgkinson
Cameron & Adrienne White
Derek & Hope Robinson
Jon & April Moody
Richard & Megan McDonald
Nathan & Ashley Hall
Christopher & Chandler Taylor

Below is a depiction of where each of the signatories resides.



1. PACE, MARK PRATT & TARA
2. SYMMES, DANIEL A & JERILENE
3. PACE, KATHY K
4. FENTON, ROBERT E & V ELAINE
5. DUNCAN, BLAKE R & JO LENE W
6. PETERSEN, DARRELL R*
7. DAVENPORT, SHANE & SHANNON
8. ROBISON, SPENCER L & TIFFANI R
9. MCDONALD, ERIK R & HIROMI
10. SESSIONS, LAIRD & MARGIE
11. OLSEN, ROBERT L & BECKY
12. DAVIS, COLIN B
13. RITCHIE, LYNN V & PAMELA^o
14. PURDIE, BRANDON K & LINDSAY
15. MOYES, DARIN S & KRISTIN D
16. FLITTON, SHERM & ANMARIE
17. BAUM, KATHY LEE
18. BERRETT, BRYAN & JESSICA
19. MARSHALL, THOMAS H & EILEEN F
20. LINDSAY, JASON W & CARINA N
21. MOURITSEN, MAREN M
22. PAGE, BRADLEY R & CHERYL M
23. ROBERGE, FRANCIS D

Mark & Tara Pace
 Daniel Symmes & Jerilene A. Symmes
 Kathy K. Pace
 Robert E. Fenton & Elaine Fenton
 Jo Lene W. Duncan Blake R. Duncan
 Darrell R. Petersen
 Shane & Shannon Davenport
 Spencer L. Robison & Tiffani R. Robison
 Laird Sessions
 Rob & Becky Olsen
 Colin B. Davis
 Brandon K. Purdie & Lindsay Purdie
 Darin S. Moyes & Kristin D. Moyes
 Sherm Flitton & Anmarie Flitton
 Kathy Lee Baum
 Bryan Berrett & Jessica Berrett
 Thomas Marshall & Eileen Marshall
 Jason W. Lindsay & Carina N. Lindsay
 Maren M. Mouritsen
 Bradley R. Page & Cheryl M. Page
 Francis D. Roberge

* - Does not want to be land locked by any future development.
 o - Does not want Manor Dr. to be a through Street

24. Harris, Steven M. & Marilyn

25. Christensen, Harold L & Lois F

26. Pace, Sandra D

27. Hales, Keith A & Larae

28. Stowe, Richard W & Lucille M

29. Bishop, Wendy & George

30. Haglund, David & Sydney

31. Walton, Roger R & Diane M

~~Steve & Marilyn Harris~~
~~Harold Christensen~~
~~Peggy~~
~~Keith A + Larae Hales~~
~~Keith M Stowe + Richard W. Stowe~~
~~Wendy Bishop~~
~~David Haglund~~
~~Roger Walton + Diane M Walton~~

1 **Highland City Planning Commission**
2 **January 28, 2014**
3

4 The regular meeting of the Highland City Planning Commission was called to order by Planning
5 Commission Chair, Chris Kemp, at 7:02 p.m. on January 28, 2014. An invocation was offered by
6 Commissioner Heyrend. Commissioner Carruth 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

15 **EXCUSED:**

16 Commissioner: Scott Temby
17 Commissioner: Jay Roundy

18 **STAFF PRESENT:**

19 Community Development Director: Nathan Crane
20 Secretary: Samantha Stocking

21 **OTHERS:** Liz and Alex Stevenson, Colby Robertson, Jeremy Hunter, Porter Jordan, Jackson Hare,
22 Rodger Ostergaard, Tate Rusick, Quinton Seamons, Dennis LeBaron, Rustin Ostler, Greg Nield, Alex
23 Childs, Matt Barlow, Ryan and Cori Ollerton.
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 1. Highland City is requesting to amend Chapter 5 Subdivisions relating to exemptions from plat
33 requirements. ***To be continued to the February 25, 2014 Planning Commission Meeting.***
34
- 35 2. Highland City is requesting to amend Chapter 10 Definitions, Chapter 6 Conditional Use
36 Procedures, Articles 4.1 R-1-40, and Article R-1-20 relating to requirements for accessory
37 apartments. ***To be continued to the February 25, 2014 Planning Commission Meeting.***
38

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

- 40 1. Z-13-01 Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP
41 (Residential-Professional) located at 10298 North 4800 West.
42

