

Highland City Planning Commission

October 13, 2009

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

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

OTHERS: George Wilson, Wesley Burt, Lynn Ritchie, Grant Gifford, Paul Gifford, Nate Hutchinson, Roma Jean Ockler, Jules Lambert, Mike Mock, Kathy Mock, Lucinda S. Tracy, Dan Baxter, Robert Uzelac.

Meeting Convened at 7:00 pm
Prayer given by: Don Blohm
Pledge led by: Roger Dixon

Item 1: Approval of Minutes for September 8, 2009, and September 22, 2009

Kelly Sobotka moved to approve the Meeting Minutes for September 8, 2009, as amended. Seconded by Melissa Wright. Unanimous vote, Roger Dixon and Brent Wallace abstained, motion carried.

Roger Dixon moved to approve the Meeting Minutes for September 22, 2009, as amended. Seconded by Tony Peckson. Unanimous vote, motion carried.

Item 2: Application to Amend the General Plan Future Land Use Map and Zoning Map to Rezone Properties Along SR-92 from R-1-40 to Commercial Retail and Residential Professional ~ **Public Hearing and Recommendation**

THIS ITEM WAS CANCELLED AS THE APPLICANT WITHDREW HIS APPLICATION.

Item 3: Miller's Acre Plat B Subdivision Application – Consideration for Preliminary Approval ~ Recommendation

Lonnie Crowell explained that Mr. and Mrs. Burt, prospective owners of approximately 4565 West 11150 North (currently part of the Miller property), are requesting Preliminary Approval of a two lot subdivision. The proposed Lot 2 is approximately 33,700 square feet and proposed Lot 3 is approximately 43,560 square feet in size. The existing residence has approximately 173 feet of frontage along 11200 North and the proposed Lot 3 will have approximately 215 feet of frontage along the proposed "Canterbury Road" which would connect to Spruce Drive. The alignment of the existing road in the Spruce Estates subdivision and the road alignment for the proposed Millers Acre Plat B subdivision were determined years ago during the Final Approval stages of the Spruce Estates Subdivision and a proposed Mountain View Meadows development to the west.

A concern during the development of the Spruce Estates subdivision was in regards to the ditch along the south end of the proposed subdivision and north end of the Spruce Estates Subdivision Plat. According to the Lehi Ditch Company, the Petersens (owners of property to the west) are the only end user remaining on this ditch. The applicant and the Petersens have come to an agreement regarding the ditch; the applicant will continue the pressurized irrigation system to the Petersens property so the ditch will no longer be needed and will most likely be buried.

A major item of discussion is related to the installation of improvements along 11200 North. Meeting Minutes from the City Council Meeting on March 28, 1995 reflect that the City Council moved that "future improvements be guaranteed with a cash bond or irrevocable letter of credit" as a condition of approval for the Miller's Acre Subdivision; these funds would be used to construct the improvements for 11200 North at such time that the City understood where and how 11200 North would be developed. The City has a draft record that the Miller's may have posted a \$3100.00 bond with the Bank of American Fork for the improvement of curb, gutter, and sidewalk along the frontage of Miller Acres Plat A; however, neither the Bank of American Fork or the Highland City has a copy of official/signed records indicating that the bond was posted nor of an agreement regarding the delay for the improvements. George Wilson, surveyor for this subdivision and for the original Millers Acre Plat A subdivision provided the following information:

"Millers Acre was recorded July 25, 1995 by the city of Highland. I happened to be the surveyor involved. Boyd Wilson was the City Engineer at the time. If you would go out and look at the street, you will see it climbs about 8 – 10 percent grade and then drops off into the gravel pit. There was no way anyone could design curb & gutter grades along this stretch of street without knowing the final elevation of the reclaimed gravel pit to the east that is why Boyd Wilson decided to delay construction, rather than guess and run the risk of taking it all out later. Of course an agreement was given, or the city never would have recorded the plat. That is certainly a form of proof an agreement was given. Lloyd Hanson and Boyd Wilson should be contacted to see if they can remember the details. I remember discussing it with Boyd Wilson and that he signed off on it so the plat could be recorded, which it

was. Proposed Plat “B” is part of this vertical curve at the very end of the street.”

Lonnie Crowell clarified that the applicant can request a delay agreement from the City Council regarding the improvements; however, the City can not accept a Letter of Credit.

During the development of Spruce Estates, the developer and the owner of Westroc were in negotiation regarding an access from the northeast side of the bulb at the end of Spruce Drive. This would provide Westroc with additional options when they decide to cease the gravel operation and develop the property as a residential subdivision. This may or may not be a possibility in the future per the decision of the City Council; however, this should be noted on the plat for potential land owners if it does occur in the future.

Lonnie Crowell also relayed concerns expressed by Maren Mouritsen, owner of the adjacent property owner to the south. She is concerned that the City will require the road to be built on her property at a future point in time and has stated that she is not interested in developing her property. Mr. Crowell explained that this would leave almost half of the proposed “Canterbury Road” unfinished and create potential access to Ms. Mouritsen’s property. Staff is concerned that someone may try to drive onto her property once “Canterbury Road” is installed along the applicant’s property. The applicant is interested in delaying the construction of the additional 38 feet of right-of-way that extends beyond the required 130 feet of frontage until the road is continued to the west. Although this may partially resolve the concern of access to Ms. Mouritsen’s property, staff feels it may be difficult to obtain the funds from the property owners at the time of the road construction. Staff believes a temporary fence may resolve the concern by identifying the edge of the street and the edge of Ms. Mouritsen’s property. There is a question as to whether this fence should be required of the Owner/Developer/Applicant as a result of an impact created by the development of this property or if this is a safety precaution taken by the City. Lonnie Crowell suggested that the Planning Commission should make a recommendation regarding this requirement.

