

# Highland City Planning Commission

## June 30, 2015

The special meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:04 PM on June 30, 2015. An invocation was offered by Commission Chair Kemp and those assembled were led in the Pledge of Allegiance by Commissioner Rock.

**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  
Planning Coordinator: Kelsey Bradshaw

**OTHERS:** Brian Balls, Tim Aalders, Matt Robison, Dwain Vince -  
Blackstone  
Rob Gulbrandsen - Highland Oaks  
*See attached attendance list*

### **PUBLIC APPEARANCES**

Chair Kemp asked for public comment. Resident Bob Moore pointed out that the city was watering the grass in parks during the day.

### **OTHER BUSINESS**

Recorder Jody Bates administered the Oath of Office for Scott Temby. Commissioner Temby was appointed to serve another term on the Planning Commission.

### **PUBLIC HEARING ITEMS**

#### **CU-15-02**

*A request by Tim Aalders for the approval of a conditional use permit for a 93 unit townhome project called Blackstone. The property is approximately 7.81 acres in size and is located at the northeast corner of Town Center East and Parkway East.*

Mr. Crane reviewed the details of the proposed planned development. He said the development would be built in two phases and that the roads within the development would be private and

maintained by the HOA (homeowner's association). He said staff had a concern with trash cans being stored in garages because it would limit the amount of parking in the garage. He discussed the need to ensure there were appropriate utility easements within the private roads and that the maintenance of the roads was funded adequately through the HOA. Mr. Crane mentioned there were 11 stipulations needing to be addressed, including trash collection, recreation areas for families, and architecture standards for the zone.

Brian Balls with Summit Engineering, representing Handcrafted Homes, introduced his partners, Tim Aalders and Matt Robison. He asked if the commissioners had questions.

Commissioner Rock asked about a swimming pool and club house. Mr. Balls pointed out the pool area and picnic gazebo area. He said other small picnic areas would be around the site. He said Phase 1 would have most of the amenities.

Commissioner Brammer shared his concern with a 3,000 square foot townhome and asked about a market analysis. He voiced concern with townhomes being rented out after 5 years and wasn't sure that the townhome was attractive for non-seniors. Tim Aalders said they first spoke to the developer for Toscana and found that people kept asking for bigger units. Mr. Aalders explained that the 3,000 sq ft units included a 1,100 sq ft optional basement and optional private elevator. He said they were not entry-level townhomes. He said the market analysis showed that his product would sell and it showed that people aged mid-30's to mid-40's wanted this product type because of the amount of time they worked and traveled. Mr. Aalders said a market study, appraisals, and comparables showed the absorption rates and showed a 1 1/2 to 2-year build out.

Commissioner Temby wondered if there had been any consideration, research performed, or law enforcement contacted regarding the impact of higher density from a public safety perspective. Mr. Aalders said they addressed everything that was required by staff. He said they developed safe, quality homes.

Commissioner Heyrend thought there was a lack of amenities when compared with the number of units. He also wondered if a traffic study had been done. He wondered if they considered purchasing the parcel to the south then adding more amenities and spreading the project out. Mr. Ball said they did layouts on the property. He said having the financial means, along with knowing what amenities could be maintained, was always a consideration. Mr. Balls pointed out the public access points and said they also had an agreement with the northern property owners to provide access to the north. He said when looking at the traffic of an 86 unit development it was not atypical to bring a level of service down to a point where the city would worry about a complete comprehensive study regarding the access points. Mr. Balls said they could provide more information if requested. He said the roads seemed to perform at an A or B Level of Service when using average daily trip numbers. He said a study on local circulation throughout the area had not been done. Mr. Balls said there was no option to make changes to the public rights of way. He was not aware that the property to the south was available.

Commissioner Chair Kemp thought the Blackstone design was very similar to the Toscana development. He said the open space was a concern for him and said he liked to see something different with the elevation. He said he was not excited to see another high density development

in the City Center. He did not think seniors would like taking an elevator from their bedroom to the kitchen and said he wanted to see market studies for that. He said he wanted the development to be successful.

