

Highland City Planning Commission

August 25, 2009

The regular meeting of the Highland City Planning Commission was called to order by Acting Planning Commission Chair, Brent Wallace, at 7:00 p.m. on August 25, 2009. An invocation was offered by Abe Day and those assembled were led in the Pledge of Allegiance by Kelly Sobotka.

PRESENT: Commissioner: Brent Wallace, Acting Chair
Commissioner: Melissa Wright
Commissioner: Tony Peckson
Commissioner: Roger Dixon
Commissioner: Don Blohm
Commissioner: Kelly Sobotka
Alternate Commissioner: Abe Day

EXCUSED: Commissioner: Jennifer Tucker, Chair

STAFF PRESENT: City Planner: Lonnie Crowell
City Engineer: Matthew Shipp
Secretary: Kiera Corbridge

OTHERS: Lynn Ritchie, Kim Buhler, John Wilhite, Megan Schiffman, Darcey Wilde, Tiffany Carpenter, Kim Nilson, Paris Nilson, Angela Cochran, Kathryn Schramm, Michael Nilson, Jeff Clyde, Cheryl Clyde, Jen King, Sandra Madsen, Megan Keller, Emilie Bunker, Corey Daniels, Robbie Chidester, Ruben Adams, Jeff Byers, Marialisa Wright, Glenda Green, Brandon Green, MaryAnn Tillotson, Robert Tillotson, Gary Pay, Laura Hobbs, Kris Bishoff, Lauren Bishoff, Jenna Copeland, Savanna Buhler, Sadee Gunter, Makenzie Buhler, James Hobbs, Brent Zabriskie, Helen Zabriskie, Krisit Vick, Trixie Walker, Greg Nield, Brian Braithwaite, Andy Spencer, John Schiess, Monte Larsen, Lisa Farcus.

∞ **APPROVAL OF MEETING MINUTES FOR JULY 28, 2009** (AGENDA ITEM 1)

MOTION: Kelly Sobotka moved to approve the Meeting Minutes for May 26, 2009, and June 9, 2009, as amended. Seconded by Don Blohm. Unanimous vote, motion carried.

∞ **AMERICAN FORK PRESSURIZED DEBRIS BASIN IRRIGATION POND ~
CONDITIONAL USE PERMIT APPLICATION ~ PUBLIC HEARING AND
RECOMMENDATION** (AGENDA ITEM 2)

Lonnie Crowell explained that American Fork is requesting a Conditional Use Permit to construct a pressurized irrigation pond within the existing debris basin located at the base of American Fork Canyon. This debris basin is co-owned by Highland City, American Fork City, and Cedar Hills City. On August 4, 2009, the City Council amended the Public Utilities section of the Highland City Development Code, allowing this submittal to be approved as a Conditional Use Permit because Highland City is an owner, maintains, and has authority over the property in question; Highland has received a letter from Cedar Hills indicating their approval of the project.

The proposed facility would be excavated from the existing grade and an access road would be constructed around the facility at approximately five feet above the current grade at the bottom of the debris basin. The facility would be constructed as a concrete lined pressurized irrigation pond.

Planning Staff is concerned regarding how the proposed project will meet the minimum requirement of thirty-five percent landscaping per ordinance 10-102(33) and the requirements of the Conditional Use Permit. The provided landscaping plan indicates a plan of entirely cobble/rock, which does not meet the requirements of the Development Code. The ordinance reads as follows:

(33) Landscaping shall mean the use and integrations of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, art works, screens, walls, fences, benches or surrounding walkways...

Lonnie Crowell explained that staff has an opinion that only two options are available: the applicant include landscaping that meets the definition as outlined in the Development Code (preferably along SR-92) to meet the minimum requirements; and/or, the applicant provide a cash bond investment equal in amount to thirty-five percent landscaping until such time that the area is master planned and the money can be used for landscaping when ready.

Lonnie Crowell noted that Planning Staff is also concerned regarding the proposed fence surrounding the facility. The fence will likely be damaged each year due to the runoff and debris, creating an aesthetically poor condition. Staff would be required to enforce this against American Fork City on an annual basis. In addition, Highland City has invested a great deal in property at the mouth of American Fork Canyon to preserve the aesthetic quality and views in this location; a fence in the middle of the debris basin may cause a significant visual impact. Staff would recommend that the fence not be installed in the proposed location.

Brent Wallace opened the public hearing at 7:12 pm and hearing no comment closed the public hearing.

Andy Spencer, American Fork City Engineer, presented the Planning Commission with updated plans indicating the location of the proposed fence in relation to the entry road. He noted that the road and fence would act as a routing dike and primary defense from heavy debris flow. Mr. Spencer addressed the concerns expressed by the Highland City Staff regarding the maintenance of the proposed fence; American Fork City recognizes

that the fence may be damaged and be in need of repair, but the cost of repairing a fence is significantly less than the liability and safety issues of an open reservoir. Andy Spencer referred to a recent drowning in the pressurized irrigation pond located in Herriman, Utah, and noted that the facility had been designed for swimmers; the proposed facility is not designed for swimmers. He acknowledged that the property surrounding the basin has somewhat of a recreational characteristic and fears that persons may consider swimming in the pressurized irrigation pond if it is not surrounded by a fence.

A Commissioner questioned the liability if a person drowns in naturally occurring water storage versus drowning in a pond. Andy Spencer stated that when a facility is created it is the responsibility of the public agency to ensure that it is safe. The Commissioner suggested that the proposed reservoir be redesigned as a swimming pond. Matthew Shipp emphasized that this is a debris basin and would not be suitable for swimming; the basin fills with a large volume of water that may include large branches and vegetation.

A Commissioner inquired as to the determining factors of the location and why the basin was not placed further to the west; locating the basin to the west would be more beneficial for the development of a future park. John Schiess, from Horrocks Engineers, explained that the overall pressurized irrigation system for American Fork City was designed to have a facility in the proposed location; the pressurized irrigation pond must be located at a lower elevation from the water tanks and with a lower pressure than the culinary lines to avoid cross-contamination issues. He noted that the property was originally purchased by Highland City, American Fork City, and Cedar Hills City (as a benefit the residents of all three cities) with the understanding that the pressurized irrigation facility would be located in the debris basin.

Andy Spencer stated that the proposed location is protected during lower water flow events and the logistics of access during the high water flow stages indicated that the proposed location is the most convenient. He added that during a greater storm event, the debris basin would offer additional water storage to prevent overflow; the flood water is intended to slow and disperse in the basin before flowing into the cities.

John Schiess noted that the construction would begin as soon as possible and is planned to be in full service in the spring of 2010. He added that the pressurized irrigation reservoir is one of the final pieces of the overall irrigation system.

A Commissioner inquired the potential impact on surrounding water rights. John Schiess stated that the reservoir would be using the existing water rights and that the main water supply would be from the American Fork Irrigation Company.

It was noted that all pressurized irrigation ponds within Highland City are fenced and that entering the property is trespassing. Matthew Shipp clarified that the concerns regarding the damage to the fence from debris would be alleviated with a guarantee that the fence would be replaced or repaired promptly by American Fork.

