

Highland City Planning Commission

May 27, 2014

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp, at 7:02 p.m. on May 27, 2014. An invocation was offered by Commissioner Scott Temby and those assembled were led in the Pledge of Allegiance by Commissioner Brady Brammer.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Abe Day
Commissioner: Tim Heyrend
Commissioner: Steve Rock
Commissioner: Scott Temby

EXCUSED: Commissioner: Sherry Carruth

STAFF PRESENT: Community Development Director: Nathan Crane
Secretary: Heather White

OTHERS: Shawn Lords, Ammie Lords, Todd Demarets, Ron Carling, Karin Carling, Ron Jamison, Mike Carlton, Ryan Leong, Mark Freeman, Scott Freeman

PUBLIC APPEARANCES

Chair Kemp asked for public comment.

Resident Ammie Lords asked the Planning Commission to sponsor a Zoning Code amendment to allow equestrian riding arenas on property over two acres. She said there was a public arena in Highland and was heavily used. She said it was very unsafe in the winter for anyone with young children or young horses. She proposed that up to 10% of the property for property over two acres could be used for a riding arena. She explained that the arena would be a "post and beam" structure with no floor.

Commissioner Day arrived at the meeting at 7:06 PM.

PUBLIC HEARING ITEMS

1. **PP-14-02:** *Mr. Todd Demarets of Legacy Fields is requesting preliminary plat approval for a 15 lot single family residential subdivision located on the east side of Ridgeline Elementary.*

Chair Kemp opened the public hearing for Case PP-14-02 at 7:07 PM. Mr. Crane reviewed the background and said it met the standards for the R-1-40 district. He mentioned that a city detention basin would serve not only the proposed Legacy Fields development, but also surrounding areas. He said the applicant would facilitate a sewer line connection that would save the City money in the future.

Resident Ron Jamison said his property bordered the detention basin on the south. He said he was delighted that they were contemplating a subdivision and hoped the homes would act as a buffer for the wind. He explained the problem with water collecting in their backyard each winter. To help with this, he said they built a very expensive decrete wall to hold back the water. He said there was an 18 foot drop from west to east. He wondered how the detention basin would function and how it would affect the decrete wall.

Mr. Demarets with Legacy Fields explained that the detention basin would only catch the overflow so it would not have much, if any, standing water for the majority of the time. He said there was a 3 to 1 slope with landscaping and would be maintained by the City. Mr. Demarets explained the function of the drain system and said the basin was upsized because it was considered a regional detention.

Commissioner Heyrend asked about the encroachment of the wall in the detention area and wondered if the plat could be adjusted. Mr. Demarets said it was their intent to dedicate the area to Mr. Jamison.

Chair Kemp explained that the detention basin would have to be built to City standards and approved by the city engineer. He thought the basin would benefit Mr. Jamison's property. Chair Kemp asked for additional comments. Hearing none, he closed the public hearing at 7:18 PM and called for a motion.

MOTION: Commissioner Rock moved that the planning commission accept the findings and recommend approval of Case PP-02-14, request for preliminary plat approval, subject to the following stipulations:

1. **The final plat shall be in substantial conformance with the preliminary plat date stamped April 14, 2014.**
2. **Final landscape plans shall be approved prior to recording the final plat.**
3. **The detention pond adjacent to lot 8 shall be constructed and landscaped by the developer and dedicated to the City. The landscape plan shall be approved by the City prior to final plat recordation.**

4. **All required public improvements shall be installed as required by the City Engineer.**
5. **The civil construction plans shall meet all requirements as determined by the City Engineer.**

Commissioner Heyrend asked for an amendment to the motion in order to include an additional stipulation: **to adjust the plat boundary as discussed to allow the concrete wall to remain in place.**

Commissioner Rock was in favor of the amendment to the motion. Commissioner Brammer seconded the motion. All present were in favor. The motion carried with one absent.

2. **PP-13-06: *Jed Robinson and Jared Lucero are requesting preliminary plat approval for a four lot single family residential subdivision located south of 11200 North and 4800 West.***

Chair Kemp opened the public hearing for Case PP-13-06 at 7:19 PM. Mr. Crane reviewed the details of the preliminary plat and said it met the requirements for the R-1-40 District. He reviewed residential concerns at a previous Development Review Committee meeting.

Mike Carlton with Welding Engineering explained that the revised layout included the streets to the eastern properties.

Commissioner Temby asked if the posts of the power poles would have to be moved. Mr. Carlton explained that the poles were far enough away from the intersection and would not be moved.

Chair Kemp asked for public comment. Hearing none, he close the public hearing at 7:22 PM. He asked for additional comments or questions. Hearing none, he called for a motion.