Commissioner Brammer wondered if the CC&R's could add an age restriction of 55+. He asked to see the market study. Mr. Aalders said it would be a "deal killer". He said their market study showed the young professional wanting this type of product. He said their product was very different than Toscana.

Commissioner Temby asked about storing the garbage cans in the garage. Mr. Balls said they could easily switch over to a garbage receptacle system that would condense into eight locations around the site. He said it might have minimal impact on the open space.

Referring to a different project recently before the Planning Commission and also in the Town Center area, Commissioner Brammer wondered how either project would impact the maximum number of units defined for the area. Mr. Crane explained that the existing unit count limit would have to be increased to accommodate one project or the other.

Commissioner Heyrend wondered if they planned to have ground level commercial as part of the project. Mr. Aalders said they considered adding a small retail site or offices, but the ideas had issues with parking or roads and child safety. He pointed out that the development was within 1/2 mile of four parks. He talked about their product and said it would be a quality project.

Commissioner Temby asked for clarification on the target market. Mr. Aalders talked about the type of individuals who might be interested in the product and said he couldn't pinpoint one specific target range. He said many units would go to people in their 40's and 50's.

Commission Chair Kemp opened the public hearing by consent at 7:43 PM.

Resident Brent Morrill wondered if there was a market study. He wondered what the projection was for the next 20 years. He talked about concerns regarding not enough green space and the number of units. He said he would be interested in seeing something like the Coventry development and did not think seniors would want to use an elevator in their house.

Resident Jeanne Hodges voiced concern with the lack of interior open space in the Toscana development. She said the surrounding splash pad and parks were never intended to be substitutes for the open space requirements for developments. She voiced concern with the lack of open space and areas for pet owners to take their dogs to use the bathroom. She talked about parking and the length of driveways. She thought the development would have a huge impact on traffic. Ms. Hodges talked about the preservation of viewscapes. She said rental units were a huge concern and urged the city to do a study to determine how many of the Toscana units were owner-occupied. She suggested that the city require the Blackstone project to be 80-90% owner occupied. Ms. Hodges voiced concern regarding the demand on city services and suggested that the city conduct an audit to determine what city finances were being used to sustain high density units. Ms. Hodges thought that a 3-story development for senior housing was a "travesty" and said the idea for elevators would be thrown out just like they were for Toscana. She thought

single level, detached, 55+ communities were needed in Highland. Ms. Hodges asked that the Planning Commission enact a building moratorium on all high rise, high density developments until a joint citizens and Planning Commission committee could ascertain the true impact and unintended consequences that had occurred because of this type of developments. She suggested drafting a new ordinance for the Town Center area.

Resident Kathy Mead said she concurred with everything that had been said. She said she was in the 55+ age group and did not want to buy a 4-level unit. She mentioned that she lived in a similar unit and that they were the least popular design of a house on the market. She voiced concern for the lack of open space, especially for kids, the lack of a clubhouse. She said she was against anything over 2-stories, high density, and did not provide open space.

Resident Mark Whitney voiced concern about the proposed parking spaces. He wondered if the city would enforce the regulation of parking on private streets. He wondered if the developer would allow the townhomes to be rentals. Mr. Whitney wondered if Highland enforced the leash law and wondered if there was an ordinance requiring owners to clean up after their dogs. He said the splash pad was already full to capacity. He thought the proposed development would decrease property values and would be detrimental to current residents.

Resident Robert Uzelac said he owned the building with the tire center. He said there would be a traffic problem getting onto SR-92 and said it needed to be looked at. He said residents used the private road by the tire center and wondered who would maintain the private roads of the development and enforce the parking regulations. Mr. Uzelac did not think the splash pad could handle more kids. He said the proposed play areas for the project were not adequate. He talked about dogs going to the bathroom and owners not cleaning it up. He said he worried about the safety of the kids. Mr. Uzelac talked about the need for a sales tax base in Highland.

