



HIGHLAND CITY

AGENDA

HIGHLAND CITY PLANNING COMMISSION

Tuesday, December 13, 2016, 7:00 p.m.

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

CALL TO ORDER: Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Ron Campbell
- Pledge of Allegiance – Commissioner Sherry Carruth

APPEARANCES:

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. **PP-16-01:** Request by Daniel Allphin for a Preliminary Plat approval of 14.26 acres named Sienna Estates, Plat A. The property is generally located at approximately 5879 West 10400 North. The request for Preliminary Plat will include 14 traditional single family lots. *Administrative*

OTHER BUSINESS:

APPROVAL OF MINUTES:

5. Approval of the October 23, 2016 meeting minutes.

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *January 24, 2017* at 7:00 pm City Council Chambers

Legislative: An action of a legislative body to adopt laws or polices.

Administrative: An action reviewing an application for compliance with adopted laws and polices.

FOR SPECIAL ACCOMMODATIONS

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 12th day of December, 2016. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 22th day of September, 2016 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

JoAnn Scott, Planning Coordinator



PLANNING COMMISSION AGENDA REPORT ITEM #1

DATE: December 13, 2016
TO: Planning Commission
FROM: Zachary Smallwood
City Planner
SUBJECT: PUBLIC HEARING – A request by Daniel Allphin for Preliminary Plat approval for a 14 lot single family residential subdivision known as Sienna Estates located at 5879 West 10400 North(PP-16-04).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and recommend approval of the preliminary plat subject to the stipulations identified in the staff report.

BACKGROUND:

The property is 14.26 acres and is owned by LJSC Farms, Inc..

The property is designated as Low Density Residential on the General Plan Land Use Map. The property is zoned R-1-40 (Single Family Residential). The R-1-40 District allows one home per 40,000 square feet. The minimum lot width is 130 feet.

Preliminary plat review is an administrative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting preliminary plat approval for a 14 lot single family subdivision. The property is approximately 14.26 acres. Lot sizes range from 26,630 square feet to 34,932 square feet. The density of the project is 1.01 dwelling units per acre.
2. Access to the property will be from Mountain Ridge Way and 5890 West which are local roads.

CITIZEN PARTICIPATION:

Notice of the September 26, 2016 Development Review Committee was sent on September 7, 2016. The property owner to the west inquired regarding road and utility connections.

Notice of the Planning Commission public hearing was published in the November 27,

2016 edition of the Daily Herald and mailed to all property owners within 500 feet on November 28, 2016. No comments have been received.

ANALYSIS:

- The property is designated as Low-Density Residential on the General Plan Land Use Map.
- The property to the north and east is zoned R-1-40 and has been developed as single family homes and a church. The property to the west is currently unincorporated Utah County and is currently a farm. Much of the property has been designated for annexation by Highland City. The property to the south is zoned R-1-40 and has been developed as single family homes. The proposed subdivision is compatible with the surrounding uses.
- Lots 11-14 front on 5800 West that is being built by the adjacent development. Much of the road is complete, however lot 14 will not have access until the road is completed. A stipulation has been included to address this issue.
- There is an existing barn on lot 15 that will remain. The keeping of animals is a permitted use in the R-1-40 District.
- There is an irrigation pipe ditch on south side of the development and 10400 North. Approval from the irrigation company is required.
- Utilities will be extended from the Mountain Ridge subdivision to the east of this property. The existing infrastructure has been sized to meet the requirements of this subdivision.

FINDINGS:

With the proposed stipulations, the preliminary plat meets the following findings:

- It is in conformance with the General Plan and the Highland City Development Code.

RECOMMENDATION:

The Planning Commission should hold a public hearing and recommend approval of the preliminary plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat dated December 1, 2016.
2. The final plat and final civil engineering plans to be reviewed and approved by the City Engineer.

3. All required public improvements shall be installed as required by the City Engineer.
4. 5800 West shall be completed and dedicated to the City prior to issuance of a building permit for lot 14.
5. Water shall be dedicated as required by the Development Code prior to the final plat being recorded.
6. Prior to the approval of the civil plans, the applicant shall obtain approval from the irrigation company.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend approval of the preliminary plat subject to the six stipulations recommended by staff.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Proposed Preliminary Plat

DRAFT

Highland City Planning Commission October 25, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Vice Chair, Brady Brammer at 7:00 PM on October 25, 2016. An invocation was offered by Commissioner Day and those assembled were led in the Pledge of Allegiance by Commissioner Brammer.

