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Highland City Planning Commission

August 23, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:00 PM on August 23, 2016. An invocation was offered by Commission Brammer and those assembled were led in the Pledge of Allegiance by Commissioner Carruth.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Ron Campbell
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Kurt Ostler
Commissioner: Steve Rock

EXCUSED:

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

OTHERS:

PUBLIC APPEARANCES

Chair Kemp asked for public comment. None was offered.

PUBLIC HEARING ITEMS

1. **Z-14-03**
McKay Christensen is requesting to rezone 6.0 acres located at the northwest corner of SR74 and Town Center Parkway from Town Center Commercial Retail and Town Center Flex Use to Planned Area Development to allow for a vertical mixed residential (230 age restricted units) and retail development.

Mr. Crane presented the information regarding the requested rezone. He reviewed the proposed development plan, property access points, and surrounding uses. The developer was asking for approval of 38 units to the acre which would contribute to accelerate the need to upgrade a sanitary sewer line. Mr. Crane mentioned that the proposed residential and nonresidential uses

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1 were consistent with what the town center provided and it met the requirements of the planned
2 development district. He encouraged discussion regarding the number of parking stalls.

3
4 Chair Kemp opened the public hearing at 7:09 PM.

5
6 Upon request, McKay Christensen, applicant, reviewed details of the proposed senior living
7 planned development with 220 units. He reviewed the site plan and discussed the number of
8 parking stalls. He explained that the building along Alpine Highway was 47 feet tall, but other
9 buildings were 30 to 40 feet tall. He talked about possible uses for the club house, plaza, and
10 grand lawn.

11
12 Commissioner Rock asked about rented or sold units as well as details for garbage collection.
13 Mr. Christensen explained that about 60 units were condos and the other units would be rentals,
14 ranging in size from 750 to 1250/1500 square feet. Each unit would have a shoot leading to a
15 dumpster. Dumpsters would be manually rolled out by an employee for emptying.

16
17 Chairman Kemp wondered what would be done regarding buildings on utility easements and
18 asked about fire truck access. Mr. Christensen said they would cooperate with Highland to
19 relocate old utility lines to ensure they matched up with existing utility plans. He said the roads
20 were wide enough for fire trucks. He had not yet talked with the fire chief regarding building
21 heights, but assumed it was fine if they could accommodate other developments in the area.

22
23 Commissioner Ostler questioned the amount of parking spaces for restaurants. He voiced
24 concern with access for fire and ambulance services. He asked for more details regarding
25 amenities. Mr. Christensen talked about the community farmers market, the gathering area in the
26 "barn", weight room, theatre, craft rooms, office space. He said it would be very amenitized. He
27 explained that rental units would have one or two bedrooms.

28
29 Commissioner Brammer asked about the square footage of the amenity areas and entrances to
30 each unit. Mr. Christensen explained that the amenities areas would total 8,000 square feet, all
31 residents would enter through doors from interior hall ways, and all units would have a balcony.

32
33 Chairman Kemp wondered what would be done to address lighting concerns for units along
34 Alpine Highway. He asked what was envisioned for the commercial units. Mr. Christensen did
35 not think light pollution would be an issue because it was not an intense commercial zone with
36 massive overhead commercial lights. He thought commercial uses might include at least one
37 restaurant, salon, day spa, ice cream shop, juicery, etc. He said the commercial space would all
38 be rental, owned and managed by one company.

39
40 Commissioner Campbell asked about the average household. Mr. Christensen said average
41 household size was one to two people.

42
43 Chairman Kemp asked for public comment.
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1 Resident Natalie Ball did not think the proposed number of parking stalls would be adequate.
2 She pointed out that Toscana and Blackstone also had retail space that locals did not seem to be
3 using. She encouraged retail that would be used by the residents of the development. She voiced
4 concern with increased retail traffic in the area because of the amount of kids that came to the
5 splash pad.

6
7 Resident Amber Gardiner said she lived across Alpine Highway. She voiced concern about
8 bringing more people in the town center and being able to drive out of her development. She
9 explained that she currently could not get out unless turning right because of the traffic. She said
10 the median strips made it hard to see and it was becoming unsafe.

11
12 Resident Johnny McGill explained that he lived in the same area as Ms. Gardiner. He talked
13 about commercial lights coming through his windows. He talked about the danger in making a
14 left turn out of the neighborhood. He was not in favor of the project. He suggested waiting to see
15 how the traffic from Blackstone would impact the area. Chairman Kemp asked what he thought
16 could be done to mitigate the traffic. Mr. McGill thought a light would be ideal, or maybe a
17 roundabout. He did not think only taking out the existing median would fix the issue. Mr. McGill
18 did not agree with increased retail and thought most of his neighbors agreed. He preferred
19 increased property taxes rather than more retail.