Commission Chair Kemp asked if the developer had additional comments. Mr. Aalders said they were targeting people who wanted that style of living. He mentioned that they did not go for the maximum height and had met the code. He found it offensive that they talked about the people coming to the development as being trashy. He said their product did not match the cost for rentals. He said they were trying to make a quality project for Highland. He talked about the current market for private elevators.

Resident Willard Spikes said he was opposed to the project. He said he lived near Ace Hardware and explained that the company made a promise to install a retaining wall, but had not done so. He said he used flood irrigation since 1980. He talked about his horse that died because kids fed it grass clippings through the fence. Mr. Spikes talked about the wrought iron fence planned for the project and said the possibility of him losing a horse or a child getting a finger bit off was high. He talked about never being able to connect to the sewer system and being made to take down signs in the past. He said something needed to be provided for the water runoff and pasture and the protection of his horses. He said he was against the project.

Resident Michael Barbour lived in the Town Center area and said he liked where he lived. He said the street on Town Center was very busy and not the safest place for kids. He thought there were people who would buy the units, but wondered if there was enough space. He said he was not

necessarily against the project, but believed the community needed to understand what they were getting into.

Resident Jay Olsen talked about the concepts of "we the people" and said he found that when a governing body moved against the will of the people they would find themselves on the wrong side of the equation and demean themselves and the body of people they represented. He hoped Highland could avoid that.

Commission Chair Kemp closed the public hearing by consent at 8:21 PM. He asked for additional comments from the commissioners.

Commissioner Rock wondered if there were open space requirements for this kind of project. Mr. Crane said there was a minimum amount of landscaping required by code, but said the layout could be addressed.

Commissioner Day said he wanted to see additional options for more green space. He asked about the number of units. Mr. Crane talked about the maximum number allowed within the zoning district. He read from the code for the Town Center Flex District and showed the location on the map.

Commissioner Day said he agreed with the open space concerns. He thought the amenities seemed short for the project and said wanted to see a few additional options. He said he wanted to see the parking figured out, a bigger pool, and more centralized open space. He said he liked the elevator idea, but understood that it was not for everyone.

Commissioner Brammer thought that the area was designated high density because the retail area needed to be increased and diversify the tax base. He said that providing additional housing in the area would support the retail. He thought there was a huge difference between high density and 55+ high density. He thought that a townhome in five years would be a rental, but a 55+ community would be less of a risk and less of a burden. He said he had major concerns about the market analysis and wondered if 3,000 sq ft townhouses would be desirable in an area that was not next to young professional working areas. One of the big concerns for Commissioner Brammer was the opportunity cost of not using the area on a 55+ community.

Commissioner Temby thanked everyone for coming and participating. He said he was in favor of higher density for the area. He thought the use met the technical requirements of the code, however, he voiced concern with the general welfare of current and future residents. He was concerned with adequate recreation, on-street parking, and the safety of pedestrians and children. Commissioner Temby thought the placement of the project was interesting, but too dense.

Commissioner Heyrend talked about a recent conversation with someone who was not happy with what was happening in the Town Center area. Commissioner Heyrend voiced concerns with traffic and said that the Town Center was missing the slow, easy feeling that a Town Center needed to have. He said he was in support of the right kind of higher density because it had a viable affect to commercial areas. He said the Town Center concept was to provide a residential and commercial mix. He thought Highland Center needed to develop into something with a

viable mix of residential and commercial. He thought the project did not provide enough amenities and the density was too high.

Commission Chair Kemp said he shared the same comments and concerns as the other commissioners.

Mr. Balls said 258 parking stalls were required for the project. He pointed out that 172 were provided in garages and 84 were exterior stalls. He said they could add 2 additional stalls in order to meet the required amount. He talked about the maximum number of units allowed in the area and wondered if the number was based on a traffic master plan study that was developed as a conjunction of the zoning for the area.

