

1 **Highland City Planning Commission**  
2 **July 14, 2009**  
3  
4

5 **PRESENT:** Commissioner: Jennifer Tucker, Chair  
6 Commissioner: Brent Wallace  
7 Commissioner: Melissa Wright  
8 Commissioner: Tony Peckson  
9 Commissioner: Roger Dixon

10  
11 **EXCUSED:** Commissioner: Don Blohm  
12 Commissioner: Kelly Sobotka  
13 Alternate Commissioner: Abe Day  
14

15 **STAFF PRESENT:** City Planner: Lonnie Crowell  
16 Secretary: Kiera Corbridge  
17

18 **OTHERS:** Angela Whitehorn, Garff Fitzgerald, Nathan Fitzgerald, Mike Mock, Kathy  
19 Mock, Lynn Ritchie, Trixie Walker, Greg Neild, Kirk Leininger, Ben Leninger, Brian  
20 Braithwaite.  
21

22 Meeting Convened at 7:00 pm  
23 Prayer given by: Tony Peckson  
24 Pledge led by: Melissa Wright  
25  
26

27 **Item 1: Approval of Meeting Minutes for May 26, 2009, and June 9, 2009**  
28

29 **Roger Dixon moved to approve the Meeting Minutes for May 26, 2009, and June 9,**  
30 **2009, as amended. Seconded by Tony Peckson. Unanimous vote, Melissa Wright**  
31 **abstained from the vote on the minutes for June 9, 2009 since she was not in**  
32 **attendance at that meeting, motion carried.**  
33  
34

35 **Item 2: Amendment to Ordinances 3-4109(9)/3-4209(10) to Eliminate**  
36 **Increased Side Yard Setbacks for Accessory Structures on Corner Lots ~ Discussion**  
37

38 Lonnie Crowell explained that several Highland City residents have requested reducing  
39 setback for an accessory structure in the side yard of a corner lot. The setbacks for an  
40 accessory structure on a non-corner lot in Highland is ten feet bordering the back and side  
41 yards of the property for the purpose of allowing for the Public Utility Easement;  
42 however, corner lots have an additional setback of 30 feet from a right-of-way, typically  
43 positioning the accessory structure in alignment with adjacent homes. He noted that a  
44 smaller accessory structure may not have a significant visual impact, however an  
45 accessory structure that is 25 feet tall, as permitted by ordinance, could create a

1 substantial visual impact if adjacent to a street. Lonnie Crowell added that the planting of  
2 several trees between an accessory structure and the side property line would mitigate  
3 some aesthetic impact. The Planning Commissioners were presented with a draft of the  
4 proposed ordinance amendment.

5  
6 A Commissioner shared a personal experience of researching a corner lot and expressed  
7 that it seems like corner lots are “unduly penalized”; however, the Commissioner agreed  
8 that a large structure built along the Public Utility Easement could seem imposing along  
9 the street and suggested a compromise of the distance of the setback in correlation with  
10 the height of the structure.

11  
12 Another Commissioner noted that the size and placement of the home could be a factor in  
13 the visual impact an accessory structure would have, but differentiating by lot size would  
14 be difficult and recommended that the decision be consistent within all the zones.

15  
16 It was suggested that the use of the structure might determine where it ought to be  
17 located; an animal structure and a garage have different visual impacts.

18  
19 A Commissioner questioned the aesthetic impact from the street and the neighboring  
20 homes that face the structure; the visual impact may be minimal when viewed at an angle  
21 from the sidewalk, but the impact may be more substantial for the neighbors when  
22 viewed from across the street.

23  
24 The Planning Commission seemed to agree that an amendment is needed that reduces  
25 corner lot setbacks according to the height of the accessory structure so as to permit  
26 homeowners to use their land but also mitigate the impact on the streetscape and  
27 neighboring views.

28  
29 Michael Mock, a resident of Highland, stated that his home is located on a corner lot and  
30 supports the amendment of the side yard setback. He commented that with the 5 foot (14  
31 feet from back of curb) setback for a fence along the side yard in addition to the 30 foot  
32 setback for an accessory structure, the usable space in the yard is very limited.

