

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, November 15, 2016

Highland City Council Chambers, 5400 West Civic Center Drive, Highland, Utah 84003

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Ed Dennis
Councilmember Rod Mann

STAFF PRESENT: Nathan Crane, City Administrator/Community Develop. Director
Erin Wells, Assistant to the City Administrator
Gary LeCheminant, Finance Director
JoD'Ann Bates, City Recorder
Justin Parduhn, Public Works O&M Director
Brian Gwilliam, Chief of Police
Tim Merrill, City Attorney

EXCUSED: Councilmember Tim Irwin

OTHERS: Neal Evans, Cameron Christiansen, Rob Cvetko, Parker Gorell, Matt Johnston, Keaton Stoker, Kason Serdar, Gage Easton, Gavin Low, Nick Siri, Kevin Abbott, Ahser Griffiths, Caden Brooks, Quin Abbott, Luke Smith, Robert Scott, Ryan Blake, Daniel Cutler, Nicholas Stevenson, Jonah Mefford, Bronson Taylor, LaWanna Ballantyne, Gae Lynn Hinder, Laura Harding, Sheldon Worthinton, Sue Frame, Matt Brinton, Mark Hugo, Patrick Ward, Rich Gand, David Grogg, Caid Yeck, Cody Yeck, Julie Brinkerhoff, Tanya Colledge, J. Armstrong, Wendy Condie, Nathalie Ball and Catherine Andrus.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:01 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Mayor Mark Thompson and those assembled were led in the Pledge of Allegiance by Councilman William Cvetko, a scout.

APPEARANCES:

Wendy Condie, a resident of the Dry Creek subdivision, addressed her concerns regarding the intersection of Highland Boulevard and 11800 North. She has brought up this intersection with the City Council previously and while some efforts have been made to increase the safety of that area, but she insisted that more could be done. There were two accidents at this location the previous day. She asked that the City Council consider installing a three-way stop or roundabout at the intersection, as the traffic does not yet warrant a traffic signal.

Julie Brinkerhoff, a resident of Sky Estates, also addressed the intersection of Highland Boulevard and 11800 North. She commented that she sees near-accidents at this intersection every day. A school crosswalk has been approved at this location, but Ms. Brinkerhoff could not imagine anyone wanting to act as a crossing guard there. She agreed with Ms. Condie's suggestion that more measures needed to be taken to increase safety for drivers and pedestrians.

CONSENT ITEMS:

- 1. MOTION: Approval of Meeting Minutes for the City Council Work Session – November 1, 2016**

- 2. MOTION: Approval of Meeting Minutes for the City Council Regular Session – November 1, 2016**

MOTION: Councilman Ed Dennis moved the City Council approve the consent items on the agenda.

**Councilman Rod Mann seconded the motion.
Unanimous vote, motion carried.**

ACTION ITEMS:

- 3. PUBLIC HEARING / ORDINANCE: Request for a re-zone from R-1-40 to R-1-30 of 28.38 acres located at 6475 West 11800 North – Oak Ridge Subdivision**

Nathan Crane, City Administrator, presented the information regarding the request to rezone 28.38 acres of property from R-1-40 to R-1-30. The City Council had heard a similar application a few months prior, but it was denied. Since that time, the applicant has reduced the proposed number of lots by four. Mr. Crane then gave a brief history of the establishment of the R-1-30 Zoning and its purpose in the City. He also briefly explained the differences between the R-1-30 and R-1-40 zoning.

Mr. Crane then presented the concept plan for the subdivision and stated that the applicant had attempted to address the concerns raised by the City Council and neighboring residents. The applicant recently held a neighborhood meeting regarding this revised concept plan, but the neighbors did not feel their concerns were properly addressed. Several residents spoke out in opposition of the rezone at the Planning Commission meeting. Mr. Crane stated that the Planning Commission had two motions, one for approval and one for denial, but both failed due to a tie vote.

Patrick Ward, the applicant with RSL Community, made a presentation regarding the new proposal. He explained that the maximum lot yield with an R-1-30 zoning would be 41 lots; however, they intended to only have 37 lots in the subdivision. Mr. Ward presented the original and the revised concept plans and identified the differences between the two. He stated that

many of the changes were made to mitigate the issues raised by the residents at the neighborhood meeting.