20
21 Resident Vickie Harris talked about the growth in northern Utah County. She thought the
22 Planning Commission and Council needed to be more attentive with long-range planning for
23 downtown Highland or the residential streets. She said narrow streets didn't work. She thought
24 there was a need for senior housing and talked about how older individuals did not want the big
25 yards in Highland. She suggested hiring someone who understood traffic patterns to give an
26 overall plan for future development.

27
28 Resident Dan Stratton was in favor of the project and thought it was one of the better options for
29 the area. He liked the retail space and would consider using it for a small business of his own. He
30 said traffic was a concern and liked the idea of installing a light at 107th. Some other concerns
31 were the speed of cars and noise from Alpine Highway. He liked how the project was put
32 together and did not mind the height.

33
34 Resident Jeannie Spykes was in favor of the development. She liked the concept because of the
35 grass, parking, and retail. She thought Highland needed more retail. She said her lot was 1 acre
36 and she did not want to take care of it any more.

37
38 Resident Cynthia Andrus said she was surprised that another high density project was being
39 considered and was disappointed that there was no significant retail in the area. She said
40 Highland needed to increase its tax base. She talked about the size of the units and thought it
41 would be more appealing to most retirees if they were bigger. Chairman Kemp said Highland
42 would gladly welcome more retail in the area. He explained that the city had tried to incentivize
43 retailers in the past, but there was no interest. Commissioner Brammer mentioned that there
44 needed to be significantly more traffic pass through the area for larger retailers.

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1 Mr. Christensen addressed some of the traffic concerns and said the project had a number of
2 egress and ingress points. He said seniors had the lowest use impact on traffic. He thought the
3 project was the most consistent with the original town center plan than any other option. He did
4 not think this location was good for retail, but it was for senior housing. He said he was confident
5 in the unit sizes and parking spaces. He talked about the Affordable Housing Act and read parts
6 of what was adopted by the city.

7
8 Commissioner Ostler wondered about the demand for senior housing and where there were other
9 opportunities. Mr. Christensen said they did not hire a market analyst for this location, but he
10 was in contact with several other analysis from other projects and talked to them at length about
11 the location. He said the closest opportunity for a 55 + product like this was in American Fork
12 and Pleasant Grove. He talked about the demand in the community.

13
14 Commissioner Day asked if there was a similar project in the area that they could use as a
15 reference. Mr. Christensen suggested looking at the interior of the assisted living center on
16 University Avenue in Jamestown in Provo.

17
18 Chairman Kemp closed the public hearing at 8:08PM. He asked for comments from the
19 commissioners.

20
21 Commissioner Day thought the proposed project would bring in a lot of people. He liked the
22 open space, but the density seemed high. He liked the retail portion, but wasn't sure about the
23 frontage parking. He referenced a previous presentation regarding the need for housing for 55+.

24
25 Commissioner Campbell said he was very sensitive to traffic issues, but the proposed use seemed
26 to be the best option with the least amount of traffic impact. He loved the retail, parking, and
27 green space. He was in favor.

28
29 Commissioner Ostler liked the idea of getting the 55+ community to a location of higher density,
30 but had concerns. He was not in favor because of high density, parking, retail along Alpine
31 Highway, and the size of the clubhouse.

32
33 Commissioner Brammer liked that there was retail along a major arterial. He said there were
34 areas in the city where high density was needed and senior living typically offered the least
35 amount of impact. He thought it was a difficult area to develop and that it was a good project for
36 the area. He was concerned with traffic and concern for the neighbors. He did not think it was
37 completely congruent with the flex use. He read Paragraph 3-4704 regarding the density of flex
38 use and said the proposed project would make a total of 456 units as opposed to the 220
39 proposed units as defined in the code. He said total density for the area was higher than he was
40 comfortable with. He thought the number of parking stalls was insufficient. He said he would be
41 more in favor if the density came down and the parking stalls were increased to two per unit. He
42 was also concerned with the square footage of the smaller units.

43
44 Chairman Kemp talked about concerns regarding light pollution on the east and wanting to see
45 some kind of mitigation for residents. He talked about the traffic around city center and how it

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1 would continue to increase. He wanted to see some kind of solution for residents near 107th. He
2 wanted to see a few more amenities for seniors and thought the density seemed high. He liked
3 the idea of bringing senior housing to the area. He agreed that the location was difficult and
4 thought this was the best option.

5
6 Chairman Kemp called for a motion.