A Commissioner suggested that the proposed fence be constructed of a similar design to the black wrought-iron fence surrounding the pressurized irrigation pond along SR-92. Andy Spencer stated that the requested fence is a black or green vinyl coated chainlink

fence due to cost and availability of materials with regards to repair. Commissioners commented that the American Fork Canyon is an asset to Highland City and emphasized the desire to preserve the aesthetic appeal. Matthew Shipp noted that a wrought-iron fence is compromised of several panels; any damage to the fence would require replacing the entire panel, while a chainlink fence could be repaired at a much lower cost. Andy Spencer stated that requiring a wrought-iron fence would impose a substantial financial burden on American Fork City.

A Commissioner observed that debris basins are somewhat of a natural occurrence at the base of canyons and suggested that the pressurized irrigation reservoir be redesigned to be closer to SR-92; the property could be heavily landscaped to disguise the aesthetic concern of the fence. Andy Spencer explained that the current layout of the pressurized irrigation reservoir is parallel with the embankment and would be placed into the embankment if the reservoir were moved. John Schiess clarified that the embankment is under the jurisdiction of the Utah State Engineer and the concern would be completing a dam safety application.

A Commissioner noted that the proposed American Fork pressurized irrigation reservoir is in close proximity to the Highland City pressurized irrigation reservoir and suggested American Fork lease a portion of the existing Highland City pressurized irrigation reservoir. Matthew Shipp stated that Highland City is using the maximum capacity of the reservoir and that the American Fork reservoir is also designed to meet maximum capacity.

It was noted that the proposed pressurized irrigation reservoir would be maintained by American Fork City and that the surrounding property is owned jointly by Highland City, American Fork City, and Cedar Hills City; although, the greater basin is maintained by the management committee, consisting of Matthew Shipp of Highland City, Howard Denney of American Fork City, and David Dunker of Cedar Hills City.

A Commissioner inquired as to the landscaping plan for the facility. Andy Spencer stated that American Fork City would like the landscaping design to be an example of water-wise landscaping; rock and gravel. He noted that the property will not have power or pressurized water lines for sprinkling vegetation; the occasional flood and debris damage would also impact any vegetation. Mr. Spencer added that landscaping improvements will be completed in the future by the management committee; however, the timing and design are unforeseeable. The Planning Commission discussed alternative options for the landscaping design, and several Commissioners voiced the option that a large cement basin covered in gravel and surrounded by a chainlink fence is not acceptable for a main access into Highland City. Andy Spencer stated that vegetation can not be planted along the embankment, as it is under jurisdiction of the Utah State Engineer.

Matthew Shipp noted that irrigation pipes aren't currently located on the south side of SR-92; however, following the expansion of SR-92, Highland City can provide pressurized irrigation water for sprinkling any vegetation. Lonnie Crowell suggested that a cash escrow bond equal to the landscaping cost could be accepted and used for development of the greater basin. Andy Spencer indicated that American Fork does have an obligation to landscape the greater basin as a one-third owner; however, if the funds

are to be designated at this time, he'd prefer that the money is used to improve the immediate appeal of the facility.

MOTION: Tony Peckson moved to Recommend that the City Council Approve the American Fork Pressurized Debris Basin Irrigation Pond Conditional Use Permit per the following recommendations:

- 1. That the applicant provide a cash bond investment equal to the amount of thirty-five percent landscaping until such time as the area is master planned and the monies can be used for landscaping when ready; and**
- 2. That American Fork install a more substantial fence surrounding the irrigation pond that is more aesthetically pleasing than chain link: a black steel tube fence.**

Seconded by Roger Dixon.

A Commissioner commented that the constructed pressurized irrigation pond located along SR-92 at the entrance of Highland City does not meet the aesthetic appeal understood by the Planning Commission. Commissioners discussed the landscaping requirements for the proposed facility. A Commissioner inquired as to the landscaping plans for the properties along SR-92, noting that the proposed facility should not be required to install great amounts of vegetation if the surrounding properties are natural vegetation. The Planning Commission determined that a cash escrow bond for the landscaping would be appropriate, as it appears advantageous to landscape the properties at the same time. Andy Spencer clarified that if American Fork City is required to place a cash escrow bond, no landscaping would be installed in correlation to this application.

Brent Wallace called for a vote on the motion. The motion passed with a unanimous vote.

☞ **SENIOR HOUSING ~ ZONING MAP AMENDMENTS AND ADDITION OF SENIOR CARE ASSISTED LIVING OVERLAY ZONE TO DEVELOPMENT CODE ~ RECOMMENDATION (AGENDA ITEM 3)**

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

Lonnie Crowell noted that the Utah Department of Transportation (UDOT) project of widening 4800 West to become a State Highway as well as the development of mixed use

and commercial property surrounding this location will substantially impact the residential nature along this road.

In the previous meeting, a resident expressed concern that the proposed use may create unanticipated impacts on the surrounding residents due to necessary operations. It was requested by the residents of Wild Rose that access onto the subdivision streets not be granted in any instance. Further concerns were voiced regarding the potential traffic and parking hazards as the proposed parking may not be adequate during holidays and weekends. Staff researched eleven cities regarding parking requirements for assisted living facilities with the following results:

- 0.5 parking stall per bed
- One additional parking stall for each employee during regular business hours
- Sandy City requires one additional handicapped stall for bus parking
- Wasatch County requires that fifty percent of the stalls be covered

Staff also researched landscaping requirements for similar uses in Sandy City in comparison to the basic setback as proposed in the previous meeting; the statistics indicated a minimum landscape of 20.8 percent (Sandy) versus 32.8 percent (Highland).

Mr. Crowell noted that the applicant had submitted new architectural elevations and landscaping/site plan based upon comments from the previous Planning Commission meeting. The building was repositioned to provide the greatest buffer between the building and the neighbors to the east, shifting the parking to the south and front of the building. The building had been placed closer to the north property line to allow the opportunity of future expansion.

Lonnie Crowell stated that the Planning Staff is not concerned with the proposed architecture of the building as it has been designed in the Craftsman Style and kept low profile as to limit the visual impact on the surrounding residents; however, the Planning Staff has concern with the proposed site plan in consideration of the existing residential dwellings and residents. The concerns are as follows:

1. The parkway detail is required along 4800 West with a meandering sidewalk and a total of twenty-nine feet of landscaping from the back of the curb. It appears that the landscaping is present and available however the meandering sidewalk adjacent to a soon to be constructed five-lane highway is not preferred. The Applicant should work with the City engineer to design the Parkway Detail into the site.
2. The applicant has illustrated substantial landscaping along the northeast corner, east property boundary, and south property boundary to help buffer and screen the proposed use from the residential properties that exist and will continue to exist at this location. Landscaping should include a substantial amount of deciduous and evergreen trees, shrubs and similar that would help mitigate some typical concerns. Staff would recommend at least one additional tree on the northeast corner to mitigate aesthetic impact on the neighbors to the east.
3. The Planning Commission will need to make a recommendation regarding hours of operation.