MOTION: Commissioner Brammer moved to accept the findings and recommend approval of Case PP-13-06 subject to the following stipulations:

1. **The final plat shall be in substantial conformance with the preliminary plat date stamped April 24, 2014.**
2. **Final landscape plans shall be approved prior to recording the final plat.**
3. **All required public improvements shall be installed as required by the City Engineer.**
4. **The civil construction plans shall meet all requirements as determined by the City Engineer.**

Commissioner Temby seconded the motion. All present were in favor. The motion passed with one absent.

3. **TA-14-03:** *Mr. Ryan Leong of SRM Development is requesting to amend Section 3-4705 Permitted Uses in the Town Center Flex Use District to allow senior independent living and senior continuing care as a conditional use.*

Chair Kemp opened the public hearing for Case TA-14-03 at 7:22 PM. Mr. Crane reviewed the details of the request. He explained that the applicant was requesting to amend the Commercial Retail District of the Town Center Overlay District to allow for independent and assisted living. He said the use was currently allowed in the Town Center Flex area. He encouraged the Planning Commissioners to think about the limited commercial property in the City, but also mentioned that visibility might be an issue for retail development of the site. He said the Planning Commission needed to determine if it was in the best interest of the City.

Ryan Leong with SMR Development talked about the proposed use and thought that the market needed housing of this type. He said that living close to amenities was popular for seniors and adult children who visited them. He said the current land owner had the property for some time and had little success in having commercial uses interested in the property. Mr. Leong said SMR had done a number of property types, but their main focus had been on senior housing and multifamily housing. He said they had developed about 2,000 similar units throughout the western US. He said they also had done mixed use retail and multi family uses.

Commissioner Brammer asked about the details of the assisted living units and wondered why the location would be so attractive. Mr. Leong explained that each unit would be a month to month private pay rental with certain levels of care, meals every day, and an activity director. He mentioned that the average age of residents would be about 82 - 85 years old. Mr. Leong explained that all their projects within the last 10 years had moved back to the core town centers. He said most independent and assisted living residents would be able to take walks and generally would like to be part of the community.

Commissioner Kemp called for public comment. Hearing none, he asked for additional comment from the Commissioners.

Commissioner Brammer said he had concerns about giving up retail on Alpine Highway but was not concerned about the back portion. He thought the high density senior housing was compatible with the area, but had concerns about the area that fronted on the Alpine Highway. Commissioner Brammer said Highland's sales tax revenue and retail was low and had concerns about taking property away from Alpine Highway.

Commissioner Temby wondered if staff had a sense of the tax impact. Mr. Crane explained that property tax for nonresidential uses was generally 100% plus sales tax. He said the proposed use would be classified as residential and would be 55% of the value.

Chair Kemp wondered if amending the Development Code would allow others to use the area in the same way as the current applicant. Mr. Crane explained that it would allow others the opportunity to use it in the same way. He thought other sites had characteristics that would not facilitate the use as well. He said the property had not yet developed partly because of the economy, but there had not been nonresidential interest in the property. He said mixed use was good and worked at proper locations.

Commissioner Day asked to submit a previous report regarding the need for senior housing in Highland. Reading from the report he said,

"The country is about to enter a unique time in its history. As the baby boomers enter retirement age, the ranks of seniors will begin to swell quickly. It is estimated that the amount of seniors (age 65 and over) will increase as a percentage of the national population from 12 percent in 2006 (2006 American Community Survey) to 20 percent in 2030. Seniors in Utah will increase from 9% to 13 % from 2006-2010. Seniors in Utah County will increase from 6% to 9 %. Seniors in Highland will increase from 5% to 12%."

Commissioner Day mentioned that the report talked about five different alternative housing types. Reading again from the report:

"Assisted living centers are designed for those who need assistance with daily activities, but would still like to maintain their independence as much as possible....In 1990 there were 5,008 persons in Highland. By 2000 this number had increased to 8,172 persons. As of late 2007 the population of Highland was approximately 15,000. 7% -10% were senior citizens. By 2030 roughly one of every four citizens will be over the age of 55."

Commissioner Day pointed out that there would be a need for the proposed type of facilities in the future. He understood that the location of the facilities was a separate issue and talked about a possible location on SR-92. He wondered if taking away commercial property from the Town Center would put more pressure on the property along SR-92 to become commercial. He mentioned the Tuscan Development and reminded the Commission that there had been a lot of resistance because of the higher density. He said it was determined at that time that no additional density was wanted in the area. Commissioner Day also wondered if the proposed use was a nice buffer for the commercial district.

Chair Kemp said he could see the pros and cons with the proposed amendment. He said he liked the transition between the proposed use and the rest of the property. He said he liked the overall idea of the assisted living development because it was needed in the City.

Commissioner Temby said the City would lose some commercial tax base, but the proposed use would bring additional people and traffic to the City Center.