33  
34 Garff Fitzgerald, a resident of Highland, referenced examples of past exceptions to the  
35 city ordinances that have created conflicts due to inconsistency. He stated his support of  
36 the current ordinance and asked that the Commissioners be very mindful of the reasoning  
37 behind the creation of that ordinance.

38  
39 A Commissioner noted that regulation of design work creates an ambiguous definition of  
40 what is or isn't permitted.

41  
42  
43 **Item 3: Senior Housing ~ General Plan, Future Land Use Map, and Zoning**  
44 **Map Amendment and New Zone Addition ~ Discussion**

1 Lonnie Crowell explained that although the Town Center Overlay Zone provides for  
2 some senior housing, a zone does not currently exist that would allow a facility which  
3 provides care for non-ambulatory (bedridden or hospitalized) persons in need of daily  
4 care. Greg Nield has submitted an application to begin the process to amend the  
5 Development Code and General Plan Land Use Map to provide for this use. Mr. Nield is  
6 requesting the opportunity to construct and operate a facility at 10428 North 4800 West  
7 in Highland. He has proposed this site for several reasons, including expeditious access to  
8 American Fork Hospital located south of the proposed project. Mr. Crowell further  
9 explained the increasing need for senior housing in Highland.

10  
11 Lonnie Crowell noted that the Utah Department of Transportation (UDOT) project of  
12 widening 4800 West to become a State Highway as well as the development of mixed use  
13 and commercial property surrounding this location will substantially impact residential  
14 uses along this road.

15  
16 Lonnie Crowell stated that the Planning Staff is not concerned with the proposed  
17 architecture of the building as it appears to be designed like a nice office building and  
18 facilities similar to the proposed use; however, the Planning Staff has concern with the  
19 proposed site plan in consideration of the existing residential dwellings and residents.  
20 The concerns are as follows:

- 21 1. The site plan may create less of an impact if the entire site plan was mirrored to  
22 place the driveway and parking on the north side of the lot instead of the south  
23 side adjacent to the remaining dwelling.
- 24 2. The parkway detail is required along 4800 West with a meandering sidewalk and  
25 a total of 29 feet of landscaping from the back of the curb. It appears that the  
26 landscaping is present and available however the meandering sidewalk adjacent to  
27 a soon to be constructed 5 lane highway is not preferred. The Applicant should  
28 work with the City engineer to design the Parkway Detail into the site.
- 29 3. Staff recommended to the applicant a future drive to the north that would connect  
30 with 10370 North to provide a left turn option. While the home currently has two  
31 accesses onto 4800 West, Highland is requesting landscaped medians along the  
32 road and Utah County/UDOT will most likely install a concrete median which  
33 would only provide for a right-in/right-out option at this location. The home to the  
34 north is currently owned by Utah County as part of the road project and will be  
35 removed. Staff suggested that the applicant contact the County to see if  
36 acquisition of a portion of the property would be available which may provide  
37 better access to the proposed project. Staff would like to see an access easement  
38 from the parking lot to the north property line at minimum in case this option  
39 becomes available.
- 40 4. The parking lot is currently placed very near the east property line. It appears that  
41 there is room to move the parking lot to the west adjacent to the building  
42 providing more area for landscaping that would help buffer the existing home to  
43 the east.
- 44 5. Staff would recommend substantial landscaping along the northeast corner, east  
45 property boundary and south property boundary to help buffer and screen the  
46 proposed use with the residential properties that exist and will continue to exist at

1 this location. Landscaping should include a substantial amount of deciduous and  
2 evergreen trees, shrubs and similar that would help mitigate some typical  
3 concerns.