4. The applicant will need to complete a subdivision along with this application per the requirements of the Development Code (3-615, 3-208, and Chapter 5-2) or bond for and install the improvements with a development agreement with Highland City per the same.

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

Greg Nield, applicant, indicated that the previous proposed site plan included a portion of the property to the north to provide for an additional access; however, the residents of the Wild Rose subdivision expressed strong resistance to any access into the Wild Rose subdivision. He clarified that the revised site plan presented to the Planning Commission does not require additional land. Mr. Nield noted that the proposed site plan includes the future expansion; sixteen beds initially with a potential for twenty-six beds.

Lonnie Crowell noted that the property to the north would still be a buildable lot after the Utah Department of Transportation expanded 4800 West; the elimination of the medians along 4800 West will be coordinated with the Utah Department of Transportation.

Lonnie Crowell clarified that the proposed ordinance requires a masonry wall to be constructed.

Greg Nield expressed concern regarding the setbacks as currently proposed. The previous site plan indicated that the parking lot would be located in the rear of the property which would comply with the eighty-foot rear yard setback; however, the revised building alignment places the parking lot on the south of the property and the building would not meet the rear setback. He noted that the C-1 Zone, the Commercial Retail Zone, the Residential Professional Zone, and the Professional Office Zone have a setback of thirty feet so requiring anything more seems excessive.

Mike Neilson, project architect from Richardson Design, stated that the twenty-one stalls in the parking lot were designed to accommodate parking for the future expansion as well. Lonnie Crowell noted that the parking lot can be constructed within the setbacks. Greg Nield added that the parking lot was moved to the south to minimize the impact on the surrounding properties.

A Commissioner requested clarification regarding the side setbacks as written in the proposed ordinance. Lonnie Crowell explained that the building can be located a minimum of ten feet from a side property line if the building is a minimum of seventy feet from the alternate side property line; this would create a buffer for neighboring residential uses.

It was noted that the proposed ordinance is an overlay zone. Lonnie Crowell stated that there may not be other properties within Highland City that would comply with the requirements of the overlay.

A Commissioner questioned other locations within Highland City that have a ten-foot setback. Lonnie Crowell replied that R-1-20 Zone and several lots in the R-1-40 Open Space Bonus Density Zone have a ten-foot side yard setback. The Commissioner observed that the residential setbacks are intended to maintain the open appeal of Highland City and that permitting commercial uses in a residential zone further impacts that open feeling.

A Commissioner expressed concern that the Town Center and other commercial zones within Highland City will not develop if various properties throughout Highland City are rezoned to permit commercial ventures. Lonnie Crowell noted that the topic of assisted living facilities has been an issue of discussion for many years and that the Highland City General Plan has a senior housing component indicating the need to accommodate the residents of Highland City. He also noted that the Town Center Overlay Zone restricts the development of non-ambulatory senior housing. A Commissioner stated that the majority of assisted living facilities seem to be located in residential areas; the residents of a facility would prefer residential noises rather than sounds of a commercial zone. The Commissioner expressed the opinion that assisted living facilities are simply residences that have staff to aid the residents.

A Commissioner suggested removing the limitation of visiting hours.

Mike Neilson expressed concern regarding the building height restriction being twenty-five feet maximum, noting the thirty feet building height restriction in other zones within Highland City. Lonnie Crowell stated that the building height is measured to the ridge of the roof and does not include chimneys, etc. A Commissioner suggested that the building height maximum be amended to match the thirty-five foot restriction of the surrounding R-1-40 Zone.

The Planning Commission and staff addressed typographical corrections.

MOTION: Don Blohm moved to Recommend that the City Council Adopt a new Senior Care Assisted Living Overlay Zone per the following recommendations:

- 1. That the Applicant work with the City Engineer to design the Parkway Detail into the site; and**
- 2. That the Applicant install substantial landscaping along the northeast corner, east property boundary, and south property boundary to help buffer and screen the existing and future residential properties from the proposed. Landscaping should include deciduous and evergreen trees, shrubs and similar; and**
- 3. That the Applicant complete a subdivision along with this application per the requirements of the Development Code (3-615, 3-208, and Chapter 5-2) or bond for and install the improvements with a Development Agreement with Highland City per the same; and**
- 4. That the limitation of visiting hours in 3-4605(8) be eliminated; and**
- 5. That 3-4607(2) read: “Side setback areas shall be a minimum of ten (10) feet including ...in which case the building setback area shall be a minimum of seventy (70) feet with a combined total of eighty (80) feet.”; and**

6. That 3-4607(3) read: “Rear setback areas for the main structure shall be a minimum of thirty (30) feet.”; and
7. That 3-4608: Building Height read: “The maximum height of any building is the Senior Care Assisted Living Overlay Zone shall not exceed thirty-five (35) feet...”.

Seconded by Abe Day. Unanimous vote, motioned carried.

☞ **HIGHLAND ASSISTED LIVING CONDITIONAL USE PERMIT APPLICATION ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 4)**

Lonnie Crowell explained that Greg Nield, owner of the property located 10322 North 4800 West, is requesting Approval of a Conditional Use Permit per the requirements of the Senior Care Assisted Living Overlay Zone as proposed. The applicant has submitted architectural elevations, landscaping, lighting, and site plans as required for a Conditional Use Permit; the proposed plans indicate forty-seven percent landscaping, and twenty-one percent building coverage.

Staff had the following concerns and recommendations:

1. Kip Botkin, Police Chief, expressed concerns regarding traffic during the periods of time when the Lone Peak High School students are arriving and leaving for school purposes. It was suggested during a staff review meeting that restricting the hours that a left turn from the proposed facility would mitigate some of those concerns, with the required signage indicating the restriction to be installed by the applicant. It was determined that the following hours were to be identified as times a left turn should not be permitted, except for emergency vehicles: 7:15 a.m. – 8:15 a.m. and 11:30 a.m. – 3:30 p.m.
2. The second concern was related to access for fire vehicles under the porte-cochere. Craig Carlisle, Fire Chief, indicated that access was not necessary because the proposed plan indicated available access to the west of the building for emergency vehicle access; however, he suggested signage indicating that the porte-cochere would not accommodate vehicles over a certain height.
3. The third item was related to the location of the building and parking lot related to the adjacent residential property to the south. The applicant indicated that the placement would be to accommodate additional future expansion to the north if the property became available and the expansion request was approved.
4. The fourth concern was the landscaping; although the proposed plan illustrates a substantial amount of landscaping, staff would recommend at least one addition large tree on the northeast corner of the property to buffer the adjacent residential properties.
5. The fifth concern is related to the inclusion of “Future Phase II” on the proposed site plan. Staff would prefer that any expansion proposed be located to the north, requiring the acquisition of additional property for that purpose. If this is not the case, staff would recommend a larger side yard setback and proposal from the applicant to mitigate the impacts occur to the property owners to the east. In either case, the proposed application approval and motion should specify that this

original application does not include the “Future Phase II” portion of the proposed site plan.

Lonnie Crowell noted that the ordinance only permits bollard lighting in the parking lot and limits the exterior lighting to sixty-watts if it faces a residence. The site plan indicated that the dumpster will be substantially landscaped as a screen from the neighboring residences.

