

HIGHLAND CITY PLANNING COMMISSION AGENDA

DATE: TUESDAY, DECEMBER 8, 2009

PLACE: HIGHLAND CITY BUILDING,
5400 WEST CIVIC CENTER DRIVE SUITE 1

TIME: 7:00 P.M.

Parliamentary Procedure is followed at Highland City Planning Commission Meetings. Parliamentary Procedure refers to the rules of democracy – that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. Parliamentary rule is based upon the will of the majority; the right of the minority to be heard; protection of the rights of absentees; courtesy and justice for all; and consideration of one subject at a time.



**Item 1: Approval of Meeting Minutes
~ November 10, 2009**

**Item 2: Accessory Structures ~ Public
Hearing and Recommendation**

**Item 3: 9600 North Final Subdivision Application - Alpine School District/
LDS Church ~ Recommendation**

**Item 4: 9600 North LDS Church - Conditional Use Permit Application ~
Public Hearing and Recommendation**

**Item 5: Miller Acres Plat B Final Subdivision Application ~
Recommendation**

**Item 6: Highland Town Center Plat B Final Subdivision Application
(Amendment to Plat A, Vacation of Lots 1 & 4) ~ Recommendation**

**Item 7: Toscana at Highland - Site Plan Application ~ Review and
Consideration for Approval**

This Agenda and a Full Agenda are available on the City Web Site at www.highlandcity.org

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Gina Peterson, City Recorder, 756-5751 ext. 4506, at least three working days prior to the meeting.

Item 8: Toscana at Highland - Architecture Application ~ Review and Consideration for Approval

Item 9: Consideration of Approval for a 6-Month Conditional Use Permit Extension for the LDS Church West Campus on Highland Boulevard (Country French Plat C) for the Purpose of Constructing Two (2) Church Buildings ~ Review and Consideration for Approval

Item 10: Planning Commission Recommendations ~ Discussion

Item 11: Future Planning Commission Items ~ Information

Item 2: Accessory Structures ~ Public Hearing and Recommendation

Motion:

That the Planning Commission Recommend the City Council Adopt an Ordinance Amending Sections 3-4109 and 3-4209: Accessory Structures per the Recommendations of the Planning Commission and Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Background:

The City Council has requested that the Planning Commission recommend a revised version of the accessory building ordinance. The Council has requested that the Planning Commission determine what should be permitted and required for this use. Staff had previously provided a worksheet of which the Planning Commission wrote down any desired requirements, conditions, allowances, etc. that the Commissioners would consider in an accessory building ordinance. Staff obtained responses to most of the questions from the Planning Commission either at the Planning Commission meeting (October 13, 2009) or by e-mail following the meeting. Staff has attached the results of the questionnaire to this staff report.

It is important to note that if changes are made to the current ordinance to reflect stricter setbacks, sizes and heights then existing accessory structures may become non-conforming. The Planning Commission may include language indicating that these structures are not considered non-conforming if they were constructed legally prior to the adoption of this ordinance. Staff estimates about 12% of homes in Highland have one or two accessory structures on their property. Of the accessory structures built staff estimates about 35-40% are built to their maximum capacity, which means they are at least the size of the footprint of the home or 5% of their total lot area which ever is less.

The current ordinance only allows for one-story accessory structures to avoid illegal apartments being built above a detached garage or similar structure. The current setbacks requirements for accessory structures are as follows: front-30', back-10', sides-10'. For corner lots (two frontages), the setback for both frontages is 30'.

Current Ordinance:

3-4109: 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.

Also, Large Animal Accessory Shelter, Section 3-4110:

3-4110: 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)

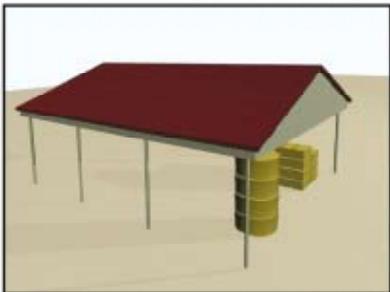


Figure 1: Pole Barn

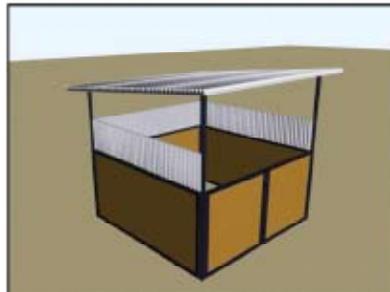


Figure 2: Powder River Type

On October 13, 2009 Staff provided the Planning Commission with a simple survey to get things started. The results of the survey are attached separately with a subsequent draft ordinance based upon those comments. Staff is aware of some minor changes in the Building Code which will take effect in January 2010 subsequently increasing the minimum square footage of a "structure" from 120 square feet to 200 square feet. The following information was provided by the Building Inspector: In 2003 IRC R105.2 the minimum was 200 Sq. Ft. Then in 2006 it went down to 120 Sq. Ft. IRC R105.2 .

On November 10, 2009 the Planning Commission made several comments regarding accessory structures and the proposed draft ordinance (see attached motion). There was a question regarding the setback of six (6) feet from an adjacent building. The building inspector informed staff that the purpose of this setback was to eliminate the necessary and additional building and fire code requirements that would have to take place with the accessory structure if it was constructed closer than six feet (6') eave to eave. In addition it also mitigates potential access issues between the primary dwelling and accessory structure if emergency access is needed.

Another question surfaced regarding the height of the accessory structure related to the height of the home. It was not discussed further however the Planning Commission may want to discuss whether an accessory structure should be taller than the primary dwelling.

The Planning Commission determined that the reference to materials should remain the same as it is currently written within the R-1-40 and R-1-20 Zones. In addition the Planning Commission agreed that the height should determine the number of “stories” in an accessory structure and that the maximum square footage should be determined by the size of the lot not the size of the “main floor living area” of the primary dwelling. In the past many residents with large lots would simply construct several accessory structures the size of their “main dwelling” in order to take advantage of the possible square footages. The Planning Commission determined that this was not preferable and this amendment would mitigate that scenario.

Legal Authority:

- Utah Code; 10-9a-502, 503
- Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map

Attachments:

- Potential ordinance draft
- Planning Commission Survey Results

3-4109/4209: 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 200 square feet, or**
 - (b) **That is attached to a permanent foundation as defined by the building code.**
- (2) **Size.** Accessory buildings shall not cover more than **five percent (5%)** of the total **gross** lot area.
- (3) **Height.** No accessory building shall be erected to a height greater than ~~25~~ **twenty-five feet (25')** from ~~natural~~ **grade.**
- (4) **Setbacks. All accessory buildings shall comply with the following setbacks:**
 - (a) **All accessory buildings shall be set back from the front property line a minimum of thirty feet (30').**
 - (b) An accessory building shall be set back from the rear property line a minimum of **ten feet (10')**.
 - (i) **The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling.**
 - (c) All accessory buildings shall be set back from the side property **line** a minimum of **ten feet (10')**.
 - (i) **All accessory buildings shall be set back at minimum an amount consistent with the primary dwelling or set back no less than thirty feet (30') from the side lot line which abuts a street, whichever is less.**
 - (d) 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.~~
 - (a) ~~The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling.~~
- (6) **Materials.** 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 25 feet from natural grade.~~
- (8) Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business.
- (9) ~~All accessory buildings shall be set back at minimum an amount consistent with the primary dwelling or set back no less than 30' from the front or side lot line which abuts a street, whichever is less.~~

The proposed ordinance amendments above were drafted per Planning Commission Comments on November 10, 2009. The following legend applies:

- Dark Blue bold.** Text added for clarification.
- Purple.** Text was moved for consistency and greater legibility
- ~~Dark Red strikeout.~~ Text was moved to another location for consistency and legibility
- ~~Red strikeout.~~ Text is proposed to be deleted

3-4109(6) and 3-4209(6) are different with the existing ordinance indicating that the materials are compatible and consistent with the neighborhood (R-1-40) or compatible and consistent with the main dwelling unit (R-1-20) which is not shown in the above example. Please refer to your existing ordinance for reference.

R-1-40

3-4109: 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 200 square feet, or
 - (b) That is attached to a permanent foundation as defined by the building code.
- (2) **Size.** Accessory buildings shall not cover more than five percent (5%) of the total gross lot area.
- (3) **Height.** No accessory building shall be erected to a height greater than twenty-five feet (25') from grade.
- (4) **Setbacks.** All accessory buildings shall comply with the following setbacks:
 - (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30').
 - (b) An accessory building shall be set back from the rear property line a minimum of ten feet (10').
 - (i) The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling.
 - (c) All accessory buildings shall be set back from the side property line a minimum of ten feet (10').
 - (i) All accessory buildings shall be set back at minimum an amount consistent with the primary dwelling or set back no less than thirty feet (30') from the side lot line which abuts a street, whichever is less.
 - (d) 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) **Materials.** Accessory buildings shall be constructed out of exterior materials compatible and consistent with the neighborhood.
- (6) Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business.

R-1-20

3-4209: 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 200 square feet, or
 - (b) That is attached to a permanent foundation as defined by the building code.
- (2) **Size.** Accessory buildings shall not cover more than five percent (5%) of the total gross lot area.
- (3) **Height.** No accessory building shall be erected to a height greater than twenty-five feet (25') from grade.
- (4) **Setbacks.** All accessory buildings shall comply with the following setbacks:
 - (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30').
 - (b) An accessory building shall be set back from the rear property line a minimum of ten feet (10').
 - (i) The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling.
 - (c) All accessory buildings shall be set back from the side property line a minimum of ten feet (10').
 - (i) All accessory buildings shall be set back at minimum an amount consistent with the primary dwelling or set back no less than thirty feet (30') from the side lot line which abuts a street, whichever is less.
 - (d) 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) **Materials.** Accessory buildings shall be constructed out of exterior materials compatible and consistent with the main dwelling unit.
- (6) Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business.

Aerial of Proposed Site

Results of Planning Commission Survey regarding Accessory Structures

Survey Results from Previous Meeting

Question #1. Is it appropriate to have an accessory structure on the property line the size of the footprint of the home? Is 5% of the total lot area too big?

Answer: 3 - No, No
1 - Too Small
1 - 5% is good

Question #2. What are the suitable setbacks for an accessory structure on a lot?

Answer: 4 comments indicate No need to change
2 comments indicate a compromise similar to Brian Brunson's suggestion at City Council allowing an accessory structure to be constructed at the same setback as the existing home (there are some open space subdivisions and pre-existing subdivisions where the setback is less than 30 feet).

Question #3. What should be the maximum height of an accessory structure?

Answer: 4 comments indicate the existing 25' is fine
1 comment indicates 18' – 20'

Question #4. Should an Accessory Structure be allowed to be more than one story?

Answer: 2 comments indicate Yes
3 comments indicate No (by default, 1 of the 3 indicates this per the existing ordinance)
1 comment indicates one story without an opinion

ATTACHMENT

**Item 3: 9600 North Final Subdivision Application - Alpine School District/
LDS Church ~ Recommendation**

Motion:

That the Planning Commission Recommend the City Council Grant Final Subdivision Approval for the 9600 North Subdivision per the recommendations the Planning Commission and Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Alpine School District represented by Mike Davey, Butler Architects

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission grant Preliminary Approval for this subdivision per the recommendations of staff. Planning Staff has the following recommendations:

1. That the applicant complete the improvements along 9600 North as part of Lot 1 within this subdivision (as shown on the submitted plan); and
 2. That the applicant work with the end user(s) of any existing ditches and the ditch company and pipe any ditch on the north end of the property per their recommendations or continue the water right as negotiated with the user(s); and
 3. That the Owner/Developer/Applicant install a sign at the north end of the proposed "6900 West Street" at a location and type per the Public Works Director indicating that 6900 West Street is intended to continue to the west and be connected to a future development" prior to selling property; and
 4. That the applicant work with the property owner to the east regarding any fencing that may be intentionally/not intentionally moved during construction and may be necessary due to the existing large animals on that property; and
 5. 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
 6. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and
 7. That any easements shown on the title report should be clearly identified on the Final Plat unless located within the right of way.
-

Findings:

The Planning Commission may use findings to Approve or Not Approve this application

Background:

Mike Davey, Butler Architects, representing the Alpine School District and the Church of Jesus Christ of Latter-Day Saints is requesting Preliminary Subdivision Approval for a proposed three (3) lot subdivision at approximately 6900 West 9600 North. The residential lots are approximately 38,000 square feet and the remaining lot proposed for church building is 156,590 square feet in size. The properties all exceed the minimum frontage requirement of 130 feet for an R-1-40 subdivision. The applicant has proposed a 40' right-

of-way as typical for this type of development (half of a 56' right-of-way, plus a 12 foot travel lane additional). In addition the right-of-way for 9600 North is a 66' right-of-way and the applicant is aware of this requirement. The proposed subdivision meets the requirements of the Development Code for an R-1-40 subdivision.

The proposed subdivision is a simple three lot subdivision with only three items of importance that may need to be addressed by the Planning Commission. The other comments have been typical for any subdivision. The first item to consider which will need to be addressed by the applicant is regarding an existing ditch along the north end of the proposed subdivision. It is currently understood that the end user is located immediately to the west of this proposed development and the applicant may either pipe the ditch per the requirements of the ditch company or work with the end user regarding pressurized irrigation options.

The second item of concern is an existing fence along the east property line. The property owners to the east have existing large animals and animal rights. They are concerned that the new proposed development including the proposed use will create concern for their animals and potential safety hazards for the users of the church building (having the road immediately adjacent to their animals). The applicant should work with the property owner to the east regarding a fence to mitigate this potential concern.

The road will be stubbed for future development. The Planning Commission should consider requiring a sign at the end of the road indicating that the road will continue at some point in time when development continues to the north. The church parking lot will provide a more than adequate turn around for emergency vehicles until such time.

Legal Authority:

- Chapter 5, Subdivisions, Highland City Development Code
 - Utah Code; 10-9a-604
-

Fiscal Impact:

The typical cost associated with a small R-1-40 subdivision

List of Attachments:

- Aerial of proposed subdivision
- Proposed Plat



Aerial of Proposed Site



**Item 4: 9600 North LDS Church - Conditional Use Permit Application -
Public Hearing and Recommendation**

Motion:

That the Planning Commission Recommend the City Council Approve the 9600 North LDS Church Conditional Use Permit Application per the Recommendations of Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Mike Davey, Butler Architects, representing the Alpine School District and the Church of Jesus Christ of Latter-Day Saints; or
Lafe Harris, Butler Architects

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission Recommend the City Council Approve this Application with the following conditions:

1. Planning Commission should determine the type of fence to be constructed along the boundary of the adjacent residential property. The minimum fence that would be considered consists of a vinyl coated chain link with slats, the typical fence approved with the past few church applications has been a vinyl fence; and
 2. That the applicant work with the property owner to the east to construct a fence that will appropriately contain and protect the existing large animals on that property when the proposed road is constructed as well as protect those persons that may be passing by; and
 3. That the applicant understand that a Building Permit will not be finalized until all improvements for the subdivision are complete; and
 4. That the proposed pavilion be located outside of the ten foot (10') minimum setback and that the pavilion be similar in architectural style to that of the main building; and
 5. That construction plans and details are not approved with this site plan process. The applicant will need to follow the process for subdivision improvements through the public works department and construction plans need to be approved by the City Engineer prior to the acceptance of a building permit; and
 6. That lighting be no taller than fifteen feet (15') in height and be designed to be directed away from adjacent residential property and that parking lot lighting be no taller than fifteen feet in height; and
 7. That hours of operation between 12:00 a.m. and 6:00 a.m. be limited to emergencies; and
 8. In such case a monument sign is put in, the sign must adhere to the requirements of the sign ordinance; and
 9. That the applicant provide a minimum of 35% of landscaping as required for a conditional use permit per ordinance; and
 10. That the applicant provide 200 parking stalls as typically required; the applicant currently has 198.
-

Findings:

The Planning Commission may use findings to Approve or Not Approve this application

Background:

Mike Davey, Butler Architects, representing the Alpine School District and the Church of Jesus Christ of Latter-Day Saints is requesting a Conditional Use Permit to operate a church at approximately 6900 West 9600 North as required within the R-1-40 Zone (see 3-4108(2) in the Highland City Development Code). The Planning Commission may recommend “reasonable” conditions to “mitigate reasonably anticipated detrimental effects of the proposed use” per the Highland City Development Code and the Utah Code and Constitution with standards set forth in an applicable ordinance. The Highland City Development Code reads as follows:

**CHAPTER 4
CONDITIONAL USE PROCEDURE**

- 4 101: Purpose of Conditional Use Provisions**
- 4 102: Application**
- 4 103: Fee**
- 4 104: Public Hearing**
- 4-105: General Requirements**
- 4 106: Granting Permit**
- 4 107: Appeals**
- 4 108: Inspection**
- 4 109: Expiration**

4-101: Purpose of Conditional Use Provisions. Certain uses which may be harmonious under special conditions and in specific locations within a Zone, but be improper under general conditions and in other locations, are classed as conditional uses within the various Zones and require conditional use permits for approval. A conditional use permit shall be required for all uses listed in this Code as conditional uses. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval thereof.

4-105: General Requirements. The Planning Commission may recommend to the City Council additional requirements to mitigate the reasonably anticipated detrimental effects of the proposed use as defined.

- (1) The Planning Commission may recommend to the City Council a conditional use to be located within Zone in which the particular conditional use is allowed by the provisions of this Title governing that Zone. In recommending any conditional use, the Planning Commission shall impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. A conditional use permit shall not be granted unless the evidence presented by the applicant is such as to show all of the following:
- (2) That such use will not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- (3) That the proposed use will comply with regulations and conditions specified in this Code for such use.
- (4) Upon the recommending of any conditional use permit, the Planning Commission shall itemize, describe, and justify the conditions imposed on the use.
- (5) The recommendation of the Planning Commission shall be forwarded to the City Council. The City Council may then grant, modify, or reject the permit. (Amended: 4/21/98)

Utah Code and Constitution reads as follows:

10-9a-507. Conditional Uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

*Amended by Chapter 245, 2005 General Session
Renumbered and Amended by Chapter 254, 2005 General Session*

The City Council/Planning Commission has typically required the following Conditions in the past with an LDS Church Conditional Use Permit Application: (1) A vinyl fence surrounding any property adjacent to residential property; and (2) A general restriction on time of operation; and (3) A minimum of 35% landscaping as required in the ordinance; and (4) A minimum number of parking stalls to be 200; and That the applicant bury and resolve any water/ditch issues existing on the property per the ditch company that owns the ditch; and That the lights be designed so that they are not directed toward the adjacent property owners.

In this particular instance, there is an additional concern regarding an existing property owner to the east with existing large animal rights. There is a concern that the development of this property may create what is commonly referred to as an attractive nuisance where those who participate in the use of the proposed church may be attracted to the horses or other large animals on the adjacent property. The existing fence has been adequate up until now due to its vicinity to the nearest road and/or sidewalk however the proposed development would locate the road immediately adjacent to the existing "farm" fence. The Planning Commission should recommend as part of this Conditional Use Permit and the Subdivision, that the applicant work with the adjacent property owner to construct a fence that would be adequate for safety. It was discussed during the previous meeting that a concrete/block wall would be necessary to contain horses while providing an adequate barrier between those on the road and the animals.

The architecture and building materials are similar to other previously approved churches. The particular building will be a stake center typically requiring some additional parking. Typically in the past the City has required a minimum of 200 parking stalls for a typical church building which is the number of parking spaces that the proposed site plan is providing for. A stake center has historically provided an average of 232 parking spaces including this building (see attached chart). The proposed site plan includes 37.3% landscaping meeting the minimum requirement of 35% per ordinance.