7
8 **MOTION:** Commissioner Brammer moved to continue the public hearing in order to address
9 questions regarding density, parking, traffic and clarification on the amenities. Commissioner
10 Ostler seconded the motion. Commission Chair Kemp and Commissioner Brammer,
11 Commissioner Day, Commissioner Ostler, and Commissioner Rock were in favor.
12 Commissioner Carruth and Commissioner Campbell were opposed. The motion carried with two
13 opposed.

- 14
15
16 2. **Z-16-04**
17 *RSL Communities is requesting to rezone 28.38 acres located south of Ridgeline*
18 *Elementary from R-1-40 to R-1-30.*

19
20 New City Planner Zac Smallwood introduced himself. He reviewed the details of the application
21 and the concept plan and said staff saw the project fitting well with existing houses.

22
23 Patrick Ord, representing RSL, reviewed the background and products of the company and the
24 similarities between the R-1-40 and R-1-30 zones. He talked about the zoning of the surrounding
25 properties and about providing a transition zone with their development. He mentioned the
26 school in the area and said they would be open to working with the city on any traffic calming
27 measures that the city deemed appropriate. He said they wanted to encourage the walkability of
28 the site plan and hoped to get an entrance through the rear of the school, although it was a school
29 district's decision.

30
31 Commissioner Rock excused himself from the meeting at 8:30 PM.

32
33 Mr. Ord talked about their flex plan architecture and said they were not a typical production
34 builder. He showed pictures of sample site plans and elevations. He said RSL would build the
35 homes and hoped to have buildout as quickly as possible. He talked about possible school
36 overcrowding and mentioned that he had a conversation with the principal of the school. The
37 principal thought the district was good with keeping up with growth concerns.

38
39 Commissioner Ostler understood that the R-1-30 zone was to be a transition zone on the
40 peripheral of the city. He wondered what they were transitioning from. Mr. Ord explained that
41 the transition would be from R-1-40 on the east and west to R-1-20 on the north along with a
42 planned development on the northeast and south.

43
44 Commissioner Campbell thought it seemed to fit the definition of the transition zone. He
45 wondered if the neighboring houses were what they wanted.

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2 Chairman Kemp opened the public hearing at 8:41 PM and asked for public comment.
3

4 Resident Tanya Colledge said this project would directly impact her because she bordered three
5 of the proposed lots. She mentioned an email that she sent to the city. She was happy to see
6 development and hoped that it would cut down on the motorized traffic behind her. She was not
7 opposed to the development, but had concerns regarding the R-1-30 zone request. She talked
8 about the size of the lots and the need for a detention pond which would decrease the number of
9 lots. Ms. Colledge said there were a lot of issues with Highland Oaks development that was
10 never supposed to impact the neighbors. She had concerns with the slope and drainage. She
11 thought the price points defined by RSL were unrealistic. She pointed out that the zone change
12 was not on the Master Plan and thought there was a demand for R-1-40. She talked about the
13 trails in the area.
14

15 Resident Natalie Ball said she lived across from the school and was very concerned about traffic.
16 She thought the city kept making exceptions by allowing smaller higher density developments
17 which increased traffic. She said the school was already congested and told about her son who
18 was almost hit in a cross walk because of speeders. She said the traffic was getting out of hand.
19 She acknowledged that more development would come, but asked to stick with the Master Plan
20 because it limited the number of households in the area. She asked the Commission to look to the
21 future and not make exceptions.
22

23 Resident Laura Harding pointed out that the school was completely landlocked with one access
24 road. She said the trails were a big deal because many kids lived behind the school. She talked
25 about the number of kids who use the trails daily and asked for help with keeping access straight
26 behind to the school. She voiced concern because the front of the school was very busy. She
27 thought the R-1-40 zone preserved green space and said there was a huge demand for lots in the
28 R-1-40 zone. She did not think it was in a transition zone. Ms. Harding pointed out that there
29 were currently four trailers on the school property and talked about the additional children that
30 would be coming from other developments. She said she was tired of production builders.
31

32 Realtor Cody Yeck mentioned that buyers were tired of large homes on small lots and that they
33 wanted a place for pools, sports courts, or other places for their kids to play. She voiced concern
34 that the developer would not be able to make money with R-1-30 zone. If that happened, she
35 wanted to know what the planning commission would do to stop the developer from reselling
36 that property to someone who would ask for smaller lots. She did not think RSL would be able to
37 sell at the price point that was mentioned. She would like to see the property developed and the
38 trails preserved.
39