This item was presented to the Planning Commission on September 22, 2009, where the following questions were raised:

Does the City Engineer have issue with “Canterbury Road” being 38 feet versus the standard 40 foot right-of-way? The City Engineer provided a letter stating that the 38 foot right-of-way is sufficient.

Is the grade of 11200 North a factor in when the improvements should be constructed? George Wilson had previously explained that there is a 300 foot vertical curve along 11200 North which begins along the west portion of the proposed Miller’s Acre Plat B and raises about 12 feet as it reaches the eastern boundary of Miller’s Acre Plat A. He indicated that the 30 inch irrigation line and other utility lines located within the road would need to be removed or lowered and expressed his opinion that completing those improvement would be more financially feasible for a large development than for the Millers. Matthew Shipp, City Engineer, included in his letter that he agrees that there is a rise in the road

grade; however, the Miller's can install the improvements along the road as it exists and any future development would need to meet the Miller's improvements.

Should the City obtain a bond and delay agreement for the future development of the improvements along 11200 North instead of requiring the improvements at this time? The Planning Commission can recommend that the City Council determine whether a delay agreement is an available option.

Should the City require the Applicant, City, or other to provide a barrier along the proposed road to eliminate potential access to the private property to the south from the general public until the road is developed to the west? Staff has requested but not yet received a letter from the City Attorney regarding liability in this matter. The applicant provided an email indicating that they would be willing to install a guard rail and a "road closed" sign at the entrance of "Canterbury Road" to prevent access to the private properties.

Staff clarified that although the improvements would be fairly isolated if constructed at the time that Miller's Acre Plat B was developed, the remaining improvements along 11200 North would be installed when the surrounding properties were developed. Matthew Shipp reiterated that City ordinances require the improvements to be installed; however, the City Council could consider a delay agreement and a bond for the improvements to be installed at a future time with the assurance that the funds would be accessible when needed.

A Commissioner questioned the necessity of a right-of-way along the south side of Lot 2 and whether the City would require development to the west to connect with "Canterbury Road". Lonnie Crowell explained that "Canterbury Road" would meet the R-1-40 Zone requirement of 130 feet of frontage along a public road and provide an optional access for future developments; the developer would not be obligated to connect to the right-of-way but most developments require a secondary access.

The Planning Commission requested that the applicant clarify the proposed guard rail referenced in the email. George Wilson summarized that the Burts suggested installing a large locked gate at the entrance of "Canterbury Road" restricting access to Maren Mortensen's property. The Commissioners advised that keys to the gate be available for the property owners, Maren Mortensen, and the City. Staff added that the letter requested from the City Attorney should identify the party liable for the installation of the gate/barrier/fence.

ORIGINAL MOTION: Roger Dixon moved that the Planning Commission approve the Miller's Acre Plat B Subdivision Preliminary Subdivision Application per the following recommendations:

- 1. That the City Council determine whether the Owner/Developer/Applicant be required to provide a cash bond in an amount per an estimate approved by the Public Works Director to be placed into escrow for the purpose of completing the improvements along 11200 North at the time 11200 North is improved consistent with the**

- approval of the Millers Acre Plat A subdivision, or if these improvements shall be required to be installed as typical; and
2. That the Owner/Developer/Applicant provide evidence to the City that they have fulfilled the agreement with the Petersens as submitted and according to any requirement per the Lehi Ditch Company regarding the existing ditch at the north end of “Spruce Drive” and the south property boundary of the proposed subdivision; and
 3. That the existing ditch along the south property boundary be covered/buried when abandoned by the Owner/Developer/Applicant; and
 4. That the Owner/Developer/Applicant follow any ditch company requirements for piping of any ditches along 11200 North in front of “Lot 2” if applicable; and
 5. That the Owner/Developer/Applicant install a sign at the end of the proposed “Canterbury Road” at a location per the Public Works Director indicating that “Canterbury Road is intended to continue to the west and be connected to a future development” prior to selling property; and
 6. That the City Council determine whether the Owner/Developer/Applicant or City construct a temporary fence along “Canterbury Road” immediately adjacent to Maren Mouritsen’s property to identify the edge of the road and the edge of the private property until the south property develops and the full improvement of the road continues to the west; and
 7. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “Notice is hereby given that the purchaser/owner of a lot within Miller Acres Plat B subdivision is subject to typical operating conditions of a gravel pit immediately adjacent to the east of this proposed subdivision”; and
 8. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “Property owners adjacent to this subdivision have existing large animal rights which may include horses, cows and goats. These rights are protected by both the Municipal and Development Codes of Highland City. There are noises, smells and other events associated with these animals that can occur all hours throughout the day and night, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property”; and
 9. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “Wildlife including mule deer, rocky mountain goats and bighorn sheep have historically and consistently wintered and/or migrated through this area and may continue to do so. There are potential concerns that may surface associated with the existing wildlife, and the prospective buyers of property in this subdivision should be aware of this prior to purchasing property”; and
 10. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “The Developer of the adjacent Spruce Estates Subdivision to the south and the owner of Westroc Gravel Company to the east were considering providing a road connection to access the Westroc property for the purpose of future

development options and that this access may be requested and provided at some point in time to be located on the east portion of the road knuckle where Spruce Drive connects with Canterbury Road”; and

11. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and
12. That any easements shown on the title report should be clearly identified on the Final Plat unless located within the right of way; and
13. That a letter from the City Attorney addressing whether the Owner/Developer/Applicant or the City be required to construct the temporary fence along “Canterbury Road” be acquired prior to application for Final Approval.