Legal Authority:

- Utah Code and Constitution 10-9a-507
- Highland City Development Code; Chapter 4: Conditional Use Procedure
- Highland City Development Code; 3.4.1 R-1-40 Zone

Fiscal Impact:

NA

List of Attachments:

- Proposed Site and Landscaping Plan
- Proposed Building Elevations
- Church Parking Stall Comparison Chart

Proposed Site and Landscaping Plan

KEY

- SOD
- KENTUCKY BLUEGRASS
- Cobble Rock
- COBBLE ROCK
-
- Cobble Rock
- COBBLE ROCK
-
- 9 2 3 4
- BOULDERS
Size as per drawing
- TOPSOIL BERM
12\"/>

earthwise
LANDSCAPE ARCHITECTURE & IRRIGATION
801-619-4040



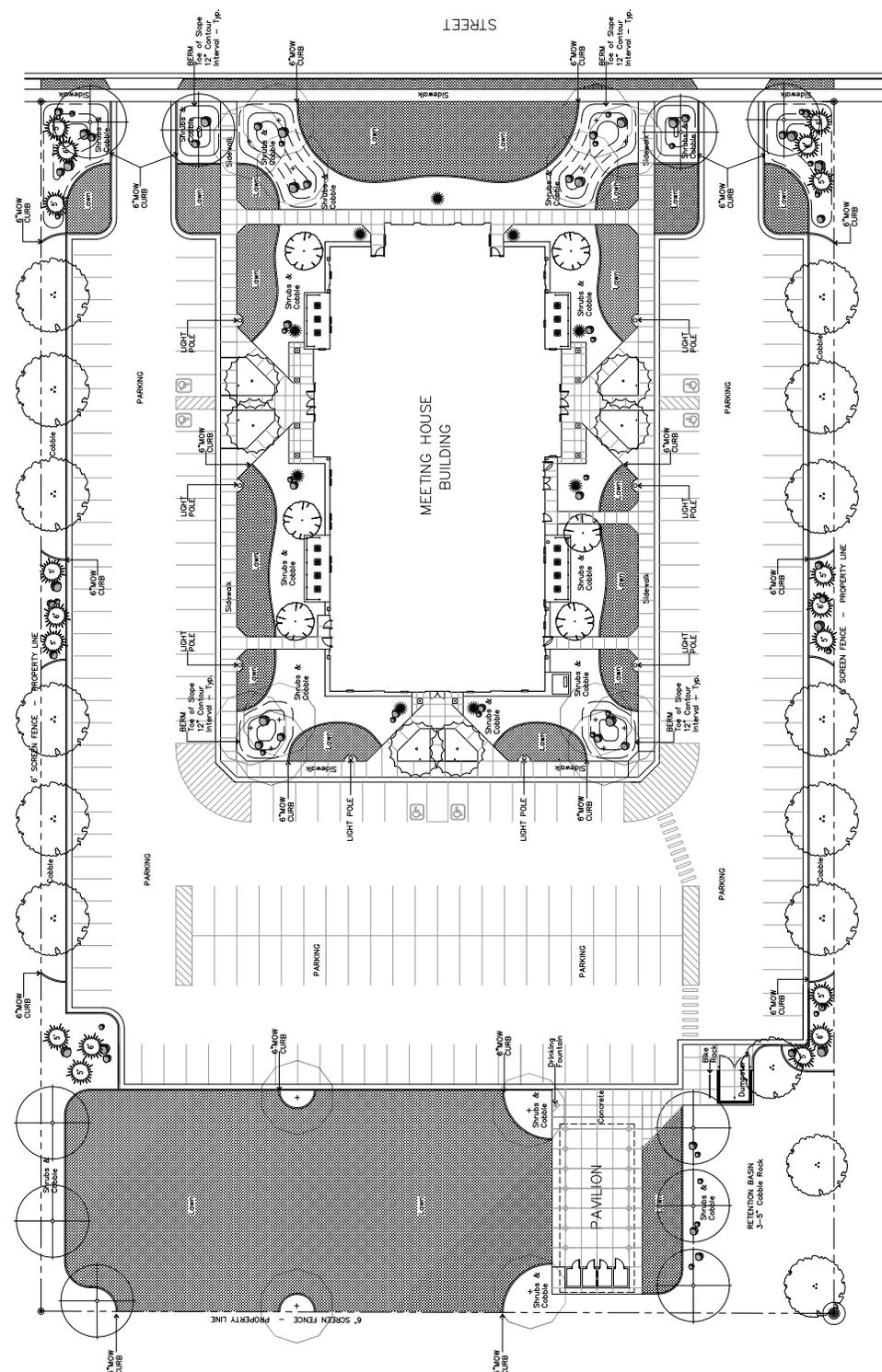
ACQUIES
1400 Main Street, Ste. 200, Provo, UT 84601
Tel: 801-733-7222

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

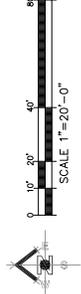
Heritage Site
Lobi UT North Stake
Approved: [Signature]
Highland, Utah

PROJECT NUMBER: 10074
DATE: 08/11/2009

LANDSCAPE PLAN
L1.1



NOTE: SEE PLANT SCHEDULE, DETAILS AND LANDSCAPE NOTES ON DRAWING L5.1



LANDSCAPE PLAN
SCALE: 1" = 20'-0"

ATTACHMENT

HIGHLAND CITY LDS CHURCH PARKING STUDY

ADDRESS	Bldg. S.F.	Lot Size (acres)	Parking Stalls	Ave Bldg. s.f. (per pkg. #)	Ave Parking (per bldg. s.f.)
6100 W 10700 N	15600	3.60	201	77	0.01288
10494 N 4720 W	16000	3.80	214	75	0.01338
6400 W 11800 N	16539	3.44	202	82	0.01221
11200 N SR-74	16558	3.83	214	77	0.01292
6450 W 10400 N	16589	3.96	200	83	0.01206
5870 W 11028 N	17100	3.28	206	83	0.01205
6000 W 9600 N	17900	2.84	186	96	0.01039
6375 W 11000 N	18300	3.00	200	91	0.01093
11600 N 6000 W	25453	4.67	278	91	0.01092
9600 N 6800 W	28500	3.50	218	130	0.00765
11300 N Highland Blvd	16575	3.81	215	77	0.01297
11300 N Highland Blvd	16575	3.82	212	78	0.01279
Lot 3, 9600 Church	16558	3.59	200	83	0.01208
Total ave	18327	3.63	211	86	0.01179
STAKE CENTER AVERAGE	23504	3.92	232	101	0.01022
NON STAKE CENTER AVERAGE	16823	3.47	203	83	0.01210
Bldg in Question					
Lot 3, 9600 Church	16558	3.59	200	83	0.01208

ATTACHMENT

ATTACHMENT

Item 5: Miller Acres Plat B Final Subdivision Application ~ Recommendation

Motion:

That the Planning Commission Recommend the City Council Approve the Miller's Acre Plat B Subdivision Final Subdivision per the previous recommendations of the Planning Commission and the recommendations of Staff

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Mr. and Mrs. Wesley Burt, property owners
George Wilson, Surveyor

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission Approve this application based upon the finding that they have met all of the requirements of the R-1-40 Zone in the Highland City Development Code and the requirements of this particular parcel of land per State and Local law. Planning Staff is recommending the following conditions of approval which are consistent with the requirements of the Spruce Estates, Mountain View and Rasmussen Ranches subdivisions within the past two (2) years approved by the Council and/or Planning Commission adjacent to the property in question.

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.
14. That the draft of a delay agreement or bond for the improvements along Miller’s Acre Plat A be considered unsubstantiated and void.

Findings:

The Planning Commission may use Findings to Recommend/Not Recommend the City Council Approve this Application.

Background:

Mr. and Mrs. Burt, prospective owners of a parcel of land located at approximately 4565 West 11150 North currently part of the Miller residence located at 4565 West 11200 North, are requesting the consideration for Preliminary Approval for a two lot subdivision. The lots are approximately 33,700 square feet (existing residence) and 43,560 square feet (proposed lot) in size. The existing residence has approximately 173’ of frontage along 11200 North and the proposed Lot 3 will have approximately 215’ of frontage along the newly proposed road, “Canterbury Road” which connects to Spruce Drive from the Spruce Estates Plat A Subdivision. The current road alignment for the Spruce Estates subdivision and the existing road alignment for the proposed Millers Acre Plat B subdivision were determined during the Final Approval stages of the Spruce Estates Subdivision and a proposed Mountain View Meadows infill subdivision development to the west that would have incorporated all of the land behind the existing homes along 11200 North between this proposed subdivision and 4800 West. This Mountain View Meadows subdivision received Preliminary Approval from the Planning Commission on July 31, 2007. The Spruce Estates obtained Final City Council Approval on March 6, 2007 and recorded Plat A in February 2009 (receiving the proper extensions from the Council in between). THE APPLICANT HAS SUBMITTED A PLAT AND INFORMATION INDICATING THAT THEY HAVE MET OR ARE WILLING TO MEET ALL OF THE PREVIOUS RECOMMENDATIONS OF THE PLANNING COMMISSION AND STAFF. The information following was previously provided to the Planning Commission as background information.

The proposed subdivision is a simple two lot subdivision with four items of importance that may need to be addressed by the Planning Commission and City Council. The first item to consider which has already been addressed by the applicant is in regard to the ditch along the south end of the proposed subdivision and north end of the Spruce Estates Subdivision Plat (see attached aerial and plat). This ditch was a major concern during the development of the Spruce Estates subdivision process. According to the Lehi Ditch Company, the Petersens (owners of property to the west, see aerial) are the only end user remaining on this ditch. The applicant and the Petersens have come to an agreement regarding the ditch which will no longer remain and the ditch will most likely be buried. The Petersens are intending to connect to the pressurized irrigation system and the applicant has come to an agreement with the Petersens for the connection.

The second item of discussion is related to improvements along 11200 North. Several Miller family residents have stated that the City agreed to a delay on the improvements for 11200 North until such time that the City understood where and how 11200 North would be developed. The City has some records that the Miller's may have posted a \$3100 bond with the Bank of American Fork for the improvement of curb, gutter and sidewalk along the frontage for Miller Acres Plat A however the City does not have a copy of any official/signed records indicating that this did take place (see attached). In addition, the City does not have records of an agreement regarding the delay for the improvements however the attached minutes indicate that a letter of credit or cash bond was supposed to be in place (see attached).

The Planning Commission may review the attached minutes (Planning Commission and City Council) from the approval of this subdivision which may indicate that all of the improvements were to be required with any future development (see minutes). The applicant is able to request a delay agreement with the City Council regarding these improvements. Staff does not have an opinion regarding the delay agreement other than the City does not by ordinance accept a Letter of Credit. In addition, the Planning Commission should be aware that the typical development of one's property for at least 10 years would require that the applicant be responsible for the improvements associated with their property being developed. This requirement is defined by ordinance and in addition, the City requires a cash bond for these 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 THAT 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.

The third item is actually related to the Westroc property to the east. The Developer of Spruce Estates and the owner of Westroc were in communication and negotiation regarding an application to request an access on the northeast corner of the bulb in the Spruce Drive. This would provide additional options to Westroc 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 to indicate this probability in case it does occur for potential future land owners.

The fourth item is related to a concern by Maren Mouritsen and the partially constructed road. She is concerned that the city will require the road to be built on her property as some point in time and she is not interested in developing. Staff is concerned that someone may try to drive onto her property with the additional improvement. The applicant is interested in delaying the construction of the thirty-eight feet of right-of-way that extends beyond their 130' of frontage required until the road continues to the west. This may partially resolve the concern of accessing Ms. Mouritsen's property however it is not recommended by staff and difficult to obtain the funds from the property owner at the time the construction begins. Staff believes a temporary fence of some sort may resolve the concern (if one does not exist). The fence could be of any material simply to identify 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. The City Attorney has responded to the question of the fence (see attached). **The Planning Commission should make a recommendation regarding this requirement based upon whether or not the Planning Commission believes the subdivision has created this potential "nuisance". In addition, the Planning Commission should use findings for this specific condition based upon the subdivision approval.**

The applicant appeared before the Planning Commission on Tuesday, September 22, 2009 to discuss this application. There were many questions which were raised regarding this proposed subdivision as follows:

- City to verify if a bond still exists for the improvement to Plat A.
The Public Works Secretary, City Recorder and City Treasurer researched all of the documents related to this subdivision and have not successfully located an agreement or funds associated with the improvement of 11200 North. The City does not have record of a receipt for the amount in the draft bond (see attached), and the Bank of American Fork does not have records of a bond at any time for this purpose.
- Does the City Engineer have issue with the 38' right-of-way versus the 40' right-of-way?
The Public Works Director/City Engineer has provided a letter to the Planning Commission that may provide an answer this question (see attached).
- Kelly asked about the grade currently vs future. George Wilson explained that there is a 300 foot vertical curve on 11200 North which begins at a point on the west portion of Plat B and raises up about 12 ft. as it reached the eastern boundary of Plat A. It was Mr. Wilson's opinion that a 30" irrigation line located within 11200 North along with other water lines, would need to be removed and lowered. Mr. Wilson noted that a large development would be financially capable to make those improvements, but the Millers would not be able to afford this type of improvement for one lot.
The Public Works Director/City Engineer has provided a letter to the Planning Commission that may provide an answer this question (see attached).
- Should the City obtain a bond and delay agreement for the future development of the improvements to 11200 North instead of requiring the improvement at this time.
The City Council will need to determine whether a delay agreement is an available option they are open to entertaining.
- Should the City require the Applicant, City, or anyone 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 develops to the west?

Please see the attached letter from the City Attorney. The applicant provided an email indicating what they would be willing to do (please see attached email). The Public Works Director/City Engineer has provided a letter to the Planning Commission that may provide an answer this question (see attached).

Legal Authority:

- Chapter 5, Subdivisions, Highland City Development Code
 - Utah Code; 10-9a-604
-

Fiscal Impact:

N/A; typical cost associated with the maintenance of a small lot subdivision

List of Attachments:

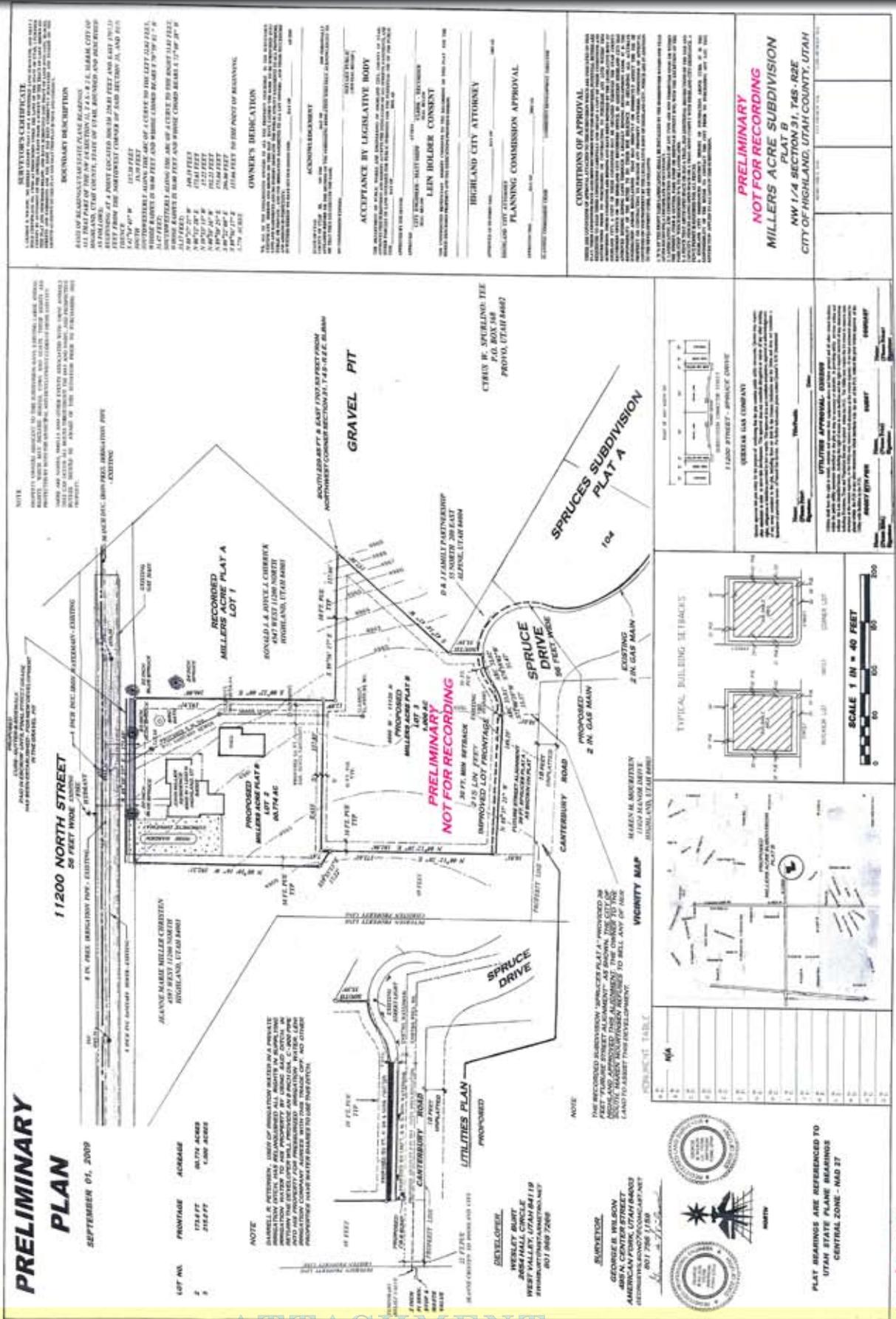
- Aerial of property
- Proposed Preliminary Subdivision Plat
- Public Works Director response to Planning Commission Questions
- City Attorney Response to Road Concern
- Planning Commission and City Council minutes for the Approval of Miller Acres Plat A (attached separately)
- Copy of the draft bond (the only file on record indicating improvements from Plat A (attached separately)
- Copy of Miller Plat A Engineer's Bond Estimate
- Agreement regarding water for the Peterson's and resolution to the ditch
- Copy of "The Spruce Estates, Plat A" subdivision as recorded related to this parcel
- Proposed Mountain View Meadows Plat (received Final PC approval, not recorded)
- Email from Applicant regarding the road barrier

Aerial of Subdivision Location



ATTACHMENT

Aerial of Subdivision Location



ATTACHMENT

Received 9/18/09



PUBLIC WORK DEPARTMENT

5400 WEST CIVIC CENTER DRIVE, SUITE ONE
HIGHLAND, UTAH 84003
(801) 772-4510 OFFICE

Public Works Letter Regarding 11200 N

MEMORANDUM

TO: LONNIE CROWELL, COMMUNITY DEVELOPMENT DIRECTOR
FROM: MATTHEW F. SHIPP, PUBLIC WORKS DIRECTOR
DATE: SEPTEMBER 29, 2009
CC: FILE
HIGHLAND CITY PLANNING COMMISSION
ENCLOSURES: SEE PHOTOS
RE: MILLER ACRES DEVELOPMENT

This memo is in answer to some issues that were raised at a recent planning commission regarding the development of Miller Acres. As I was not in the meeting where this was discussed I will state what I understand to be the issue in question.

The Miller's feel that putting in the improvements in front of their property on 11200 North is a cost that they do not need to bear at this time because they feel that the road will change in the future. 11200 North rises about twelve (12') feet east of the Miller's property on the east.

I have visited the site on numerous occasions and do agree that there is a rise in the road going east. The Miller's can install the improvements on the road as it exists and any future improvements would then need to meet the Miller's improvements.

If in the future a development were to occur to the east of the Miller property in the Westroc pit and the developer would want to change the grade of 11200 North then that would become the responsibility of that developer to change the grade and make the improvements or leave it as it is and work with the existing ground.

It is not the intention of the City at this time to change the grade of 11200 North or to have the Miller's make that change.

I do not have the authority to make a change to the ordinance and allow for any type of delay agreement. I am not opposed to any agreement of this type in this situation but this approval will need to come from the City Council and not from staff.

I am fine with working with a thirty eight (38') foot right of way a time.

If it is determined that a temporary barrier should be installed on the road, the temporary barrier should be set back far enough that it allows for garbage and fire to turn around in the area (not installed on Ms. Mouritsen's property).

ATTACHMENT

Lonnie Crowell

From: Blaisdell & Church [bclaw@xmission.com]
Sent: Monday, November 02, 2009 11:34 AM
To: Lonnie Crowell
Subject: RE: Road Question

Lonnie,

Sorry about the long delay in answering this question. I reviewed the email when it first came and then just forgot about it. That is the problem with email. It makes a pour tickler system.

It appears you are asking two questions-- first, can you require the developer to put up a safety barrier (fence?) along side of the new road you are requiring and second, is the City liable if someone is enabled to access a person's property by the building of a new public street and then does damage or mischief to the private property.