A Commissioner requested additional information regarding the left turn restriction. Lonnie Crowell explained that Kip Botkin observed that large quantities of students occupy the roadways during school hours and that a left turn from the assisted living facility could pose a safety concern. Several Commissioners expressed the opinion that restricting a left turn during the duration of school may be excessive. Lonnie Crowell noted that Lone Peak High School is an open campus and that students will also be leaving for lunches.

Brent Wallace opened the public hearing at 8:40 p.m.

Kathryn Schramm, City Council Member and Highland City resident, questioned whether the application will appear before the City Council before the permit takes effect. Lonnie Crowell replied that both the Conditional Use Permit and the Senior Care Assisted Living Overlay Zone will appear before the City Council.

Brent Wallace closed the public hearing at 8:41 p.m.

Greg Nield agreed with the proposition of reducing the hours of the left turn restriction due to the minimal traffic that would be leaving the assisted living facility; four cars on an average day in contrast to the hundreds of students arriving/leaving the school. A Commissioner noted that the lunch hours of Lone Peak High School are broken up throughout the day and would not be in mass. Lonnie Crowell stated that the left turn restriction would be posted on a sign at the egress of the facility and observed that the left turn may be self-regulating during high traffic hours.

A Commissioner expressed concern regarding the potential of visitor parking along roads of the Wild Rose subdivision. The removal of the north access and the No Parking signs along the north side in association with the Lone Peak High School would mitigate the concern; however, the Commissioner suggested the placement of No Parking signs along the south side of the subdivision as well. Matthew Shipp noted that the No Parking signs would also apply to the residents of the Wild Rose subdivision. The Planning Commission discussed possible wording of the signs to make an exception for the Wild Rose residents. A Commissioner observed that the majority of visitors to the assisted living facility would likely be on holidays when the school is closed; the visitors would be able to use the parking in the Lone Peak High School parking lot. It was suggested that the concern be addressed if the parking becomes a problem.

Melissa Wright moved to Recommend that the City Council Approve the Greg Nield Senior Care Assisted Living Overlay Zone Conditional Use Permit Application per the Adoption of the Senior Care Assisted Living Overlay Ordinance

by the City Council and per the recommendations of Staff with the reduction of the hours restricting a left hand turn to 7:15-8:15 a.m. and 2:15-3:15 p.m. Seconded by Roger Dixon. Unanimous vote, motion carried.

☞ **THE POINTE PERFORMING ARTS ACADEMY ~ GENERAL PLAN, FUTURE LAND USE MAP, AND ZONING MAP AMENDMENT ~ RECOMMENDATION (AGENDA ITEM 5)**

Lonnie Crowell explained that Corey Daniels, representing property owner Janene Schiffman, is requesting an amendment to the General Plan, Future Land Use Map, and Zoning Map to indicate the Residential Professional Zone to allow for a private performing arts academy associated with dance on property that is approximately 0.941 acres (40,949.686 square feet) located at 5615 West 11000 North. The property is in the R-1-40 Zone and located to the west of the Rocky Mountain Power substation. The property is Lot 10 of the Eagle Crest subdivision; however, the property is separated from the remainder of the subdivision in that it does not access 10930 N. The property has approximately two-hundred-thirty feet of frontage along SR-92 and approximately one-hundred-seventy-seven feet of frontage along 5600 West. SR-92 will be widened to five lanes along this portion of the corridor.

The applicant has already demolished and removed the existing home; Highland City does not have an ordinance that would restrict a property owner from obtaining a demolition permit and removing an existing home. The applicant was required to obtain demolition permit from the city following the receipt of a permit/report from Utah County indicating any circumstances that would need to be handled with special care, such as the presence of asbestos.

Highland has been concerned about the possible expansion of commercial zones along SR-92 and SR-74 and has tried to contain non-residential development within the Town Center and other commercial zones. The Planning Commission was concerned that permitting the proposed academy outside of the Town Center would contribute to the “non-compression” for locating businesses in the Town Center; however, staff believes this is not a commercial/retail use but rather classified similar to a school, day care, or preschool which are all permitted uses in the R-1-40 Zone. The applicant is currently in the process of obtaining accreditation from the Utah State Division of Administrative Rules for their curriculum, allowing students to gain academic credit for participating in classes. Additionally, this application to rezone for the use as a school would offer an opportunity to create a buffer between residential and non-residential uses.

In the previous meeting, the Planning Commission directed staff to contact the property owners within the Town Center and request their cooperation to assist the applicant to locate within the Town Center. Staff received the following responses: the eight acres immediately to the south of Wendy’s is currently under contract; the owner of the property to the north and east of the Town Center Plaza is not interested in developing or selling in the current real estate market; the owners of the property to the north of Alpine Credit Union/Ace Hardware and owners of property surrounding the Utah Community Credit Union indicated that they were interested in assisting the applicant in developing within the Town Center. The landowners discussed several options with staff and are in

the process of contacting the applicant; however, land costs and the property owned would still be concerns for the applicant.

During the meeting mentioned above, a property owner adjacent to the proposed location emphasized her preference that the lot remain vacant and indicated an interest in purchasing the property; the applicant has informed staff that contact with the property owner has clarified that the neighbor is not currently in a position to purchase the property.

The City has received several requests to develop non-residential uses on this property and others along SR-92 due to the inconvenience of living along a highly traveled highway and the reduced economic value of this land. Staff recommends the following options:

- (1) Leave the property zoned as an R-1-40;
- (2) Amend an existing zone to permit the use as a private school (as proposed);
- (3) Create a new zone that would limit the use of this property to low impact non-residential uses such as a preschool, day care (young or old), private school, or similar;
- (4) Alternative ideas/direction proposed by the Planning Commission and/or City Council.

In any case the ordinance(s) can be written to specifically define the property location and limit growth along the highway or remain as the current General Plan Future Land Use Map indicates and continue to focus all commercial use in the four corner area, Town Center, Professional Office Zone, and State School Land Trust property (south of Lone Peak High School).

A Commissioner expressed the concern that approving this rezone application would “open the floodgate” for additional rezone applications. Other Commissioners contested that the property in question is a unique lot that does not appear to be suitable for residential use. A Commissioner questioned whether the property could be rezoned contingent on the use. Lonnie Crowell explained that if the property is rezoned, any use that complies with the Permitted Uses of the Residential Professional Zone could locate on the property; however, a Conditional Use Permit (including site plan and architecture) would still have to be obtained. Mr. Crowell also noted that the Planning Commission could recommend that an additional zone be created specifically for private schools.

A Commissioner questioned whether a zone for private schools would apply for the proposed use; according to the Utah State Administrative Code, The Pointe Performing Arts Academy would not meet the definition of a school. Lonnie Crowell stated that the applicant has indicated that they are in the process of obtaining accreditation so that the students may receive school credits for attending classes.

Commissioners inquired as to the requirements of a business license for a private school. Lonnie Crowell stated that the current business license application does not have a line item for private schools, although it could be added.

