Highland City Planning Commission
December 14, 2010

The regular meeting of the Highland City Planning Commission was called to order by Acting Planning Commission Chair, Roger Dixon, at 7:01 p.m. on December 14, 2010. An invocation was offered by Tim Irwin and those assembled were led in the Pledge of Allegiance by Steve Rock.

PRESENT:
Commissioner: Roger Dixon, Acting Chair
Commissioner: Abe Day
Commissioner: Tim Irwin
Commissioner: Steve Rock
Commissioner: Jay Roundy
Alternate Commissioner: Christopher Kemp

EXCUSED:
Commissioner: Kelly Sobotka
Commissioner: Melissa Wright

STAFF PRESENT:
City Planner: Nathan Crane
City Engineer: Matthew Shipp
Secretary: Kiera Corbridge

OTHERS: Christie Dalley, Ross Welch, Greg Parkinson, Yong-In Shin, Andrew Howlett, Kevin Bryant, Tiffany Bryant, Chris Barker, Thayne Hansen.

PUBLIC APPEARANCES (AGENDA ITEM A)

Roger Dixon invited comments from the public regarding items not on the agenda and no one chose to speak.

WITHDRAWALS AND CONTINUANCES (AGENDA ITEM B)

Roger Dixon noted that there have been no withdrawals or continuances for this meeting.

TEXT AMENDMENT – PROFESSIONAL OFFICE ZONE: ALLOW ASSISTED LIVING FACILITIES AND IDENTIFY FUTURE OFFICE AND ASSISTED LIVING USE AREAS AND CREATING DEVELOPMENT STANDARDS FOR ASSISTED LIVING USES ~ PUBLIC HEARING AND LEGISLATIVE ACTION (AGENDA ITEM C1)

Nathan Crane explained that the application three key parts; one key point with two amendments pending the positive response to the first. The first part is whether or not to permit assisted living facilities in the Profession Office Zone. Nathan Crane explained that assisted living facilities are currently only permitted in the Residential-Professional Zone subject to a conditional use permit and in the Senior Care Assisted Living Overlay Zone which limits the use to a specific site; Patterson

Construction is proposing to amend the Professional Office Zone to allow assisted living facilities subject to a conditional use permit in the PO Zone and to create development standards for those assisted living uses.

If the Planning Commission determines that assisted living facilities should be permitted in the Professional Office Zone, the other two points of discussion will be amending the master site plan of the Professional Office to identify locations of future office uses and assisted living uses and to create development standards for the assisted living facilities.

Nathan Crane explained that Patterson Construction has proposed to amend the Professional Office Zone master site plan, approved December 2003 and amended in 2005, to identify future office and assisted living use areas. The proposed site plan has been revised to show use areas for 13.84 acres of future assisted living uses and 3.914 acres of future office uses; the proposed amendment does not affect the existing storage facility and the two office buildings. Site detail (i.e. parking, architecture, landscaping, lighting, etc) for all new uses or buildings will be determined during review of the site and architectural plans.

Nathan Crane explained that the master site plan was adopted as part of the Professional Office Zone and requires that the property be constructed as shown on the site plan; this is typically known is a planned development zone. Staff believes that there is not enough information on the master site plan for the Planning Commission to make a recommendation and the Council to approve the conceptual site plan; therefore, staff is proposing revising the to adopt a development plan showing use areas. Indicating use areas in-lieu of a specific site plan provides flexibility for the property owner to adjust to specific users and the market. It further provides enough specificity for the City and surrounding residents regarding the types of uses and allows the City Council and Planning Commission additional discretion when a site plan and architecture are reviewed.

Nathan Crane noted that vehicle access will be provided by Highland Boulevard and Sunset Drive; additional access will be reviewed with site plan applications. He also noted that the amount of open space in the overall Professional Office Zone will increase from 35.1% to 42% and that the proposed open space will be evaluated with each site plan application; staff will recommend which parcels should be owned and maintained by Highland City or as a conservation easement maintained by the property owner. Nathan Crane added that the site coverage – main floor building coverage – is proposed to increase from 30% to 33%.