I will answer the second question first as it is the easiest. The answer is no. The City does not incur this type of liability when it approves or builds a new city street. If it did then anytime someone used a City street to commit a crime or to do damage to private property the City could be liable. Now, if the city were to approve or build a street that was not done to proper specifications, and the defects in the street itself directly caused someone to incur damages, then the City could be liable. But a City does not incur liability merely by building or approving streets in a particular location.

The first question is more difficult to answer because it is more fact driven. If the development of the subdivision and street really creates a public or private nuisance or safety hazard, and is not merely an annoyance or inconvenience to one property owner; and if the nuisance is in fact ameliorated by the placement of the barrier; and if the creation of the nuisance was directly caused by the activities of the developer and not by the city or some other third party; then the developer, as a condition of approval, could be required to build the barrier. If the barrier is only put up to satisfy the property owner who would like a fence or some other barrier for privacy or aesthetic purposes and does not serve some appropriate public purpose then it will be difficult to justify forcing the developer to build and pay for a barrier as a condition of development. This is especially true if this type of improvement (the barrier) is not called out for in the City's subdivision ordinance. Utah Code 10-9a-509 mandates approval if the application meets the ordinances "unless a compelling, countervailing public interest would be jeopardized by approval,." and Utah Code 10-9a-603(2) states that "if the plat conforms to the municipality's ordinance and this part and has been approved by the culinary water authority and the sanitary sewer authority, the municipality shall approve the plat." If you are going to condition development on the placement of the barrier make sure to include some specific factual findings in your analysis for the public purpose of the barrier or cite to the city code section that requires this type of improvement. This will help if the condition is imposed and an appeal follows.

I hope this answer your questions.

ATTACHMENT

Previous City Engineer Bond Estimate for Plat A

CITY OF HIGHLAND

BONDING ESTIMATE FOR SUBDIVISION IMPROVEMENTS

DATE: February 16, 1995

Subdivision Name:

Millers Acre

Location: 11200 North – East End

	ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT
1	Sanitary Sewer		LF	\$13.00	\$0.00
2	Sewer Manhole		EA	\$1,600.00	\$0.00
3	Sewer Lateral		EA	\$425.00	\$0.00
4	Water Main		LF	\$11.98	\$0.00
5	Water Service		EA	\$390.00	\$0.00
6	Fire Hydrant		EA	\$1,400.00	\$0.00
7	Storm Sump		EA	\$1,700.00	\$0.00
8	Catch Basin		EA	\$0.00	\$0.00
9	Pressurized Irrigation lines		LF	\$9.22	\$0.00
10	Irrigation Service Lateral		EA	\$220.00	\$0.00
11	Curb and Gutter	190	LF	\$7.90	\$1,501.00
12	Sidewalk, 4-ft	190	LF	\$6.90	\$1,311.00
13	Cross-gutters		LF	\$17.98	\$0.00
14	Grading		LS	\$6,130.00	\$0.00
15	Roadbase		SF		\$0.00
16	Asphalt Surface	760	SF	\$0.77	\$585.20
17	Ditch Piping	143	LF	\$18.00	\$2,574.00
18	Headgates/Cleanouts		EA	\$0.00	\$0.00
19	Survey Monuments		EA	\$125.00	\$0.00
20	Signs		EA	\$150.00	\$0.00
21	Utilities, trenching, sand, etc.		LS	\$6,500.00	\$0.00
22					
23					
24					

SUBTOTAL:	\$5,971.20
10% CONTINGENCY/RETAINAGE:	\$597.12
TOTAL ESTIMATE AMOUNT:	\$6,568.32

Recommended Bond Amount: \$6,600

Approved/Prepared by City Engineer:



ATTACHMENT

Irrigation Ditch Agreement per Applicant

We, Darrell and Virginia Petersen, agree that the open irrigation ditch on Mr. and Mrs. Burt's property can be closed. In return Mr. and Mrs. Burt will at no expense to Mr. and Mrs. Petersen, bring the underground water line over to the Petersen's property – with a connection large enough to satisfy the Petersen's.

In addition, Mr. and Mrs. Burt will pay the Petersen's \$5000 (Five Thousand Dollars) to help pay for a system to have irrigation water on the Petersen's property.

Mr. and Mrs. Burt will not fill in the ditch until the Petersen's have access to the underground water.

Darrell Petersen
Virginia L. Petersen

Carlynn Burt 9-02-09
Wesley Burt 9-02-09

7/2/09

ATTACHMENT

Lonnie Crowell

From: George Wilson [georgewilson07@comcast.net]
Sent: Thursday, September 24, 2009 3:18 PM
To: Lonnie Crowell
Subject: MILLERS ACRE PLAT B
LONNIE

AFTER THE MEETING LAST TUESDAY EVENING, WESLEY BURT (DEVELOPER) AGREED TO PLACE A GUARD RAIL & A "ROAD CLOSED" SIGN TO PREVENT ANYONE, INCLUDING THE BURTS, FROM ENTERING CANTERBURY ROAD (NEW ROAD). THE BURTS WOULD ENTER THEIR PROPERTY ON SPRUCE DRIVE (CUL DE SAC). ALL ROAD IMPROVEMENTS SHALL BE PUT IN (ROAD PAVED) BEFORE PLAT IS RECORDED. ONLY NO ONE WOULD BE PERMITTED TO USE IT UNTIL FUTURE DEVELOPMENT TO THE WEST IS COMPLETED.

THIS WOULD BE LESS COSTLY THAT PUTING A BARACADE ALL ALONG MAREN MORTENSEN'S PROPERTY, WITH NO WAY FOR ANYONE TO TURN AROUND AT THE DEAD END.

SO IF THIS IS ALLOWED BY THE CITY, IT WOULD 'T BE A PROBLEM TO HAVE A HALF WIDTH + 10 FEET, SINCE NO ONE WOULD BE DRIVING ON IT UNTIL IT WAS FULL WIDTH (56 feet).

BUILD A ROAD TO NOWHERE, SOUNDS FAMILIAR (ALASKA BRIDGE). THAT WOULD BE A FIRST....

IF THIS WILL FLY, PLEASE LET THE CITY ATTORNEY KNOW, SO THE CITY WON'T BE SUED FOR SOMEONE RUNNIGNG OFF THE ROAD AND GETTING HURT.

CRAZY GEORGE

ATTACHMENT

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

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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

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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**

P. C. Minutes, October 13, 2009

- 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.

ATTACHMENT

Item 6: Highland Town Center Plat B Final Subdivision Application (Amendment to Plat A, Vacation of Lots 1 & 4) ~ Recommendation

Motion:

That the Planning Commission 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 Recommendations of Staff

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Grant Gifford, representing Coventry Holdings at Toscana

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

Planning Staff would suggest the Planning Commission recommend the following conditions:

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' access easement for "Utah Power and Light" is still provided, accepted, and or 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 some landscape planters between the trees and street lights as required by ordinance; and
 4. That the applicant show all of the easements indicated in the Title Report on the Final Plat to the City Council unless they are located within an existing or proposed right-of-way; and
 5. That the applicant provide a Public Utility Easement within a drive to the rear of the property once the site plan has been approved and prior to recording of this subdivision.
-

Findings:

The Planning Commission may use Findings to Recommend/Not Recommend the City Council Approve this Application.

Background:

Grant Gifford, who owns or controls property located at approximately 10900 North 5525 W within the Highland Town Center Plat 1 Subdivision is requesting a Subdivision Plat Amendment for the purpose of re-aligning existing lots within the subdivision and incorporating two parcels that are currently not within an existing subdivision. This application will include the remaining property south and east along Town Center Boulevard and Parkway West that is not currently within the Town Center Subdivision. This proposed application would also require the vacation of the existing Lots 1 and 4 within the Town Center Subdivision because they have been changed from their recorded configuration.

The Town Center Overlay does not require a minimum lot size or minimum frontage. A majority of the subdivision improvements are already completed along Town Center Boulevard with some additional improvements required along Parkway West. These improvements are indicated in the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards as approved by Council on April 7, 2009. The additional improvements include street lights, tree grates, additional sidewalk and landscape planters between the trees and lights. It is Staff's understanding that improvements along SR-92 for proposed Lot 201 will be included with the SR-92 widening and improvement project. If UDOT does not include these improvements then the improvements will be required by the owner/developer of Lot 201 at the time it is developed. This has been typical for subdivision development within the Town Center Overlay. In all cases the proposed subdivision meets all of the requirements of the Town Center Overlay Zone and even the underlying R-1-40 Zone if applicable and all other requirements within the Development Code. The configuration allows for the property owners to develop property in accordance with the Town Center Overlay Districts. As proposed, Lot 2, 3, and 201 would be considered to be within the Town Center Commercial Retail District and Lot 202 would be considered to be located within the Town Center Flex Use District as defined within the Town Center Overlay. Again, Lots 201 and 202 as proposed simply replace Lots 1 and 4 of the existing plat and include the remaining property in this area of the Town Center south to Parkway West.

There is an existing irrigation pipe and ditch that will need to be moved/constructed per the requirements of the Lehi Ditch Company. This would be similar to the improvement completed by Highland City with the construction of City Hall. The applicant will need to work with the Lehi Ditch Company regarding the existing pipe and ditch.

The submitted subdivision plan indicates an existing 24.6' access easement for Utah Power and Light (now Rocky Mountain Power) along the west property boundary. There is an additional 20' irrigation easement indicated on the plat for the purpose of realigning the existing ditch. This may be important when reviewing the proposed site plan for the development associated with this application. The applicant will need to provide documentation that the easements have been satisfied and the owner of that easement has agreed to any realignment and/or access as originally intended.

The proposed subdivision does meet the requirements of a minor subdivision because it is actually not creating any additional lots within the subdivision but simply amending existing lot line configurations. In addition, a large section of the street improvements have been completed for some time and a majority of the remaining improvements were completed within the past two years. The inclusion of the two additional south parcels into Lot 1 requires a subdivision process otherwise this subdivision process may be amended through a lot line adjustment. This is only important to note so the Planning Commission may understand that the applicant can request Preliminary Plat Approval and Final Subdivision Approval process in one meeting as typical with a Minor Subdivision.

Legal Authority:

Chapter 5, Subdivisions; Highland City Development Code
Utah Code and Constitution; Chapter 10-9a-601-611; Land Use Development and Management Act

Fiscal Impact:

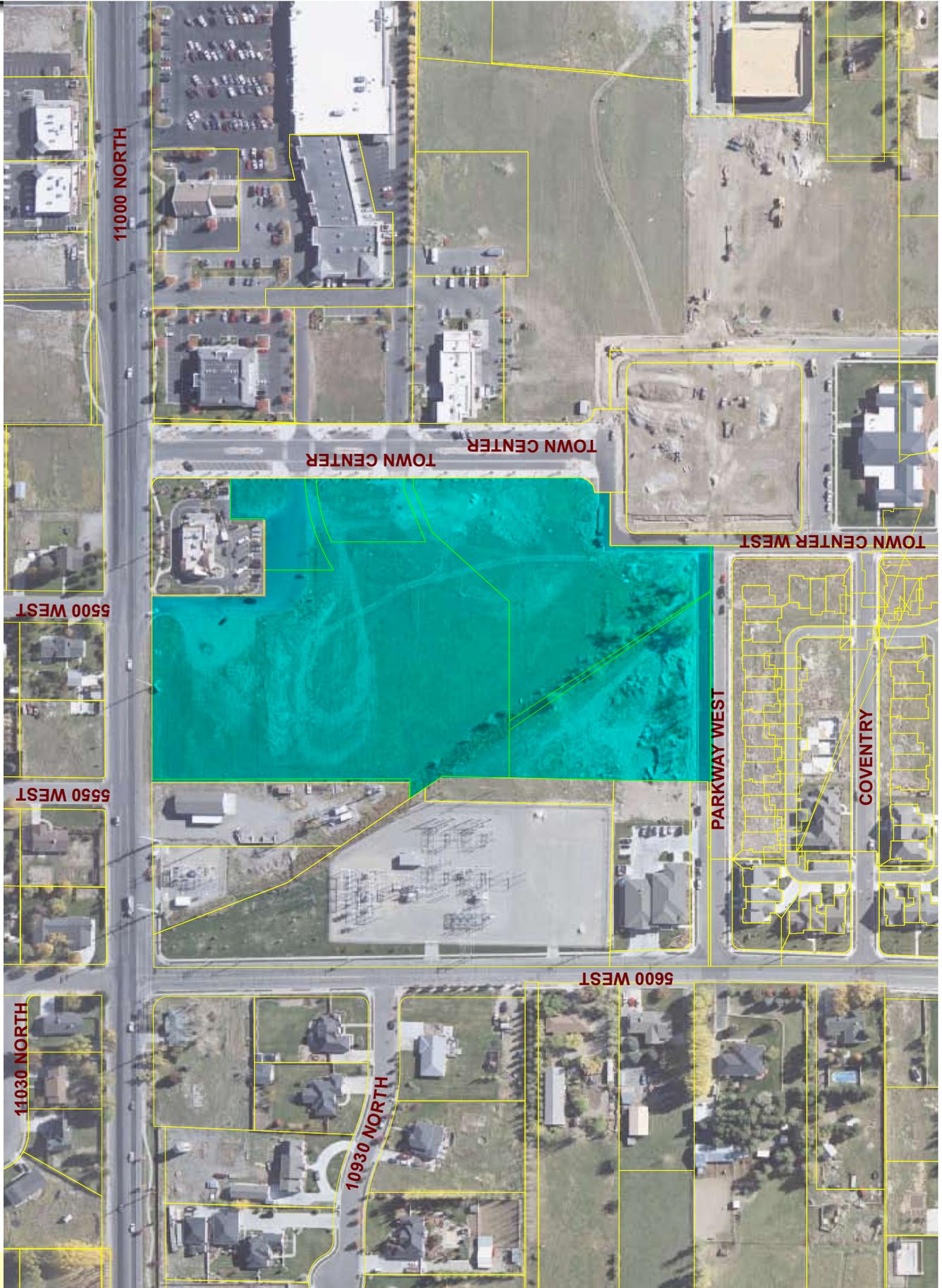
N/A

List of Attachments:

- Aerial of Proposed Subdivision location
- Proposed Subdivision Plat
- Previously Approved Subdivision Plat

- Copy of the Planning Commission Motion, October 13, 2009
- Town Center Master Street Plan
- Copy of the cross-section for each right-of-way per the Highland City Commercial, Retail, Office and Residential Town Center Overlay Zone Design Standards

Aerial of Subdivision Amendment

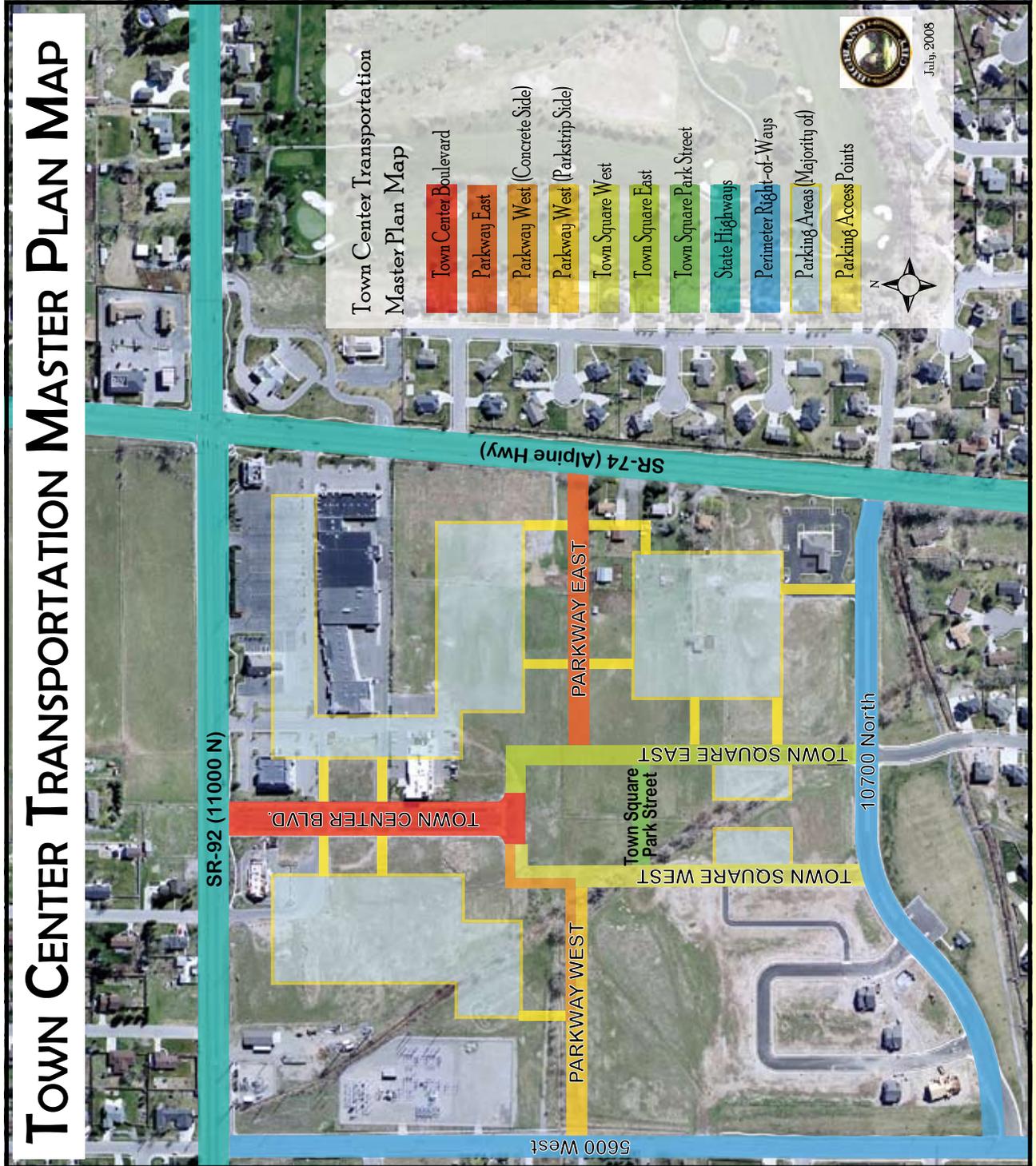


Town Center Master Street Plan

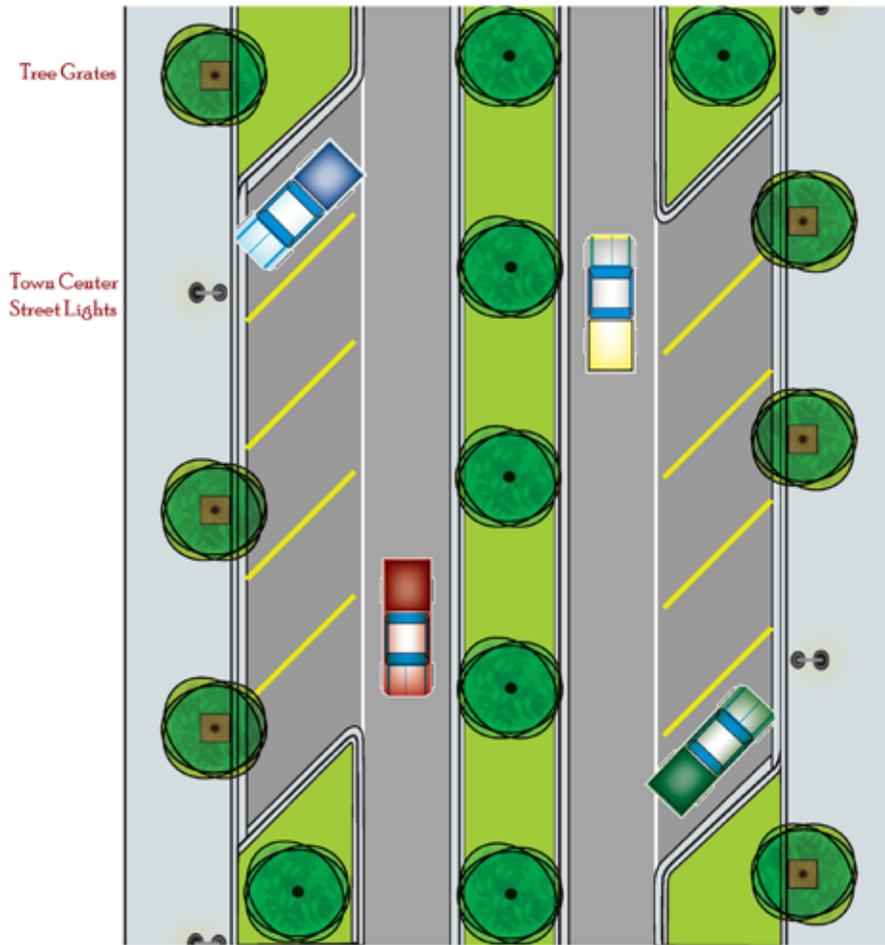
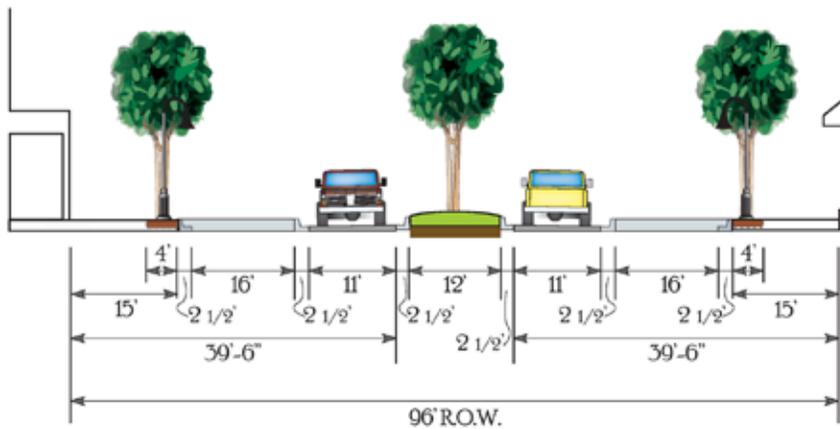
Town Center Cross-Sections

Illustrations

The following illustrations define the required cross-sections for right-of-way, required improvements within the Town Center, and general locations for interior access.