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

EXCUSED: Commissioner: Steve Rock

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

OTHERS: Patrick Ord - RSL Communities Utah Division
Dallas Hakes and Ben Pay - Quick Quack Car Wash
Daniel Schmidt - Highland Town Plaza Retail Pad 1
See attached Meeting Attendance sheet

PUBLIC HEARING ITEMS

1. **Z-14-16**
RSL Communities is requesting to rezone 28.38 acres located south of Ridgeline Elementary from R-1-40 to R-1-30 to allow for a 37 single family subdivision.

Mr. Smallwood reviewed the history and details of the request. He mentioned that the City Council denied the rezone for the previous applications. He said the new application included 37 lots instead of the previously requested 41 lots. He mentioned that residents were concerned about the quality of future homes, that there was no guarantee the concept plan would be implemented as presented, and the precedent that the rezone would set. He said staff believed the request did not meet the intent of the R-1-30 district.

Commission Chair Kemp arrived at 7:07 PM.

DRAFT

1 Patrick Ord talked about the difficulty with developing the property in the R-1-40 zone and
2 thought it fit the R-1-30 zone. He talked about the transition and cited the City Council Meeting
3 Minutes from April 19, 2016 for the purpose of the R-1-30 District. He showed a previous R-1-
4 40 concept plan for the property and said it fell out of contract because they couldn't make the it
5 work. He pointed out that because of the irregular shape of the property, the value of the lots
6 could not be maximized within the R-1-40 zone. He proposed a maximum of 37 lots and
7 reviewed the revised plan. Mr. Ord talked about the lot size and layout of the lots in the
8 development. He acknowledged concerns regarding traffic and said they added curved streets to
9 help manage traffic speeds. He said they were also willing to install radar signs within the
10 development. He reviewed other changes, including a connection to the existing trail and access
11 to the rear of the elementary school, additional detention areas, and the reduced amount of lots.
12 He talked about impact fees that would benefit Highland. He mentioned concerns regarding over
13 population for Ridgeline Elementary School and cited the Alpine School District 2016
14 Enrollment History and Projection published November 20, 2015. He said they projected a
15 decline in enrollment by 2020. He mentioned that Mr. Rob Smith, Alpine School District, said
16 that excess capacity could be absorbed by other schools in the area if there was an increase in
17 enrollment. Mr. Ord said developed property would reduce wind, eliminated dust, mitigate water
18 run off, provide public access over private property. He showed renderings for homes and
19 projected values.

20
21 Chairman Kemp opened the public hearing at 7:26 PM.

22
23 Resident Laura Harding did not think the city should be interested in whether or not the
24 developer was able to get top price. She thought that rezoning would set a precedent. She
25 suggested alternate lot boundaries for a reduction in lots and asked to see a plan for uniform lots
26 in the R-1-40 District. She did not believe it was better marketability in Highland and talked
27 about the high demand for larger lots. She wanted to see more bring-your-own-builder lots. She
28 thought the property on the north served as a transition already.

29
30 Resident LaWana Ballantyne addressed the elevation of the property and appreciated the change
31 with the detention pond and fewer lots. She voiced concern regarding traffic and talked about
32 trying to access Bull River Road at 5:15 PM. She appreciated the curved road and asked the
33 developer to consider adding a planter in the median. She asked the developer to install fencing
34 on the south side of Lot 108 because of wind issues.

35
36 Resident Neal Evans wondered why Highland would consider down zoning when the city was
37 almost built out. He did not think it was a transition area. He said there was no problem
38 marketing lots in R-1-40 and did not think Highland needed to worry about the return of
39 investment to the developer or land owner. He was in favor of R-1-40 zone.

40
41 Resident Cody Yeck appreciated the trails and encouraged the Commissioners to read the letters
42 from the previous meeting. She talked about the topography of the area and did not think it was
43 the citizen's responsibility to make sure the developer made money.

44
45 Resident Natalie Ball talked about the September 6th Council meeting. She said they supported
46 the councilmembers who wanted to keep Highland unique. She agreed with concerns already

DRAFT

1 voiced regarding traffic and overcrowding at schools. She did not think 37 was significantly less
2 than 41.