Mr. Ward explained that the subject property was a good candidate for the R-1-30 zoning because of its irregular shape. The property had been under contract with several different developers previously, and none of them were able to make the project work well within the R-1-40 zoning. He also believed that the property qualified as a transitional zone because of the variety of zoning surrounding the subject property. He explained that the subdivision would include larger lots with greater street frontage along the western property line to match the size of the neighboring lots. To address the residents' concerns about traffic, the concept plan includes a curvature in the road that should slow traffic, and the developer was willing to install radar speedometer signs on the two main roads in the neighborhood. Some residents also expressed concerns about the trail going through this development. Mr. Ward explained that they have chosen to extend the trail all the way to the school, which would provide a safe walking route for students. Mr. Ward briefly addressed the detention basins and impact fees associated with the development. He then presented some projections for elementary school enrollment provided to him by the Alpine School District. The School District and the principal of Ridgeline Elementary were not concerned about overcrowding due to the development of this subdivision.

Mr. Ward then presented photographs of the kinds of homes that would be constructed in the subdivision and talked about potential home costs.

Councilman Ed Dennis asked if there were any concerns that were not addressed in the revision. Mr. Ward explained that the main concern of the residents was that they believed Highland City to be an R-1-40 community, and they were opposed to changing that precedent.

Councilman Rod Mann asked if the two lots near the detention basin to the east would expand in size if it was determined that that detention basin was not necessary. Mr. Ward stated that both lots would expand to roughly 30,000 square feet. They would not try to put in another lot.

Councilman Ed Dennis asked if there would be sufficient drainage if the eastern detention basin was taken out of the plan. Mr. Ward explained that there was another detention basin to the south of the site, and they could run a drainage pipe to connect to that. The developer would be required to upsize that detention basin to accommodate the increased storm water drainage, if they end up using it.

Mayor Thompson opened the public hearing at 7:47 p.m.

Neil Evans, a resident, stated that this was the sixth meeting he had attended regarding the rezone of this property. Although neighborhood attendance was decreasing, their interest in the issue was not. Mr. Evans was not convinced that the property qualified as a transitional area. He believed that the intent of the R-1-30 zone was to be a transition between differing zones, not lot sizes. Mr. Evans suggested that the City Council request a concept plan for this property with an R-1-40 zoning to show the development is possible without a zone change.

Cody Yeck, a resident, stated that she had sent a letter to the City Council members earlier that day. She asked what the purpose of the rezone was and suggested that the request be denied if it was to solely benefit the developer.

Councilman Ed Dennis asked if Mrs. Yeck resided in the neighborhood with the Open Space Overlay. She answered in the affirmative. Although her lot was smaller than an acre, she believed that the subject property did not qualify as a transitional area.

Laura Harding, a resident, was concerned that the City Council was not in agreement about the intent of the R-1-30 Zone. She suggested that they go back and discuss what that zoning is supposed to accomplish for Highland City, and how it works within the City's Master Plan.

Cynthia Andrus, a resident, did not feel that this rezone was in the best interest of the community, consistent with the General Plan, or appropriate for Highland City. The builder and the property owner would be the only ones to benefit from change. Ms. Andrus stated that she did not feel threatened by larger lots, or the potential for animal rights on those lots.

Natalie Ball, a resident, echoed the comments of her neighbors. She also did not have an issue with residents having large animals. In regards to the last neighborhood meeting, Ms. Ball explained that the meeting was held on a Tuesday, which is Youth Night for most of the neighbors in the area. Attendance at the neighborhood meeting was low because most of the parents are involved with their teenagers. Ms. Ball also expressed her doubt about the information about the over-crowding at the school presented by the applicant.

Tanya Colledge, a resident, stated that the general sentiment of the public has not changed from their initial opinion. Ms. Colledge supported the Master Plan and the precedent of Highland being primarily R-1-40 zoning. She also did not feel that the subject property could be labeled as a transitional zone. Although Dry Creek has smaller lots because of the Open Space Overlay, she was still required to pay taxes for an acre lot.