Commissioner Rock asked about the issues with the wrought iron fence, the irrigation, and the horse. Mr. Aalders said they had already told the property owner that they would build a different type of fence there. He said their engineer would address the irrigation issues and other issues. He said they would work with the property owner.

**MOTION:** Commissioner Heyrend moved for a continuance and recommended that the developer address the issues pertaining to market feasibility, open space, fencing, possible retail, traffic, building height and density. Commissioner Rock seconded the motion. All present were in favor. None were opposed. The motion carried with one absent.

Mr. Dwain Vince, a member of the Blackstone development team, voiced concern that the development would not be approved even if the developer redesigned the project because of the density. He said they preferred to have a denial sent to the City Council now. He said there was no direction to the motion that was made, because they already met code on all the issues. He did not think they had guidance to do a redesign.

Commissioner Brammer pointed out that there were recommendations as to the specific density. He did not think the characterization of the denial regardless of the density was a fair and accurate representation. He said there was a lot more to it than density. It was recommended that the developer consider the comments from the Planning Commission in their entirety, address the issues, evaluate it from their business plan perspective, and come back to the Planning Commission with a proposal that may or may not be accepted at the time. Commission Chair Kemp mentioned that a work session could be held with Mr. Crane and the developer, if needed.

Commission Chair Kemp called for a brief recess at 8:52 PM.

Commission Chair Kemp called the regular meeting to order at 9:03 PM.

### **PD-15-01**

*Rob Gulbrandsen is requesting approval for a planned development of 25 empty nester units and 60 single-family homes called Highland Oaks. The property is approximately 36.61 acres and is located at the northeast corner of Highland Blvd. and 11800 North.*

Mr. Crane reviewed the details of the proposed conditional use permit. He reviewed issues regarding sewer service to the property and said they needed to be addressed. He discussed the application history. He said the challenges with a PD (Planned Development) district was that it was a custom zoning district and had to have standards submitted with it. He explained that he was not comfortable with the document that was submitted with the first and second review as it related to development standards, etc. He explained that his presentation and report was based on what he and staff believed to be compliant with the PD district. He noted that information was received 10 minutes prior to closing on June 25th and that staff, the public, and the commission did not have sufficient time to review the information. He said the reports were based on what was previously provided and thought the current proposal did not have enough details in it for staff to recommend the PD district. Mr. Crane reviewed details and information that was still needed, including recreation areas, development standards, sustainability of commercial parcels, architectural landscaping, utilities, circulation, and a justification to vary from current standards. He reviewed citizen participation.

Commission Chair Kemp asked if the applicant wanted to add comment.

Rob Gulbrandsen said some of the architectural and development standards, set backs, and heights were included in the write up. He explained that they did not clearly have a vision for some of the things that were deficient. They also misunderstood the deadline for some augmented pictures and better descriptions. He believed there was enough information submitted for the PD district approval with conditions included. He disagreed with staff regarding open space and mentioned general reasons why standards might be modified. Mr. Gulbrandsen mentioned that the project was an maintained and owned by the community. He proposed that all open space be maintained by the HOA, including the streetscapes, trails, and yards. He explained that the product was considered to be for empty nesters, although it was not age restricted. Mr. Gulbrandsen explained they never had young families move into their product because it did not appeal to them. He talked about lot sizes, density, and neighboring impacts of the project.

Ron Carling, son-in-law of land owner Don Siggard, reviewed the history of the property. He said the property was no longer considered green belt and they could no longer afford to pay taxes on the property. He talked about other parcels that were donated to various entities by Mr. Siggard. He thought Mr. Gulbrandsen had a quality project.

Commission Chair Kemp opened the public hearing by consent at 9:30 PM.

Resident Kim Rindlispacher believed that communities needed a variety of lot sizes. He said he liked large lots, but also liked things beautified. He said he was okay with the development, for the most part.

Resident Kenny Anderson, Highland Custom Homes and proposed builder, said they could build quality homes on 1/3 or 1/2 acre lots.

