

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 2nd 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](#).