Seconded by Kelly Sobotka.

MOTION TO AMEND: Melissa Wright moved to amend the motion to clarify that the draft of a delay agreement or bond for the improvements along Miller’s Acre Plat A be considered unsubstantiated and void. Seconded by Roger Dixon. The motion passed with a unanimous vote.

VOTE ON THE ORIGINAL MOTION: Unanimous vote, motion carried.

Item 4: Highland Town Center Plat B Subdivision (Amendment to Plat A, Vacation of Lots 1 & 4) ~ Public Hearing and Recommendation

Lonnie Crowell explained that Grant Gifford is requesting a Subdivision Plat Amendment for the purpose of realigning existing lots within the Highland Town Center Plat A Subdivision, located at approximately 10900 North 5525 West, and incorporating two additional parcels to the south. This amendment would require the vacation of the existing Lot 1 and Lot 4 of the Highland Town Center Subdivision as the original configuration would be altered. The Town Center Overlay does not require a minimum lot size or minimum frontage. A majority of the subdivision improvements have been completed along Town Center Boulevard, as indicated in the Highland City Commercial, Retail, Office, and Residential Town Center Overlay Zone Design Standards as approved by City Council on April 7, 2009. The additional improvements required include street lights, tree grates, portions of sidewalk, and landscape planters between the trees and lights. The improvements along SR-92 would be installed when the lot is developed. The proposed Subdivision Plat Amendment complies with all requirements of the Town Center Overlay Zone, the underlying R-1-40 Zone, and all other requirements within the Highland City Development Code.

The proposed configuration allows the property owners to develop in accordance with the Town Center Overlay Districts; existing Lot 2 and 3 and the proposed Lot 1 would be considered to be within the Town Center Commercial Retail District and proposed Lot 2 would be considered to be located within the Town Center Flex Use District as defined within the Town Center Overlay.

Lonnie Crowell noted that there is a 20 foot irrigation easement indicated on the plat for the purpose of realigning the existing irrigation pipe and ditch per the requirements of the Lehi Ditch Company; the applicant will need to work with the Lehi Ditch Company regarding the placement. The submitted subdivision plan also indicates an existing 24.6-foot access easement for Utah Power and Light, now known as Rocky Mountain Power, along the west property boundary. The applicant will need to provide documentation that the easements have been satisfied and the owner of the easement has agreed to any realignment and/or access as originally intended.

Nate Hutchinson, grandson of Grant Gifford, stated that Pacific Corp has released the easement as of October 12, 2009.

Brent Wallace opened the public hearing at 7:32 pm.

Dan Baxter, Highland resident, expressed his concerns that the existing parking lot for the Lone Peak Fire Station is insufficient and suggested that the property adjacent to the parking lot should be allotted for future expansion. Lonnie Crowell noted that Highland City owns a portion of property bordering the parking lot; however, additional land would need purchased. Mr. Crowell also noted that Dan Baxter had presented this concern to the City Council in a recent meeting.

Robert Uzelac, resident of Highland, asked for clarification regarding the zoning of the proposed lot line arrangement. Lonnie Crowell reiterated that the proposed lot alignment corresponds with the established zoning boundaries, while the previous alignment consisted of lots that were bisected by separate zones.

Brent Wallace closed the public hearing at 7:37 pm.

A Commissioner requested clarification regarding the exaction fees associated with the Town Center. Lonnie Crowell explained that according to the Town Center Development Agreement, the property owners would be reimbursed any amount that they had overpaid for the construction of the existing improvements with fees paid by the future developers in the Town Center.

A Commissioner questioned whether the improvements along SR-92 should be installed as a condition of approval or would be constructed in conjunction with the Utah Department of Transportation's expansion of SR-92. Staff indicated that the improvements were included in Phase 2 of the road expansion and that the improvements would be constructed at the time of development.

Tony Peckson moved to grant Preliminary Subdivision Approval and recommend the City Council approve the Highland Town Center Plat B Subdivision and Amendment to Plat A, Vacating Lots 1 and 4 per the following recommendations:

- 1. That the applicant work with the Lehi Ditch Company to address any requirements for the location and improvement required for the existing ditch and irrigation pipe located on Lot 1; and**

2. That the applicant provide documentation indicating that the 24.6 foot access easement for “Utah Power and Light” has been abandoned by Rocky Mountain Power; and
3. That the applicant be responsible for the remaining public improvements within the adjacent right-of-ways along Town Center Boulevard, Town Square West and Parkway East per the Design Standards and the Town Center Overlay Ordinance and the Public Works Department which may include street lights, tree grates, additional sidewalk and landscape planters between the trees and street lights as required by ordinance.

Seconded by Kelly Sobotka. Unanimous vote, motion carried.