The proposed amendment is consistent with the Highland City General Plan goal of providing additional housing for seniors and is compatible with the surrounding properties, with the assisted living use acting as a buffer between residential uses and office uses.

Nathan Crane noted the minor changes in the language of the ordinance as well as the parking requirements for the assisted living facilities.

Steve Rock inquired as to the location of the parking lot for the assisted living facility, noting that the Senior Care Assisted Living Overlay Zone required the facility to meet the residential character of the neighborhood. Nathan Crane explained that the location of the parking lot would be determined at the time of the site plan approval; however, the Planning Commission could include a requirement in the design standards for assisted living facilities in the Professional Office Zone to locate the parking lot behind the facility.

Tim Irwin noted that during the previous discussions regarding the Patterson Construction application for a conditional use permit to operate UHAUL services from the storage facility, many concerns were expressed regarding compliance with the original facility approval. Tim Irwin expressed his own concern about moving forward with additional approvals if previous issues aren't being resolved. Nathan Crane noted that city staff is working with Patterson Construction regarding the approval enforcement but added that it is important to separate compliance from future development proposals. He also stated that the applicant can provide an update.

Ross Welch from Patterson Construction addressed the Commission, stating that an assisted living facility would provide a pleasant transition from office uses into residential neighborhoods to the north. He confirmed that the concerns regarding the storage facility are being addressed but explained that a miscommunication occurred when the business license indicated that recreational vehicles would be stored uncovered in the facility.

Christopher Kemp inquired about the construction vehicles that are also stored on the property. Ross Welch stated that those vehicles are stored based on a need, such as snow removal, construction, etc.

Roger Dixon opened the public hearing at 7:33 p.m.

Andrew Howlett stated that he lives north of the existing storage facility in the Dry Creek Highlands subdivision. He expressed his concern regarding approving Patterson for future expansion when existing developments are in violation of Highland City ordinances. He commented that his previous attempts to meet with Patterson and with the manager of the facility have been ignored. Andrew Howlett presented the Planning Commission with photographs of the storage facility at night to illustrate the light pollution and referenced portions of the Highland City Development Code regarding shields, light hours, and other light pollution prevention measures. Andrew Howlett also presented the Planning Commission with photographs illustrating the view of the recreational vehicles and construction equipment as seen from his rear yard, noting that the uncovered storage is not permitted. Andrew Howlett then mentioned portions of the Highland City Development Code that address landscaping recommended to break up the visual mass of a wall, stating that the landscaping along the wall of the storage facility is either dead or non-existent. He summarized that his intent is to maintain consistency and is concerned that additional commitments will not be followed with future approvals.

Greg Parkinson, resident of the Dry Creek Highlands subdivision, expressed concerns about the availability of information to the public by means of the Highland City website. He echoed many of Andrew Howlett's concerns regarding code enforcement for the current violations of the storage facilities. Greg Parkinson stated that the weather along Highland Boulevard is severe, making it an inappropriate place for an assisted living facility. He commented that when the two churches are constructed, the combination of church goers and the visitors of the facility will cause extremely congested traffic. Greg Parkinson summarized that when a resident buys a home after considering the surrounding zoning, it is frustrating to have the property frequently rezoned.

Yong-In Shin, resident of the Dry Creek Highlands subdivision, stated that he selected his home for the view and is concerned that the construction of a two-story building will block that view. He commented that Patterson seems to have a bad reputation because of the storage units and requested that the Planning Commission require specific details before approving Patterson for future development.

Thayne Hansen, resident of the Dry Creek Highlands subdivision, inquired as to the number of amendments to the Professional Office Zone in the recent years. Nathan Crane stated that the zone has been amended twice to include additional land. Thayne Hansen stated that the Professional Office Zone seems to rapidly be evolving to accommodate particular uses and voiced his concern regarding the impact on the choices of the residents; if zones are constantly changing, the residents don't know what to expect. Thayne Hansen commented that the flow of the land is downhill from the proposed location of the assisted living facility and that there would not be a barrier into the street below, causing great impact on the neighborhood. He acknowledged that amending zones is a characteristic of development; however, the residents want to have some anticipation of the outcome.

