

Highland City Planning Commission

May 24, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:02 PM on May 24, 2016. An invocation was offered by Commissioner Rock and those assembled were led in the Pledge of Allegiance by Commissioner Ostler.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Ron Campbell
Commissioner: Kurt Ostler
Commissioner: Steve Rock

EXCUSED: Commissioner: Sherry Carruth
Commissioner: Abe Day

STAFF PRESENT: Community Development Director: Nathan Crane
Planning Coordinator: JoAnn Scott
Planning Commission Secretary: Heather White

OTHERS: *See attached attendance list*

PUBLIC APPEARANCES

Chair Kemp asked for public comment. None was offered.

PUBLIC HEARING ITEMS

1. **Z-16-01**
Edge Homes has requested a rezoning of property located at 9725 North 6800 West from an R-1-40 to an R-1-30 zone.

Mr. Crane reviewed the rezoning request.

Curtis Leavitt with Edge Homes reviewed the details of the update plat for the R-1-30 Zone. He talked about improvements to the west side of 6800 West and the storm drain on the east side. He said construction traffic would be restricted to 6800 West. He said they wanted to build an upstanding neighborhood and showed pictures of various houses built by Edge Homes.

Commission Chair Kemp opened the public hearing at 7:15 PM.

Resident Alison Gagon preferred to see the property remain R-1-40. She voiced concern for animal rights and said lot sizes in Highland had gotten smaller over the years and larger animals were pushed out. She would like to see a second entrance on 6800 West added back in because of potential traffic on 6900 West. She explained that 6900 West was a narrow underdeveloped road. Ms. Gagon talked about the problems caused by local construction of a new chapel on 6900 West, including speed, traffic, and lack of space for delivery trucks.

Resident Mike Gagon pointed out that 6900 West was not a complete road and that a second entrance on 6800 West would be much better. He said Lehi residents were the only ones complaining about the size of the homes.

Resident MaryAnn Fietkau voiced concern that the second entrance on 6800 West was taken off the plat. She was not opposed to any of the lot sizes but was concerned with future traffic flow.

Resident Jerry Griffis was concerned that the proposed road would cause a pinch point because it was directly across from 9700 North and thought it would be a safety issue. He recommended to create a second entrance on 6800 West. He preferred the property to remain R-1-40.

Resident Chet Smith voiced concern with traffic on 6900 West due to the proposed cul de sac. He talked about a chain link fence on 6900 West that cars had to take care to avoid.

Resident Shonnie Smith said she was concerned with the increased traffic on 6900 West. She said she was home all day with kids and there had been a few scary moments with the narrow road. She was in favor of keeping the R-1-40.

Resident Ben Fietkau voiced concern that there was no second access on 6800 West. He talked about the proposed access to the north and explained that the road was winding and that drivers probably would not use it. He suggested that Edge Homes slightly reduce some of the lots sizes in order to add a second access on 6800 West.

Jaran Nicholls with Edge Homes clarified that they would not limit through traffic. Their proposal was to have construction traffic enter the proposed subdivision only from 6800 West. He understood that the animal rights issue was a sensitive issue. He said even if the property was R-1-40, the new home owners might not be sensitive to animals. He talked about what new residents might want, i.e. pool versus animals. He thought the responsibility was with the builder to raise awareness to make sure that people who back existing lots understood that they would be buying next to someone with large animals.

Chairman Kemp wondered if Edge Homes was willing to remove the 6900 West entrance and add another entrance on 6800 West. Mr. Nicholls said they would be willing to look at the option. He said the entrances might be too close together.

The Planning Commission talked about animals rights within the R-1-30 zone. They discussed the current road width of 6900 West.

Chairman Kemp asked for additional comments. Hearing none, he closed the public hearing by consent at 7:34 PM. He asked for additional questions or comments from the commissioners.

Commissioner Rock voiced concerned about future traffic on 6900 West.

Commissioner Campbell thought the subdivision met the requirements of the zoning district.

Commissioner Ostler voiced concern regarding the depth of the lots and talked about the surrounding lot sizes. He did not think a transition was needed nor the zoning district changed.

Commissioner Brammer also examined the surrounding lot sizes. He read the stated purpose of the R-1-30 zone and thought the proposed development was exactly what the R-1-30 district was created for. Regarding traffic issues, it was pointed out that the city engineer had not yet raised any concerns with the proposed traffic flow on 6900 West, but that he would look at a preliminary plat more extensively. Commissioner Brammer asked about the consequences for adding a second access on 6800 West. Mr. Crane explained that a second entrance needed to be evaluated to see if there was enough distance between the two streets.