3
4 Resident Tanya Colledge agreed with previous comments and did not think it met the criteria for
5 a transition zone. She talked about purchasing her property based on the Master Plan. She did not
6 think citizens should be negatively impacted because the developer and property owner needed
7 to make money. She was tired of hearing about what the property owner had done in the past
8 because they were already benefited. She wanted the property developed, but in the R-1-40
9 district.

10
11 Resident Carl Yeck mentioned that it could be less than 37 homes, but the developer would
12 probably do everything to get the most lots they could.

13
14 Realtor Mark Hugo, representing the land owner, talked about the history of the property. He
15 talked about selling property to the school district and then selling and donating property to the
16 LDS Church. He pointed out that the property to the south was an R-1-40 overlay with smaller
17 lots. He said the land owner chose a high end builder for the property. He said water costs for the
18 property was \$25,000 per acre. Mr. Hugo said the land had not been developed in the past
19 because it did not work in the R-1-40 district. He said the developer had property rights and
20 asked the Commission to see if it complied with the R-1-30 district.

21
22 Resident Natalie Ball added that she was tired with having the argument of whether or not the
23 property owners donated the land to be generous or good neighbors. She appreciated their
24 contribution to the church and the school district, but did not think it belonged in the discussion.
25 She did not think it was a transition property.

26
27 Commissioner Campbell asked Mr. Ord to address Ms. Harding's suggestion of alternate lot
28 boundaries for the purpose of reducing the number of lots. Mr. Ord discussed challenges with
29 wider frontages and shallow depths and talked about having more marketable lots shapes. He
30 said they expanded frontages on the west portion. He talked about the importance of working
31 with an engineer when shifting lot lines and maintaining road lines. He said they were trying to
32 keep the average lot size up.

33
34 Ms. Harding said RSL did a good job and said she would like to talk to an engineer regarding the
35 reasons why the development could not be done in the R-1-40 district. She said all the lots on the
36 southern side were about 1/2 acre. She thought marketability was in favor of the larger lots. She
37 commended the property owners for their donations, but believed they already received a lot of
38 monetary benefit. She thought keeping the property R-1-40 would be a greater benefit to
39 Highland.

40
41 Mr. Evans pointed out that a reduction of six lots did not sound like very much, but mentioned
42 that it represented a 20% decrease for the developer. He thought it was a significant.

43
44 Chairman Kemp closed the public hearing at 8:05 PM and asked for additional questions or
45 comments.

DRAFT

1 Commissioner Day talked about the significant decrease to the developer. He said the developer
2 could develop however they wanted in the R-1-40, but instead they came to the city to discuss
3 other options which gave residents an opportunity to voice concerns regarding the trail and
4 roads. Discussion ensued regarding the surrounding property. He like the additional cul-de-sacs.
5

6 Commissioner Campbell did not think approving the rezone would set a precedent because it
7 would have conditions. He liked the concessions that the developer made. He talked about the
8 surrounding property and was in favor of the rezone request.
9

10 Commissioner Ostler appreciated the donations of property to the church and school district. He
11 voiced concern regarding consistency and setting a precedent. He did not think it met the criteria
12 for the R-1-30 zone and was in favor of keeping it R-1-40.
13

14 Commissioner Carruth appreciated the changes by the developer but did not see where it made
15 the transition. She was in favor of a denial.
16

17 Commissioner Brammer cited the text of the R-1-30 objective said that it was to create a
18 distinction and a gradation between 1-acre and 1/2-acre "lots". He pointed out that the lots to the
19 southwest were between .25 and .29 acres, except for one. He said a good portion of the property
20 to the south were much smaller lots. Commissioner Brammer said the General Plan written in
21 2007/2008 had a 10-year life cycle and contemplated the city assuming numerous public open
22 spaces as part of the development of R-1-40 where people could buy homes on smaller lots with
23 greater portions of the development dedicated to the public while Highland maintained the public
24 spaces. He said the neighbors to the south were enjoying that, but Highland had since changed its
25 course substantially in terms of maintaining public spaces. He thought the R-1-30 zone seemed
26 to be a compromise or attempt to allow for the development of somewhat smaller lots while still
27 maintaining the character of Highland. He thought it met the criteria for the transition zone on
28 the south because of how the property was developed. He did not view the street on the north as
29 an end of the transition and thought there was also transitioning on the north. He understood the
30 concerns to the east and west, but thought the west had been resolved with developer
31 concessions. He thought the developer made concessions that met the criteria of the concerns of
32 the citizens. He thought it met the transition zone definition according to the text as written.
33