Mark Hugo, the realtor representing the property owners, presented the reasons for why the subject property could be considered transitional. Mr. Hugo also stated that the sellers wanted to be sure that the property values of this property would not be diminished or compromised by development. Around the time of the sale, the City Council adopted the R-1-30 zone, which seemed to be a perfect fit for the property. The proposed lots would be an average of 2/3 acres, which would be considered large lots in any other city in the area. Mr. Hugo argued that the R-1-40 has been unsustainable zoning for Highland City.

LaWanna Ballantyne, a resident, wanted Mr. Hugo to relay a message to the property owners. She suggested that the owners consider lowering their asking price for the property so that development could be reasonably accomplished under the R-1-40 zoning. Ms. Ballantyne also complained about the current condition of the property, as it presented a very serious fire hazard. She asked that the property owner take care of the property until development happens.

Wendy Condie, a resident, felt that there was no reason that the property could not be developed with the R-1-40. She did not want Highland City to change from being an R-1-40 community.

There were no further public comments. Mayor Thompson closed the public hearing at 8:26 p.m.

Councilman Ed Dennis thanked the residents for their feedback and reassured them that the City Council takes their comments into consideration when making important decisions such as this item. He then stated that the property owner has the right to develop their property. The concept of this subdivision as it was presented would create uniform lot sizes that would be appealing and add value to the surrounding community. He also felt that the developer had addressed most of the residents' issues. In regards to the R-1-30 zone, Councilman Dennis believed that it was created to address the need for incremental density. A property south of the subject property was recently rezoned to R-1-30 for just that reason, and it is surrounded entirely by R-1-40 zoning. Councilman Dennis was in favor of the rezone.

Councilman Rod Mann liked the layout of the new concept plan and commended the applicant for trying to accommodate the concerns of the residents and the City Council. He believed that the subject property could be considered a transitional area. Although he was in favor of the development, he was aware that the majority of the residents in Highland wanted to keep as much of the City at R-1-40 as possible, and he had heard great opposition to this proposal. Councilman Mann chose to set his personal opinion aside and vote against the rezone.

Councilman Ed Dennis pointed out that Highland City was not exclusively an R-1-40 community. More than half of the members of the City Council live on quarter-acre lots.

Councilman Dennis LeBaron stated that he has lived in several different zones in Highland City through the years, and he had enjoyed all of the lots he lived on. He questioned whether the City had to continue to build out at R-1-40. This was a question that the City Council wrestled with when discussing the R-1-30 zone. The Council was attempting to find a way to balance zoning and give provide some flexibility. Councilman LeBaron believed that the R-1-30 zone was appropriate for the subject property.

Councilman Brian Braithwaite stated that he has loved living on an acre lot. He and many other residents specifically moved to Highland because of the large lots, the rural community, and the sense of open space. Councilman Braithwaite agreed that Highland should remain an R-1-40 community because that is what was outlined in the Master Plan. If the City Council wanted to change the zoning, they should first address the Master Plan. He addressed a statement made by Mr. Hugo, arguing that R-1-40 was a sustainable zoning. Residents who move to Highland know that the primary zoning is R-1-40, and they know that businesses aren't open on Sundays. This means that the City's most significant tax base comes from their homes. Councilman Braithwaite admitted that the City should be considering certain types of residential because the population changes and they should be seeking some level of diversity. However, the majority of the City should remain R-1-40. In regards to the concept plan, Councilman Braithwaite felt that the applicant had done well in trying to address the residents' concerned, and he should be rewarded for those efforts. If the City does not give a little, the developer will have no obligation to go through with the plan presented. Overall, Councilman Braithwaite was not in favor of the change.

Councilman Ed Dennis commented that this was the third rezone to R-1-30 that the City Council had considered, and the other two were approved. One was approved as a transitional zone between R-1-40 and R-1-20 zoning, and the other was approved because of irregular lot sizes. He believed this application should be approved for the same reasons.

Councilman Braithwaite argued that the other two properties were transitional areas between Highland City and a neighboring city. The subject property is completely within the Highland City.

MOTION: Councilman Ed Dennis moved the City Council adopt the Ordinance for a re-zone from R-1-40 to R-1-30 of 28.38 acres located at 6475 West 11800 North, with the following stipulations: 1) the subdivision comply substantially with the concept plan, 2) if the detention basin not require it be allowed as an additional lot to the concept plan.