Chairman Kemp said he mostly agreed with Commissioner Brammer. He was not in favor of the currently proposed subdivision, but would be if access on 6900 West was removed and a second access on 6800 West was added. Chairman Kemp called for a motion.

MOTION: Commissioner Campbell moved that the Planning Commission accept the findings and recommend approval of the proposed rezoning. Commissioner Rock seconded the motion. Commissioner Brammer, Commissioner Campbell, and Commissioner Rock were in favor. Commission Chair Kemp and Commissioner Ostler were opposed. The motion failed.

MOTION: Commissioner Brammer moved to recommend approval to the R-1-30 Zoning District subject to the recommendation that the development change the access from 6900 West, and not have an access on that street, to 6800 West. Commissioner Rock seconded the motion.

There was discussion on the motion regarding access points, including the possibility of a crash gate on 6900 West for emergency access only. Commissioner Brammer amended his motion:

MOTION: Commissioner Brammer moved to recommend approval of the change in zoning from R-1-40 to R-1-30 provided that there are four (4) access points including two (2) on 6800 West. Commissioner Campbell seconded the motion. Commission Chair Kemp and Commissioner Brammer, Commissioner Campbell, and Commissioner Rock were in favor of the motion. Commissioner Ostler was opposed. The motion carried with one opposed and two absent.

Commissioner Brammer asked Mr. Crane that the fire code be reviewed before it went to the Council to see if the second access on 6800 West met code.

2. **Z-14-01**

Ross Wolfley has requested a rezoning of property located at 11550 N 6000 W from R-1-40 to an R-1-30 zone.

Mr. Crane reviewed the background of the request. He said it was a 9-lot subdivision, but Lot 5 did not meet the minimum lot width requirements in the R-1-30 zone. He point out that there were a number of requested waivers that the commission should review and consider.

Commission Chair Kemp opened the public hearing at 7:47 PM and asked for public comment.

Ed Gifford, representing Property Owner Tom Holden, explained that they were under the annexation request. He said the cul de sac was of legal length and they were requesting approval of a dead end street. He talked about the reasons they did not want to stub a street east or north. He explained that the drainage of the area needed to go to the southwest corner of the property then to the existing storm drain. He explained that the property to the east dropped about 4 feet. He said that if a street was stubbed to the east, it would create development issues with quality. Mr. Gifford explained that there were two homes and existing large barns on the property. He did not think funneling traffic from the neighboring 53 acres was in the best interest to Highland. Mr. Gifford showed contours and residential street layouts in the area. He did not think the utilities would benefit the neighboring property very well. He said they want to minimize water that would drain from the property. He thought the development would be more compatible with the existing surrounding development.

Commissioner Ostler wondered why the applicant thought the property should be changed to R-1-30. Mr. Gifford explained that one of the challenges with the property was the north/south dimension and said the lot sizes were confined because of the shape of the property. He talked about the possibility of putting a stub road to the north or south and said the HOA's did not want a stubbed road to their developments.

Commissioner Rock asked if the road would be fully improved. Mr. Gifford said the cul de sac would be improved with sidewalk, curb, and gutter.

Commission Chair Kemp asked for public comment.

Kevin Birrel voiced concern about the public notices not coming in time for the meetings. He said it was post marked May 10, but he did not receive it until this evening. He would like the property to remain R-1-40 and thought the R-1-30 district was a customized new zone for some of the property owners. He said the property was purchased knowing some of the issues with depth and north/south boundaries. He did not think the variance waivers should be approved. He thought the road on both sides of Lots 1 and 2 was a problem. He said he preferred seeing the road stubbed to his property on the east of the proposed development and talked about access issues through his property. He said R-1-30 did not allow large animals and voiced concern with protecting animal rights in neighboring R-1-40 district. Mr. Birrel talked about protecting his way of life. He said the road could be stubbed to the east and asked that it not be changed to R-1-30.

Resident Stefan Harlan talked about the history of the property and the HOA decision. He knew of no master plan for a stub road to the east. He said the development to the south was in favor of R-1-30, but the biggest concern was potential traffic if the proposed road was stubbed to the east. He asked the commissioners not to extend the road to the east. He thought the R-1-30 might be the best use of the land because of the unique nature of the property.

Ross Wolfey, another representative for Property Owner Tom Holden, said the road could go through to the east, but did not think it was the right thing to do. He said it would stop Mr. Holden from using the property as he wanted to. He talked about the traffic from the junior high. He thought the R-1-30 fit the property well.

Commission Chair Kemp asked for additional comment. Hearing none, he closed the public hearing by consent at 8:15 PM. He asked for comments from the commissioners.

Commissioner Rock voiced concern regarding Lot 5 not meeting the minimum setback requirements. Mr. Gifford said they could make Lot 5 with a wider setback.