Item 5: Toscana at Highland ~ Site Plan Application ~ Review and Consideration for Approval

Lonnie Crowell explained that Grant Gifford is requesting Site Plan Approval for a multi-family development located at approximately 10900 North 5525 West within the Town Center Flex-Use District within the Town Center Overlay Zone, as permitted by ordinance. This is a permitted use only requiring the review and approval from the Planning Commission for architecture and site plan per the requirement of the Town Center Overlay Zone and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Design Standards; a public hearing is not required nor permitted by ordinance. It is the purpose of the Planning Commission and Staff to determine whether the application meets the requirements of the regulating documents mentioned above. The applicant has submitted a plan for the project per the requirements of the Town Center Overlay Zone.

The applicant has expressed the intent to provide Highland City with a high-end multi-family development that will last for many years. It would be a private development, secured and only accessible by the residents and their guests.

There are several items specifically related to the site plan that are required within the Town Center Overlay Zone and Design Standards of which the Planning Commission should consider while reviewing the site plan, identified by Section as follows:

3-4704(2): Town Center Flex Use District

3-4704(2)(g) indicates this is a permitted use. The applicant is required to obtain site plan and architectural approval from the Planning Commission based upon the requirements of the Development Code.

3-4710: Lot Coverage

The Town Center Overlay Zone requires structures to be located a maximum of 5 feet from an adjacent right-of-way and 20 feet from a “rear” property line (see 3-713(5)). Density is determined by the ability to provide parking; the ordinance requires 1.5 parking stalls per unit. The applicant has proposed 2.0 parking spaces per unit and has also provided a garage space for a percentage of the units; the garage structures will be located along the west property line adjacent to the substation.

3-4716: Residential Uses

The ordinance requires residential access to be located separately from any ground floor non-residential use or future non-residential use. The applicant has provided substantial and architecturally significant entrances along each building that are separate from future non-residential use.

3-4718: Substructures; Storage/Refuse Collections, Etc.

The site plan identifies the substructures at the back of the property out of general view from the nearest right-of-way as required by ordinance. Staff would recommend additional landscaping around these structures, as typical.

3-4719: Utilities/Equipment

The Town Center Overlay Zone specifically requires the utilities to be located at the rear of the property rather than along the sidewalk; the applicant will provide the Planning Commission with more detail regarding the building utilities/equipment. The applicant will need to provide an easement for the utilities as part of the subdivision application after receiving site plan approval that is consistent with the ordinance. Typically the public utility easement would be located within a driveway and provided for along the rear of the property.

3-4721: Parking

In addition to the parking mentioned above, on-street parking exists along Town Center Boulevard and the applicant is providing further on-street parking along Parkway West; this parking would be available for access by potential future non-residential use.

3-4723: Driveway and Curb Openings

It is Staff's opinion that the proposed plan complies with this requirement.

3-4724: Landscaping

The applicant has indicated a substantial amount of landscaping, exceeding the required 15 percent. Tree grates, landscape planters between the tree grates, and lighting along the right-of-ways are also required; the Planning Commission may require the applicant to submit detail specifications and locations. The ordinance also requires the minimum of a four foot landscaped wall along any portions of the property where parking is adjacent to the right-of-way. The applicant has proposed a landscaped wrought iron fence along these locations, providing some visibility to soften the mass of the buildings.

3-4725: Landscaping Maintenance

The Planning Commission may require the applicant to submit Conditions, Covenants, and Restrictions that will specifically identify the party responsible for maintenance for all on-site landscaping improvements.

3-4726: Hardscape

The site plan indicates that there will be a substantial amount of hardscape as required by the ordinance.

3-4731: Action of Site Plan and Architectural Building Elevations

The applicant has submitted the required documents, including a traffic study (document attached).

Design Standards, Multi-Family Residential, Page 36

The Design Standards require ground floor front doors, windows, etc. to be located along the nearest right-of-way; the submitted application meets these requirements.

In addition to the above requirements, the applicant will need to provide documentation that all easements have been satisfied and the owner of the easements have agreed to any realignment and/or access as originally intended. The submitted subdivision plan indicates an existing 24.6-foot access easement for Utah Power and Light, now known as Rocky Mountain Power, along the west property boundary, as well as a 20 foot irrigation easement for the purpose of realigning an existing irrigation ditch. By ordinance, the City cannot approve a building permit for a building or structure that is located over an easement.

Grant Gifford, applicant, informed the Planning Commission that he, his son, and his grandson represented the family owned business that has built over 2500 homes and condominiums. He conveyed his admiration for the city of Highland, stating that he had been searching for a site on which to construct a significant multi-family project and he “fell in love” with this location. Mr. Gifford further explained that the intent is to construct a high-end multi-family secure development, or townhomes and condos.

Grant Gifford reported that an expert analyst estimated that the demographics for the proposed development would be young adults from the surrounding area and individuals looking to downsize. The ideal price range would be \$159-169,000 per unit or \$1200 a month to rent.

Grant Gifford added that the proposed location is ideal because of the proximity to City Hall, the Town Center Plaza splash park, and the commercial shops nearby. He stated that adding residents to the area would dramatically increase business for the stores in the commercial zones and would help develop the Town Center.

Mr. Gifford described the project: a Tuscan appearance with large archways over the gated entrance, landscaping and trees dispersed throughout the parking lot, a clubhouse and pool for the residents, six unique floor plans (some with multiple stories), etc. A Commissioner questioned whether the development could be converted to commercial on the ground floor. Mr. Gifford answered that he sees this as a long-term investment, so the ground floor units along Town Center Boulevard and Parkway West were designed to convert to commercial without demolishing the building, as required within the Town Center Flex Use District.