Cross-Section for Town Center Boulevard

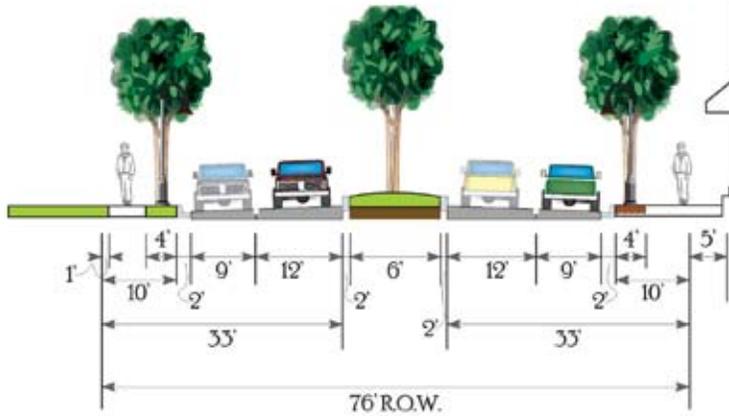


Town Center Boulevard

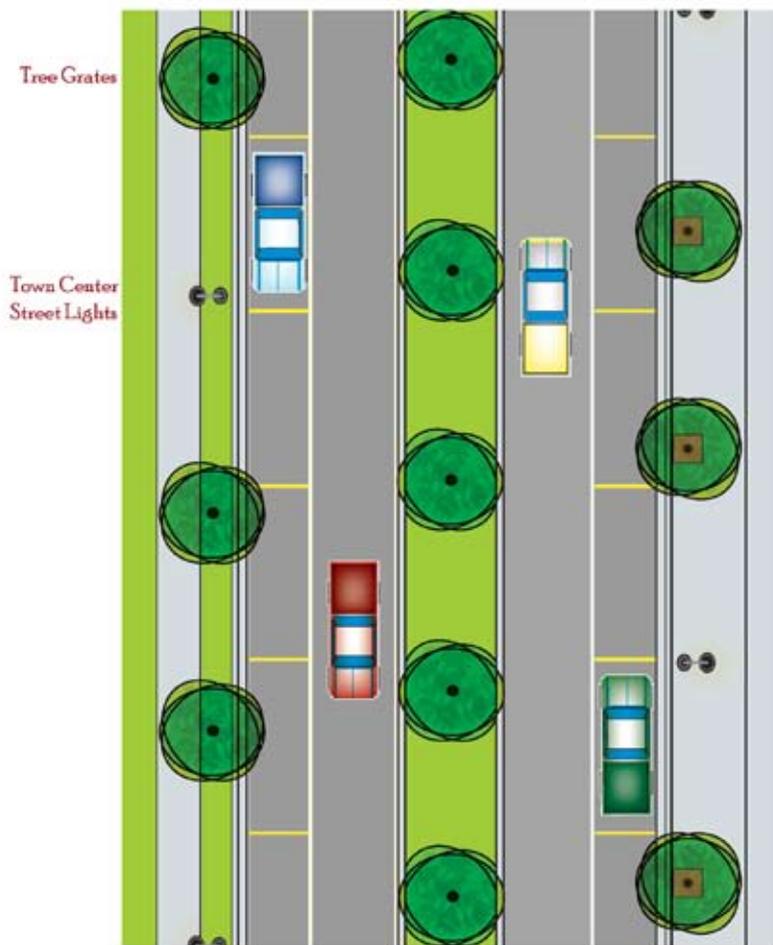
For development of property along Town Center Boulevard, the owner/developer shall be required to provide the following improvements:

- 12' Landscaped Center Medians
- Approved Town Center Street Lights - 90' apart
- 15' sidewalk - both sides
- Pedestrian Amenity per Ordinance
- Concrete Landscape Planter along curb, between street trees/lights per Ordinance
- Street Trees in Tree Grates/Planters - 30' apart
- 26' 50" Angled On-Street Parking, each side
- Town Center Monuments at Gateway - both sides
- Concrete Crosswalk at Intersections per existing

Cross-Section for Town Square West



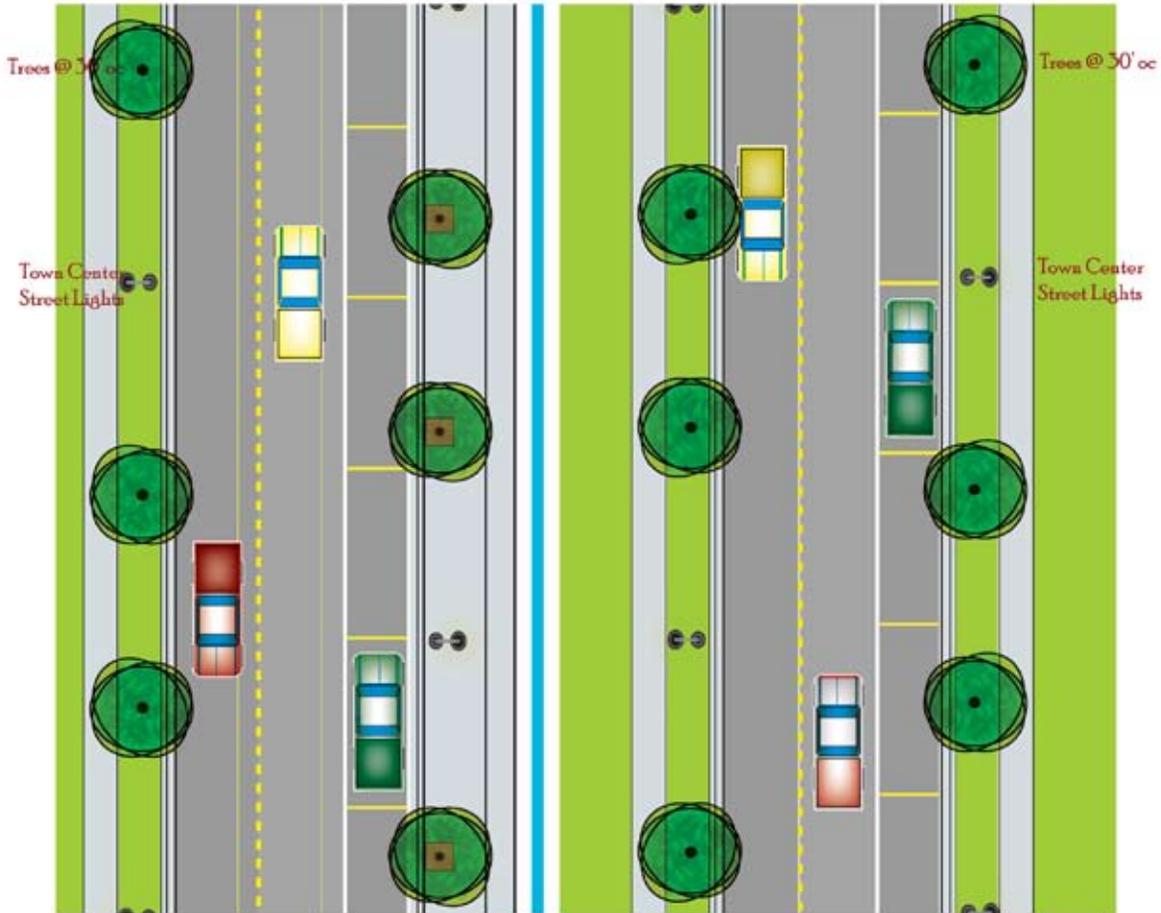
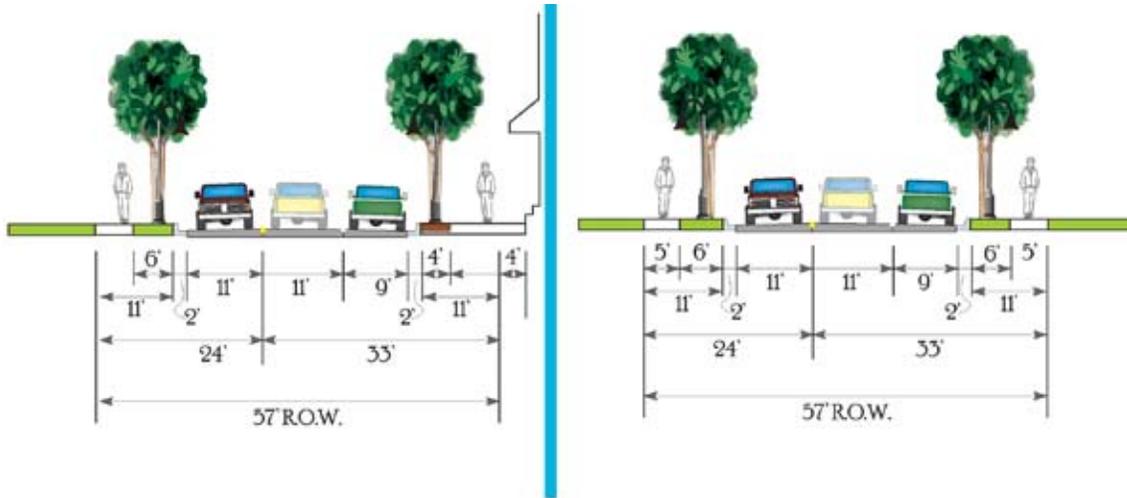
For commercial development of property along Parkway East and Parkway West, the owner/developer shall be required to provide the following improvements:



Parkway West

- 10' Landscaped Center Medians
- 9' Parallel On-Street Parking - both sides
- Approved Town Center Street Lights - 90' apart
- Pedestrian Amenity per Ordinance
- Concrete Landscape Planter along curb, between street trees/lights per Ordinance
- Street Trees in Tree Grates/Planters every 30'
- 15' Sidewalk - north side commercial, 5' sidewalk - south side
- Town Center Monuments at Gateway - both sides
- Concrete Crosswalk at Intersections per existing

Cross-Section for Parkway West



Town Square West
(see master plan)

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**

Highland City Planning Commission

- 7 -

October 13, 2009

- 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.

Highland City Planning Commission

- 8 -

October 13, 2009

ATTACHMENT

ATTACHMENT

Item 7: Toscana at Highland - Site Plan Application ~ Review and Consideration for Approval

Motion:

That the Planning Commission Grant 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 and the recommendations of staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Grant Gifford, representing Coventry Holdings at Toscana

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

The Planning Commission may Grant Approval for this application if the applicant has provided the necessary information to the Planning Commission meeting per the requirements of the Highland City Development Code and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards.

Findings:

The Planning Commission may use Findings to Recommend/Not Recommend the City Council Approve this Application.

Background:

Grant Gifford, who owns or controls property located at approximately 10900 North 5525 W within the Highland Town Center Plat 1 Subdivision is requesting Site Plan Approval for a single family attached townhome development to be located within the Town Center Flex-Use District within the Town Center Overlay as permitted by ordinance. It is the intent of the applicant to provide Highland with a high end single family attached townhome project that will last for many years. The submitted project is similar to the layout of a portion of Daybreak in South Jordan (staff has provided photographs illustrating the similarities) or Northgate Village in Orem (see photographs). THIS IS A PERMITTED USE only requiring the review and approval from the Planning Commission for architecture and the site plan per the requirements of the Town Center Overlay Zone and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards. A public hearing is not required nor permitted by ordinance.

The Town Center Overlay Zone has been discussed for nearly two decades and has been recently amended by the City Council specifically to create a fluid process for those who are willing to locate within the Town Center. It is the purpose of the Planning Commission and Staff to determine whether the application meets the requirements of the regulating documents mentioned above (please see attached). The applicant has submitted a plan for the project in question per the requirements of Town Center Overlay Zone. It is the opinion of the applicant that they have worked very hard to meet all of the requirements of the Town Center Overlay Zone. The specific information provided below for the Planning Commission to review was provided in the same order in the previous Staff report to the Planning Commission on October 13, 2009. Staff has provided this information in the same order so that the Planning Commission may more easily review what has been submitted in comparison to what was previously submitted.

There are several specific items related to the site plan required within the Town Center Overlay Zone and Design Standards of which the Planning Commission should consider while reviewing the site plan. The proposed project is located within the Town Center Flex Use District and these requirements/regulations will apply. The areas of the Town Center Overlay Zone which may be of specific interest to the Planning Commission for this type of project will be identified by Section as follows:

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

3-4705(2)(g) indicates this as a PERMITTED USE. The only requirement for the applicant is to obtain site plan and architectural approval from the Planning Commission based upon the requirements of the Development Code and Design Standards. This will be consistent for every permitted use in the Town Center similar to previous approvals in the CR Zone (Highland Marketplace).

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)). The submitted a site plan indicating the proposal meets this requirement. In addition, density is determined by the ability to provide parking. The applicant has provided 2.0 parking spaces within a rear entry garage per unit (ordinance requires 1.5 per unit) and has also provided additional spaces for visitors. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4716: Residential Uses

3-4716(d) and (e) are specifically related to the Site Plan. 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 separate architecturally treated entrances for each unit. As indicated above, the applicant has provided more than the required number of parking stalls as required in this section of the Development Code. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

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

The applicant is proposing that the units be serviced by individual cans similar to any other single family use. This would negate a need to provide dumpsters. The trash receptacles will need to be stored within each garage to meet the ordinance as defined in 3-4718(3)(d). The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4719: Utilities/Equipment

The Town Center Overlay Zone specifically requires the utilities to be located at the rear of the property instead of along the sidewalk. The applicant will provide an easement as part of the subdivision application for the utilities after receiving site plan approval that is consistent with the ordinance. Typically the public utility easement will be located within a driveway and provided for along the rear of the property. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4721: Parking

Already addressed in 3-4716 above. In addition, on street parking is existing along Town Center Boulevard and the applicant is providing additional on street parallel parking along Parkway West. This parking may be available for access to potential future non-residential use. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4723: Driveway and Curb Openings

It is Staff’s opinion that the proposed plan provides for this requirement. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4724: Landscaping

The Town Center Overlay Zone requires a minimum of 15% landscaping and the applicant has indicated a substantial amount of landscaping exceeding this requirement. In addition, tree grates and landscape planters are required between the tree grates and lights along the right-of-ways. The applicant has indicated the tree grates on the site plan however the landscape planters have not been illustrated. The Planning Commission may desire to require the applicant to submit detailed specifications and locations for the landscaping planters required along the right-of-way. The ordinance also requires the minimum of a 4’ landscaped wall along any portion of the property where parking is adjacent to the right-of-way. The applicant has proposed a wrought iron fence along these locations which will be landscaped but provide some visibility through these locations to soften the mass of the buildings (the building size and mass is required by ordinance). The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4725: Landscaping Maintenance

The Planning Commission may require the applicant to submit CC&R’s that will specifically identify the responsible party for the maintenance for all on-site landscaping improvements. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4726: Hardscape

The site plan indicates that there will be a substantial amount of hardscape as required by the ordinance. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

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

The applicant has submitted the required documents including a traffic study. The Planning Commission may review these documents as part of the Site Plan Approval. UDOT has been aware of this proposed project for several months and has incorporated this project into their traffic design and traffic studies. Based upon previous communication between Staff and UDOT, the proposed project may significantly help Highland City obtain a traffic light that will provide access between Town Center Boulevard and the Highland Marketplace connecting Highland’s commercial. This has been the preferred alternative since the CR Zone was originally adopted however the participating parties were not. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

Page 36, Multi-Family Residential (Design Standards)

The proposed application substantially meets the requirements of the Design Standards. The Design Standards indicate a requirement for ground floor front doors, windows, etc. to be located along the nearest right-of-way which the applicant has indicated on the submitted architectural elevations. The proposed entry to each of the units has been recessed two feet as required by the ordinance as well (ordinance requires a minimum of 12 inches for each entry). The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

Please carefully review your previously provided copy of the Town Center Overlay Ordinance and Design Standards attached separately with your packet on October 13, 2009 or refer to your original copy in the Highland City Development Code and Design Standards.