Kevin Bryant and Tiffany Bryant are residents of the Country French Estates Subdivision, located to the east of the Professional Office Zone. Kevin Bryant expressed concern that an assisted living facility would not look like a professional office or residential in nature; it would look like a typical assisted living facility. He stated that the proposed location of the assisted living facility would be easily seen from his home and that he would rather look at a professional office building than an assisted living facility. Kevin Bryant commented that the property to the northeast of their home is for sale and that it is pointless to change the zoning for a property that is going to be sold.

Tiffany Bryant stated that the land of the proposed property is raised, causing any building constructed on the property to be "put up on a pedestal". She expressed concern regarding the noise and hazards of the additional traffic associated with assisted living facilities – ambulances, visitors, and staff – whereas an office building would only have employees and customers.

Kevin Bryant questioned whether the proposed facility would house elderly residents, those in need of constant care, restricted residents, etc. He noted that parks, shopping, and other amenities are not located near the facility for the residents to visit. Kevin Bryant suggested that if the Professional Office Zone is amended, that the neighborhood be permitted to form a committee to meet with Patterson to collaborate on the appearance of the building.

Jay Roundy inquired as to the height restriction of the buildings in the Professional Office Zone. Nathan Crane answered that the building is permitted to be thirty-five feet tall. Tiffany Bryant reiterated that the property is raised over ten feet higher than the roadway, creating a substantially taller building. Jay Roundy commented that a thirty-five foot building is the same height whether it is a professional office or assisted living facility. Tiffany Bryant clarified that the objection is to the use; office buildings would not have the same safety concerns of traffic, residents walking through the neighborhoods, crossing the street, etc.

Ross Welch commented that his preference as a resident would be an assisted living facility rather than an office building, stating that the assisted living facility would blend into the surrounding neighborhood due to its residential nature. He noted that residents always have concern regarding non-residential development next to a neighborhood, whether it's office buildings, commercial uses, assisted living facilities, church buildings, etc.

Ross Welch viewed the lighting photographs and acknowledged that the storage facility seems to have been a poor neighbor. He commented that the lighting and open storage are issues that Patterson has been addressing. Ross Welch added that the original reason for choosing the site for the storage facility was due to the sunken nature of the land, hiding the storage units from the street; however, it is obvious that the storage is not hidden from the residents above.

Christopher Kemp questioned whether a design has been drafted for this particular site. Ross Welch stated that architectural designs were drafted in the past; however, the concepts will be revisited to be better adapted for the site.

Steve Rock inquired as to a projected number of persons residing in the facility. Ross Welch stated an estimate of eighty-five rooms with the possibility of some couples. Steve Rock questions how an assisted living facility would transition from the appearance of an office to residential in nature. Ross Welch clarified that the facility architecture would be largely residential, commenting that the existing office buildings in the Professional Office Zone are already appear residential. He added that the parking was originally designed to be located underground and that lighting details would be addressed in future concept designs.

Kevin Bryant voiced strong opposition to changing zones based on assumptions.

Andrew Howlett acknowledged that he knew that the storage facility would be constructed when he purchased his property; however, the concerns he listed earlier (light pollution, recreational vehicle and construction vehicle storage, etc) were not part of his expectations. He expressed support of a committee of residents consulting with Patterson in the design of the assisted living facility.

Roger Dixon closed the public hearing at 8:10 p.m.

Roger Dixon requested that staff compile a history of the Professional Office Zone – development of the ordinance, purpose behind the amendments, etc. Roger Dixon also requested that additional efforts be made to address the lighting and recreational vehicle concerns regarding the storage facility.

Tim Irwin expressed the opinion that many good points have been raised through the discussion and suggested that the Planning Commission postpone any action on the item. He observed that eventually the property will be developed and that future proposals may not be more acceptable to the neighbors.