- 4 6. The proposed project will be required to be open 24 hours a day, 7 days a week.  
5 Staff has added some text in the ordinance that would limit visiting hours,  
6 consistent with existing requirements in Highland. The applicant will need to  
7 explain to the Planning Commission how the operation will take place during  
8 days and hours that Highland does not allow businesses to be open or the  
9 Planning Commission will need to make a recommendation on how to address  
10 this.
- 11 7. The applicant will need to explain to the Planning Commission how the proposed  
12 plan will buffer and protect the existing residential uses primarily to the east and  
13 south.
- 14 8. The applicant will need to complete a subdivision along with this application per  
15 the requirements of the Development Code (3-615, 3-208, and Chapter 5-2) or  
16 bond for and install the improvements with a development agreement with  
17 Highland City per the same.

18

19 A draft of the proposed ordinance was presented to the Planning Commission for  
20 consideration, assembled from several sources including current zones in Highland,  
21 Alpine, and the U.S. Department of Housing and Urban Development website.

22

23 A Commissioner voiced concern regarding the amount of parking for the facility and the  
24 accommodation of overflow parking on holidays, such as Christmas, Mother's Day,  
25 Father's Day, and Birthdays; once the parking lot was filled, visitors would be forced to  
26 park along neighborhood streets or the highway creating a hazard for pedestrians and  
27 traffic. Greg Nield stated that acquiring additional property to expand parking is a  
28 possibility.

29

30 Concern was also expressed regarding the restriction of visitation hours and days. If the  
31 facility is only open to visitors Monday through Saturday, family members will not be  
32 permitted to visit on Mother's Day, Father's Day, or any holiday/event that occurs on a  
33 Sunday. Lonnie Crowell explained that current Highland City ordinances restrict hours  
34 and days of operation, although constant operation is necessary for the proposed use. It  
35 was suggested that the proposed facility be labeled a medical facility or placed in another  
36 category that is permitted to operate consistently.

37

38 A Commissioner questioned whether a location across the street from a high school is  
39 appropriate for the proposed facility. It was stated that the proximity may provide service  
40 and/or vocational opportunities for the students of the high school and that the facility  
41 also acts as a buffer between the widening highway and the existing residences.

42

43 Commissioners discussed the possibility of setting a precedent of commercial and retail  
44 uses for adjacent properties, although it was noted that the proposed facility more of a  
45 residence than a commercial business. A few Commissioners agreed that the adjacent  
46 properties may be best suited for non-residential uses in the future.

1  
2 Lonnie Crowell clarified that the suggestion to mirror the layout with the driveway and  
3 parking on the north side of the lot is intended to decrease the potential impact on the  
4 neighbors.

5  
6 Trixie Walker, from the Daily Herald, expressed concern about combining teenage  
7 drivers and elderly drivers. A Commissioner commented that non-ambulatory residents  
8 of the facility would not be driving.

9  
10 It was noted that a possible future median in the State Highway could hinder necessary  
11 ambulance access by creating a right-in right-out situation.

12  
13 Brian Braithwaite, a Highland City resident, commented that visitors to the facility may  
14 include elderly drivers. He also emphasized the fact that cities change over time,  
15 changing land uses as a result, and encouraged the Planning Commission to consider  
16 future needs and uses of the surrounding property. He stated that a five lane highway,  
17 changes within Highland and adjacent cities, and the growth of commercial uses in the  
18 area are factors to consider in determining an appropriate use for the property. Mr.  
19 Braithwaite noted that churches, schools, and uses such as the proposed facility can be  
20 utilized as transitional buffers for the residents.

21  
22 A Commissioner suggested that Mr. Nield consider acquiring property to the north and to  
23 the south as it would allow for future expansion and additional parking.

24  
25 Additional clarification was requested regarding signage lighting. A Commissioner stated  
26 that it is not an advertising facility and that visitors should already know the location.  
27 Another Commissioner expressed a preference that signs be lighted.

28  
29 Based on previous visitations to facilities owned by the applicant, a Commissioner  
30 emphasized the importance of a courtyard or a protected outdoor environment. It was  
31 observed that the 50% landscaping requirement may be excessive and a Commissioner  
32 suggested that the requirement be consistent with the surrounding properties (Lone Peak  
33 High School and the residential properties). Lonnie Crowell commented that the  
34 landscaping requirement for churches is 35%.