40 Resident Jennifer Avondet preferred that R-1-40 zone and larger lots. She thought the
41 neighborhood meeting was conducted excellently and that RSL did a good job addressing the
42 concerns of the neighborhood. She wondered if R-1-30 could be approved with contingencies,
43 like requiring two trails, including drainage lots, etc.
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1 Resident LaWana Ballantyne distributed a document defining her concerns and opposition to the
2 requested zone change. She voiced concerns for the neighborhood layout and quality, traffic
3 patterns, the status and safety of two dedicated trail systems, water drainage and flood control,
4 impact on Highland schools, boundary controls and fencing, and influence on existing properties.
5 She said the development would impact her bordering property. She said her property on the
6 south was not smaller than the proposed lots as was previously stated. She said water drainage
7 for the area needed attention regardless of the development. She thought surrounding home
8 values would be seriously challenged as well as resell capability. She was not against R-1-30
9 zones or 1 acre lots, but could not support the RSL development as shown.

10
11 Resident Neal Evans request that the zone change not be considered until the developer came
12 back with a specific plan instead of a concept plan. He talked about development in the area and
13 thought the vision of Highland was lower density. He voiced concern with dust and dirt from the
14 development.

15
16 Resident Tim Ball thought educational issues were the preeminent issue. He said he spoke with a
17 representative of the superintendent's office today. He said the contingencies to mitigate growth
18 were dependant upon costly school bonds. He voiced concern about overcrowding in the schools
19 and the lack of certain programs that could not be accommodated. He suggested a moratorium on
20 building until the issues were resolved. He asked that the R-1-40 zone was kept. Commissioner
21 Brammer explained that the school district had taken the approach to react to development, and
22 had taken any control, foresight, or data away from cities to make decisions regarding school
23 planning. He said cities were instructed to not bring that into consideration based on the State
24 statute regulatory system. He said school districts had decided not to coordinate with cities
25 regarding schools. Instead, they urge cities to develop according to local property rights and
26 zoning laws, and they would react to the development. He said cities respected the sovereignty of
27 the school districts. Chairman Kemp said the district had not coordinated with the city in the
28 past.

29
30 Resident Becky Bursell understood that the city could not do anything about the school, but she
31 suggested not making it worse by rezoning the property. She hoped that the Commissioners and
32 developer understood that the residents knew the neighborhood better than they did. She talked
33 about dealing with the dirt, dust, and erosion while other areas near her were being developed.
34 She said she was still dealing with erosion because of the grading. She talked about the safety of
35 the children, overcrowded schools, and additional traffic. She talked about the lack of green
36 space, walking trails, nor roundabouts in the concept plan. She voiced concerns about current
37 traffic issues and speeds.

38
39 Mr. Ord reiterated that it was a concept plan and that it illustrated the maximum number of lots
40 they would allow on the site. He said they would be willing to talk about trail elements. He
41 mentioned that they may need a detention to the southwest and southeast. He said there were a
42 lot of engineering concerns that would be addressed during the preliminary plan process. He
43 mentioned that kids on the property were technically trespassing and said that it would be a
44 benefit to neighbors to have a development that accommodated trails and access. He addressed
45 concerns that they were a production company and said they had more of a custom product.

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1 Regarding construction, dust, and drainage, he said they were the only home builder for the
2 development and wanted to be good neighbors. They wanted to make a concept that was in line
3 with market demand. He said half acre lots were still large lots that could accommodate large
4 homes and yards. Regarding property values, he said it was good to have various lot sizes for
5 supply and demand. He mentioned that the city told RSL that they did not want more open space
6 that needed to be maintained.

7
8 Chair Kemp closed the public hearing at 9:32 and asked for additional comments from the
9 commissioners.

10
11 Commissioner Day wondered if the developer would be able to accommodate trails to the school
12 if they built lots according to the R-1-40 zone. He wondered if now was the time to try to
13 negotiate for trails to the school.

14
15 Commissioner Campbell preferred to have more time in order to make a decision. He talked
16 about the surrounding subdivisions and said he would like to drive through the area to have a
17 better feel.

18
19 Commissioner Ostler said he had the opportunity to drive the area and did not see how it became
20 R-1-30. He voiced concern with having requests for R-1-30 in other parts of the city if R-1-30
21 was approved in this area. He wanted to keep R-1-40 because neighboring subdivisions were R-
22 1-40. Commissioner Ostler talked about the reason for R-1-30 and the need for a transition zone
23 on the outside areas of Highland's boundary.

24
25 Commissioner Carruth mentioned that she was able to drive the area and agreed with
26 Commissioner Ostler. She said it was mostly surrounded by R-1-40 and thought it should stay R-
27 1-40.