Legal Authority:

- Article 4.7 Town Center Overlay; Highland City Development Code
- Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards
- 10-9a-509; Land Use Development and Management Act; Utah Code and Constitution

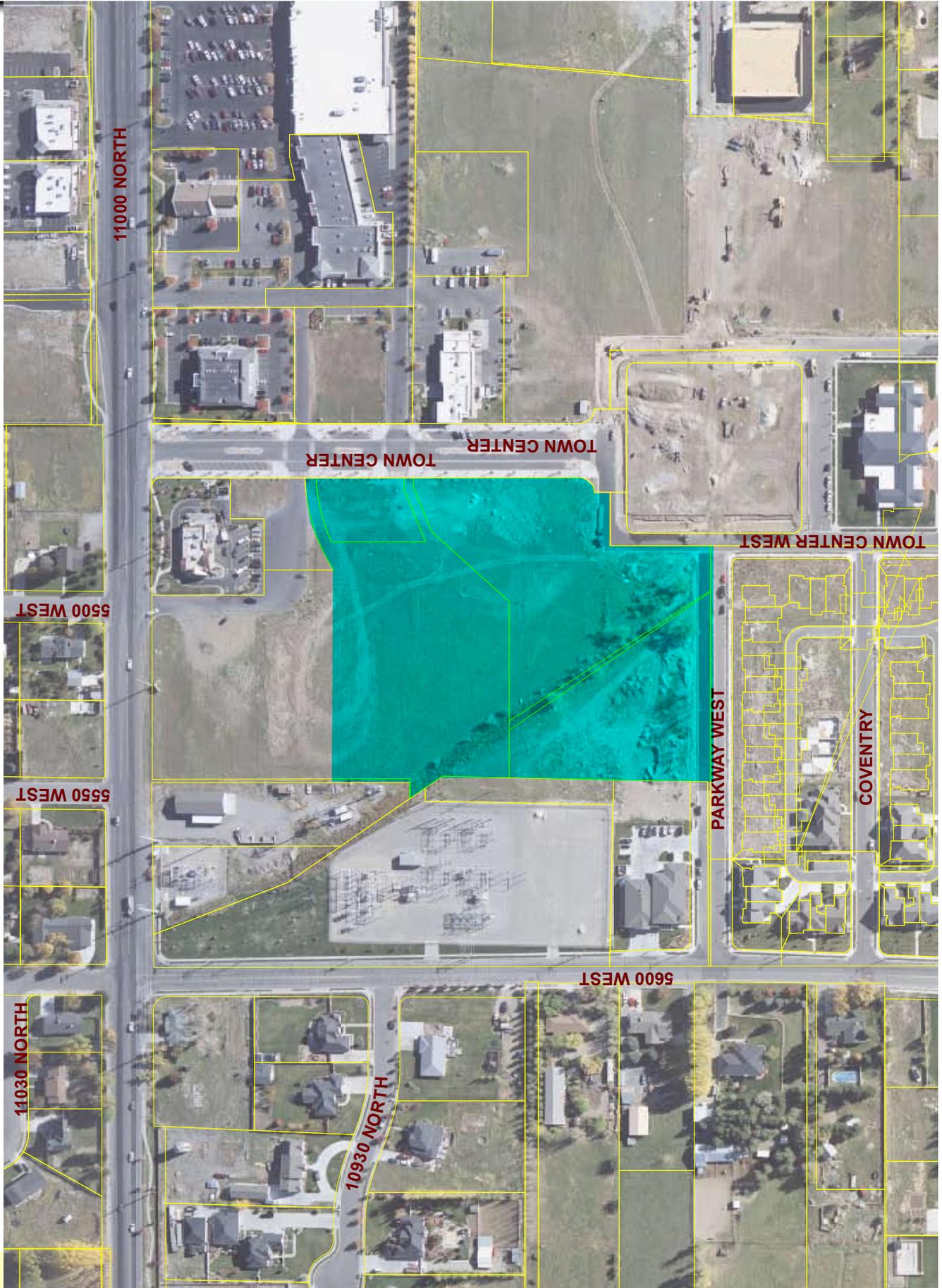
Fiscal Impact:

N/A

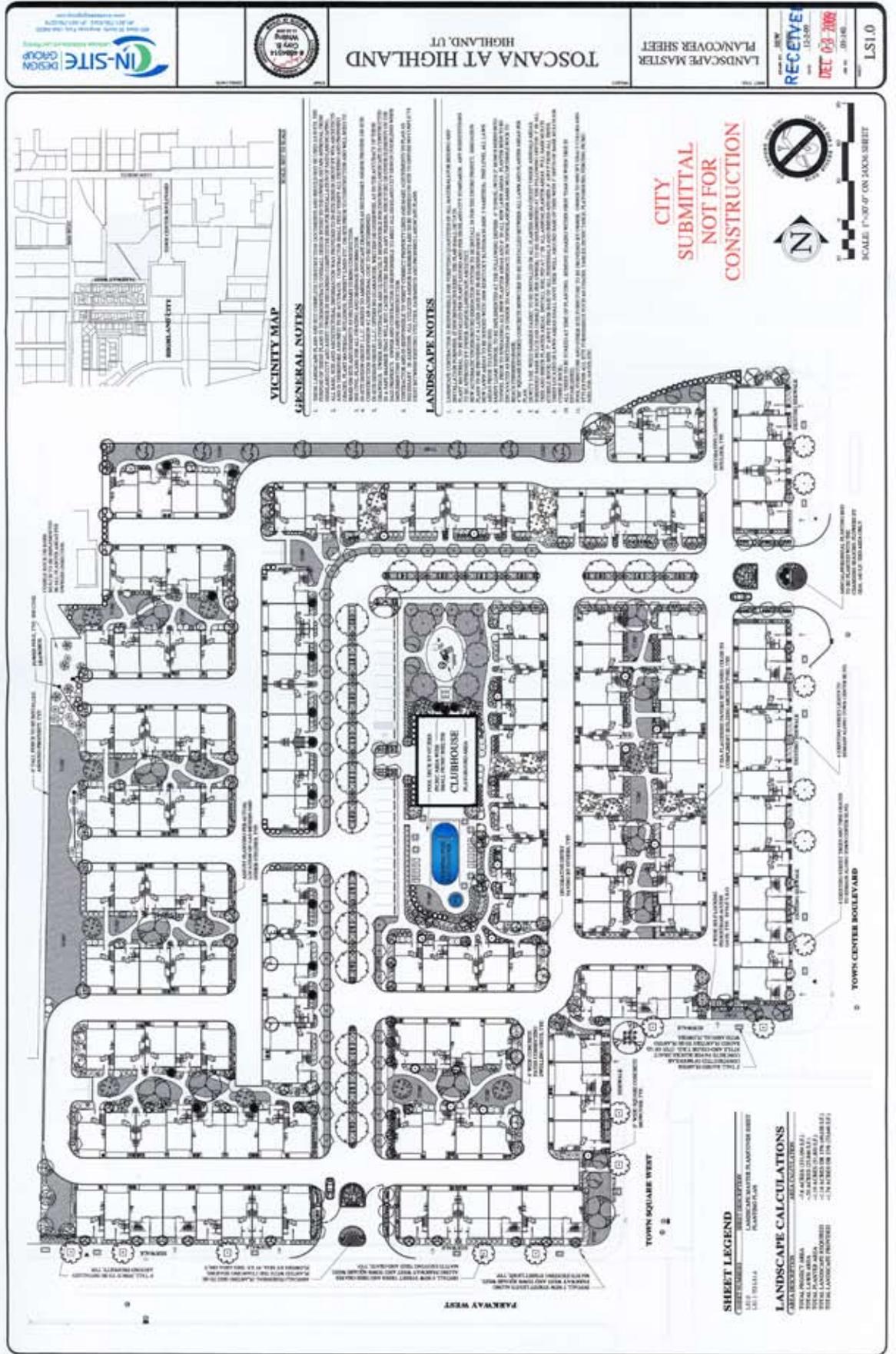
List of Attachments:

- Aerial of Proposed Site
- Proposed Site Plan; attached and attached separately
- Proposed Landscaping Plan (the applicant will provide a more detailed landscaping plan to the Planning Commission at the meeting)
- Copy of the Town Center Overlay Zone Ordinance and Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards are attached separately
- Photographs of Daybreak, South Jordan Utah

Aerial of Proposed Site



Proposed Site and Landscaping Plan



Daybreak, South Jordan, Utah



ATTACHMENT

Northgate Village, Orem, Utah



Similar Form in Mass and Height



Similar Look Architecturally (material, style)

ATTACHMENT

ATTACHMENT

ATTACHMENT

Item 8: Toscana at Highland - Architecture Application ~ Review and Consideration for Approval

Motion:

That the Planning Commission Grant 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 and the recommendations of staff

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Grant Gifford, representing Coventry Holdings at Toscana

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission allow the applicant to present any additional information for the Planning Commission which may address the additional requirements of the Development Code which was not initially provided. In addition, the Planning Commission should review this application in detail and provide staff and the applicant with specific information/requests/etc. that may be presented at a following Planning Commission meeting. The Planning Commission may Grant Approval for this application if the applicant provides the necessary information at the Planning Commission meeting.

Findings:

The Planning Commission may use Findings to Recommend/Not Recommend the City Council Approve this Application.

Background:

Grant Gifford, who owns or controls property located at approximately 10900 North 5525 W within the Highland Town Center Plat 1 Subdivision is requesting Architectural Approval for a multi-family development to be located within the Town Center Flex-Use District within the Town Center Overlay as permitted by ordinance. THIS IS A PERMITTED USE only requiring the review and approval from the Planning Commission for architecture and the site plan per the requirements of the Town Center Overlay Zone and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards. The Town Center Overlay Zone has been discussed for nearly two decades. The applicant has submitted architectural elevations for the project in question per the requirements of these documents. It is the intent of the applicant to provide Highland with a high end multi-family project that will last for many years. In addition, it is the opinion of the applicant that they have worked very hard to meet the requirements of the Town Center Overlay Zone. The specific information following for the Planning Commission to review was provided in the same order in the previous Staff report to the Planning Commission on October 13, 2009. Staff has provided this information in the same order so that the Planning Commission may more easily review what has been submitted in comparison to what was previously submitted.

There are several specific items related to the architecture required within the Town Center Overlay Zone and Design Standards of which the Planning Commission should consider while reviewing the architecture. The proposed project is located within the Town Center Flex Use District and these requirements/regulations will

apply. Areas of specific interest for this type of project will be identified by Section as follows:

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

3-4705(2)(g) indicates this as a permitted use. The only requirement for the applicant is to obtain site plan and architectural approval from the Planning Commission based upon Article 4.7 Town Center Overlay and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards.

3-4713: Architectural Standards

There are several items within this section to review in respect to the Architecture. In addition, this refers to the Design Standards. Staff will first address the architectural requirements outlined in the Development Code.

1. (1) **Overall Architectural Outline.** The applicant has submitted architectural elevations that use both Italianate and French Provincial architectural styles which meets the requirements of the ordinance. In addition, the design has provided architectural elements such as entry ways, entry doors, and windows that front onto the adjacent street. The Planning Commission may agree that 3-4713(c)/(d) have been met also. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
2. (2) **Door and Window Openings.** The applicant has provided elevations that indicate the proposed buildings meet the general needs of this requirement. In addition, the proposed elevations indicate large windows along the ground floor which may be easily retrofitted at a future date to provide for access to a non-residential use. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
3. (b) **Entrance Element.** The proposed elevations as submitted indicate that the applicant has provided the details required by this ordinance. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
4. (c) **Windows.** The applicant has provided elevations that indicate the proposed buildings meet the general needs of this requirement. The details have not been provided for staff to determine whether they specifically meet the requirements for window details. Staff is certain that the doors and entries do meet this requirement. The applicant should provide the Planning Commission with additional details for this item. The Planning Commission should require a window detail verifying that they in fact do meet the requirements of 3-4713(b)(c)/(d). The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
5. (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 their proposal to meet this requirement of ground floor window canopies and/or awnings. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
6. (f) **Roof Design.** The ordinance states the following: “At minimum, a roof may not continue the same height or style for a horizontal distance exceeding seventy-five (75) feet unless it would not be consistent with the architectural style associated with a single structure..”. The applicant has provided a break in the vertical wall plane as required which also provides a gable roof projection which may meet this requirement. The Planning Commission will need to determine whether this meets the requirement or intent of this ordinance. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
7. (3) **Architectural Elements.** The applicant will provide a materials board to the Planning Commission for the Planning Commission meeting. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.
8. (4) **General Requirements.** The Planning Commission will need to determine whether this product

meets the requirements of this section and if not, provide the applicant with ideas and direction to meet these requirements. Staff has not been provided a lighting plan or lighting details other than the street lighting which are required to be the typical town center street light. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

9. (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 3-4713(5)(c) and in fact provide additional architectural detail that improves the overall architecture of the building. The Planning Commission will need to determine whether the proposed product meets this requirement and if not, provide the applicant with ideas and/or direction to do so. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4716: Residential Uses

Section 3-4716(a) indicates that “the roofline of all proposed structures that include residential uses shall be varied in height to provide a break in the visual appearance”. The elevations provided indicate a change in the vertical wall which in turn provides for a variation in the roof along the buildings. The roofline as previously submitted was undulated and varied while the more recent roofline is consistent. The Planning Commission will need to determine if this meets the intent of the ordinance. The applicant has submitted a site plan and architectural elevations consistent with this section per the additional detail specifically associated to 3-4716(c) that the Planning Commission may require in order to determine whether the proposed project meets this ordinance. The applicant has provided two (2) parking stalls per unit that include additional covered garage units for many of the residents. The building is three (3) stories as required by Code. The applicant has designed the ground floor with the flexibility necessary to convert these units to commercial, retail, office, live-work, etc. if the market permits in the future without needing to demolish the structure as required by the ordinance. The applicant may provide more detail on this item if the Planning Commission has further questions. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

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

The applicant will be proposing individual cans for each unit as typical with a single family residence. This will provide the necessary receptacle as required by the ordinance. The cans will be required to be stored within the units (garage or other) to meet the requirement of 3-4718(3)(c). The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4719: Utilities/Equipment

The Applicant and Architect will need to be aware of the requirements of this section. Mechanical equipment may not be designed and located within the front or side elevations on any structure or on any side facing an adjacent property. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

3-4727: Submittal Requirements

The applicant has provided a majority of the necessary documents as required by this section for architecture. The Planning Commission may wish to require a materials board and/or possible examples of developments with similar materials and colors. The applicant would like to make a presentation with this application that may address additional questions that the Planning Commission may have. The Planning Commission may agree that the applicant has met these requirements according to the provisions defined within the Town Center Overlay Zone and Design Standards.

Please carefully review your copy of the Town Center Overlay Ordinance and Design Standards attached separately with this packet.

Legal Authority:

- Article 4.7 Town Center Overlay; Highland City Development Code
- Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards
- 10-9A-509; Land Use Development and Management Act; Utah Code and Constitution

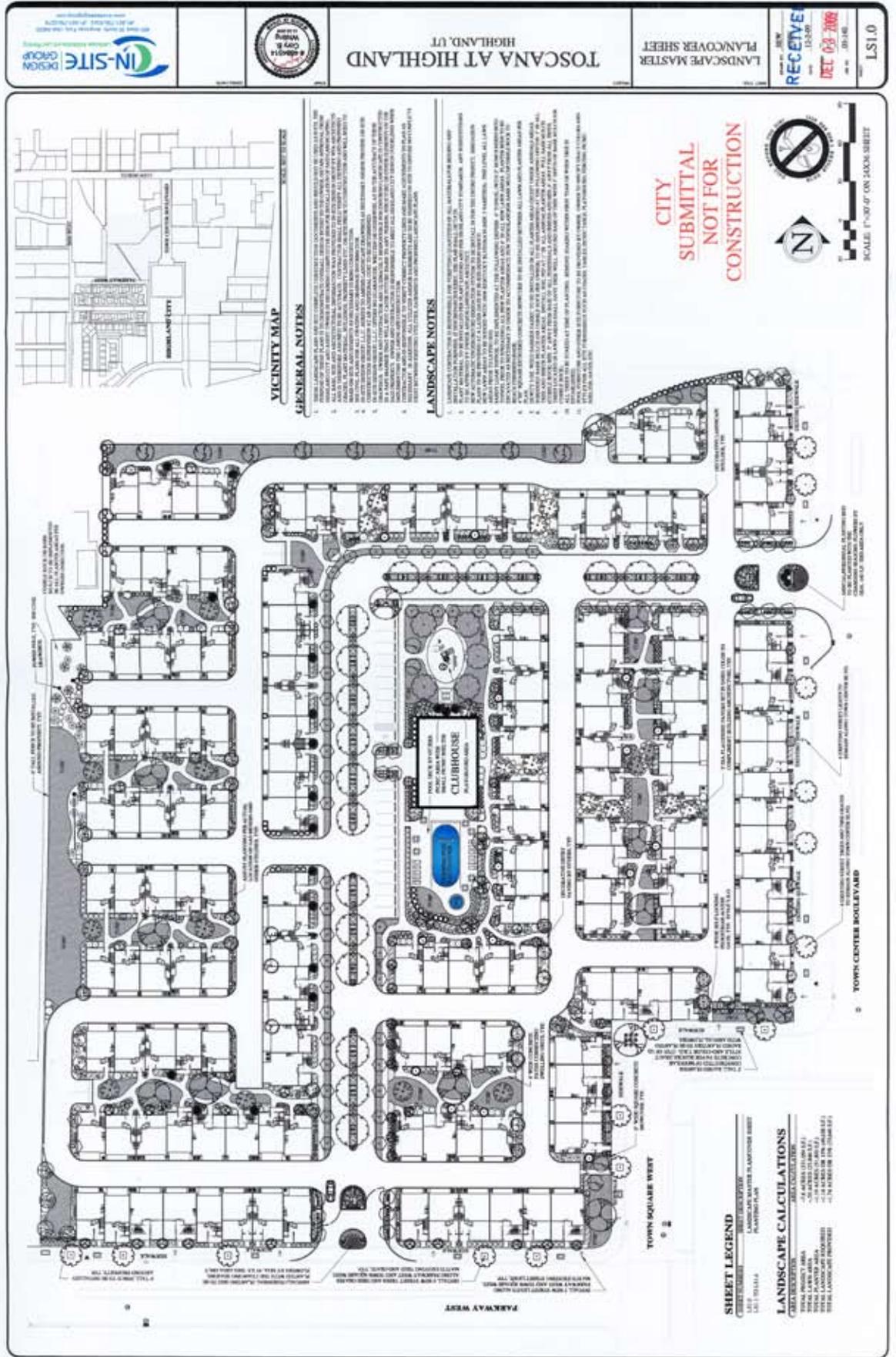
Fiscal Impact:

N/A

List of Attachments:

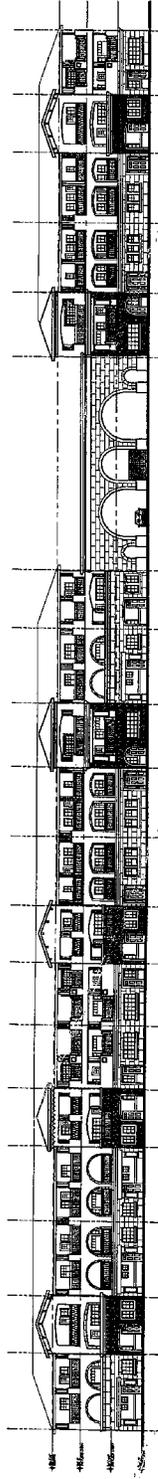
- Proposed Architectural Elevations (attached; and attached separately as 11x17 and 24x36 documents)
- Proposed Materials (materials and color board should be provided at the Planning Commission meeting by the applicant)
- The Applicant would like to make a detailed presentation to the Planning Commission for this project at the meeting.