Abe Day stated that he also would like the history of the Professional Office Zone; storage facilities are not a use that he would have thought to be in a professional office district.

Nathan Crane warned against delaying the application based on code enforcement concerns of the storage facilities.

Abe Day expressed concern that the facility could lower property values and inquired as to the fiscal impact on the surrounding residents. Nathan Crane stated that it would be difficult to quantify the fiscal impact. Roger Dixon mentioned that previous Planning Commissions have reviewed fiscal impact with neither a “pro developer” or “anti resident” impact in mind. He also noted that the City Attorney had stated that potential fiscal impacts could not be included as part of their review.

Christopher Kemp expressed concern regarding the appearance of the assisted living facility. Steve Rock questioned whether detailed elevations could be required prior to approval. Nathan Crane stated that requiring elevations and a site plan could unintentionally tie the text amendment to particular details that may change in the future such as what has occurred with the office buildings. He noted that architectural plans would still need to be approved by the Planning Commission and a site plan would be approved by the City Council prior to any construction of a facility.

Tim Irwin suggested the reputation of a company is a factor in the approval of future development. Nathan Crane stated if the Planning Commission was concerned about the lack of a site plan due to unknown impacts on adjacent property, the Planning Commission could recommend to deny the application due to the lack of a formal site plan application.

Abe Day suggested that the property be rezoned as residential; an assisted living facility could then be constructed. Nathan Crane explained that the only zones that permit assisted living facilities are the Residential-Professional Zone and the Senior Care Assisted Living Overlay Zone; assisted living facilities are not a permitted use in Highland's residential zones.

Jay Roundy inquired as to the financial impact of senior living versus office uses for Highland City. Nathan Crane stated that he did not know that answer.

MOTION: Tim Irwin moved to Recommend that the City Council Deny the proposed amendment to the Highland City Development Code to allow assisted living facilities subject to a conditional use permit in the Professional Office Zone due to the lack of a specific site plan. Motion seconded by Steve Rock.

Those voting aye: Abe Day, as he would like to see an analysis of the fiscal impact on the surrounding neighbors; Tim Irwin, expressed his concern regarding the impact on the surrounding neighbors; Christopher Kemp; Steve Rock, as he would prefer to see more detail given on the site plan; Jay Roundy. Those voting nay: Roger Dixon, as he would prefer to table the item pending the requested information. The motion passed with a majority vote, 5:1.

MONUMENT SIGN REVIEW – MONUMENT SIGNS FOR THE LONE PEAK SHOPPING CENTER ~ ADMINISTRATIVE ACTION (AGENDA ITEM D2)

Nathan Crane explained that Paul Miner is requesting approval of three monument signs for the Lone Peak Shopping Center, located on the southwest corner of SR92 and SR74. The Highland City Development Code requires monument signs for the C-1 Zone to be approved by the Planning Commission if not approved with the site plan; however, jurisdictions are only allowed to govern the height, width, area and design of signs.

Nathan Crane noted that the three signs are approximately forty square feet with a proposed six inch rock base and vertical edge - the Highland City Development Code requires a one-foot rock base. Each signs will include identification of the shopping center and five individual panel slots for businesses; the panels are designed to be removable to allow replacement tenants. Nathan Crane added that a unique feature is that the sign would be internally lit.

Nathan Crane stated that the proposed signs meet the requirements of the Highland City Development Code, with the exception of the rock base, and that specific locations and landscaping requirements will be reviewed at time of the sign permit.

Steve Rock asked if the rock base would surround the entire sign. Nathan Crane explained that both sides of the sign will be identical and the rock base will wrap the base.

Jay Roundy expressed concern that the proposed locations may cause traffic hazards due to site obstruction. Nathan Crane stated that the actual locations of the signs will be determined as part of the

sign permit; clearview site triangles will be measured and the Utah Department of Transportation will be consulted.