34 Chairman Kemp appreciated the developer working with residents and the city as much as
35 possible to make concessions. However, he was in favor of keeping the original zoning.
36 Chairman Kemp called for a motion.
37

38 **MOTION:** Commissioner Ostler moved that the Planning Commission recommend denial of the
39 proposed rezoning based on the finding that it does not meet the criteria for the R-1-30 zoning
40 requirements. Commissioner Carruth second the motion. Commission Chair Kemp,
41 Commissioner Carruth, and Commissioner Ostler were in favor. Commissioner Brady,
42 Commissioner Campbell, and Commissioner Day were opposed. Motion failed with one absent.
43

44 **MOTION:** Commissioner Day moved that the Planning Commission recommend approval of
45 the R-1-30 rezone subject to the following stipulations:

DRAFT

- 1 1. the R-1-30 zone be contingent on a maximum of 37 homes
- 2 2. a trail is created that goes to the elementary school
- 3 3. road improvements are made as shown on the General Plan and are generally followed
- 4 4. the largest lots are on the west side of the development and transition to smaller lots as
- 5 shown on the concept plan

6 Commissioner Campbell seconded the motion. Commissioner Brammer, Commissioner
7 Campbell, and Commissioner Day were in favor. Commission Chair Kemp, Commissioner
8 Carruth, and Commission Ostler were opposed. Motion failed with one absent.

9
10
11 2. **SP-16-01**

12 *Dallas Hakes is requesting site and architectural plan approval for the Quick Quack Car*
13 *Wash located at approximately 5452 West 11000 North (SR-92).*
14

15 Mr. Smallwood reviewed the history and approvals of the property. He reviewed the site plan,
16 landscape plan, and lighting plan. He said staff recommended approval and mentioned that an
17 approval was also needed from the Highland Marketplace HOA.
18

19 The Commissioners had questions regarding the noise study. Mr. Ben Pay, Quick Quack Car
20 Wash Regional Manager and Partner, talked about the noise study and compared it to the noise
21 from the current meeting. He said there were three other operating locations in Utah. He said the
22 one in Highland looked different to meet Highland's development code and the exterior color
23 matched the surrounding development.
24

25 Commissioner Ostler asked about the drive-through and cars backed up by neighboring
26 backyards. Mr. Pay explained that the layout was such so the blowers faced east towards
27 commercial uses, away from residents. He said they planned to opened within 90 days after
28 receiving a building permit. He explained that it was an express wash only with a small office
29 and two employees on the property.
30

31 Chairman Kemp opened the public hearing at 8:30 PM and asked for public comment. Hearing
32 none, he asked for additional comments or questions from the commissioners.
33

34 Commissioner Day asked about the exterior colors of the surrounding buildings and wanted to
35 ensure there was consistency.
36

37 Chairman Kemp closed the public hearing at 8:35 PM.
38

39 **MOTION:** Commissioner Brammer moved to recommend approval of the Quick Quack
40 Architectural Plan subject to the following three stipulations set forth in the staff report:

- 41 1. Final site design should be in conformance with the plans submitted on 9/26/16.
- 42 2. Final civil engineering plans to be reviewed and approved by the City Engineer.

DRAFT

1 3. All required public improvements shall be installed as per City Engineer's approval.

2 Commissioner Campbell seconded the motion. All present were in favor. The motion carried
3 with one absent.

4
5
6 3. **SP-16-02**

7 *Daniel Schmidt is requesting site and architectural plan approval for the Highland Town*
8 *Plaza Retail Pad 1. This property is part of Lot 1, Highland Town Center, Plat 2.*
9

10 Mr. Smallwood reviewed the details of the request. He reviewed the landscape plan and lighting
11 plan and said both were consistent with what was required. Staff recommended approval of the
12 site and architectural plan subject to stipulations defined in the staff report. He mentioned that
13 there was an issue with the garbage collection area that needed to be worked out and that an
14 approval letter from UDOT (Utah Department of Transportation) was needed for the location of
15 the new driveway on Timpanogos Highway.
16