Resident Tanya Colledge said she lived near the proposed project. She was concerned about the impact to her property. She talked about six things that were concerns to her: PD zoning and high density, traffic, schools, city resources, safety issues, and the need for piping the water. She asked for a show of hands of those who were opposed to the project.

Resident Bart Bracken was concerned with the height of the development. He said he was impressed with the developer coming to speak with residents. Commissioner Temby wondered if Mr. Bracken thought the setback was sufficient to protect his view. Mr. Bracken thought that it was.

Resident Brandon Newman said he was opposed to the current plan. He thought 1/2 acre lots were conducive to the area.

Resident Joseph Hunt read from the Highland Vision Statement under Land Use regarding large-lot residential developments. He encouraged the Planning Commission to consider the Vision Statement.

Resident Laura Harding said she was against HOA's and small lots. She thought there were plenty of smaller lots in the area. She was in strong support of larger lots. She did not think there was a need for the HOA to keep yards nice.

Resident Bob Emmett said he was impressed with Mr. Gulbrandsen. He would like to see 1/2 acre lots. He agreed that there were many larger lots not being kept up. He was not in favor of HOA's, but would welcome an HOA in this circumstance. He said open space maintenance was not Highland's expertise. He wondered what was going to happen with the creek. He said he had worked with and was impressed with Highland Custom Homes.

Resident Dan Valadez said he moved to Highland because of the larger lots. He said they needed to be careful with higher density lots and how it related to law enforcement and fire safety issues. He said Highland needed to build smart. He was in favor of larger lots.

Commission Chair Kemp talked about the emails received concerning the project. He said many of them talked about not allowing more people to come to the city because the roads and schools were over crowded. He said all development was reviewed by fire and safety personnel.

Resident Misty Newman said many were in favor of 1/2 acre lots and wondered what the developer would be willing to do.

Resident Ryan Lilyenquest was impressed that Mr. Gulbrandsen made an effort to talk to current residents. He wanted to see the existing green space preserved and suggested incorporating some kind of green buffer. He encouraged people to present a nice groomed property to maintain property values. Because of this, he liked the PD district, but would like to see larger lots. He was not opposed to the HOA because Highland did not have the means to maintain current open space.

Resident Vana Olson talked about her background and mentioned that the proposed development had three driveways leading to a road that was already heavily impacted. She thought the commercial was totally out of place. She was not in favor of the high density. She talked about another senior housing development that was now accepting families within their development.

Resident Andrew Ford thought 1/2 or 1/3 acre lots would be nice. He said the Cottages in Draper were nice. He talked about the aging population and said he was in favor of the project.

Resident Robert Uzelac, speaking for his son, voiced concerns with keeping the timber, brush, and integrity of the land. He also suggested keeping 1/2 acre lots near the existing homes.

Resident Bill Haines voiced concern with the high density lots. He said he did not want to see a gas station associated with the proposed Town Center development. He mentioned that he smelled fresh sewage at the intersection of SR-92 and Highland Boulevard almost every Sunday afternoon.

Resident Rick Olsen said he was told there may be a possibility of removing the commercial property if the development was approved.

Upon request, Mr. Gulbrandsen readdressed the Planning Commission. He said he was open to an R-1-20 development. Regarding schools, he said he talked to the Alpine School District and obtained a report that projected Ridgeline Elementary School to decline every year for the next 5 years. He talked about another school that was planned to be built in the area. He mentioned that he provided a full traffic study and safety analysis and talked about the findings of the study. He talked about trying to create a development with 61 1/2 acre lots.

Commissioner Brammer wondered about the length of the driveways in the Cottages. Mr. Gulbrandsen said they would have either 2- or 3-car garages with no less than 20 feet of driveway. He said they would restrict overnight parking.

Commissioner Rock said he was in favor of the R-1-20, but worried about funding for the HOA.

Commission Chair Kemp closed the public hearing by consent at 10:33 PM.