A Commissioner expressed concern regarding the number of entrance/exits for the parking lot. Grant Gifford observed that the two proposed entrances provided sufficient access for emergency vehicles; however, additional access points to the north could be developed in the future. Paul Gifford, son of Grant Gifford, petitioned the Planning Commission as to where additional access points would be preferred.

Nate Hutchinson stated that traffic reviews claim that two access points would be ample for a development of the proposed size. Commissioners pointed out that the additional traffic from the recently approved The Pointe Performing Arts Academy could be a factor in the need for multiple entrance/exit points. A Commissioner suggested eliminating the “right-in, right-out” restriction on the south access; Matthew Shipp indicated that would not be a concern with staff.

A Commissioner referred to the recommendations provided within the Hales traffic study and questioned whether the applicant would comply. Grant Gifford stated that they would consult with the City Engineer regarding what recommendations he would suggest.

Additional concerns were expressed concerning the available parking for the development. A Commissioner shared personal experiences with parking in a similar development and stated that parking is an issue. Grant Gifford reiterated that each unit would have 2.0 parking stalls plus available covered parking garages. He added that additional land may be acquired along the west side of the property for more covered parking structures. Lonnie Crowell also noted the parking available on the street as well.

A Commissioner requested clarification whether the units would be apartments or condominiums. Grant Gifford explained that the development would be a combination of both, the ratio varying with the demands of the current housing market. Paul Gifford indicated that this would not be an entry-level product; the cost of the project would dictate the sale or rental price.

Concerns regarding the substantial difference in the quality of renters versus buyers were expressed. Paul Gifford clarified that the regulations of the development would prohibit investors purchasing to rent, assisting in the control of the quality of the residents.

A Commissioner requested an approximate timeline for the entire project. Grant Gifford stated that the estimate is 18 months, based on the absorption rate. Paul Gifford added that the improvements, pool, clubhouse, and landscaping would be completed first, then the 48 units along Town Center Boulevard all as the first stage.

A Commissioner emphasized that the proposal is for an approved use; the Planning Commission is only responsible for reviewing the architecture and site plan.

Commissioners reiterated the need for a detailed landscape plan and requested additional information regarding possible additional access points.

Don Blohm moved to continue the Site Plan Approval for the Toscana at Highland as submitted in accordance with the requirements of the Highland City Development Code and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards. Seconded by Tony Peckson. Unanimous vote, motion carried.

Item 6: Toscana at Highland ~ Architecture Application ~ Review and Consideration for Approval

Lonnie Crowell explained that Grant Gifford is requesting Architectural Approval for a multi-family development located at approximately 10900 North 5525 West within the Town Center Flex-Use District within the Town Center Overlay Zone, as permitted by ordinance. This is a permitted use only requiring the review and approval from the Planning Commission for architecture and site plan per the requirement of the Town Center Overlay Zone and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Design Standards; a public hearing is not required nor permitted by ordinance. It is the purpose of the Planning Commission and Staff to determine whether the application meets the requirements of the regulating documents mentioned above. The applicant has submitted a plan for the project per the requirements of the Town Center Overlay Zone.

The applicant has expressed the intent to provide Highland City with a high-end multi-family development that will last for many years. It would be a private development, secured and only accessible by the residents and their guests.

There are several items specifically related to the architectural plan that are required within the Town Center Overlay Zone and Design Standards of which the Planning Commission should consider while reviewing the architecture, identified by Section as follows:

3-4704(2): Town Center Flex Use District

3-4704(2)(g) indicates this is a permitted use. The applicant is required to obtain site plan and architectural approval from the Planning Commission based upon the requirements of the Development Code.

3-4713: Architectural Standards

- (1) Overall Architectural Outline. The applicant has submitted architectural elevations that use both Italianate and French Provincial architectural styles, which meet the requirements of the ordinance. The design has provided architectural elements such as entryways, entry doors, and windows that front onto the adjacent street.
- (2) Door and Window Openings. The applicant has provided elevations that indicate the proposed buildings meet the general needs of this requirement. The proposed elevations indicate large windows along the ground floor that may be retrofitted at a future date to provide as an access to a non-residential use.
 - (b) Entrance Element. The proposed elevations as submitted indicate that the applicant has provided the details required by this ordinance.
 - (c) Windows. The applicant should provide the Planning Commission with a window detail verifying that the windows meet the requirements of 3-3413.
 - (d) Window Treatments. The applicant has not indicated that this portion of the ordinance has been met. The Planning Commission should require the applicant to submit a proposal meeting the requirements of ground floor window canopies and/awnings.
- (3) Architectural Elements. Staff has not been provided a materials board indicating the colors proposed. The applicant will provide the Planning Commission with this information.

- (4) General Requirements. Staff has not been provided a lighting plan or lighting details other than the street lighting, which is required to be the typical town center light. The Planning Commission will need to determine whether this product meets the requirements of this section and provide the applicant with ideas and direction.
- (5) Building Height and Location. The proposed structures meet the requirements of the building placement per the ordinance. The applicant has submitted elevations which they believe meet the requirements of the ordinance and provide additional architectural detail, improving the overall architecture of the building. The Planning Commission will need to determine whether the proposed elevations meet the requirements and if not, provide the applicant with ideas and/or direction.