43 Nathan Crane briefly explained that the applicant revised the size of the building to eliminate the
44 requirement of shared parking. The reduction in building size was approximately 400 square feet. The
45 Commission asked for details on the economic impact; the proposals received amounted to costs between
46 \$4,000.00 and \$6,000.00 which were cost prohibited. As a result the items were not provided.
47

48 Commissioner Kemp opened the public hearing.
49

1 Cori Ollerton indicated she lives on lot 7. Her family's concern is primarily privacy. At the last meeting the
2 trees were not planted, but have since been installed. Cori provided pictures showing the view from her
3 property onto the Ashford property with and without the trees in place. She mentioned that Greg Nield
4 was accommodating to the neighbors and let them choose which trees would be planted. She indicated
5 that two deciduous trees and three pine trees were chosen to provide as much privacy as possible. Cori
6 also provided pictures from her property showing where the proposed office building and parking lot will
7 be located. She also provided pictures from the proposed office building location looking on to her
8 property. The beginning stages of coverage are visible. The term "substantial coverage" was used;
9 substantial coverage may take 15-20 years to become established. According to Highland City, Greg has
10 done all that he needs to do, but the residents have to wait a much longer period of time to resolve the
11 privacy issue. The privacy issue is still a great concern. The parking lot is right next to the Ollerton home.
12 The new building expansion as requested would be to the farther end on the south side. The parking situation
13 was evaluated by the Ollertons and they noticed the lot is about 84% full all the time. Cori also noted that
14 she is concerned with the need to continually change the code. She points out that guidelines are put in
15 place in different aspects for a reason; the code should not be changed for the benefit of one individual.
16 Cori wanted to make the point that the issue is between Highland City and the residents. As a resident of
17 Highland City, Cori stated that she has given much to the City to make the project work. To request a
18 change of code and a two story building will violate privacy. It has been mentioned to Mr. Nield that
19 bigger trees would be more workable for the neighbors. Due to costs, putting in bigger trees was not an
20 option. The residents request to have the brick fence to help with the privacy.

21
22 Commissioner Rock inquired if the 84% parking vehicles were due to construction.

23
24 Mrs. Ollerton indicated that there were construction vehicles there, but they remained in the dirt sections.
25 She stated that the business must be doing well to have the parking lot full of cars.

26
27 Ryan Ollerton, husband of Cori Ollerton, indicated that in the course of the three phase project he has
28 stood before the Commission and/or Council many times. Stating that it is exhausting to have to come
29 and say the same things repeatedly, he wanted to explain the effects the project has had on the subdivision.
30 Initially the building was 80 feet from the homes. In phase two the single story comes close as 30 feet to
31 the homes and the two story building 50 feet. The tree barrier that was installed in phase two is
32 substantially more than phase one, but the building is substantially closer. Greg was helpful in helping
33 picking out the trees and installed more than there was before. Mr. Ollerton stated that the "substantial
34 screen" that was spoken of by the City Council has failed to be met according to the residents. In several
35 years it will prove to be a great screen, but as of right now it is insufficient. He pointed out that the two
36 story building has led to many changes in the code to allow and accommodate Mr. Nield and his project;
37 the results of the changes have caused great expense to the neighbors. Mr. Ollerton noted that they liked
38 the project and supported it going in. It was not until the second project, which was much larger than the
39 neighbors began to experience the effects of the project. The code, at the time, allowed 25% coverage up
40 to 35% with permission of the Council. That was granted in both first and second phase of the project.
41 Phase two turned out to be too big of a project and required the purchase of the third lot. The third lot is
42 now being used for a two story building; it was accommodated for in the beginning, but not something of
43 this scale. The project appears to be too big for the intended overlay zone. Mr. Ollerton concluded with a
44 request for the Commission to deny the request for a two story building, but allow for a one story
45 building. He indicated that all but one neighbor has come to him and stated that they would not want the
46 project in their backyard. The building is there, Mr. Ollerton accepts the fact but requests that the project
47 does not require more from the neighbors.

48
49 Commissioner Kemp asked Greg to expound on the project.

50

1 Greg Nield stated that when he met with the neighbors regarding landscaping, he added more trees than
2 what was originally on the plans. The landscaping needed to be signed off by the neighbors in order for
3 the certificate of occupancy to be issued. The trees needed to be trees that would not grow beyond 8 or 10
4 feet in width as to avoid the fire lane. The results were the columnar evergreens and columnar deciduous
5 trees. The evergreens can get to 8 feet wide and they are planted 8 foot on center. The trees are not full
6 grown at the time due to recommendation from landscapers. The architect was asked to push the building
7 as far west as possible so the building would not be so close to the property line. The current code for RP
8 zone is a 30 feet setback. The building is currently roughly 90 feet from the property line. Mr. Nield stated
9 that he felt he has worked hard to please the neighbors with the landscaping that have been put in place;
10 this added more cost and he feels it is adequate for the results of the landscaping. Over time, the trees will
11 provide a buffer. There is some worry that there are too many trees planted and in 15-20 years they will be
12 over grown. There have been several vehicles at the site lately due to move-ins, construction work and
13 landscapers. Mr. Nield feels confident that there is enough parking and does not foresee a problem with it
14 in the future.