Proposed Site Plan

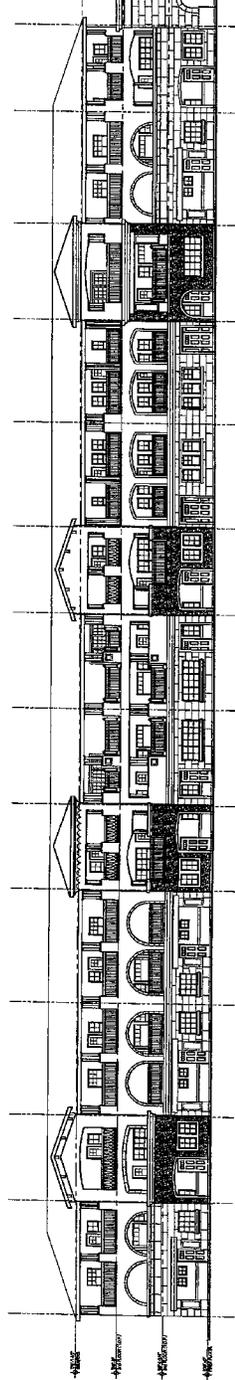


Proposed Architectural Elevations

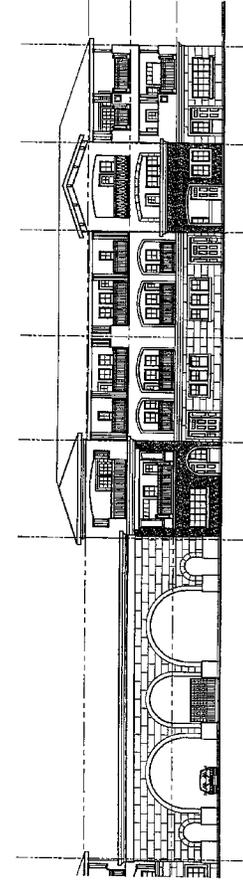
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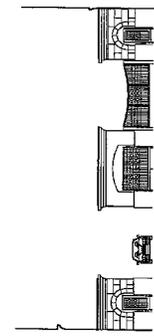
13-UNIT BLDG. 5-UNIT BLDG. 4 ENTRY ARCH. - OVERALL ELEVATION
10/17/09



13-UNIT BLDG. - EAST ELEVATION
10/17/09



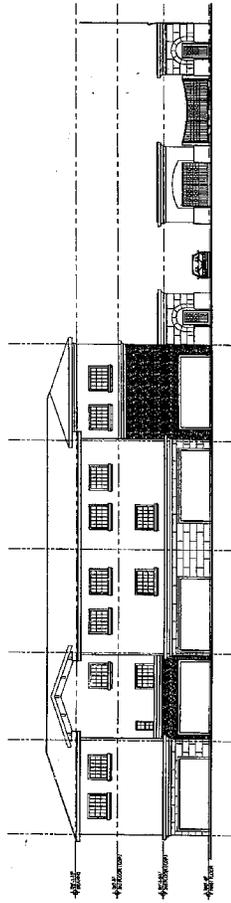
5-UNIT BLDG. 4 ENTRY ARCH. - EAST ELEVATION
10/17/09



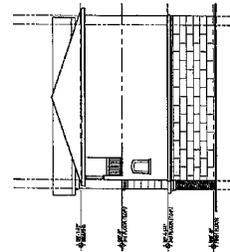
ENTRY GATE - WEST ELEVATION
10/17/09

Proposed Architectural Elevations

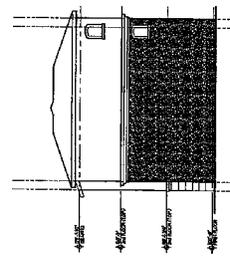
PREPARED BY: ARCHITECT: DATE: 28 Nov 2009	PROJECT NO.: PROJECT NAME: CLIENT:	WPA WOODRIDGE PARTNERSHIP 10900 NORTH TOWN CENTER BLVD. 84003	HIGHLAND, UTAH highland town center multi-family housing 84003	REVISIONS: NO. DATE BY 1 11/23/09 JAW
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5-UNIT BLDG. - ENTRY GATE - WEST ELEVATION 3/11/09



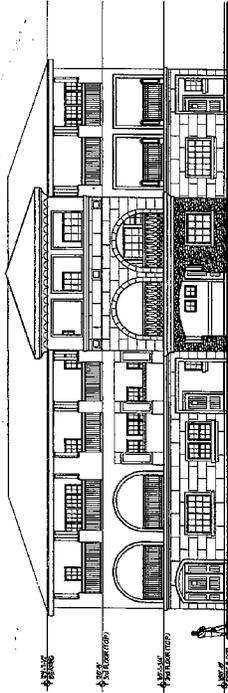
5-UNIT BLDG. - NORTH ELEVATION 3/11/09



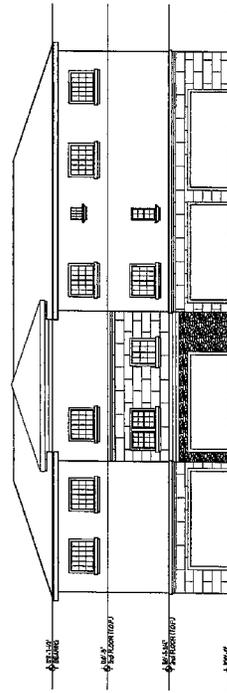
5-UNIT BLDG. - SOUTH ELEVATION 3/11/09

Proposed Architectural Elevations

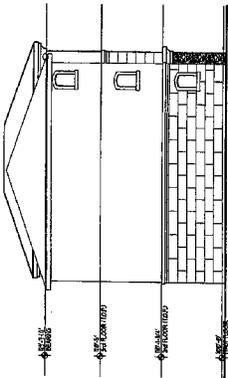
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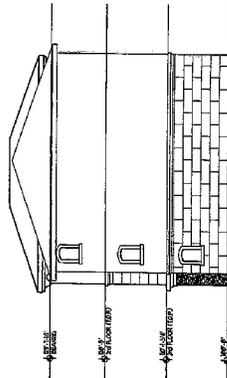
EAST ELEVATION - 4-UNIT BLDG • STREET



WEST ELEVATION - 4-UNIT BLDG • STREET



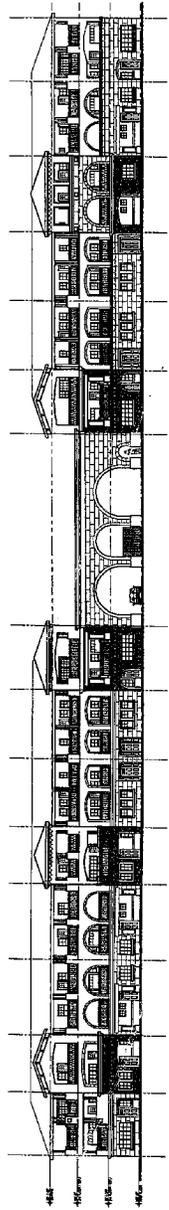
SOUTH ELEVATION - 4-UNIT BLDG • STREET



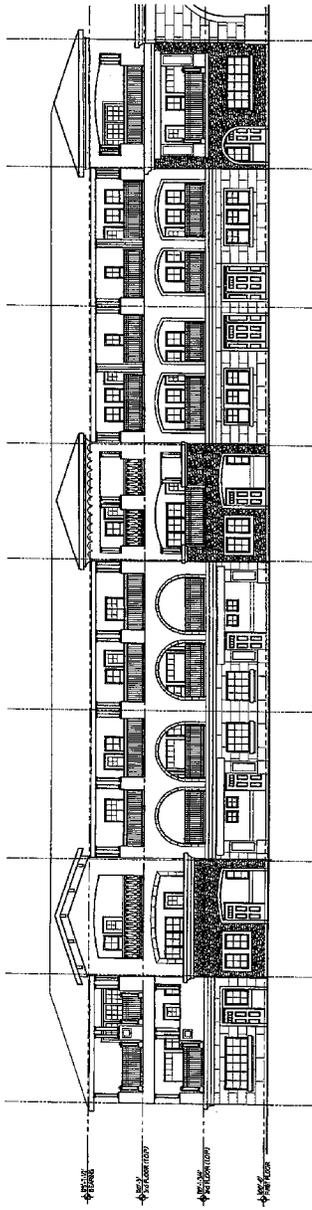
NORTH ELEVATION - 4-UNIT BLDG • STREET

Proposed Architectural Elevations

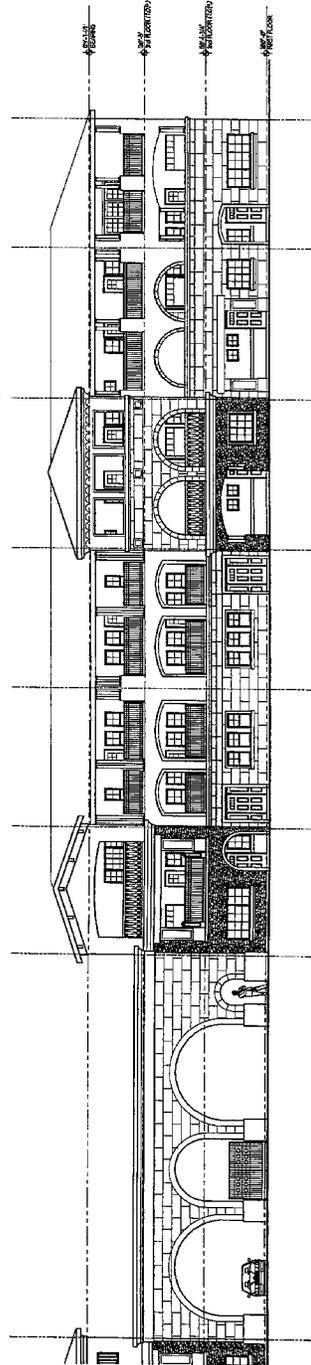
DATE: 25 NOV 2009 DRAWN BY: [illegible] CHECKED BY: [illegible] REVISIONS: [illegible]	DESIGNED BY: [illegible] CHECKED BY: [illegible]	PROJECT NO.: [illegible] PROJECT NAME: [illegible]	FROM: [illegible] TO: [illegible]	WPA ARCHITECTS 10900 NORTH TOWN CENTER BLVD. SUITE 200 HIGHLAND, UTAH 84003	10900 NORTH TOWN CENTER BLVD. HIGHLAND TOWN CENTER MULTI-FAMILY HOUSING HIGHLAND, UTAH 84003
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8-UNIT BLDG. 6-UNIT BLDG. 4 ENTRY ARCH. 6 STREET - OVERALL ELEVATION
11/27/09



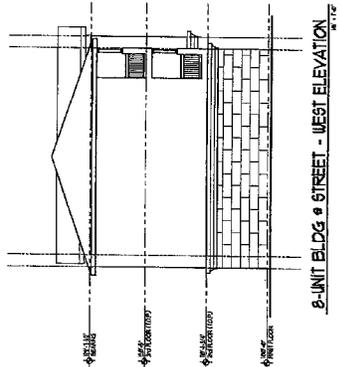
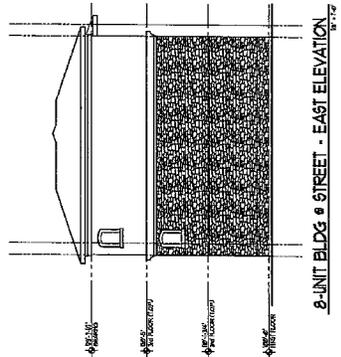
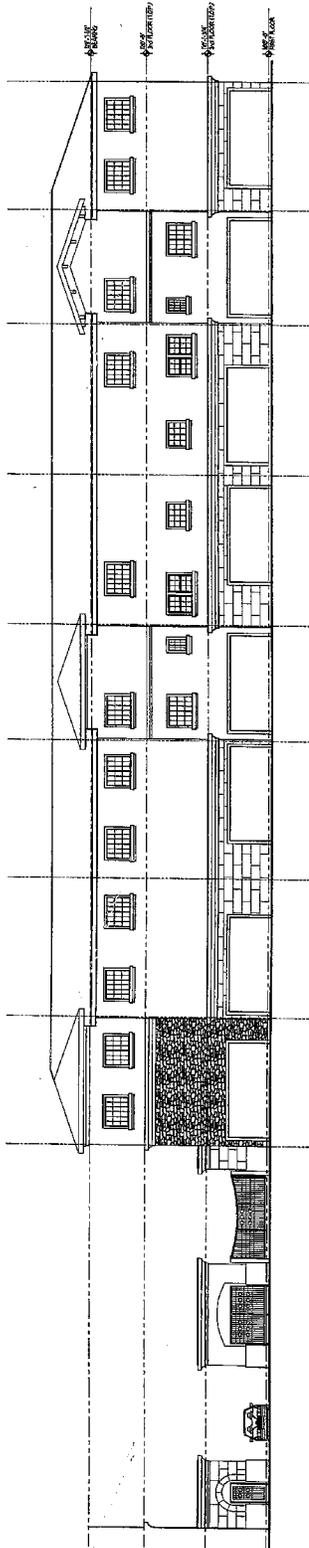
8-UNIT BLDG. 6 STREET - SOUTH ELEVATION
11/27/09



6-UNIT BLDG. 4 ENTRY ARCH. 6 STREET - SOUTH ELEVATION
11/27/09

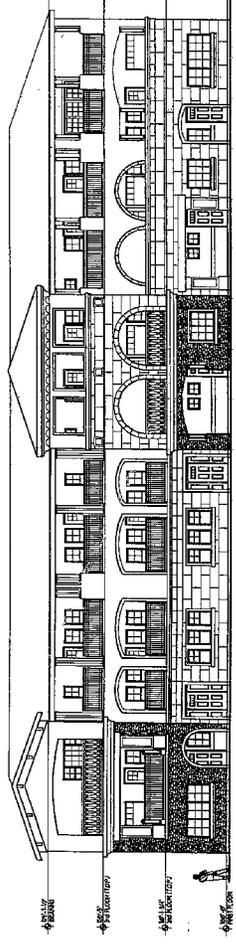
Proposed Architectural Elevations

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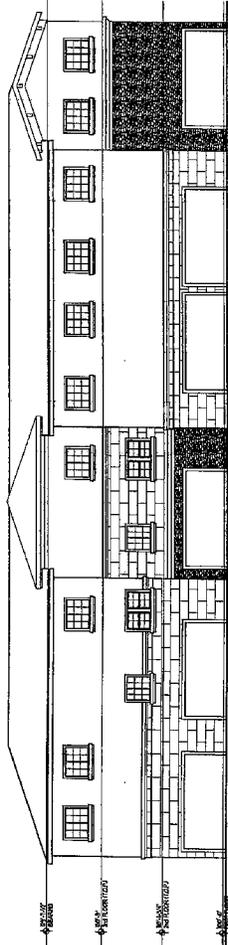


Proposed Architectural Elevations

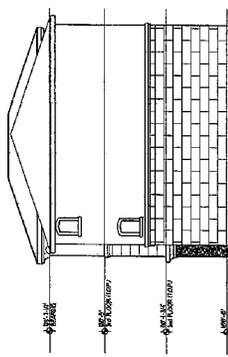
WPA ARCHITECTURAL 425 NORTH CHURCH BLVD. FROM MAIN 4500 TEL: (801) 274-8888 FAX: (801) 274-8888	Kent W. Walker Architect 10900 North Center Blvd. Highland, Utah 84003	highland town center multi-family housing 10900 north town center blvd. HIGHLAND, UTAH 84003	DATE: 25 Nov 2009 PROJECT: 10900 North Center Blvd. DRAWING: 10900 North Center Blvd. SHEET: 10900 North Center Blvd. SCALE: 1/8" = 1'-0" DRAWN BY: KWW CHECKED BY: RFB APPROVED BY: RFB
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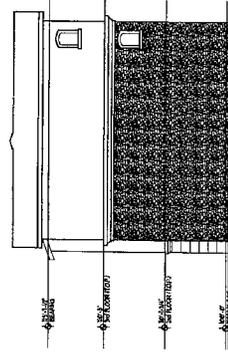
SOUTH ELEVATION - 6-UNIT BLDG @ 51ST STREET
10-17



NORTH ELEVATION - 6-UNIT BLDG @ 51ST STREET
10-17



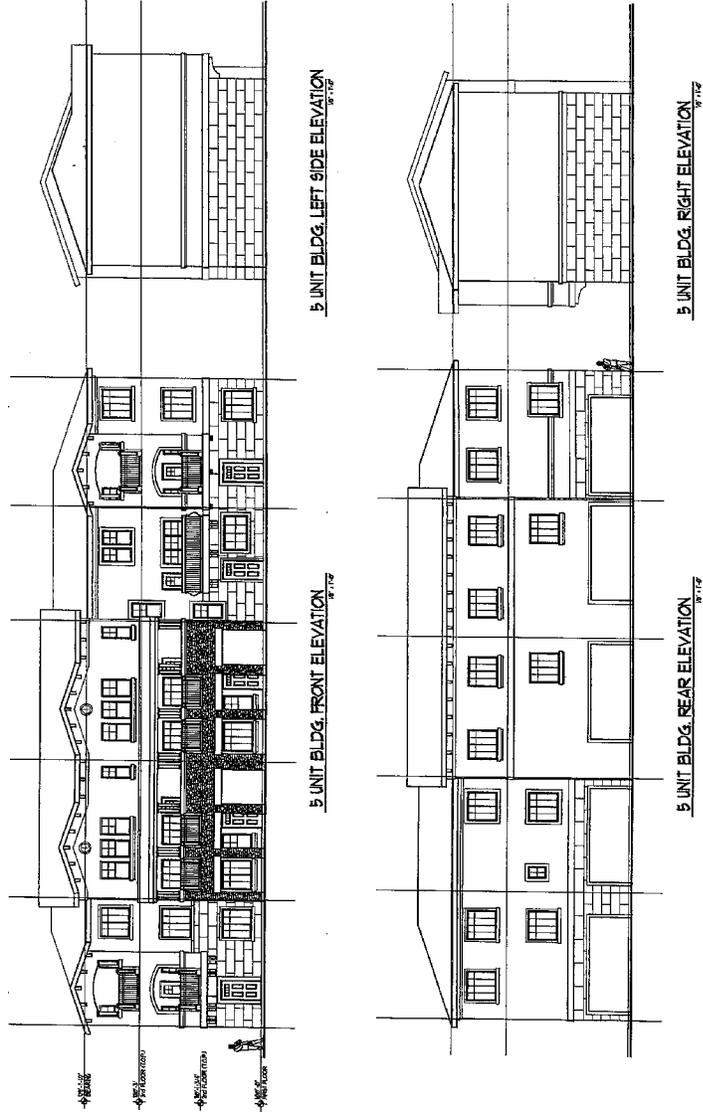
EAST ELEVATION - 6-UNIT BLDG @ 51ST STREET
10-17



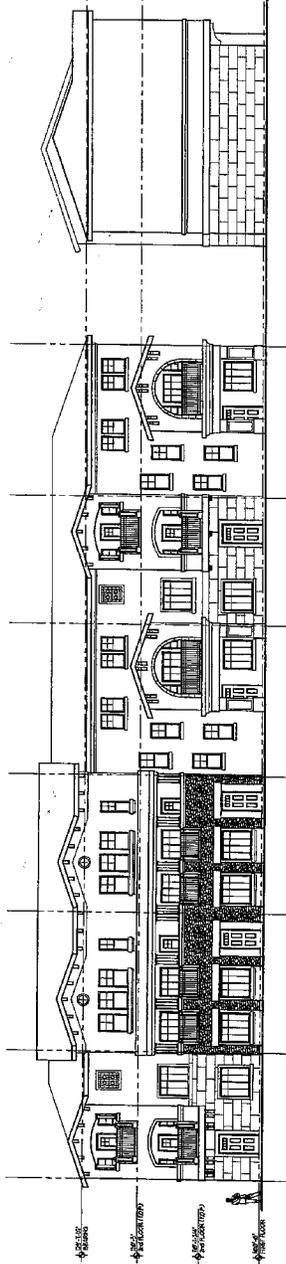
WEST ELEVATION - 6-UNIT BLDG @ 51ST STREET
10-17

Proposed Architectural Elevations

WPA ARCHITECTURE 421 NORTH MAIN STREET TOWN, UTAH 84003 PHONE: 435.243.4400 FAX: 435.243.4400	KENT W. WALKER ARCHITECT 10900 NORTH CENTER BLVD. HIGHLAND, UTAH 84003 84003 highland town center multi-family housing	RECEIVED NOV 25 2009
DATE: 25 NOV 2009 PROJECT: 10900 NORTH CENTER BLVD. DRAWING: 10900 NORTH CENTER BLVD. SHEET: 10900 NORTH CENTER BLVD. SCALE: 1/8" = 1'-0" REVISIONS:	KENT W. WALKER ARCHITECT 10900 NORTH CENTER BLVD. HIGHLAND, UTAH 84003 84003 highland town center multi-family housing	RECEIVED NOV 25 2009

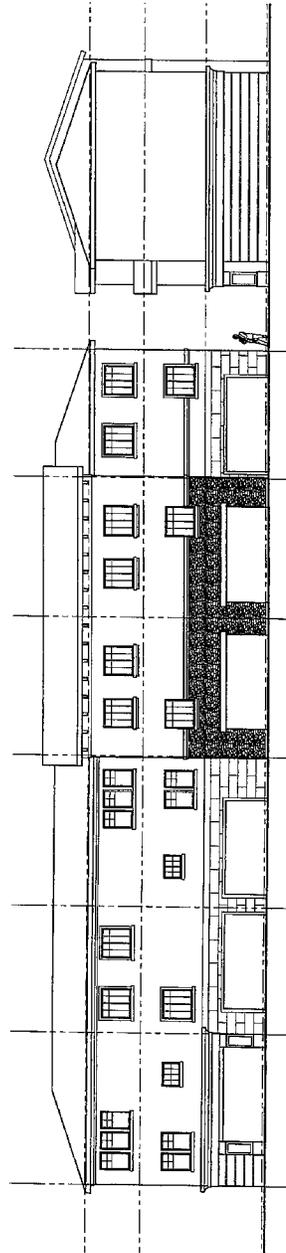


WPA COMMUNITY PLANNING 220 North Franklin Provo, Utah 84601 Phone: (801) 224-4000 Fax: (801) 224-4000	Kent W. Walker Director 25 NOV 2009	Donald T. Patton President 25 NOV 2009	Adam R. Paulson President 25 NOV 2009	WPA COMMUNITY PLANNING 220 North Franklin Provo, Utah 84601 Phone: (801) 224-4000 Fax: (801) 224-4000	highland town center multi-family housing 10900 north town center blvd. HIGHLAND, UTAH 84003	REVIEWED NOV 25 2009
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6 UNIT BLDG. LEFT SIDE ELEVATION
1/17/09