Motion dies for lack of second.

MOTION: Councilman Dennis LeBaron moved the City Council adopt the Ordinance for a re-zone from R-1-40 to R-1-30 of 28.38 acres located at 6475 West 11800 North with the following stipulations: 1) the subdivision comply substantially with the concept plan 2) the subdivision be limited to a maximum of 37 lots.

Councilman Ed Dennis seconded the motion.

Those voting aye: Ed Dennis and Dennis LeBaron, Mayor Thompson

Those voting nay: Rod Mann and Brian Braithwaite

Motion carried.

AMENDED MOTION: Councilman Rod Mann moved, based on the finding of fact that this is viewed as a transitional zone, that the City Council adopt the Ordinance for a re-zone from R-1-40 to R-1-30 of 28.38 acres located at 6475 West 11800 North, with the stipulation that there are to be no changes made to the following requirements: 1) Easement are to be provided for both trail segments 2) Curvilinear roads 3) Radar activated speed signs 4) The west lot have an average of 140 feet of frontage.

Second Councilman Ed Dennis

Those voting aye: Rod Mann, Dennis LeBaron and Ed Dennis.

Those voting nay: Brian Braithwaite.

Motion carried.

4. MOTION: Approval of an Open Space Maintenance Agreement.

Councilman Ed Dennis stated that the Open Space Committee had met the previous night to discuss the proposed Open Space Maintenance Agreement. He suggested that the item be

continued until the Committee had the opportunity to discuss the Agreement with the City Attorney.

MOTION: Councilman Ed Dennis moved the City Council continue the Open Space Maintenance Agreement until the Open Space Committee has an opportunity to work with City Attorney regarding specifics to the agreement.

**Councilman Brian Braithwaite seconded the motion.
Unanimous vote, motion carried.**

5. MOTION: Authorize Staff to prepare Construction Documents and Bid a Sewer Replacement Project - 10400 North Phase 2.

Justin Parduhn, Public Works O&M Director, explained that the City had sewer impact fee money that needed to be spent in the upcoming year and the Public Works Department has identified 10400 North to be the area with the most need. The sewer pipe is currently at 75% capacity and there is a lot of new development coming into the community. The project would upsize the pipe from a 10 inch to a 12 inch line, which should accommodate the increased usage. Mr. Parduhn stated that the project could be funded primarily by impact fees and a portion of the road maintenance fee.

Councilman Brian Braithwaite was concerned that they would not be able to fund the entire project with impact fees because the funds could not be used for maintenance. There was a discussion regarding funding and when the City could put out a bid for the project.

MOTION: Councilman Brian Braithwaite moved to authorize staff to prepare construction document and bid a Sewer Replacement Project for 10400 North Phase 2.

**Councilman Rod Mann seconded the motion.
Unanimous vote, motion carried.**

MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS

(These items are for information purposes only and do not require action or discussion by the City Council)

- **Ongoing Items**

Councilman Rod Mann inquired on the status of the storage of Parks and Recreation equipment. Justin Parduhn indicated that the equipment would continue to be stored in the City-owned home garages for the winter.

Justin Parduhn informed the City Council that Perry Homes has provided flashing speed signs for the Beacon Hills subdivision, and the Public Works Department would be installing them.

Councilman Brian Braithwaite stated that he had sent out an email regarding water quality and took a moment to further explain the issue. The reason that this discussion was important to the City was because there was a high probability that bureaucrats would act on this and incur additional costs to their residents if the elected officials did not take action first. He hoped that the City Council and other elected officials in Utah and Salt Lake Counties would become involved in any decisions made regarding the waterways. Any changes should be backed by clear scientific evidence.

Councilman LeBaron reported an unofficial meeting would be held the next night to discuss the remaining five acres of land to be developed in the town center. He invited any interested residents to attend and share their opinions on what kind of development they would like to see in that area.

ADJOURNMENT

MOTION: Councilman Brian Braithwaite moved to adjourn.

**Councilman Rod Mann seconded the motion.
Unanimous vote. Motion carried.**

Meeting adjourned at 9:49 p.m.


JoD'Ann Bates, City Recorder

Date Approved: December 6, 2016