15
16 Commissioner Heyrend addresses Nathan Crane, the Community Development Director, about the
17 parking stalls inquiring what the requirement is.

18
19 Mr. Crane states that the requirements for the office site are four per thousand. At 9,000 square feet that
20 would require 37 spaces.

21
22 Commissioner Heyrend points out that Mr. Nield has asked for the most possible and given the least
23 amount back; in landscaping, protecting the view to the buildings, there was not much given back. He asks
24 what can be done for the residents to provide a screen between the building and the homes. He suggests
25 an 8 foot wall, more trees or even bigger trees.

26
27 Mr. Nield states that more trees than were initially required have been installed to provide the screen.
28 There were two zones to choose from when deciding to make the change. The RP zone, was a better
29 choice for the neighbors because it would produce less traffic. A PO zone would increase the traffic and is
30 fit for bigger businesses. The RP zone was chosen to best help the neighbors. Mr. Nield comments that he
31 feels he has been extremely reasonable throughout the process. Assisted Living is a great asset to the City.
32 He has had many compliments on the project. The project itself gives back to the City. He mentions that it
33 has been difficult to work with the City, but is grateful the project has been approved and that the City is
34 working with him.

35
36 The neighbors on the north side of the site are happy with the project and are happy with the landscaping
37 and buildings.

38
39 Commissioner Heyrend indicates that the neighbors directly behind the project are not happy and wants to
40 know what can be done to help them out with their concerns.

41
42 Mr. Nield replies that the building has been pushed as far away from the property line as possible. More
43 substantial trees have been added. There is an existing 6 foot wall; to rip out the existing wall and put in an
44 8 foot wall seems unreasonable to him. The property needs to be rezoned for the purpose of the project.

45
46 Commissioner Rock reads, "The RP District requires an 8 foot wall to be placed on all the lines adjacent
47 to a residential district." He says that the applicant has proposed to use the existing 6 foot wall on the east
48 side and a view fence on the south side. He asked for Mr. Nield's thoughts on that.

49

1 Mr. Nield indicated that the City is still trying to figure out what type of fence to place on the south side.
2 There is a narrow walk way there from the existing open space that is there. He is willing to put up an 8
3 foot wall if necessary, but realizes that it is also preferred by the City to not be a 6 foot brick wall due to
4 the walkway behind it.

5
6 Mr. Crane indicates that in October as part of the request, the staff considered a text amendment. The
7 amendment included changes to a number of things. It allowed the Planning Commission to reduce the
8 height of the wall if they received written approval from adjacent owners on both sides. It also allowed a
9 reduction in the side yard setback if written approval was received from the adjacent property owners. The
10 Staff has not received the approval letters as of yet. Mr. Crane states that it may be prudent to make a
11 recommendation on the rezoning; it would then go to the Council and come back to review the
12 conditional use.

13
14 Commissioner Kemp asks for clarification on if the required setback is 25 feet and the Commission is
15 asking to take it down to 10 feet.

16
17 Mr. Crane states the required set back is 25 feet.

18
19 Mr. Nield confirms which neighbors he needs to receive written approval from.

20
21 Mr. Crane states there are two options for the Commission on how to proceed. The first being they can
22 hold both items until the letters are received. Second, they can make a recommendation the rezoning and
23 then the two items can be considered by the Council, moving forward with the conditional use permit.

24
25 Commissioner Kemp asked about the landscaping for the fence.

26
27 Mr. Nield indicated that they are not able to put the trees in until spring. They will be deciduous and
28 evergreen placed 8 foot on center.

29
30 Rustin Ostler, the architect for Ashford Assisted Living, clarified the setback on the south side is 10 feet.
31 The trail is a 20 foot setback resulting in a total of a 30 foot setback.

32
33 Commissioner Kemp closes the public hearing.

34
35 Commissioner Rock was concerned with the lack of the property owner letters. He is willing to move
36 forward if a stipulation was put in place.

37
38 Commissioner Day questions the type of fence residents can have who abut a trail.

