

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**
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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**
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- 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.**

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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.**