3-4716: Residential Uses

The applicant has submitted a site plan and architectural elevations consistent with this section. The applicant has provided two parking stalls per unit with additional garage units for many of the residents. The building is three stories, as required by the Highland City Development Code. The applicant has designed the ground floor with the flexibility to convert the units into commercial, retail, office, live-work, etc. in the future without having to demolish the structure.

3-4718: Substructures; Storage/Refuse Collections, Etc.

The applicant has indicated on the site plan that the dumpsters are not attached to the main structure with a six foot masonry wall, as is required by ordinance. Staff has not received elevations indicating that the enclosures are consistent in material and architecture with the main structure as is required by ordinance.

3-4719: Utilities/Equipment

The Town Center Overlay Zone specifically requires the utilities to be located at the rear of the property rather than along the sidewalk; the applicant will provide the Planning Commission with more detail regarding the building utilities/equipment. The applicant will need to provide an easement for the utilities as part of the subdivision application after receiving site plan approval that is consistent with the ordinance. Typically the public utility easement would be located within a driveway and provided for along the rear of the property. Also, the applicant will need to provide details that verify that all utilities meet the requirements of this ordinance.

3-4727: Submittal Requirements

The applicant has provided a majority of the necessary documents as required by this section. The Planning Commission may require material boards and/or examples of developments with similar materials and colors.

Commissioners suggested that the applicant provide colored renditions of the elevations and clarified that the ordinance requires a minimum of three options for the construction and design of the covered parking structures.

Brent suggested color renditions.

Roger Dixon moved to continue the Architectural Approval for the Toscana at Highland as submitted in accordance with the requirements of the Highland City Development Code and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards until color renditions of the buildings are available as well as the required three options for the construction and design of a covered parking structure. Seconded by Kelly Sobotka. Unanimous vote, motion carried.

Item 7: City Park Priorities ~ Recommendation

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 Commissioners were presented with a park matrix listing location, acreage, estimated cost, and other information requested by Commissioners in previous discussions.

A Commissioner requested clarification regarding the parks included on the matrix. Matthew Shipp stated that the matrix lists the parks identified on the Highland City Master Plan.

It was suggested that a Parks Committee be formed to gather information to provide a clearer view of land available and the need for future parks. Matthew Shipp recommended that the committee be formed fashioned in a similar manner to the Transportation Committee. He proposed that the Committee Members be chosen from the different voting districts to ensure equal representation of the overall city. A Commissioner reasoned that including representatives from varying viewpoints would provide additional clarification: representatives from open space subdivisions, non-open space subdivisions, involved in sports, etc.

A Commissioner expressed concern that limiting representation by district may create a polarized committee; each Committee Member would make decisions benefiting their district rather than benefiting the city as a whole.

The Planning Commission discussed possible tasks that the Park Committee could address.

Melissa Wright moved that the City Council authorize the formation of a Parks Committee, organized in a similar fashion to the Transportation Committee. Seconded by Roger Dixon. Unanimous vote, motion carried.

Item 8: Accessory Structures ~ Discussion

Lonnie Crowell explained that the City Council has requested that the Planning Commission determine what should be permitted and required for accessory structures and recommend a revised version of the ordinance. The Commissioners were presented with a worksheet requesting conditions, regulations, allowances, etc. that could be considered for the accessory structure ordinance; staff will draft an ordinance based on submitted recommendations.

Mr. Crowell noted that if changes to the current ordinance to reflect stricter setbacks, sizes, and heights, then existing accessory structures may become non-conforming. Staff estimates that about 12 percent of homes in Highland City have one or two accessory structures on their property. Staff further estimates that 35 - 40 percent of those structures are built to the maximum capacity: equal to the size of the footprint of the home or five percent of the total lot area, whichever is less. The current ordinance also restricts the construction of multiple level structures to avoid construction of illegal apartments above a detached garage or similar structure.

The current ordinance (Highland City Development Code, Chapter 3, Article 4.1 R-1-40 Zone and 4.2 R-1-20 Zone) is as follows:

Accessory Buildings (Amended: 9/5/00, 1/15/02, 9/17/02) All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

- (1) An accessory building is any building or structure which is not attached to the main dwelling on the lot that is (a) greater than 120 square feet, or (b) that is attached to a permanent foundation as defined by the building code.
- (2) An accessory building shall be set back from the rear property line a minimum of 10'.
- (3) All accessory buildings shall be set back from the side property a minimum of 10'.
- (4) All accessory buildings shall be placed no closer than six (6) feet from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.
- (5) Accessory buildings may not cover more than 5% of the total lot area of the lot.
- (6) Accessory buildings shall be constructed out of exterior materials compatible and consistent with the neighborhood.
- (7) No accessory building shall be erected to a height greater than 1 story, or 25 feet from natural grade, whichever is less, and shall not have more square footage than the main floor of the main dwelling unit.
- (8) Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business.
- (9) All accessory buildings shall have a side yard setback no less than 30' from the side lot line which abuts a street.

Large Animal Shelter is any structure for the purpose of sheltering large animals which may also be used for storing hay and farm equipment in addition to large animals. Any detached structure requiring a foundation shall be considered an accessory structure and shall be subject to Section 3-4109 / 3-4209. A large animal shelter is a minimum of 50% open on one side. Large animal shelters do not need a building permit, but are required to

meet minimum setback requirements as follows: A large animal shelter shall be a minimum of 100' from an adjacent residential dwelling unit; 75' from the owner's residential structure; 10' from a side or rear property line; 30' from any street; and 10' from a trail easement. A large animal shelter shall not be constructed within an easement. A large animal shelter shall be one of the following architectural elevations or similar construction. (Added 12/7/04)

The Planning Commissioners discussed the benefits of creating an ordinance that is more restrictive (reduced maximum size, increased setbacks, etc.) versus the benefits of creating a more lenient ordinance (multiple levels, reduced setbacks, etc.).