Commissioner Campbell said he did not have an issue with Lot 5 because it allowed Lots 4 and 6 to be larger. He reviewed the waivers and said he would be in favor.

Commissioner Ostler thought the R-1-30 transition was not needed in the area.

Commissioner Brammer pointed out that the property completely surrounding the proposed development was R-1-40. He worried about acreage around it becoming R-1-30 if the rezone was approved. He read the purpose of the R-1-30 district and did not think the requested rezone accomplished the stated purpose for R-1-30.

Chairman Kemp agreed with Commissioners Ostler and Brammer. He read the staff report regarding the Highland engineer's comments that said an extension should be provided unless not requested by the property owner to the east. He called for a motion.

MOTION: Commissioner Ostler moved that the proposed rezoning request remain R-1-40. Commissioner Brammer seconded the motion. Chairman Kemp and Commissioners Brammer, Ostler, and Rock were in favor. Commissioner Campbell was opposed. The motion carried with one opposed and two absent.

The Planning Commissioners discussed whether they thought they could make a recommendation pertaining to the stub street. Mr. Crane read Section 5-8-105.4.b.

MOTION: Commissioner Brammer moved that the Planning Commission not make recommendation at this time based on a lack of information. Commissioner Ostler seconded the motion. Commissioners Brammer, Ostler, and Rock were in favor. Commission Chair Kemp and Commissioner Campbell were opposed. The motion failed.

3. **Z-16-02**

Greg Nield, representing Eternal Spring, LLC, has requested a rezoning for property located at 10298 N 4800 W from R-1-40 to an RP (Residential Professional) zone.

Commission Chair Kemp opened the public hearing by consent at 8:31 PM.

Mr. Crane reviewed the rezoning request.

Greg Nield reviewed the history of the property and application. He said he came to the city about a year ago and there were things that did not meet code. He said the building size, dumpster locations, parking, setbacks, access, and fencing needed to be changed at that time. Since then, he met with three of the neighbors adjacent to the property. He said residents were concerned with not making any amendments to the RP zone, concealing air conditioning units, and drainage. He said residents preferred the current site plan.

Chairman Kemp asked for public comment.

Resident Ryan Ollerton said they were opposed to the project in the past but thought the current plan was better and was okay with the request to rezone the property. He said the adjacent residents would much rather have the RP District than Commercial. He said they supported the parking in front of the building. He asked about the different uses that would be permitted within the RP zone.

Chairman Kemp asked Mr. Ollerton about trying to sell his home. He explained that he had people come look at his house and the Ashford Center had a negative impact. He thought the proposed 2-story building might potentially have a negative impact but did not think leaving it a residential zone would ever happen. He did not see a better fit.

Commissioner Ostler asked about the parking placement. Mr. Nield explained that it was to keep daytime traffic and noise in front of the build.

Mr. Crane reviewed some of the permitted uses within the zone.

Chairman Kemp asked for additional comment. Hearing none, he closed the public hearing by consent at 8:42 PM and asked for further discussion.

Commissioner Ostler wondered if Highland preferred parking lots not to be in front by the street. Mr. Crane said yes, but explained that each zone was different. He said the current application met the landscaping requirements.

Chairman Kemp voiced concern about the number of parking stalls. He understood they met code, but thought there needed to be more parking than what was planned. He said he had seen a full parking lot at all times of the day. He was concerned about the success of the building if there was not adequate parking.

Mr. Nield explained that his office would be open from 8 AM to 5 PM. He talked about the potential use of the parking lot.

MOTION: Commissioner Brammer moved to recommend approval of the ordinance rezoning .7 acres from R-1-40 to RP based on the following findings, specifically Paragraph 3-4501 that the request meets the purpose and intent of the RP Zone to provide a buffer between neighborhood areas and some of the more impactful areas of the community. Commissioner Ostler seconded the motion. Commission Chair Kemp and Commissioner Brammer, Commissioner Campbell, Commissioner Ostler, and Commissioner Rock were in favor. None were opposed. The motion carried with two absent.

4. **TA-16-05**

Quick Quack Car Wash is requesting approval of a text amendment to the Commercial Retail Zone in the Development Code section 3-4351:1-d to include car wash facilities.

Mr. Crane explained that the request was to amend the CR Zone to allow for an automatic car wash as a permitted use. He talked about the concerns regarding light, noise, intensity for an adjacent property owner who he met with. He said it would need to meet the design standards of a CR zone.

The Planning Commission talked about uses that were already permitted in the CR Zone.

Chairman Kemp opened the public hearing by consent at 8:53 PM.