Roger Dixon inquired about the measurement of the landscaping requirement. Nathan Crane stated that his interpretation of the code is that the measurement is the linear width of the sign, resulting in approximately twenty-four feet of landscaping surrounding each sign. Roger Dixon further inquired as to the vegetation requirements for the landscaping, expressing concern that many plants will grow to obstruct the signs. Nathan Crane noted that a vegetation description is outlined and will be addressed at time of the sign permit.

Roger Dixon invited the applicant, Chris Barker from IG Signs, to give comment. Tim Irwin asked Chris Barker about his experience with the process of sign approval. Chris Barker stated that he has enjoyed working with Nathan Crane as he has been extremely helpful.

Abe Day asked if there will be opportunity for business owners to negotiate with the property owners for particular spaces on the signs. Chris Barker stated that his understanding is sign is designated to a portion of the building. He noted that blank panels can be installed for empty spaces on the signs when necessary. Chris Barker added that the ability to replace the sign panels individually is much more cost effective.

MOTION: Jay Roundy moved that the Planning Commission Approve the proposed monument signs subject to the following stipulations:

1. **All monument signs shall comply with the sign plan date stamped December 7, 2010 except as modified by these stipulations; and**
2. **The rock base shall be a minimum of one-foot tall; and**
3. **Four square feet of landscaping per linear foot shall be installed as required by Section 3-709.5 of the Highland City Development Code.**

Motion seconded by Tim Irwin. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Christopher Kemp, Steve Rock, Jay Roundy. The motion passed with a unanimous vote.

~ APPROVAL OF MEETING MINUTES FOR NOVEMBER 9, 2010 (AGENDA ITEM E)

MOTION: Tim Irwin moved to Approve the Meeting Minutes for November 9, 2010, as amended. Motion seconded by Jay Roundy. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Christopher Kemp, Steve Rock, Jay Roundy. The motion passed with a unanimous vote.

~ PLANNING COMMISSION AGENDA STAFF ITEMS, REPORTS AND PACKETS ~ DISCUSSION (AGENDA ITEM F)

Nathan Crane noted that Planning Commission Chair, Melissa Wright, has officially resigned from the Planning Commission. Whether the Vice Chair will become Pro Tem or the Planning Commission should vote for a new Planning Commission Chair and Vice Chair will be addressed at the next meeting.

PLANNING COMMISSION COMMENTS AND SUGGESTIONS ~ DISCUSSION (AGENDA ITEM G)

The Planning Commission has requested the opportunity to present ideas, concerns, and proposed Code Amendments/Additions over which they have authority. The following items were discussed:

Temporary Sign Ordinance – Roger Dixon expressed the concern that the amount of temporary signs in the Town Center is prolific and suggested that the temporary sign portion of the sign ordinance be addressed. Tim Irwin noted that the City Council had placed a moratorium on the enforcement on temporary signs; Nathan Crane confirmed. Jay Roundy mentioned that signs on vehicles are also a concern, as often the vehicles cause a potential traffic hazard. The Planning Commission summarized that a review of the temporary sign ordinance would be appropriate.

Review of the Planning Commission Rules and Procedures – Jay Roundy requested that the Planning Commission follow Melissa Wright's suggestion and review the Planning Commission Rules and Procedures. Roger Dixon asked that the item be on the first Planning Commission Agenda in February for discussion and changes if necessary.

Highland City General Plan Review – Jay Roundy commented that the review of the Highland City General Plan not only furthered his understanding of the Element he presented to the Planning Commission, but also provided an opportunity for him to identify errors. Jay Roundy suggested that the Planning Commission restart the review of the Highland City General Plan, allowing each Commissioner to present a new Element.

Updates on Previous Recommendations and Requests – Tim Irwin expressed appreciation for updates on items that have been passed on to the City Council and items that have been discussed; he requested that these updates continue.

ADJOURNMENT

Jay Roundy moved to adjourn. Seconded by Tim Irwin. Unanimous vote, meeting adjourned at 8:43 p.m.