A Commissioner suggested that with minor amendments, the current ordinance would be sufficient.

Item 9: Planning Commission Recommendations ~ Discussion

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:

Clear View Ordinance – A Commissioner requested an update on the Amendment of the Clear View ordinance in the Highland City Development Code as discussed in the previous meeting. Matthew Shipp explained that the “site distance safety triangle” required at the corner of each intersection will be measured from the curb line rather than the property line; he explained that evaluations of the speed limits throughout the city indicated that the visibility within the site triangle is sufficient. Mr. Shipp added that the majority of the intersections have stop signs, providing drivers with additional time to safely travel through the intersection.

Access to the Murdock Canal – A Commissioner explained that the Murdock Canal, though fenced off, has open access points in residential neighborhoods; residents of those neighborhoods have expressed the concern that children have easy access to the canal. It was stated that the Provo River Water Users Association has insisted that access to the canal be unobstructed. Residents have previously been closing the gates at these access points; however, many of the gates have been locked open or removed. The Planning Commission requested that staff discuss the issue with the Provo River Water Users Association.

Item 10: Future Business ~ Information

The Planning Commission suggested the addition of a “Future Items” portion to the Planning Commission Agendas to allow the Commissioners additional time to prepare for discussions. The following item was presented:

Amendment to the Permanent Sign Ordinance Sections in the Development Code per the request of the Highland City Merchants Committee.

Tony Peckson moved to adjourn the meeting. Seconded by Roger Dixon. Meeting adjourned at 9:19 pm.

MEMORANDUM

Date: October 5, 2009
To: Tony Trane, PE
From: Ryan Hales, PE, PTOE, AICP
Subject: **Highland – Town Center Apartments Traffic Review**

UT09-193

Purpose

The purpose of this memo is to review basic transportation issues for the Town Center Apartments project proposed in Highland, Utah. The proposed 200 unit apartment complex is located within the Highland Town Center project to the west of Town Center Boulevard and north of Parkway West.

This memo estimates trip generation for the project, assesses the parking, shows the potential traffic loading at each of the project accesses, and discusses general circulation issues.

This memorandum is not a full traffic impact study because it does not look at the cumulative traffic impacts at the access points or nearby intersections because existing traffic volumes were not available based on the short time frame required to complete this study.

Trip Generation

Trip generation was calculated for the site based on rates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation (8th Edition, 2008)*. Table 1 shows the results total trip generation for the project for a typical weekday, a.m. peak hour, p.m. peak hour, Saturday, and Saturday peak hour.

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Table 1
Highland - Towncenter Apartments
Trip Generation

Land Use ¹	Number of Units	Unit Type	Daily Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Daily Trips
Apartment (220)	200	Dwelling Units	1,336	50%	50%	668	668	1,336
Project Total Daily Trips						668	668	1,336
Land Use ¹	Number of Units	Unit Type	a.m. Peak Hour Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total a.m. Trips
Apartment (220)	200	Dwelling Units	102	20%	80%	20	81	102
Project Total a.m. Peak Hour Trips						20	81	102
Land Use ¹	Number of Units	Unit Type	p.m. Peak Hour Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total p.m. Trips
Apartment (220)	200	Dwelling Units	128	65%	35%	83	45	128
Project Total p.m. Peak Hour Trips						83	45	128
Land Use ¹	Number of Units	Unit Type	Saturday Daily Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Sat. Daily Trips
Apartment (220)	200	Dwelling Units	1,314	50%	50%	657	657	1,314
Project Total Saturday Trips						657	657	1,314
Land Use ¹	Number of Units	Unit Type	Sat Peak Hour Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Sat Pk Hr Trips
Apartment (220)	200	Dwelling Units	104	54%	46%	56	48	104
Project Total Saturday Peak Hour Trips						56	48	104

¹ Land Use Code from the Institute of Transportation Engineers - 8th Edition Trip Generation Manual (ITE Manual)

SOURCE: Hales Engineering, October 2009

Parking Assessment

As shown on the site plan, 328 parking stalls (including 7 for disabled persons) have been proposed.

According to rates from ITE *Parking Generation* (3rd Edition, 2004), the 85th percentile parking demand for a 200-unit apartment complex is 292 stalls. This is based on a survey of low- and mid-rise suburban apartment complexes. The peak demand occurs between the hours of 12:00 a.m. and 5:00 a.m.

Based on the site plan provided, it appears that adequate parking is being provided according to the ITE standards.

Street Access

Two accesses are proposed for the apartment complex. The northeast access is on Town Center Blvd and is a full access, while the south access is on Parkway West and is a right-in/right-out (RIRO) access only. Because of the northeast access's close proximity to SR-92, and because it is a full access, it will likely service the majority of trips in and out of the project.

Project traffic is distributed to the roadway network based on the type of trip and the proximity of project access points to major streets, high population densities, and regional trip attractions. The resulting overall distribution of project generated trips is as follows:

To/from the Development:

- 50% West
- 20% North/East
- 15% South/East
- 15% South/West

These trip distribution assumptions were used to assign the p.m. peak hour generated traffic at the project accesses to create trip assignment for the proposed development. Trip assignment is shown in Figure 1.