Commissioner Brammer thanked Mr. Gulbrandsen for reaching out to the community. He said he enjoyed having a smaller lot and thought the PD district had a lot of positives. He talked about the problem that Highland had with the inability to care for open space and deal with the parkway detail. He thought the HOA was one of the positive aspects of the development. He talked about the demand for senior living and high density. He talked about the school district and that a senior living development would help with the school problem. Commissioner Brammer asked about the sewer issue. Mr. Gulbrandsen talked about obtaining an easement. Commissioner Brammer said he liked the preservation of the scrub oak. He read from the Highland Development Code Section 3-4801 about the preservation of open space and natural habitat. He also read Sections 3-4803 and 3-4807. He said he would like to see 55+ added to the CC&Rs as well as phasing on the east side with larger lots. He thought discounting the

advantages to the city for an HOA and discounting the community relationship to a PD district would be shortsighted.

Commissioner Temby said he agreed with Commissioner Brammer. He thought the removal of the commercial should be included.

Commissioner Heyrend said he mostly agreed with Commissioner Brammer. He talked about his 1/3 acre lot and how he did not want a bigger lot. He pointed out that 1/3 acre was not considered high density. He did not think commercial lots fit the location. Commissioner Heyrend thought the development was missing a park and said that the senior area should be designated as such.

Commission Chair Kemp thought the development was missing an open grassy area. He agreed with Commissioner Brammer's comments.

Discussion ensued pertaining to a possible development in an R-1-20 zone versus in a PD district.

Mr. Gulbrandsen mentioned that if he were asked to grass over larger lots it would be financially impacted enough that the R-1-20 would work. He said if they were asked to come back with a revision, they would be compelled to try to do the R-1-20. He did not think there were as many pieces missing from his application as staff did. After further discussion, Mr. Crane explained they had been through a substantial process to outline what was required in the document. Mr. Crane said it was inaccurately portrayed that the required information was included. Mr. Gulbrandsen disagreed.

Upon request, Mr. Crane reviewed some of the standards that were still needed for the PD district application. He said staff had recently provided written comments, redlined, to Mr. Gulbrandsen's PD plan. Mr. Crane explained that if the PD district were to be approved, there was nothing in the document that could be enforced. He said he would not be able to deliver the same product that was discussed. Mr. Gulbrandsen thought there was a miscommunication on the details. Discussion ensued.

**MOTION:** Commissioner Brammer moved to recommend approval of the Planned Development with the following conditions:

1. the Cottages be 55+
2. removal of the commercial aspect
3. include additional open space in the form of a park
4. increase lot size on the east side to 1/2 acre
5. complete and subject to staff review for any missing information

Commissioner Heyrend seconded the motion. Commissioner Brammer and Commissioner Heyrend were in favor. Commission Chair Kemp, Commissioner Day, Commissioner Rock, and Commissioner Temby were opposed. Motion did not carry.

**MOTION:** Commissioner Day moved that the developer resubmit a plan for an R-1-20 zone. Commissioner Rock seconded the motion. Commission Chair Kemp, Commissioner Day, Commissioner Heyrend, Commissioner Rock, and Commissioner Temby were in favor. Commissioner Brammer was opposed. Motion carried with one absent.

#### **OTHER BUSINESS**

None

#### **APPROVAL OF MINUTES**

The Planning Commission reviewed the minutes from the May 26, 2015 meeting. Commissioner Heyrend asked that "Highway 94" be changed to "Highway 92" on Line 36, Page 5.

**MOTION:** Commissioner Temby moved to approve the draft minutes from May 26, 2015 with one change. Commissioner Day seconded the motion. All present were in favor. The motion carried with one absent.

#### **PLANNING STAFF REPORT**

None

#### **COMMISSION COMMENTS AND SUGGESTIONS**

Commissioner Heyrend mentioned that Sky Estates placed a huge brick monument in the middle of the road. Mr. Crane said he was not aware and would address it.

#### **ADJOURNMENT**

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

The meeting was adjourned at 11:03 PM.