28
29 Commissioner Brammer explained that the R-1-30 zone had been approved, but not yet in the
30 General Plan. He said any application for the R-1-30 was a deviation from the R-1-40. He
31 thought it could serve as a transition on the north/south, but did not meet the transition on the
32 east/west. He thought it qualified for consideration under the ordinance and thought it met the
33 criteria. He said any development would have the same dust and traffic issues. He thought the
34 developer would lose one to three lots in order to deal with engineering issues. He thought it met
35 the requirements for a change to R-1-30.

36
37 Chair Kemp said he had driven all the roads and knew the subdivisions well. He said he
38 sympathized with residents who voiced concern with child safety and over crowded schools. He
39 did not think there was a compelling enough argument to change it from R-1-40 to R-1-30. Chair
40 Kemp called for a motion.

41
42 **MOTION:** Commissioner Ostler moved to deny the application requesting a zone change to R-
43 1-30. Commissioner Carruth seconded the motion. Commission Chair Kemp and Commissioners
44 Campbell, Carruth, Day, and Ostler were in favor. Commissioner Brammer was opposed. The
45 motion carried with one opposed and one absent.

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3. **PP-16-03**
Ross Wolfley is requesting preliminary plat approval for a 9 lot single-family subdivision located at 11550 N 6000 W.

Mr. Smallwood reviewed the request for preliminary plat approval. He mentioned that the property was approved for R-1-30 zone and had a requested density of 1.24 units per acre. He mentioned that the access for the subdivision would be from 6000 West.

Chairman Kemp opened the public hearing at 9:50 PM and asked for public comment.

Resident Kevin Birrel requested that the plat be stamped informing potential buyers that his property had existing large animal and agricultural rights. He thanked the Planning Commission for their integrity and representing Highland residents. He voiced disappointment in actions taken by the City Council regarding this application.

Chairman Kemp closed the public hearing at 9:52 PM and called for a motion.

MOTION: Commissioner Campbell moved to recommend approval of the preliminary plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat dated July 14, 2016.
2. Final civil engineering plans to be reviewed and approved by the City Engineer.
3. All required public improvements shall be installed as required by the City Engineer.
4. The detention pond adjacent to lot 9 shall be constructed and landscaped by the developer prior to completion of the subdivision. The landscape plan shall be approved prior to any construction on the site.

Commissioner Brammer seconded the motion. All present were in favor. The motion carried with one absent.

4. **PP-16-02**
Edge Homes is requesting preliminary plat approval for a 28 lot single-family subdivision located at 9725 N 6800 W.

Mr. Smallwood reviewed the details of the application. He mentioned that the property had already been approved for the R-1-30 zone.

Chairman Kemp opened the public hearing at 9:56 PM.

Jaran Nicholls reviewed changes made to the plat, specifically two access points.

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1 Chairman Kemp asked for public comment. Hearing none, he closed the public hearing at 9:57
2 PM.

3
4 Commissioner Day asked about the alignment of the road. Mr. Crane explained that the
5 curvature would meet the alignment of the existing road.

6
7 Commissioner Ostler asked about the ditch on the south. Ben, a resident, explained that he
8 investigated it with an Edge Homes representative and found that the ditch capability could still
9 be there.

10
11 Chair Kemp closed the public hearing at 9:55 PM.

12
13 **MOTION:** Commissioner Brammer moved to recommend approval subject to the following
14 recommended stipulations.

- 15 1. The final plat shall be in substantial conformance with the preliminary plat dated August
16 18, 2016.
- 17 2. Final civil engineering plans to be reviewed and approved by the City Engineer.
- 18 3. All required public improvements shall be installed as per City Engineer's approval.
- 19 4. Written approval regarding the relocation of the existing irrigation pipe shall be provided
20 prior to final plat approval.

21 Commissioner Day seconded the motion. All present were in favor. The motion carried with one
22 absent.

23 24 25 **APPROVAL OF MINUTES**

26
27 The planning commission reviewed the minutes from the May 24, 2016 meeting.

28
29 **MOTION:** Commissioner Brammer moved to approve the May 24, 2016 minutes.
30 Commissioner Campbell seconded the motion. Chairman Kemp and Commissioners Brammer,
31 Carruth, Campbell, and Ostler were in favor. Commissioner Day abstained from voting citing
32 that he was not present at the meeting. The motion carried with one absent.

33 34 35 **ADJOURNMENT**

36
37 **MOTION:** Commissioner Brammer moved to adjourn the meeting. Commissioner Campbell
38 seconded the motion. All present were in favor. The motion carried.

39
40 The meeting was adjourned at 9:57 PM.