Internal Circulation

Overall no major internal circulation issues were found. Hales Engineering does recommend the following:

1. Add "Stop" signs at both accesses for the egress movements
2. Add a "No Left Turn" sign at the south RIRO access
3. Add "15 MPH" signs at both accesses for the ingress lane

It is recommended that some of the parking stalls be removed that would require vehicles to back out turning into another parking stall or that could be blocked by open dumpster gates. These spots have been identified on Figure 2. It is also recommended that one of landscaped parking islands be enlarged as shown in Figure 2. This will provide better guidance for vehicles internal to the site.

Conclusions

The following conclusions have been made regarding this project:

1. The estimated trip generation is 1,336 vehicles per day with 102 trips occurring during the morning peak hour and 128 trips occurring during the p.m. peak hour
2. Although 328 parking stalls are provided, according to ITE rates, only 292 are required
3. Operational analyses could not be completed for the access points, however, it appears that the majority of project traffic will utilize the full access onto Town Center Blvd (on the northwest side)
4. There does not appear to be any major internal circulation flow problems. Several minor recommendations were made including signing, potential parking stall changes, and increasing the size of one of the parking lot islands

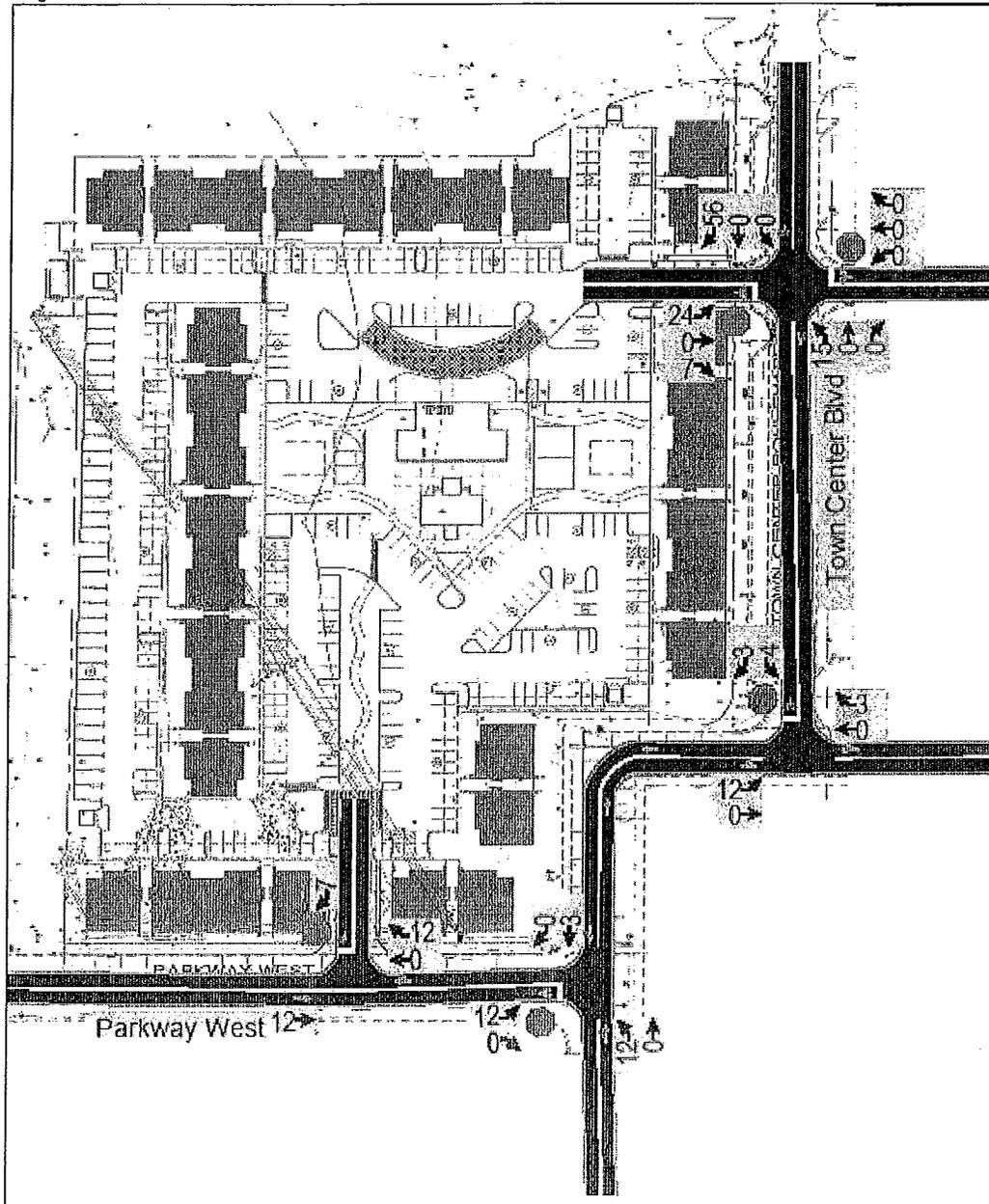
If you have any questions regarding this memo or the analysis completed, please feel free to contact us.



Appendix

Highland
Figure 1

Apartment TG Study



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10/2/2009