Chair Kemp closed the public hearing at 7:52 PM.

Commissioner Day asked about plans for the future library property. Mr. Crane explained that the property had been set aside for a new library, but funding had not been raised or identified for the structure. Commissioner Day said funding for the existing library was becoming an issue. He said there had already been complaints that the existing library was possibly a waste of resources and wondered if the City really wanted to expand the library. Mr. Crane explained that the library was a City ownership issue. He said it was Highland's decision to use the property or not. Commissioner Day thought that if Highland could sell its property, the land along the Alpine Highway could be kept for commercial use. The Planning Commission agreed that the discussion regarding City-owned property should be addressed with the Council.

Discussion ensued regarding the proposed use and retail frontage. Chair Kemp thought Highland needed retail frontage. He thought it was better to have the senior housing in the flex use areas while keeping the frontage available for retail. He proposed giving 1/2 density credit for each unit within senior housing developments.

Commissioner Heyrend thought there were a lot of other areas in the City that might be more suited for the senior housing. He was hesitant about giving up retail frontage along a major corridor.

Commissioner Temby said he understood the other viewpoints. He thought that creating an environment for residents to interaction with the Town Center in a pedestrian fashion was consistent with the policy of the Flex Use District. He thought the density of the property could be treated differently because of the composition of the residents.

Commissioner Brammer said he observed that commercial property seemed to have large areas of land behind them. He viewed these areas as a transition from commercial to residential. He was concerned about giving up some of the sales tax base in the commercial district when there were other areas that he thought the senior housing was well suited for. He said he liked the proposed development next to the Town Center, but had concerns from a policy perspective. He said he did not want to give up retail property in order to get senior housing.

MOTION: Commissioner Brammer moved to keep the current retail standard in place and apply the 1/2 density per project unit credit to independent and assisted living facilities within the Flex Use District. Commissioner Heyrend seconded the motion.

Discussion ensued regarding the motion. Commissioner Brammer clarified by explaining that he thought additional density should be allowed with independent and assisted living structures. He was open to discussing different percentages. In discussing the details of the motion, **Commissioner Brmmer withdrew his motion.**

MOTION: Commissioner Brammer moved to retain the Retail and Commercial areas as designated in the current Development Code. Commissioner Day seconded the motion. Commission Chair Kemp and Commissioner Brammer, Commissioner Day, and Commissioner Heyrend were in favor of the motion citing the following reasons: 1. the

desired retention of the retail area, 2. the need for a diversification of tax base, 3. the belief that abundant other lands would attract and allow for assisted living facilities.

Commissioner Temby and Commissioner Rock were opposed. The motion passed with two opposed and one absent.

MOTION: Commissioner Brammer moved to count each unit within an independent or assisted living facility as 1/2 unit as it related to the overall Town Center density.

Commissioner Heyrend seconded the motion. Commission Chair Kemp and Commissioner Brammer, Commissioner Heyrend, Commissioner Rock, and Commissioner Temby were in favor citing that development had been difficult in the area even though there was an abundance of land that could be used for a transition area between retail/commercial and residential, and decreasing the density requirements could provide an incentive for developers and possibly spur additional development in the area. Commissioner Day was opposed. The motion carried with one opposed and one absent.

OTHER BUSINESS

The Planning Commission discussed issues regarding private riding arenas and swimming pool setbacks. They asked staff to propose code amendments specifically for riding arenas and swimming pool setbacks.

Mr. Crane reported recent City Council actions regarding the Robinson Lane Subdivision.

COMMISSION COMMENTS AND SUGGESTIONS

Chair Kemp said that residents requested to have the Planning Commission address what was permitted in residential park strips. He asked to review the details of the park strip at a future meeting. Mr. Crane mentioned that the Council would also like the Planning Commission to review the Parkway detail.

Commissioner Day asked that the City settle the issue regarding abandoned trails in the back of homes. He was concerned with weeds and lack of maintenance in the areas. Mr. Crane mentioned that the City Council had already addressed the issue. He said Commissioner Day was presenting an additional option for dealing with it. He explained that the issue had gone through several different stages that included maintenance agreements, an updated Trails Master Plan, and the adoption of a process for residents to purchase the property. He said he would discuss the issue with the City Council.

APPROVAL OF MINUTES

The Planning Commission reviewed the minutes from April, 22, 2014. Commissioner Heyrend mentioned that a verb tense needed to be corrected. Chair Kemp called for a motion.

MOTION: Commissioner Brammer moved to approve the minutes from April 22, 2014. Commissioner Heyrend seconded the motion. All present were in favor. The motion carried unanimously with one absent.

ADJOURMENT

MOTION: Commissioner Heyrend moved to adjourn. Commissioner Temby seconded the motion. All present were in favor. The motion carried.

Meeting adjourned at 8:35 PM.