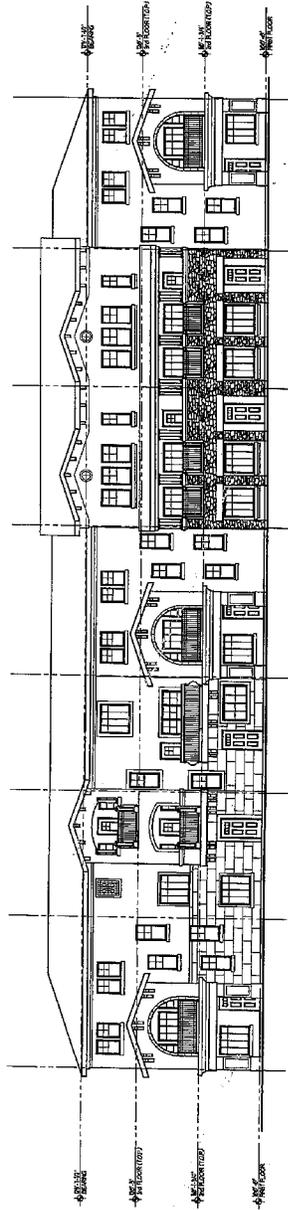
6 UNIT BLDG. FRONT ELEVATION
1/17/09



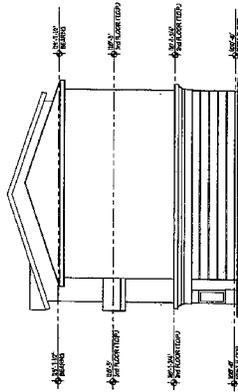
6 UNIT BLDG. RIGHT ELEVATION
1/17/09

6 UNIT BLDG. REAR ELEVATION
1/17/09

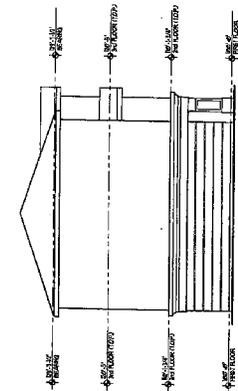
ARCHITECT WPA 127 South Fremont Blvd. Provo, Utah 84601 (801) 733-2400 Fax: (801) 733-4885	HIGHLAND, UTAH 10900 north town center Blvd. 84003 highland town center multi-family housing	DATE: 25 Nov 2009 DRAWN: Alan R. Paulson REVISION: Bruce T. Fallon PROJECT:	RECEIVED NOV 25 2009
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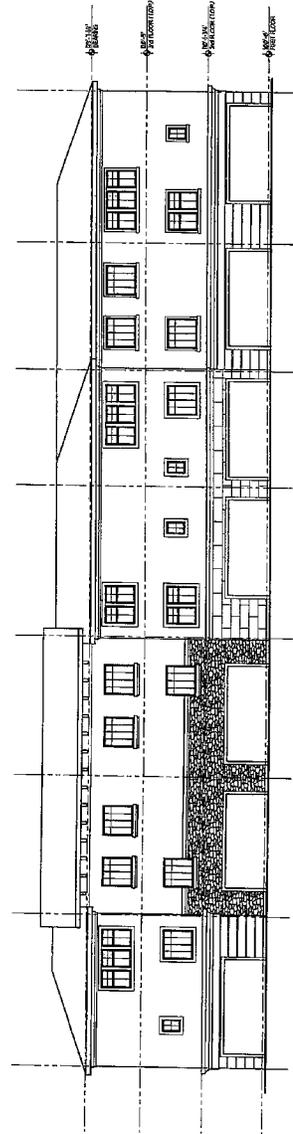
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1 UNIT BLDG. RIGHT ELEVATION 10-17-09

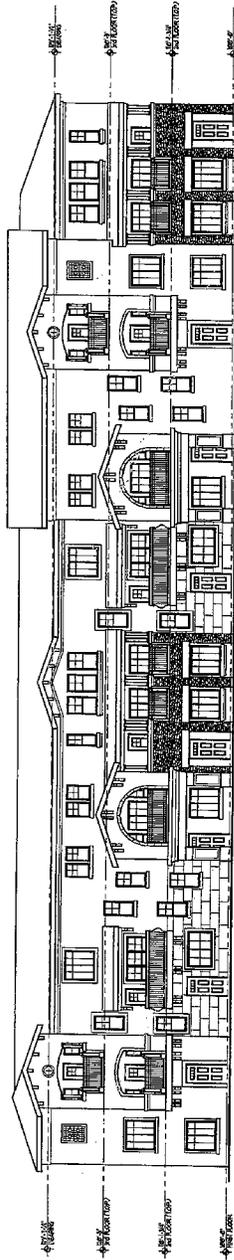


1 UNIT BLDG. LEFT ELEVATION 10-17-09

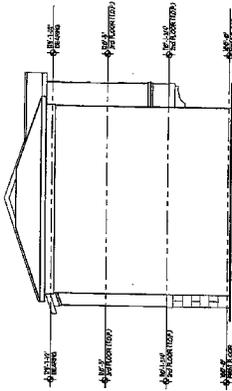


1 UNIT BLDG. REAR ELEVATION 10-17-09

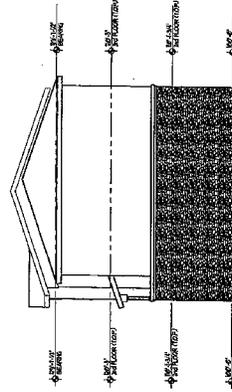
DATE: 22 Nov 2009 TIME: 10:00 AM LOCATION: 10900 North Center Blvd. PROJECT: Highland Town Center Multi-Family Housing	ARCHITECT: Kohn W. Winkler PROJECT MANAGER: Alan R. Peterson DESIGNER: Ronald B. Jones CONSULTANT: Bruce T. Patton	WPA WEST PLANNING ARCHITECTS 425 South Federal Blvd. Provo, Utah 84601 TEL: (801) 224-6888 FAX: (801) 224-6888	highland town center multi-family housing 10900 north center Blvd. HIGHLAND, UTAH 84003	SECTION D A4X 1/8" = 1'-0"
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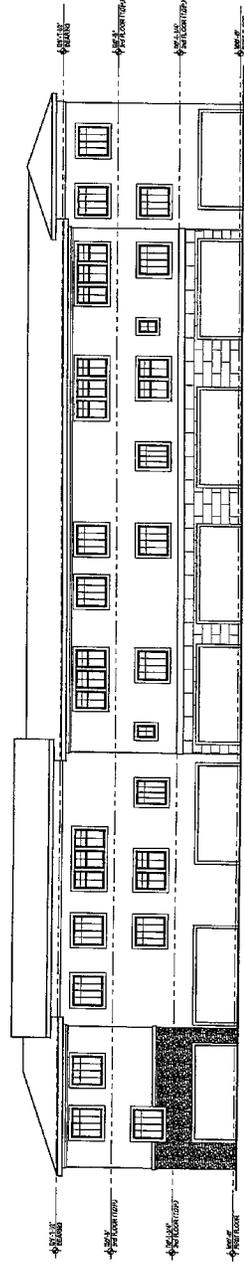
8 UNIT BLDG. FRONT ELEVATION
W-172



8 UNIT BLDG. SIDE ELEVATION
W-172

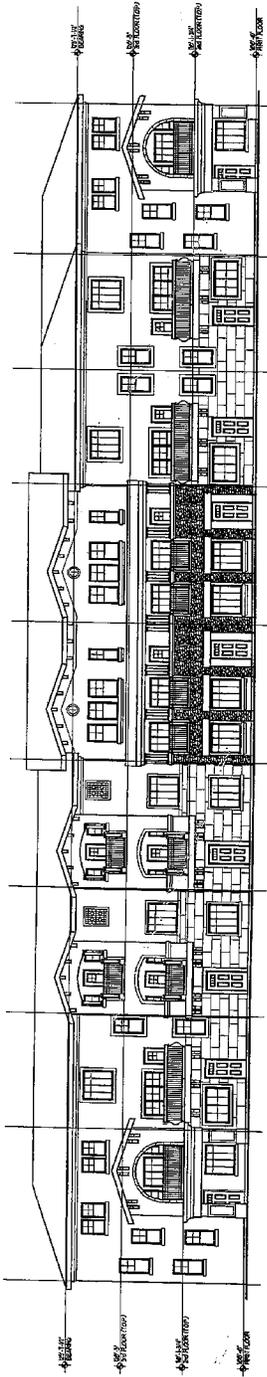


8 UNIT BLDG. SIDE ELEVATION
W-172

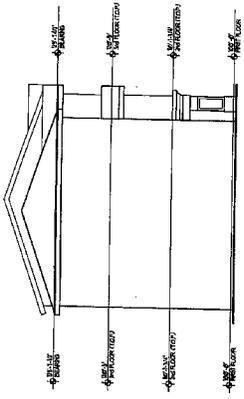


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W-172

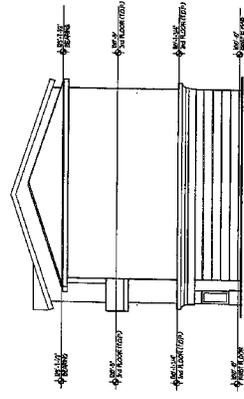
RECEIVED A4 11-25-09	highland town center multi-family housing 10900 north town center Blvd. HIGHLAND, UTAH 84003	WPA ARCHITECTS INC. 273 North Parkside Blvd. Provo, Utah 84601 Tel: (801) 224-0000 Fax: (801) 224-0005	Kent W. Winkler Alan R. Pederson Donald B. Jones Bruce T. Paulson	Date: 23 Nov 2009 Scale: 1/8" = 1'-0" Author: [illegible] Designer: [illegible] Checker: [illegible] Approver: [illegible]
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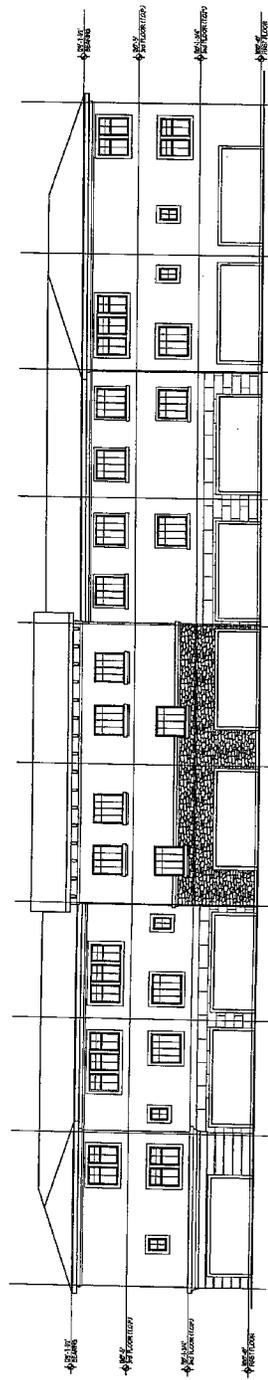
9 UNIT BLDG. FRONT ELEVATION
W 717P



9 UNIT BLDG. SIDE ELEVATION
W 717P



9 UNIT BLDG. SIDE ELEVATION
W 717P



9 UNIT BLDG. REAR ELEVATION
W 717P

ATTACHMENT

Item 9: Consideration of Approval for a 6-Month Conditional Use Permit Extension for the LDS Church West Campus on Highland Boulevard (Country French Plat C) for the Purpose of Constructing Two (2) Church Buildings ~ Review and Consideration for Approval

Motion:

That the Planning Commission Grant a 6-Month Conditional Use Permit Approval Extension for the LDS Church West Campus on Highland Boulevard (Country French Plat C) for the purpose of constructing two (2) church buildings per the previous Conditions as Approved by Council on December 2, 2008.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Michael Raymond, Representing the Church of Jesus Christ of Latter-Day Saints
Ken Berg, Engineer, Representing Patterson Construction

Staff Presentation:

Who, to present

Recommendation:

That the Planning Commission approve this request as permitted in Section 4-108 in the Highland City Development Code per the City Council Conditions of Approval granted on December 2, 2008.

Findings:

The Planning Commission may use findings to approve not approve this extension request.

Background:

The Church of Jesus Christ of Latter-Day Saints requesting and received a Conditional Use Permit to construct two (2) church buildings on property located at approximately 11500 North Highland Boulevard. In Highland, a Conditional Use Permit expires after one (1) year if that use has not been acted on based upon that permit. The Development Code allows the Planning Commission to grant one (1) six (6) month extension as follows:

4-109: Expiration.

Substantial construction activity under a conditional use permit must have been commenced within one (1) year of its issuance. If no such activity has been commenced within that time, the conditional use permit shall expire one (1) year from the date of its issuance. **The Planning Commission, at its discretion, grant one extension for any period not to exceed six (6) months, when deemed in the public interest.**

- (1) All applications for renewal or extension of a conditional use permit must be made prior to the expiration of the original permit or any prior renewal thereof.
- (2) Except as provided herein, no conditional use permit granted pursuant to this Chapter may be transferred by the holder thereof.
- (3) Transfer of a conditional use permit, prior to completion of construction permitted there under, shall require prior approval of the Planning Commission.

- (4) No approval by the City shall be required for transfer of a conditional use permit after completion of construction. Provided, however, a conditional use permit which is expressly by its terms or by the terms of the section under which it is issued made non-transferrable shall not by reason of this Section become transferrable.
- (5) The transfer of any conditional use permit, except as provided in subsection (3) above, shall cause the same to become immediately void. No transfer or approval of a transfer of such a permit shall operate to extend the term of the same. Such a permit shall expire at such time as though no transfer or approval had occurred.

The proposed application, subdivision and zoning has not changed since the original approval. The City Council approved a 6-Month extension for Final Subdivision Approval on December 1, 2009.

Legal Authority:

- Chapter 4, Conditional Use Procedure; Highland City Development Code (Land Use Ordinance)
 - Section 3-4108, Conditional Uses ~ R-1-40 Zone; Highland City Development Code
 - Utah Code and Constitution 10-9a-507
-

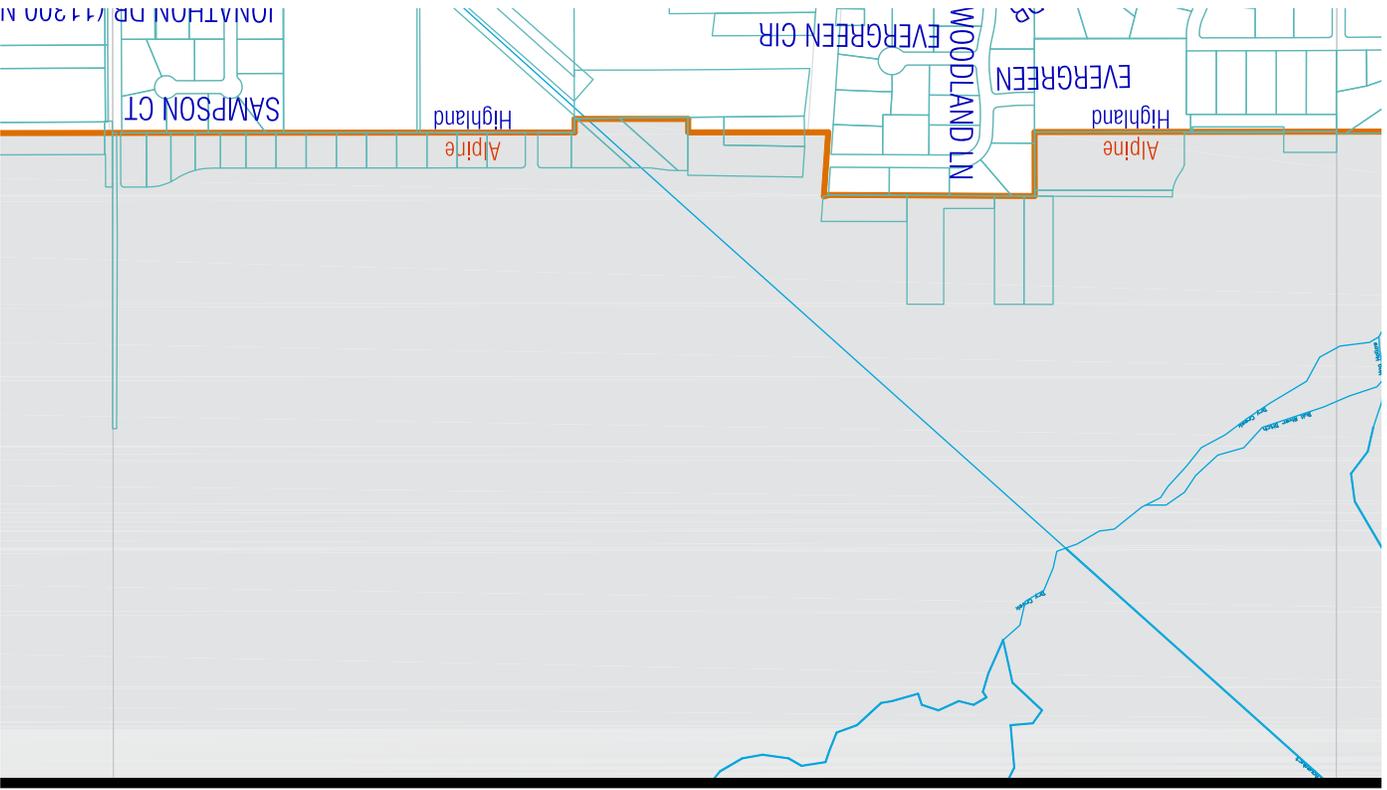
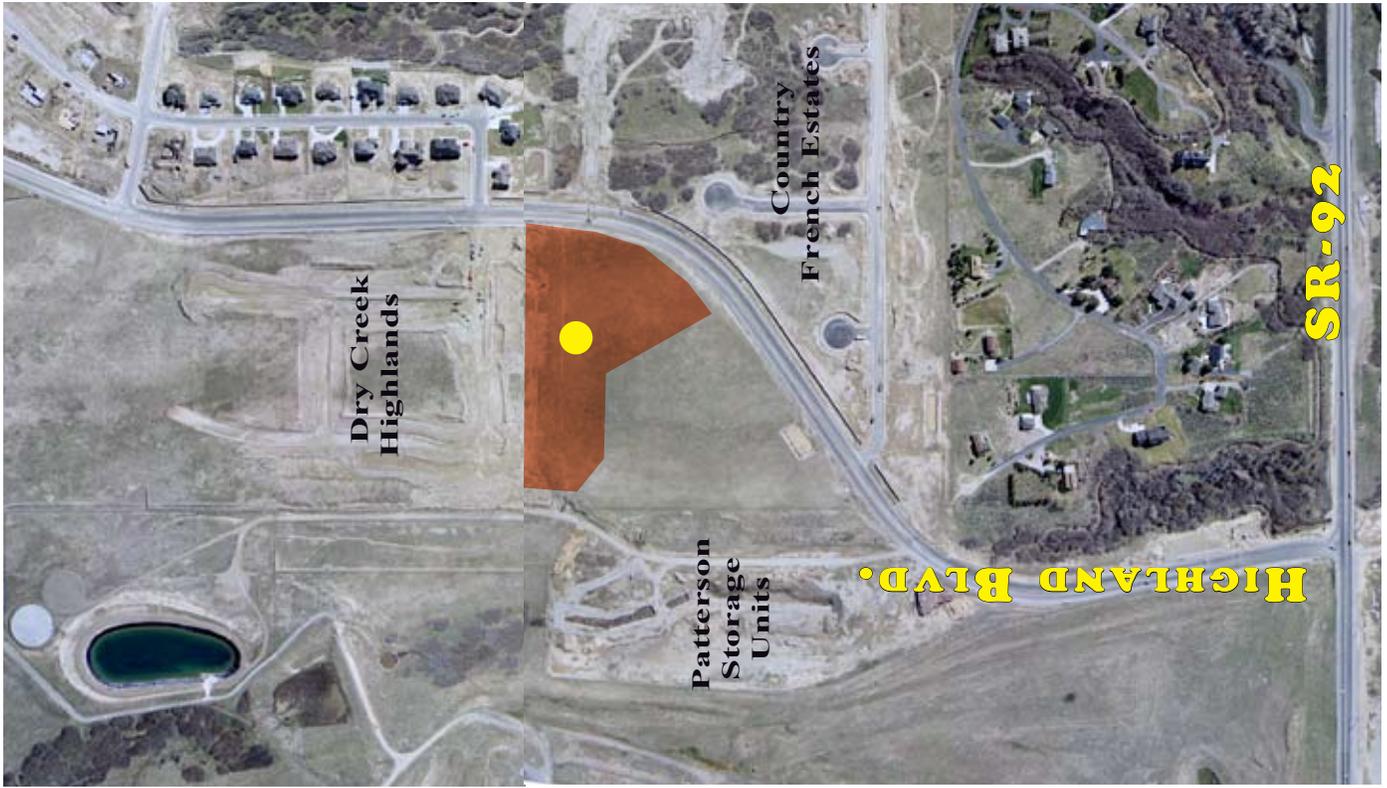
Fiscal Impact:

NA

List of Attachments:

- Vicinity Map
- Approved Site Plan, Landscaping Plan and Elevations
- City Council Motion to Approve, December 2, 2008

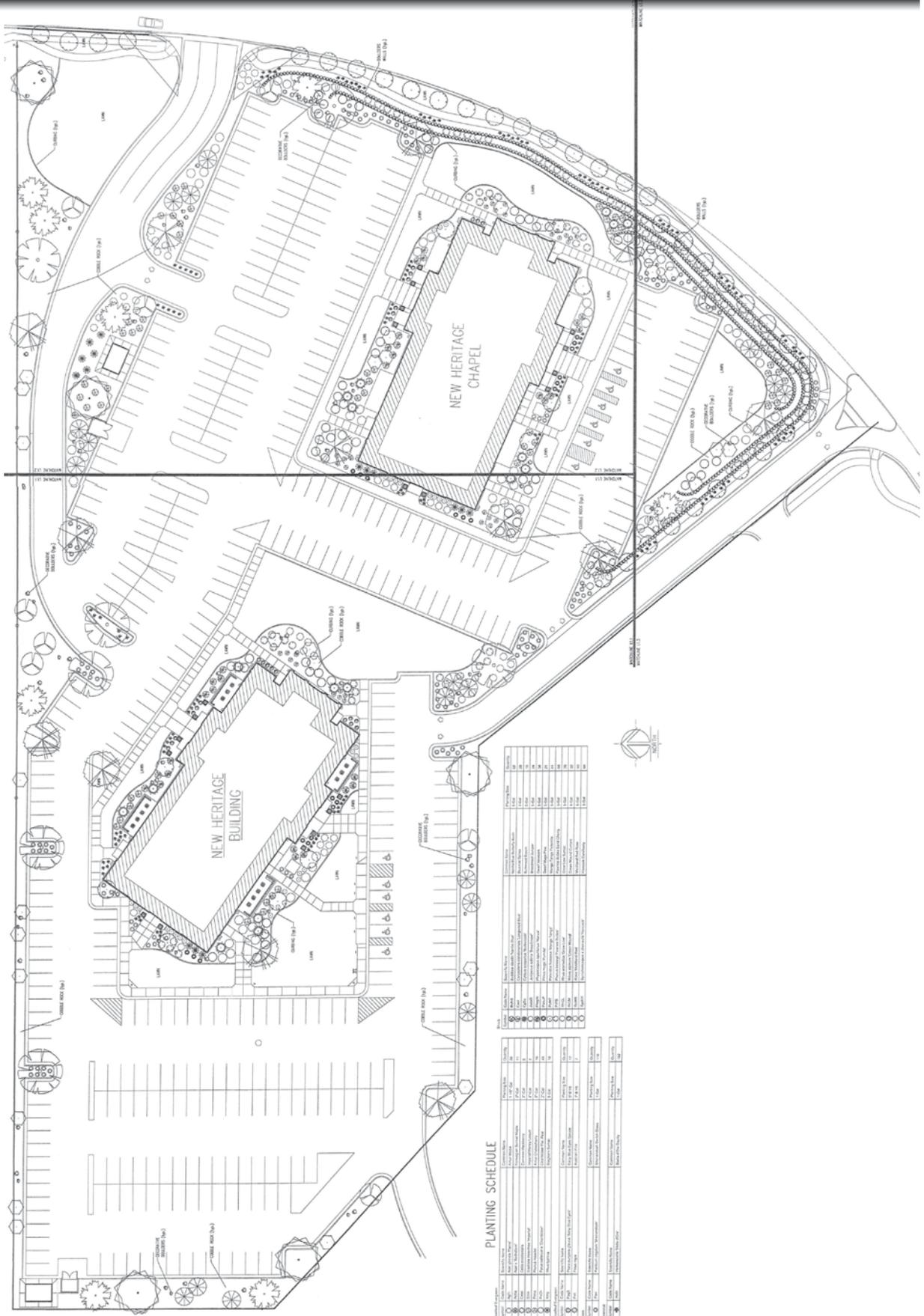
Vicinity Map



114- Cant. Park Cir P9-P10 Edinburgh Dr K19 Jering, North 114-

ATTACHMENT

LDS West Campus Proposed Landscaping Plan

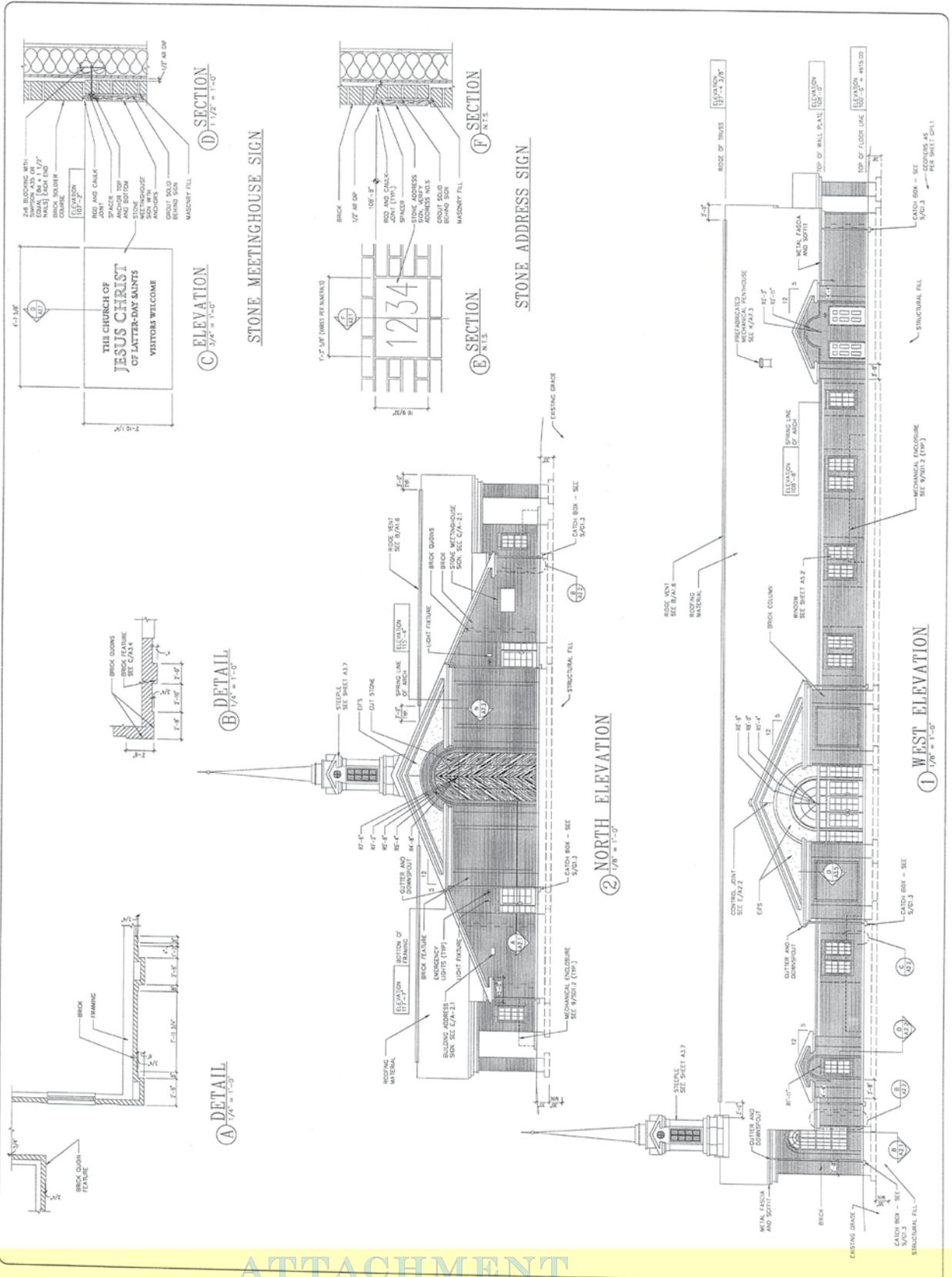


PLANTING SCHEDULE

Plant Name	Quantity	Plant Name	Quantity
1. 12" DB PALM TREE	10	1. 12" DB PALM TREE	10
2. 18" DB PALM TREE	5	2. 18" DB PALM TREE	5
3. 24" DB PALM TREE	3	3. 24" DB PALM TREE	3
4. 30" DB PALM TREE	2	4. 30" DB PALM TREE	2
5. 36" DB PALM TREE	1	5. 36" DB PALM TREE	1
6. 42" DB PALM TREE	1	6. 42" DB PALM TREE	1
7. 48" DB PALM TREE	1	7. 48" DB PALM TREE	1
8. 54" DB PALM TREE	1	8. 54" DB PALM TREE	1
9. 60" DB PALM TREE	1	9. 60" DB PALM TREE	1
10. 66" DB PALM TREE	1	10. 66" DB PALM TREE	1
11. 72" DB PALM TREE	1	11. 72" DB PALM TREE	1
12. 78" DB PALM TREE	1	12. 78" DB PALM TREE	1
13. 84" DB PALM TREE	1	13. 84" DB PALM TREE	1
14. 90" DB PALM TREE	1	14. 90" DB PALM TREE	1
15. 96" DB PALM TREE	1	15. 96" DB PALM TREE	1
16. 102" DB PALM TREE	1	16. 102" DB PALM TREE	1
17. 108" DB PALM TREE	1	17. 108" DB PALM TREE	1
18. 114" DB PALM TREE	1	18. 114" DB PALM TREE	1
19. 120" DB PALM TREE	1	19. 120" DB PALM TREE	1
20. 126" DB PALM TREE	1	20. 126" DB PALM TREE	1
21. 132" DB PALM TREE	1	21. 132" DB PALM TREE	1
22. 138" DB PALM TREE	1	22. 138" DB PALM TREE	1
23. 144" DB PALM TREE	1	23. 144" DB PALM TREE	1
24. 150" DB PALM TREE	1	24. 150" DB PALM TREE	1
25. 156" DB PALM TREE	1	25. 156" DB PALM TREE	1
26. 162" DB PALM TREE	1	26. 162" DB PALM TREE	1
27. 168" DB PALM TREE	1	27. 168" DB PALM TREE	1
28. 174" DB PALM TREE	1	28. 174" DB PALM TREE	1
29. 180" DB PALM TREE	1	29. 180" DB PALM TREE	1
30. 186" DB PALM TREE	1	30. 186" DB PALM TREE	1
31. 192" DB PALM TREE	1	31. 192" DB PALM TREE	1
32. 198" DB PALM TREE	1	32. 198" DB PALM TREE	1
33. 204" DB PALM TREE	1	33. 204" DB PALM TREE	1
34. 210" DB PALM TREE	1	34. 210" DB PALM TREE	1
35. 216" DB PALM TREE	1	35. 216" DB PALM TREE	1
36. 222" DB PALM TREE	1	36. 222" DB PALM TREE	1
37. 228" DB PALM TREE	1	37. 228" DB PALM TREE	1
38. 234" DB PALM TREE	1	38. 234" DB PALM TREE	1
39. 240" DB PALM TREE	1	39. 240" DB PALM TREE	1
40. 246" DB PALM TREE	1	40. 246" DB PALM TREE	1
41. 252" DB PALM TREE	1	41. 252" DB PALM TREE	1
42. 258" DB PALM TREE	1	42. 258" DB PALM TREE	1
43. 264" DB PALM TREE	1	43. 264" DB PALM TREE	1
44. 270" DB PALM TREE	1	44. 270" DB PALM TREE	1
45. 276" DB PALM TREE	1	45. 276" DB PALM TREE	1
46. 282" DB PALM TREE	1	46. 282" DB PALM TREE	1
47. 288" DB PALM TREE	1	47. 288" DB PALM TREE	1
48. 294" DB PALM TREE	1	48. 294" DB PALM TREE	1
49. 300" DB PALM TREE	1	49. 300" DB PALM TREE	1
50. 306" DB PALM TREE	1	50. 306" DB PALM TREE	1
51. 312" DB PALM TREE	1	51. 312" DB PALM TREE	1
52. 318" DB PALM TREE	1	52. 318" DB PALM TREE	1
53. 324" DB PALM TREE	1	53. 324" DB PALM TREE	1
54. 330" DB PALM TREE	1	54. 330" DB PALM TREE	1
55. 336" DB PALM TREE	1	55. 336" DB PALM TREE	1
56. 342" DB PALM TREE	1	56. 342" DB PALM TREE	1
57. 348" DB PALM TREE	1	57. 348" DB PALM TREE	1
58. 354" DB PALM TREE	1	58. 354" DB PALM TREE	1
59. 360" DB PALM TREE	1	59. 360" DB PALM TREE	1
60. 366" DB PALM TREE	1	60. 366" DB PALM TREE	1
61. 372" DB PALM TREE	1	61. 372" DB PALM TREE	1
62. 378" DB PALM TREE	1	62. 378" DB PALM TREE	1
63. 384" DB PALM TREE	1	63. 384" DB PALM TREE	1
64. 390" DB PALM TREE	1	64. 390" DB PALM TREE	1
65. 396" DB PALM TREE	1	65. 396" DB PALM TREE	1
66. 402" DB PALM TREE	1	66. 402" DB PALM TREE	1
67. 408" DB PALM TREE	1	67. 408" DB PALM TREE	1
68. 414" DB PALM TREE	1	68. 414" DB PALM TREE	1
69. 420" DB PALM TREE	1	69. 420" DB PALM TREE	1
70. 426" DB PALM TREE	1	70. 426" DB PALM TREE	1
71. 432" DB PALM TREE	1	71. 432" DB PALM TREE	1
72. 438" DB PALM TREE	1	72. 438" DB PALM TREE	1
73. 444" DB PALM TREE	1	73. 444" DB PALM TREE	1
74. 450" DB PALM TREE	1	74. 450" DB PALM TREE	1
75. 456" DB PALM TREE	1	75. 456" DB PALM TREE	1
76. 462" DB PALM TREE	1	76. 462" DB PALM TREE	1
77. 468" DB PALM TREE	1	77. 468" DB PALM TREE	1
78. 474" DB PALM TREE	1	78. 474" DB PALM TREE	1
79. 480" DB PALM TREE	1	79. 480" DB PALM TREE	1
80. 486" DB PALM TREE	1	80. 486" DB PALM TREE	1
81. 492" DB PALM TREE	1	81. 492" DB PALM TREE	1
82. 498" DB PALM TREE	1	82. 498" DB PALM TREE	1
83. 504" DB PALM TREE	1	83. 504" DB PALM TREE	1
84. 510" DB PALM TREE	1	84. 510" DB PALM TREE	1
85. 516" DB PALM TREE	1	85. 516" DB PALM TREE	1
86. 522" DB PALM TREE	1	86. 522" DB PALM TREE	1
87. 528" DB PALM TREE	1	87. 528" DB PALM TREE	1
88. 534" DB PALM TREE	1	88. 534" DB PALM TREE	1
89. 540" DB PALM TREE	1	89. 540" DB PALM TREE	1
90. 546" DB PALM TREE	1	90. 546" DB PALM TREE	1
91. 552" DB PALM TREE	1	91. 552" DB PALM TREE	1
92. 558" DB PALM TREE	1	92. 558" DB PALM TREE	1
93. 564" DB PALM TREE	1	93. 564" DB PALM TREE	1
94. 570" DB PALM TREE	1	94. 570" DB PALM TREE	1
95. 576" DB PALM TREE	1	95. 576" DB PALM TREE	1
96. 582" DB PALM TREE	1	96. 582" DB PALM TREE	1
97. 588" DB PALM TREE	1	97. 588" DB PALM TREE	1
98. 594" DB PALM TREE	1	98. 594" DB PALM TREE	1
99. 600" DB PALM TREE	1	99. 600" DB PALM TREE	1
100. 606" DB PALM TREE	1	100. 606" DB PALM TREE	1

ATTACHMENT

LDS West Campus Proposed Elevations



NO.	REVISIONS

PROJECT TITLE
JESUS CHRIST OF LATTER-DAY SAINTS
 BY ARCHITECTURAL PLAN



NEW HERITAGE BUILDINGS FOR
 HIGHLAND WEST STAKE CAMPUS
 HIGHLAND BLVD. - HIGHLAND, UTAH

Architects
 Raymond Van Nessel & Assoc. Inc.
 ARCHITECTS • PLANNERS • ENGINEERS

DATE: 10/18/14
 SHEET: A-2.1

ATTACHMENT

AMENDED MOTION: To approve the LDS Church West Campus on Highland Blvd for the purpose of constructing two church buildings per the following conditions:

1. **LANDSCAPING.** That the site plan include a minimum of 35% landscaping which shall include the Parkway Detail and landscaped medians; and
2. **SOUTHEAST ACCESS.** That the one-way access (right ingress from north, right egress to the south) on the southeast corner of this site be fully improved with the first phase of this project; and
3. **NO PARKING.** That the applicant work with the City Engineer to indicate “no parking” along Highland Boulevard along the front of the entire property in question (this may include painting the curb, installing “no parking” signs, both options, or possibly other options); and
4. **FENCING - NORTH PROPERTY LINE.** That the applicant install a six foot (6’) tan vinyl open spaced fence along the north property line that be applicably built to withstand snow and wind loads in the area; and
5. **ACCESSORY STRUCTURES.** That all accessory structures meet the minimum setbacks per the Highland City Development Code and that these structures be of similar material and color to that of the main structures; and
6. **DUMPSTERS.** That the dumpsters be fully enclosed within a masonry enclosure with a gate and that these be additionally landscaped where visible to traffic or adjacent residential property; and
7. **LIGHTING.** That all lighting be designed and shielded to be directed toward the ground and be directed away from all four property lines so that any lighting does not cross over the property lines; and
8. **ARCHITECTURE.** That the architecture be consistent with the submitted elevations not exceeding 35’ in height (not including the typical spires).
9. **CONDITIONAL CUP APPROVAL.** That the Conditional Use Permit approval be conditioned upon the approval and recordation of the Country French Plat C subdivision; and
10. **ACCESS EASEMENT.** That the applicant provide a copy of the recorded access easement through the property to the South, that aligns with the southerly egress of Normandy Way, Country French Subdivision; and
11. **ACCESS - MATERIALS TO CONSTRUCT/TIMING OF CONSTRUCTION.** That the access referred to in Condition #10 be improved with a material substantial enough to provide emergency vehicle access, to be approved by the City Engineer, and to be completed prior to the issuance of any certificate of occupancy on Lot 2; and
12. **PARKING REQUIREMENTS.** That the applicant provide a minimum of 0.01288 parking spaces for each square feet of the total building footprints for any buildings constructed on Lots 1 and 2, Plat C, Country French Subdivision, with no individual lot providing less than 0.0127 parking spaces for each square foot of the building footprint for any building constructed on such lot;
13. **RECIPROCAL PARKING AGREEMENT.** That a reciprocal parking agreement be executed by and between the owners of Lots 1 and 2, allowing for the parking of each lot’s tenants, guests and invitees, on the adjoining lot.

Those voting aye: Brian W. Braithwaite, Brian Brunson, Larry Mendenhall, Kathryn Schramm, and Claudia Stillman. The motion passed with a unanimous vote.

Item 10: Planning Commission Recommendations ~ Discussion

Summary Statement:

The Planning Commission requested the opportunity to discuss ideas, concerns and or proposed Code Amendments/Additions of which they have authority. This item is simply to give each Planning Commissioner the opportunity to discuss these items.

Item 11: Future Planning Commission Items ~ Information

Summary Statement:

The Planning Commission has requested a list of possible upcoming Planning Commission Items. Typically, items are immediately placed on the Planning Commission Agenda as soon as they are applied for and would not be seen as upcoming items with the following exceptions:

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

