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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. **SP-16-01**
Dallas Hakes is requesting site and architectural plan approval for the Quick Quack Car Wash located at approximately 5452 West 11000 North (SR-92).

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

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

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

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

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

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

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

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

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

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

3. **SP-16-02**
Daniel Schmidt is requesting site and architectural plan approval for the Highland Town Plaza Retail Pad 1. This property is part of Lot 1, Highland Town Center, Plat 2.

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

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

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

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

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

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

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

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

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

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

PUBLIC APPEARANCES

Chair Kemp asked for public comment. None was given.

OTHER BUSINESS

2017 Planning Commission Calendar

The Planning Commissioners reviewed the proposed 2017 meeting schedule.

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

APPROVAL OF MINUTES

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

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

PLANNING STAFF REPORT

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

COMMISSION COMMENTS AND SUGGESTIONS

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

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

ADJOURNMENT

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

The meeting was adjourned at 9:05 PM.