Questions were raised regarding who determines if The Pointe Performing Arts Academy has met the requirements of the Utah State Administrative Code. Lonnie Crowell stated that the City Attorney would evaluate the evidence provided by the applicant to determine compliance. It was noted that the City Council may also be able to determine compliance; however, the City Attorney is more qualified. A Commissioner emphasized that the proposal is intended as a learning center for people to learn how to dance; whether or not the facility is a school is irrelevant.

Several Commissioners expressed substantial concern regarding the potential traffic congestion along 5600 West and the intersection of SR-92, specifically the time that students are dropped off or picked up from classes. Darcey Wilde, representing the applicant, invited anyone who would like to visit the current location of The Pointe Performing Arts Academy in Lindon, Utah, to observe the traffic flow. She noted that the parking lot is shared with two other businesses and still does not have traffic concerns. Tiffany Carpenter, also representing the applicant, stated that there were only three vehicles in the parking lot that evening. She acknowledged that they do expect to acquire additional students by relocating in Highland City; however, most of the students are young children that will just be dropped off. Ms. Carpenter stated that there are five studios in the facility, each with a limit of fifteen to twenty students to a class, and one teacher. Ms. Wilde added that many of the students are enrolled in multiple classes; the traffic impact on the neighborhood would not be significant.

A Commissioner clarified that the concern is not about parking; the issue is with congestion along 5600 West and along SR-92; parents will likely use the more convenient surface streets as a loading/unloading zone rather than driving into the parking lot. Darcey Wilde stated that according to experience in the current location, parents prefer to drop off the children at the front door so that the children aren't required to walk through the parking lot. Ms. Wilde added that The Pointe Performing Arts Academy would be willing to adjust the class schedule to reduce the number of students leaving/entering at the same time. Tiffany Carpenter noted that the parents are very cooperative regarding the safety and general rules of The Pointe Performing Arts Academy and that additional rules regarding drop off/pick up could be established to mitigate concerns.

A Commissioner requested additional clarification regarding the requirement of locating such a facility a minimum of two-thousand feet from the intersection of two main arterials. Lonnie Crowell stated that the main arterials refer to SR-92 and SR-74; the two-thousand feet is measured from the intersection point. He also clarified that the one-hundred-eighty foot setback from any intersection is measured from the center line of 5600 West and SR-92 to the driveway.

MOTION: Don Blohm moved to Recommend that the City Council Adopt an Ordinance to Amend the General Plan Future Land Use Map to indicate the Residential Professional Zone on property located at 5615 West 11000 North. Seconded by Abe Day.

Opinions were expressed that uses of this and similar natures should be located in the Town Center. Other Commissioners noted that the property owners within the Town

Center should attempt to make the properties more attractive to buyers/developers. Darcey Wilde commented that the land prices in the Town Center are too high for an arts academy to afford to locate and operate in the Town Center.

Tiffany Carpenter stated that her observation has been that dance studios located in commercial zones or city centers have much less control over the safety of their students. Ms. Carpenter noted that she has seen little children from the dance studios walking through parking lots and wandering into nearby businesses; however, if The Pointe Performing Arts Academy were permitted to locate in a residential surrounding, the faculty could provide a much safer environment.

A Commissioner commented on the fall class schedule as found on the internet and noted that 3:00 p.m. – 7:00 p.m. are the main class times; SR-92 is already congested during afternoon hours and the vehicles dropping off/picking up the students would be an additional burden on the roads. A Commissioner stated that the intersection of SR-92 and SR-74 is “the most catastrophic intersection in Utah Valley”. Another Commissioner rebutted that the potential of up to two-hundred additional vehicles would cause an insignificant impact on the overall traffic flow.

Commissioners reiterated that the property in discussion is difficult for a residential use and that the proposed use is a legitimate deviation from the typical commercial zones; they felt that a better use for the property or a more attractive business in Highland City would be difficult to find.

Brent Wallace called for a vote on the motion. Those voting aye: Don Blohm, Abe Day, Kelly Sobotka; those voting nay: Roger Dixon, Tony Peckson, Brent Wallace, Melissa Wright. Motion failed for lack of a majority.

 **RESIDENTIAL PROFESSIONAL (RP) ZONE ~ CODE AMENDMENT TO ALLOW PRIVATE SCHOOLS ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 6)**

Lonnie Crowell explained that Cory Daniels, representing property owner Janene Schiffman, is requesting an amendment to the Residential Professional Zone to allow for a private performing arts academy associated with dance on property located at 5615 West 11000 North.

The proposed amendments required to provide for this use within the Residential Professional Zone are indicated as follows:

Conditional Uses. (3-4502) The permitted uses are: community uses, financial institutions, Medicare care facilities, professional offices including but not limited to: architect, certified public accountant, doctor, dentist, psychologist, psychiatrist, or nurse, insurance (not claims adjustment), lawyer, professional registered engineer or surveyor, physical therapist. Staff would propose to add “Private Schools” as a permitted uses to allow for this application.

Frontage. (3-4504)(1) The ordinance requires a minimum of 200 feet of frontage on a public street. The proposed location has over 210 feet of frontage along SR-92; this portion of the ordinance would not need to be amended.

Site Coverage. (3-4505)(1) The ordinance requires a minimum of 35 percent of the total land area to be landscaped and a maximum building structure coverage of 25 percent; however, if the project “demonstrates superior response to the Residential-Professional zoning guidelines”, the Planning Commission may increase the maximum coverage to 35 percent. The proposed building is 11,312 square feet, equal to approximately 27.5 percent of the site.

Setbacks. (3-4506)(1) The existing ordinance indicates that the front setback is 80 feet from the property line or 40 feet if the parking is provided in the rear of the building. The submitted plan proposes that the front setback be reduced to 30 feet from both right-of-ways.

Setbacks at Intersections. (3-4511)(4)(b) The ordinance requires a minimum setback of 350 feet from the centerline of major arterials at intersections. The “intersection of the major arterials” references the intersection of SR-92 and SR-74; 5600 West is not a major arterial. The proposed facility is setback slightly over 2,000 feet from the centerline of this intersection. While the ordinance will not need to be amended to accommodate this application, staff would recommend an amendment to require “a minimum setback of 180 feet between the centerline of a major arterial and the centerline of a driveway where a local residential street intersects with a major arterial”.

Brent Wallace opened the public hearing at 9:18 pm.

Jim Hobbs owns property in Highland City. He expressed his opinion that the City is too accommodating to applicants and emphasized his opposition to rezoning individual properties throughout Highland, stating that a Master Plan for the city should be strictly followed.

Jen King, Highland City resident, agreed that the Master Plan should be adhered to and the Town Center should be the only location for additional commercial businesses. Ms. King stated that she doesn't feel the proposed location is unique and noted that many properties in Highland are in a similar position; properties that appear to be difficult for residential use but are prime commercial lots. She expressed concern that the approval of this applicant would set a precedent for other property owners to pursue commercial zoning, increasing the value of their available lots.

Gary Pay, resident of Highland, expressed his support of rezoning the property because of the proposed use. He stated that a Master Plan needs to be flexible; every lot and every application must be evaluated individually, which is the purpose of the Planning Commission. Mr. Pay echoed the opinion that the property in question is not a suitable residential lot.