Developer Dallas Haks talked about the details of the car wash operation. He said the car wash was geared towards families. There would be designated parking for the employees and no parking would be permitted on the street.

Commissioner Kemp wondered what had been done to mitigate impact to the adjacent property. Mr. Haks reviewed the results of noise studies and talked about the decibels at different angles. He said the dryers were on the commercial side of the property and that a 6-foot enclosure would be built around the vacuums. Mr. Haks talked about meeting with neighbors and thought everyone was in favor. He explained that lights would be turned off when the car wash was closed.

The Planning Commission discussed access and surrounding businesses.

Chairman Kemp asked for public comment. Hearing none, he closed the public hearing at 9:03 PM and asked for questions or comments from the commissioners.

Commissioner Campbell said the applicant addressed his concerns with noise, lights, and traffic.

Commissioner Ostler saw no problem allowing the car wash in the zone which already permitted gas stations.

Commissioner Brammer thought the current permitted uses were consistent with a car wash. He talked about the benefit of having retail in Highland.

Chairman Kemp, agreed. He liked the design and building placement and thought it would be a good addition to the city.

MOTION: Commissioner Brammer moved to accept the findings and recommend approval of Case TA-16-05 with the findings that the proposed use appears to be consistent with the already permitted use under Paragraph 3-4351 and the general encouragement of retail in Highland. Commissioner Rock seconded the motion. Commission Chair Kemp and Commissioner Brammer, Commissioner Campbell, Commissioner Ostler, and Commissioner Rock were in favor. None were opposed. The motion carried with two absent.

5. **PP-16-02** (also known as FP-16-06)

Danny Wright is requesting Preliminary Plat approval of a 2-lot subdivision. The property is located at 9916 N 6800 W.

Mr. Crane reviewed the details of the preliminary and final plat approval. He reviewed the size of the lots and said staff recommended approval.

A representative for Applicant Danny Wright said the 2-acre parcel would be subdivided with right of ways being dedicated to the city. He said the existing home would remain on Lot 1. He said they would improve the road with curb, gutter, park strip, and asphalt.

Chairman Kemp opened the public hearing by consent at 9:08 PM and asked for public comment. Hearing none, he closed the public hearing by consent at 9:08 PM and called for a motion.

MOTION: Commissioner Rock moved that the Planning Commission accept the findings and recommend approval of Case FP-16-06, the request of a 2-lot subdivision, subject to the three stipulations recommended by staff:

1. The final plat shall be in substantial conformance with the preliminary plat date stamped May 19, 2016.
2. All required right-of-way dedications and public improvements shall be dedicated/installed as required by the Community Development Director/City Engineer.
3. The civil construction plans shall meet all requirements as determined by the Community Development Director/City Engineer.

Commissioner Campbell seconded the motion. All present were in favor. The motion carried with two absent.

6. **PP-16-03** (also known as FP-16-05)

Shawn Herring is requesting Preliminary Plat approval of a 2-lot subdivision. The property is located at 5949 W 9600 N.

Mr. Crane reviewed the request for preliminary plat approval. He explained that the existing shop would need to be removed in order to meet lot area, frontage, and setback requirements. He said utilities would be extended on an easement to the south. He reviewed the sizes of the new lots.

Commissioner Kemp opened the public hearing by consent at 9:11 PM and asked for public comment. Hearing none, he closed the public hearing by consent at 9:11 PM and asked for additional questions or comments.

The Planning Commission talked about the shed that needed to be removed. Mr. Herring's representative said they looked into moving the lot line, but decided against it.

MOTION: Commissioner Rock moved that the Planning Commission accept the findings and recommend approval of FP-16-05, a request for approval of a 2-lot subdivision, subject to the four stipulations recommended by staff, with an additional stipulation:

1. The final plat shall be in substantial conformance with the preliminary plat date stamped May 19, 2016.
2. A utility marker shall be used to identify the private utility easement.
3. All required right-of-way dedications and public improvements shall be dedicated/installed as required by the Community Development director/City Engineer.
4. The civil construction plans shall meet all requirements as determined by the Community Development Director/City Engineer.
5. The existing shed shall be removed.

Commissioner Ostler seconded the motion. All present were in favor. The motion carried with two absent.

APPROVAL OF MINUTES

1. Approval of the April 12, 2016 meeting minutes

MOTION: Commissioner Ostler moved to approve minutes from the April 12, 2016 Planning Commission meeting. Commissioner Campbell seconded the motion. All present were in favor. The motion carried with two absent.

ADJOURNMENT

MOTION: Commissioner Brammer moved to adjourn the meeting. Commissioner Ostler seconded the motion. All present were in favor. The motion carried.

The meeting was adjourned at 9:15 PM.