39
40 Mr. Crane states that three years ago the ordinance was changed so residents could have a four foot solid
41 and 2 foot open fence, equaling a 6 foot fence.

42
43 Commissioner Heyrend addressed Mr. Nield stating that he is grateful he brought the project to the City.
44 He just wanted to make sure that all parties are happy with the end results of the project.

45
46 **MOTION: Commissioner Rock moved that the Planning Commission accept the findings and**
47 **recommend APPROVAL of case Z-13-01 a request to rezone 0.9 acres from R-1-40 (Residential)**
48 **to RP (Residential-Professional) located at 10298 North 4800 West subject approval letters from**
49 **adjacent property owners.**

50

1 **Motion seconded by Commissioner Day. Unanimous vote, motion carried.**

2 2. CU-13-03 Greg Nield is requesting a conditional use permit for a 10,001 square foot two-story
3 office building at 10438 North 4800 West.

4 Commissioner Kemp asked if Mr. Crane had any additional information to add and asked if the garbage
5 enclosure had been resolved.

6 Mr. Crane indicated that the enclosure is proposed in the same location.

7 Mr. Nield stated that the garbage container is mobile and are waiting to find a permanent location to install
8 the screen. The dumpster will be shared by the two businesses. In the RP zone it does not matter which
9 side it is place. The Wrights do not want it close to their home.

10 Commissioner Day inquires about a traffic study.

11 Mr. Nield indicated that it was completed and the building size was reduced per the results. There will be
12 about four office areas. Two people have indicated interest: Home Health and Hospice and a
13 Chiropractor. There is no written agreement from either of them at this point.

14 Commissioner Kemp closed the public hearing.

15 Commissioner Heyrend requests that the garbage dumpster be kept as far away from the neighbors as
16 possible and be removed from public view.

17 Mr. Crane indicated that the screen material may not be chain link with slats.

18 **MOTION: Commissioner Heyrend moved that the Planning Commission accept the findings**
19 **and recommend APPROVAL of case CU-13-03 a request for a conditional use permit for a 10,001**
20 **square foot two-story office building at 10438 North 4800 West subject to the six stipulations**
21 **recommended by staff:**

- 22
- 23 1. The proposed use shall conform to the project narrative, landscape plan, and elevations date
24 stamped October 23, 2013 and the site plan dated January 23, 2014 except as modified by
25 these stipulations.
 - 26 2. In accordance with Section 4-109, the conditional use permit will expire if a building permit
27 has not been issued within one year of approval by the City Council.
 - 28 3. Screen walls shall be used for screening of all ground mounted equipment and the trash
29 enclosure. The screen wall shall match the architecture of the building.
 - 30 4. Parking lot screening shall be shown on the landscape and site plans.
 - 31 5. A cross access agreement shall be recorded prior to issuance of a building permit.
 - 32 6. The final plat shall be amended to reflect the change in lot lines.
- 33

34 **Commissioner Rock seconds the motion. Unanimous vote, motion carries.**

35
36
37 **1. OTHER BUSINESS**

- 38
39
 - Recognition of Service – Jay Roundy

1 **2. APPROVAL OF MINUTES**

- 2 • October 29, 2013 – Regular Meeting

3 **MOTION: Commissioner Day moves to approve the minutes from October 29,**
4 **2013. Commissioner Rock seconds. Unanimous vote. Motion carries.**

- 5
6 • November 12, 2013 – Regular Meeting

7 **MOTION: Commissioner Day moves to approve the minutes from November 12,**
8 **2013. Commissioner Rock seconds. Unanimous vote. Motion carries.**

9
10 **3. COMMISSIONERS COMMENTS AND SUGGESTIONS**

11
12 **4. PLANNING STAFF REPORT**

13
14 **5. ADDITIONAL COMMENTS**

15
16 Commissioner Day asks if there is a place on the City website where individuals can find
17 projects that need/can to be done around the City.

18
19 Nathan Crane indicated that on the city website there is the “report a concern” option that
20 projects can be noted and the City would be notified. When organizations contact the City
21 and want to do a community service day, the City will coordinate projects with them.

22
23 Samantha Stocking noted that currently Emily Gillingwater, of Public Works, oversees Eagle
24 Scout Projects. She has been advised by the Boy Scouts Organization to not give out projects
25 but let the scouts come to the City and offer a service.

26
27 **6. ADJOURNMENT**

28
29 **MOTION: Commissioner Day moved to adjourn. Motion was seconded by Commissioner**
30 **Carruth. Unanimous vote, motion carried.**

31
32 **Meeting adjourned at 8:08 p.m.**