Laura Hobbs, Alpine resident and Highland property owner, noted that homes throughout the state are adjacent to large roadways and insisted that stating the proposed property is

not a viable residential lot is inaccurate. Ms. Hobbs explained that she had tried to purchase the property for a home years ago, but believes the price of the lot was inflated due to the potential for being commercial property. Laura Hobbs further expressed her objection to the proposed use, stating that it is a profitable business that will destroy the surrounding area; the noise and lights from the building would contribute to a situation that is not conducive to the neighbors. She suggested that a low traffic business with only a few customers at one time would be less dangerous and more fitting for the neighborhood. Laura Hobbs summarized that Highland City is one of the nicest cities in Utah because of the restricted zones.

Jeff Clyde, resident of Highland, stated that he was a Planning Commissioner when the Town Center was created. He noted the careful planning involved in developing the zone and expressed his concern that rezoning properties for commercial uses outside of the Town Center will delay its growth. Mr. Clyde reiterated that many lots throughout the city have similar circumstances and that The Pointe Performing Arts Academy should be constructed in the Town Center.

Kim Nilson, Highland resident, expressed her support of The Pointe Performing Arts Academy. She stated that the academy would be of substantial benefit to the city as well as a beautiful gateway to the Town Center. Ms. Nilson acknowledged the traffic concerns but explained that she has never seen more than one car at a time dropping off or picking up children at the current location in Lindon. She added that her daughters have also attended dance studios that are located in residences and even traffic in those locations hasn't been congested. Kim Nilson stated that most families will still carpool to the academy; the students currently carpool to the schools in Highland. In regards to the noise of the children and the music from the academy, Ms. Nilson clarified that she has never seen students "hanging around" the building nor has she ever heard the music from outside of the building. Kim Nilson summarized that The Pointe Performing Arts Academy is a professionally operated dance academy that would enhance Highland as a whole.

Ruben Adams, adjacent property owner, stated that he is supportive of young girls training and learning to dance but his concern is a matter of security for the neighborhood children. He referenced Jacqueline's School of Ballet in Lindon stating that even though it is a small school with 70-80 students all day, significantly fewer than the proposed academy would enroll, there are constant traffic concerns. Mr. Adams then referenced the young men practicing football in a nearby park; he counted 60 young men practicing and 35 cars parked along the street. Ruben Adams voiced apprehension regarding the potential traffic impact of the facility considering the traffic concerns that currently exist along 5600 West.

Lonnie Crowell interposed that the public hearing for the rezoning of the property has been closed and that public comments should be concerning the Amendment of the Residential Professional Zone. He noted that every applicant is entitled to Due Process and the law requires the City to review and process every application that is submitted. Mr. Crowell requested that all comments be focus on the item at hand.

Corey Daniels, applicant, expressed support of amending the Residential Professional Zone to permit private schools, stating that a private school is similar to the businesses permitted in the zone. He added that the Town Center is ideal for commercial businesses but transition businesses are needed to create a buffer for the residential neighborhoods; a private school is an ideal buffer.

Robert Tillotson, resident of Highland, stated his opinion that concentrating all commercial businesses within the Town Center would create considerably more traffic congestion in the area; permitting The Pointe Performing Arts Academy to locate outside of the Town Center will disperse traffic. He observed that the owners of property within the Town Center have somewhat of a monopoly regarding the type and size of businesses wanting to locate in the Town Center due to the high prices of the lots.

Megan Keller lives at the west end of the cul-de-sac south of the property in discussion. She conveyed her experience with congested traffic: while turning, a large truck traveled too closely to her vehicle and clipped the front; however, the driver was not ticketed due to the traffic confusion. Ms. Keller observed that access for emergency vehicles from the Lone Peak Fire Station could also be obstructed during high traffic congestion.

Brent Wallace closed the public hearing at 9:42 pm.

A Commissioner voiced the opinion that permitting private schools in the Residential Professional Zone would benefit the city with the present use and as well as in the future.

A Commissioner suggested rezoning the property as part of the Public Institution Zone rather than amending the Residential Professional Zone, quoting the following:

3-4941: Permitted Uses. The only uses allowed within the Public Institution Zone shall be permitted uses which satisfy the primary intent of purpose for the Zone. All uses in this zone shall first obtain site plan approval from the Planning Commission prior to construction of any structure. The following list of uses may be permitted within the Public Institution Zone with site plan approval:

- (2) Public and private schools

Lonnie Crowell stated that if the property were to be rezoned as part of the Public Institution Zone and The Pointe Performing Arts Academy was not constructed on the lot, any of the other permitted uses could be constructed (utilities, substation, water conservation reservoirs, etc).

Commissioners discussed the differences between a “private school” and day cares or preschools or piano lessons. A Commissioner suggested defining “private schools” to clarify whether applicants qualify prior to processing the application.

A Commissioner asked staff if other locations are available for the academy. Lonnie Crowell replied that the only other property zoned as Residential Professional is occupied by the Intermountain Health Care building. The Commissioner inquired about the property south of the Lone Peak High School. Lonnie explained that the property is planned to be mixed-use; however, the property has not yet been rezoned.

MOTION: Abe Day moved to Recommend that the City Council Adopt an Ordinance to Amend the Residential Professional Zone conditioned entirely upon the General Plan Future Land Use Map and Zoning Map as previously discussed. Motion died for lack of a second.

The Planning Commission took no action on the item.

∞ **THE POINTE PERFORMING ARTS ACADEMY ~ CONDITIONAL USE PERMIT APPLICATION ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 7)**

Lonnie Crowell explained that Cory Daniels, representing property owner Janene Schiffman, is requesting a Conditional Use Permit to allow for a private performing arts academy associated with dance on property located at 5615 West 11000 North. This application is based on the approvals of Item 5 and Item 6 of this meeting. If approved as part of the Residential Professional Zone, the Planning Commission may require additional conditions upon this project as defined within the Residential Professional Zone and Chapter 4, Conditional Uses, within the Highland City Development Code. A Conditional Use Permit within the Residential Professional Zone requires the review of Architecture, Site Plan, Landscaping, and Lighting.

It is staff's opinion that the submitted architecture is consistent with the Residential Professional Zone and other commercial projects in Highland City. The applicant has submitted 2 architecture plans depicting the option of either a sloped or a flat roof; staff would recommend a sloped roof as is consistent with the typical and adjacent residential homes.

Lonnie Crowell noted that staff has concerns regarding the size of the proposed building; the ordinance permits a maximum coverage of 25 percent of the lot, in this case equal to a building footprint of 10,243 square feet. The proposed building has a footprint of 11,312 square feet, equal to approximately 27.5 percent of the site. The Planning Commission may approve a project with a building coverage of up to 35 percent of the site if the applicant has demonstrated "superior response to the Residential-Professional zoning guidelines".

The Residential Professional Zone currently requires a minimum setback of 40 feet from the nearest right-of-way if the parking is provided in the rear of the building and a 10 foot rear yard landscaping buffer adjacent to the residential properties; the proposed building is located approximately 30 feet from the property line, as is typical with a home in a residential zone in Highland City. The benefit of reducing the front setback would be additional space in the rear of the property, allowing for a larger landscaping buffer between the proposed use and the neighboring residences; however, increasing the front setback would provide for a larger landscaping buffer along SR-92.