17 Daniel Schmidt said the site had been readdressed since Meier's was built. He said the building
18 would be pushed more towards the highway. He explained that the proximity of previous pads
19 with the height of the Meier's building would have be too close to each other and did not feel
20 pedestrian friendly. He pointed out that they provided more parking than what was required. He
21 said they tried to make the side of the building facing the highway more street friendly. He said
22 the architecture was tied into the Meier's and Toscana buildings. They anticipated two tenets
23 with the possibility of three.
24

25 Commissioner Ostler asked about traffic and the western entrance. Mr. Schmidt said the exit
26 would line up closely with Wendy's. He explained that the parking was designed to help with the
27 flow of traffic in the drive-through. Commissioner Ostler voiced concern that cars would be
28 backed up on Timpanogos Highway. He wondered if any traffic studies were done to ensure that
29 cars could make the sharp turn into the drive-through. Mr. Schmidt explained that there was a 9-
30 car stacking distance. He pointed out that there was another area that could be used for stacking
31 if needed. He mentioned that engineers believed the turn could be made. Mr. Crane mentioned
32 that directional signage might be helpful and could also be used.
33

34 Commissioner Day asked about colors that would be used for the building and recommended
35 consistency with the tones and textures of the other buildings. Mr. Schmidt explained that the
36 white building seemed to be more marketable, but they tried to add consistency by using deeper
37 brown colors in the stone and timbers.
38

39 Commissioner Ostler was concerned with headlights shining towards other cars on Timpanogos
40 Highway. Mr. Schmidt said there was some elevation change, but also talked about plants and
41 landscaping that could be used to mitigate light from cars.
42

43 Chairman Kemp opened the public hearing at 8:55 PM and asked for public comment. Hearing
44 none, he closed the public hearing at 8:56 PM and asked for additional comments or questions

DRAFT

1 from the commissioners. Discussion ensued regarding previously mentioned concerns. Chairman
2 Kemp called for a motion.

3
4 **MOTION:** Commissioner Ostler moved to recommend Site and Architectural Plan approval
5 subject to the following stipulations:

- 6 1. Refuse collection area be relocated
- 7 2. Prior to issuance of a building permit for any of the pads, approval from UDOT for the
8 location of the new western driveway on Timpanogos Highway shall be provided
- 9 3. Drawings presented are consistent in the development
- 10 4. Berming is incorporated in the landscaping plan to eliminate car lights
- 11 5. Directional signage is posted

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

14 15 16 **PUBLIC APPEARANCES**

17
18 Chair Kemp asked for public comment. None was given.

19 20 21 **OTHER BUSINESS**

22 23 **2017 Planning Commission Calendar**

24
25 The Planning Commissioners reviewed the proposed 2017 meeting schedule.

26
27 **MOTION:** Commissioner Campbell moved to approve the 2017 meeting schedule as presented.
28 Commissioner Brammer seconded the motion. All present were in favor. The motion carried
29 with one absent.

30 31 32 **APPROVAL OF MINUTES**

33
34 The Planning Commission reviewed the minutes of the September 27, 2016 Planning
35 Commission meeting.

36
37 **Motion:** Commissioner Day moved to approve the September 27, 2016 meeting minutes.
38 Commissioner Campbell seconded the motion. All present were in favor. The motion carried
39 with one absent.

40 41 42 **PLANNING STAFF REPORT**

DRAFT

1 Mr. Smallwood mentioned that the City Council denied the Apple Creek project due to concerns
2 with the number of units and density.
3

4 5 **COMMISSION COMMENTS AND SUGGESTIONS**

6
7 Chairman Kemp asked about the progress on helicopter regulations. Mr. Smallwood mentioned
8 that staff was working on it. He said there had been no other complaints.
9

10 The Commissioners discussed meeting packets and receiving electronic files. Mr. Crane
11 mentioned that information was ready the Thursday before each meeting. It was mentioned that
12 Planning Commissioners could pick up hard copies at the city offices if they were having trouble
13 opening electronic files.
14

15 16 **ADJOURNMENT**

17
18 **MOTION:** Commissioner Brady moved to adjourn the meeting. Commissioner Campbell
19 seconded the motion. All present were in favor. The motion carried.
20

21 The meeting was adjourned at 9:05 PM.
22