35  
36 Mr. Nield clarified that the site plan presented to the Planning Commission includes a  
37 portion of land that is in the process of being acquired. A Commissioner questioned the  
38 use of the narrow lot that would remain after the UDOT expansion with the assumption  
39 that the applicant obtains the desired property. Lonnie Crowell clarified that if the lot  
40 becomes less than 130 feet, the property no longer qualifies as a residential lot.

41  
42 A Commissioner suggested the following verbiage modifications:

43  
44 3-4605 Development Standards. A Development within the SCALO Zone shall  
45 demonstrate project conformance ~~which meets...of an aging person~~ commonly  
46 identified as Assisted Living Facilities and Nursing Facilities...Element of the

1 Highland City General Plan which meets the needs of the final two (2) stages in  
2 the life cycle of an aging person.

3  
4 3-4610 Parking. (1) ...to the requirements of this chapter at a ration of one (1.0)  
5 parking stall per dwelling unit and with the following characteristics shall comply  
6 with:

7  
8 3-4613 Landscaping. (9) Landscaping in these areas shall be at least thirty (30)  
9 feet wide continuously along all public right-of-way less area for drive entrances  
10 and shall consist of an effective combination of street trees, trees, ground cover  
11 and shrubbery.

12  
13 A Commissioner expressed the preference that a facility of the proposed use be located  
14 on a lot larger than an acre. Lonnie Crowell encouraged remaining consistent with the  
15 General Plan information: Assisted Living requires 1.2 acres, Nursing Homes require 2.2  
16 acres. Greg Nield expressed interest in acquiring the lot to the north and commented that  
17 he would have additional answers at the next meeting.

18  
19 Bill Connelly, a resident of Alpine City, stated that he has built senior housing  
20 condominium complexes in the Midwest. He explained that he builds 20 bed Alzheimer's  
21 patient care homes in a rambler style and that one acre is sufficient for the facility with  
22 additional room for an adult day care as well. Mr. Connelly expressed his surprise  
23 regarding the location of the proposed facility, as there is a similar facility located nearby,  
24 and referenced properties in Alpine and Cedar Hills that are alternatives for the proposed  
25 facility. He commented that in his previous experience, high traffic areas have been  
26 beneficial to the success of a senior living facility and confirmed that students working in  
27 the facilities are an asset.

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30 **Item 4: Election of a New Chair and Vice Chair**

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32 The Planning Commission Chair and Vice Chair were elected by the Planning  
33 Commission in January 2008 following a vacancy created by the election of two Planning  
34 Commissioners to City Council. Per ordinance, the Planning Commission will vote on a  
35 new Chair and Vice Chair.

36  
37 By ballot vote, the Planning Commission re-elected Jennifer Tucker as the Planning  
38 Commission Chair and Brent Wallace as the Planning Commission Vice-Chair.

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41 **Item 5: Planning Commission Recommendations ~ Discussion**

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

46

1 A Commissioner requested an update on comments from previous meetings. Lonnie  
2 Crowell briefly summarized previous topics and will provide a detailed review in the  
3 following meeting.

4

5 **Fire Engine Sirens** – A Commissioner that lives near the Lone Peak Fire Station stated  
6 that the fire engine sirens are being sounded prematurely. The Commissioner recalled  
7 that one of the requirements of approval was that the fire engines would wait to activate  
8 the sirens until reaching the main arterial roads.

9

10 **Aesthetic Consistency of the American Fork Retention Pond** – A Commissioner  
11 voiced concern that the American Fork retention pond along SR-74 is not consistent with  
12 the layout and appearance of what was previously approved. Commissioners agreed that  
13 the rock face of the pond creates a bland and uninviting entrance to the City and that a  
14 buffer of trees and ground cover would establish an appealing gateway into Highland;  
15 although, it was noted that the project does not appear to be complete.

16

17

18 Meeting adjourned at 8:30 pm.