Submitted plans do not indicate a masonry wall along the south and west boundary, as required by the Residential Professional Zone; staff would recommend that a masonry wall be required to mitigate the aesthetic impacts of the parking area from the adjacent residential properties.

The Landscaping Easement and Parkway Detail will be required, developed to the Highland specification. The submitted plan indicates that the Utah Department of Transportation will construct the easement and parkway; however, staff would recommend that the Planning Commission and City Council require a bond to guarantee the installation of the landscaping, sidewalk, etc. in the event that the Utah Department of Transportation does not complete this requirement within a predetermined time.

Lonnie Crowell relayed staff's opinion that the proposed parking lot turn-around is a beneficial concept; however, it does detract from the potential for additional landscaping or parking. Staff would recommend that a small planted/landscaped "island" be included in the design to provide aesthetic variation to what may appear to be a substantial amount of asphalt from SR-92.

The submitted plans indicate that 36.5 percent of the site is designated as landscaping, meeting the minimum percentage required in the Residential Professional Zone.

The submitted lighting plan indicates bollard lighting in the parking lot, as is preferred in situations where residential and non-residential uses share a common boundary.

Brent Wallace opened the public hearing at 9:50 pm.

A resident stressed that parents will drop their children off in the easiest manner available, including parking along SR-92. She added that the parents exiting onto 5600 West will not fight traffic to turn left, but will rather turn right and make dangerous U-turns.

Sandra Madsen lives in a cul-de-sac south of the proposed location. She echoed the concern regarding the additional traffic and parking that The Pointe Performing Arts Academy could generate. Ms. Madsen stated that she performed her own traffic study at the academy's current location with the following findings: from 3:45 p.m. - 4:08 p.m. there were a total of twenty-nine cars; five of the twenty-nine arrived at the same time; forty-four children entered the facility from those twenty-nine cars; fifteen of the twenty-nine cars stayed and parked; ten adults stayed.

Tiffany Carpenter explained that the day Sandra Madsen studied traffic in the parking lot of The Pointe Performing Arts Academy was Registration Day; many of the vehicles that parked were registering their children. She also highlighted the fact that none of the cars were parked along the street adjacent to the academy, which Sandra Madsen confirmed. Ms. Carpenter further explained that the academy currently shares the parking lot with two other businesses and reiterated that traffic will not be a concern.

Monte Larsen, Highland resident, stated that he has a daughter that has attended The Pointe Performing Arts Academy for three and a half years and has never seen traffic congestion that the neighboring residents are anticipating. He also stated that his daughter attends classes from 3:00 p.m. until 8:00 p.m., as do many of the students, meaning that many of the two-hundred class positions available are filled by repeat students. Mr. Larsen added that he has never seen students gathered outside of the building.

MaryAnn Tillotson, resident of Highland City, indicated that The Pointe Performing Arts Academy is extremely professional and maintains strict standards; students are required to dress uniformly and the parents are informed of all rules. She stated that she has never seen the suggested congestion nor has she seen children running through the parking lot. Ms. Tillotson explained that a seating area in the front of the academy provides the children an area to wait for their parents to pick them up at the front door. She summarized that The Pointe Performing Arts Academy would be beneficial to the community.

Brandon Green lives on the property adjacent to the proposed location. He clarified that he is not opposed to The Pointe Performing Arts Academy locating in Highland; the opposition is to constructing the academy in a residential zone. Mr. Green expressed his concerns regarding the hours of operation; the lights and sounds associated with the later hours would affect his family's sleep schedule. He explained that his house would be illuminated by building lights and headlights of the cars, and is concerned about sounds from the children and vehicles in the parking lot. Brandon Green pleaded the Planning Commission to consider the impact the academy would have on the neighbors after 5:00 p.m.; a conventional Professional Residential business would close at 5:00 p.m.

Kathryn Schramm, Highland City resident and City Council Member, requested that the Planning Commission recommend that the City Council consider removing Exaction Fees for the Town Center. She speculated that property costs will not be lowered, so the fees are prohibiting businesses from locating in the Town Center. Lonnie Crowell noted that the property owners and the City would have to consent to amending the agreement.

A Commissioner requested that staff recap the purpose of Exaction Fees. Lonnie Crowell explained that improvements are typically required at time of development; however, many of the improvements in the Town Center have already been installed. He clarified that the fees are to reimburse the property owners who have already paid to install the improvements within the Town Center.

A Commissioner noted that if property is too costly for businesses to locate in the Town Center and the City refused to rezone properties outside of the commercial zones, commercial growth would reach a standstill.

Darcey Wilde clarified that the purpose of relocating The Pointe Performing Arts Academy is not only for expansion purposes; 80 percent of the families enrolled in the academy live in the Highland/Alpine/Cedar Hills area. Ms. Wilde commented that Highland City is lacking a major arts force and speculated that families may be searching for those arts outside of the community. Ms. Wilde noted that The Pointe Performing Arts Academy's affiliation with the nationally renowned Odyssey Dance Company would "put Highland on the map". She also mentioned that the Highland City Arts Council has expressed support of the academy and indicated interest in using the facility after-hours and/or on weekends.

Darcey Wilde added that The Pointe Performing Arts Academy is family oriented and the neighbors do not need to be concerned regarding extended hours of operation; administration and staff feel that the children should be at home during evening hours.

Emilie Bunker lives on the corner of the cul-de-sac south of the proposed location. She expressed her support of The Pointe Performing Arts Academy locating in Highland; however, Ms. Bunker echoed Mr. Green's opinion that the academy is not suitable for residential zones. She emphasized her concerns about the safety of increasing traffic along 5600 West.

Lisa Farcus, Highland resident, likened the proposed use with the construction of Mitchell Hollow Park; the neighboring residents offered strong opposition to the park during the original construction but since have found it to be a benefit to the neighborhood and the community. She noted that dancers from all over the state will travel to learn and train at The Pointe Performing Arts Academy. Ms. Farcus stated that she has two dancers and a third child enrolled in the special needs classes, all of whom have loved academy. She acknowledged the neighbor concerns regarding the impact on the area, but Ms. Farcus stressed that her children have been attending The Pointe Performing Arts Academy for three years and she has never heard the noise or seen the traffic that the neighbors are anticipating; the children are focused on getting to and from classes, and many of the parents run errands or meet for lunch during the class times. She concluded saying that she feels the lot is currently an eyesore and is excited for a beautiful building instead.

Brent Wallace closed the public hearing at 10:24 pm.

A Commissioner pleaded with the Planning Commission to reconsider the previous items for the following reasons: no one has expressed opposition to The Pointe Performing Arts Academy locating in Highland City; the country is experiencing one of the most difficult economic markets in history but the proposed academy represents entrepreneurship and provides business for Highland; the proposed location is only a few hundred feet from the existing commercial zones and will create a attractive gateway to Highland's Town Center; the proposed use would provide the Arts and beauty that Highland residents seek; the property owner could have constructed a home with a dance facility in the residence; that children laughing is a wonderful sound and wouldn't detract from the neighborhood. The Commissioner summarized that the proposed use represents the American Dream.

The Planning Commission took no action on the item.

A Commissioner noted that the item will continue on to the City Council.

 **CITY PARK CONSTRUCTION PRIORITIES ~ RECOMMENDATION (AGENDA ITEM 9)**

Lonnie Crowell explained that the City Council has requested that the Planning Commission determine a priority list for city parks and the construction of City parks identified within the General Plan (completed parks are not considered). This priority list would be used to assist the City Council in determining which parks should be

improved/purchased and where park funds should be appropriated. To simplify this process, the Planning Commission was presented with a park matrix listing location, acreage, estimated cost, and other information requested by Commissioners in previous discussions.

Commissioners requested additional information be added to the park matrix, including definitions of the criteria (what each park category includes), addresses of the parks, cost estimates, age (how long the park has been planned), original designs for the park (grass field, pavilion, playground, etc.), and the amount of time expected to develop the parks as approved by Planning Commission and City Council. Commissioners also requested that the list of parks be expanded to include the existing parks and the current status (complete, partial, not purchased, etc.).

A Commissioner inquired as to the status of parks that are purchased but have not been improved/developed. Lonnie Crowell noted that the process is to prioritize the parks listed in the Highland City General Plan; park space in open space subdivisions will be addressed at a later time.

A Commissioner questioned why the parks haven't been completed in consecutive sequence. Staff stated that the primary factor has been available funding. Matthew Shipp stated that the intent of prioritizing the parks' completion is to determine where to spend the funds; Highland City can purchase land for future parks while property prices are low or the funds can be spent improving the existing parks. Lonnie Crowell noted that the original parks master plan determined the need for specific types of parks based on the calculated population; however, the population of Highland City has doubled since that time.

It was suggested that volunteers be given the opportunity to make improvements to the parks. Matthew Shipp stated that the use of volunteers is a "hit and miss" situation; one neighborhood may have the capability and supplies to develop a park, while other neighborhoods may not have the resources. He noted that several of the subdivisions have established committees to discuss concerns with staff. The Commissioner questioned whether the neighborhood could propose a design and complete it independently. Mr. Shipp stated that the legality of such a proposal is based on the dollar amount.

Matthew Shipp noted that the Commissioners can visit the park sites.

Kristi Vick, Highland City resident, stated that as a member of the Highland City Tree Commission, she has had the opportunity to drive through the city and identify issues in many of the parks. Ms. Vick specifically referenced the Chamberry Park, noting that it is identified as usable open space or a neighborhood park; however, the clay soil creates a severe drainage problem, making the park unusable. She further stated that the Highland City Development Code specifies neighborhood parks to have amenities such as open play fields, picnic areas, restrooms, paved trails with lighting, benches, trees, etc. Kristi Vick also expressed concern regarding the lack of available parks in Beacon Hill subdivision, Chamberry Fields subdivision, Highland Hills, and the surrounding area. Kristi Vick summarized that she would like the Planning Commission to focus on areas that are lacking in parks rather than improve parks that are near completion.

A Commissioner requested additional clarification regarding the acquisition of open space and park properties. Lonnie Crowell explained that developers are required to deed a portion of the property to qualify as an open space subdivision and use twenty percent of the improvement costs to establish a park (according to the design approved by Planning Commission and City Council). Mr. Crowell stated that the concern is that the twenty percent of the improvement costs generally only covers the price of the installation of irrigation pipes, wildflowers, and some grass; Highland City does not currently have the funding to further improve the parks. Staff added that the total amount of open space maintenance fees paid by residents in open space subdivisions is less than the amount needed to maintain the open space as it currently exists.

A Commissioner suggested that the developer be required to bond for the landscaping amount and that Highland City could complete the parks. Matthew Shipp explained that the developer is required to complete the park improvements as approved by the Planning Commission and City Council. He observed that the concern is often that the expectations from the residents of a subdivision may not coincide with the approved design.

MOTION: Tony Peckson moved to Continue the discussion regarding the priority list for Park Construction for Highland City Parks identified within the Highland City General Plan until such a time that the requested additional information has been added to the park matrix. Seconded by Abe Day. Unanimous vote, motion carried.

☞ **NATURAL RESOURCE EXTRACTION OVERLAY ZONE RECONSIDERATION ~ CODE AMENDMENT ~ RECOMMENDATION (AGENDA ITEM 8)**

Lonnie Crowell explained that on September 19, 2008, the City Council adopted an ordinance for the purpose of crushing gravel near the mouth of American Fork Canyon; the current R-1-40 Zone allows for the removal of gravel but does not permit the crushing operation necessary to a gravel operation. The purpose of the zone was to allow the City to enter a contract for the extraction of a significant amount of material located on property intended for a future ground water recharge area. Following the adoption of the ordinance, the bidding process and City Council agreement approvals resulted in a contract between both Westroc and Construction Management Company. According to the agreement, the gravel crushing and sorting operation will be located on Westroc's property which is already supports these facilities as a grandfathered legal non-conforming gravel pit operation.

It is staff's opinion that the Natural Resource Extraction Overlay Zone is no longer necessary unless Highland would like to see additional gravel crushing operations at his location at a future time; if it is determined that this zone is needed, this zone may be reconsidered at that time.

Lonnie Crowell noted that on August 4, 2009, the City Council approved a moratorium for applications within the Natural Resource Extraction Overlay Zone for six months or until the City determines the necessity of the zone. The process to consider

amending/eliminating a zone within the Development Code is the same process as required for a Code Amendment.

The Planning Commission discussed the benefits of removing the Natural Resource Extraction Overlay Zone.

MOTION: Roger Dixon moved to Recommend that the City Council Adopt an ordinance to Amend the Highland City Development Code for the purpose of removing the Natural Resource Extraction Overlay Zone per the recommendations of staff. Seconded by Melissa Wright. Unanimous vote, Kelly Sobotka and Don Blohm chose to abstain, motion carried.

PLANNING COMMISSION RECOMMENDATIONS ~ DISCUSSION (AGENDA ITEM 10)

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

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

Agenda Information and Format – Commissioners requested that future Planning Commission Agendas include the following:

- That the Planning Commission and City Council agendas say “Consideration of an Ordinance” rather than “Approval of and Ordinance”; the language may convey that the Planning Commission and/or City Council has already made a decision.
- That the Planning Commission agendas read “that the Planning Commission Recommend or Not Recommend that the City Council Approve...” for the same purpose as stated above.
- That the items estimated to have the largest public comment be placed at the beginning of the agenda so residents are not required to wait.

A Commissioner also requested that the City Council reconsider the Exaction Fees within the Town Center. Lonnie Crowell noted that the Planning Commission does not have any authority to adjust the Exaction Fees; although, the Planning Commission may recommend that the City Council review the fees. Mr. Crowell stated that the topic could be a discussion item on a future agenda. A Commissioner emphasized the need for extensive background and explanation if Exaction Fees are to be discussed.

ADJOURNMENT

The meeting adjourned at 11:14 p.m.