



## AGENDA

### **HIGHLAND CITY PLANNING COMMISSION Tuesday, July 10, 2012 – Regular Meeting 7:00 p.m.**

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

#### **CALL TO ORDER:** Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Chris Kemp
- Pledge of Allegiance – Commissioner Jay Roundy

#### **APPEARANCES:**

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to two (2) minutes.

#### **WITHDRAWALS AND CONTINUANCES:**

#### **PUBLIC HEARING ITEMS:**

1. TA-12-06 A request by Mr. Greg Nield of Eternal Springs, LLC. and the Highland City Planning Commission to amend the development standards for Article 4.6 Senior Care Assisted Living Overlay Zone of the Highland City Development Code relating to but not limited to building height, site coverage, setbacks, landscaping, parking, buffering requirements. *Legislative.*
2. PP-12-01 A request by Woodley & Associates for preliminary plat approval for a twelve lot residential subdivision located at approximately 4900 West 11300 North. *Legislative.*

#### **OTHER BUSINESS:**

#### **APPROVAL OF MINUTES:**

- June 12, 2012 – Regular Meeting

#### **PLANNING STAFF REPORT:**

- Planning Commission Chair & Vice Chair Elections
- Highland City Demographic Overview
- Recent City Council Actions

**COMMISSION COMMENTS AND SUGGESTIONS:**

**ADJOURNMENT:**

NEXT MEETING: *Tuesday, August 28, 2012* at 7:00 pm City Council Chambers

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

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

**FOR SPECIAL ACCOMMODATIONS**

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

**CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 5<sup>th</sup> day of July, 2012. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 5<sup>th</sup> day of July, 2012 the above agenda notice was posted on the Highland City website at [www.highlandcity.org](http://www.highlandcity.org).

Gina Peterson, City Recorder

**HIGHLAND CITY**  
**PLANNING COMMISSION MEETING**  
**JULY 10, 2012**

<b>REQUEST:</b>	PUBLIC HEARING – An amendment to the development standards for Article 4.6 Senior Care Assisted Living Overlay Zone of the Highland City Development Code relating to but not limited to building height, site coverage, setbacks, landscaping, parking, buffering requirements. (TA-11-06)		
<b>APPLICANT:</b>	Greg Nield, Eternal Springs LLC and Highland City Planning Commission		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONING</b>	<b>ACREAGE</b>	<b>LOCATION</b>
N/A	N/A	N/A	Citywide

**PRIOR REVIEW:**

The Planning Commission held a public hearing on June 12, 2012 and voted 5-1 to continue the request to the July 10 meeting so that landscape setbacks and building heights could be addressed.

Staff revised the public hearing notice to provide the Commission with the ability to amend additional sections related to but not limited to building height, site coverage, setbacks, landscaping, parking, buffering requirements so that additional changes could be made without the need of re-advertising.

**BACKGROUND:**

The Senior Care Assisted Living Overlay Zone (SCALO) was approved by the City Council in October 2009. The intent of the SCALO is to provide locations and opportunities for assisted living facilities and other similar uses while protecting existing residential neighborhoods. The SCALO District can be applied anywhere in the city if the site meets the development standards.

A conditional use permit application for Ashford Memory Care was approved by the Council in October of 2009. The facility opened in 2011. A conditional use permit is required for any development within the SCALO District.

The applicant is proposing to construct a new 37,292 sqft (18,646 sqft building footprint) two story addition. The addition will be located on the lot to the north with a wing located on the east side of the existing building. The proposed building will house an additional 47 units.

A conditional use permit has not been submitted therefore, staff has not had an opportunity to determine compliance with all applicable development regulations. Additional amendments may be needed.

A development code amendment is a legislative process.

Adoption of the SCALO district:

The SCALO District was first presented to the Commission in July 2009. As with all amendments there were several changes to the proposed district before it was recommended for approval by the Planning Commission and approved by the Council. Residents and the applicant had access to all staff reports and revisions to the district. There were no changes after the Planning Commission recommended approval. Staff has reviewed the minutes and listened to the recordings of each meeting. Attachment C is summary of the four main issues as it relates to this request: building coverage, building height, rear yard building setback, and rear yard landscape setback. Copies of the Planning Commission recommended and City Council approved SCALO District have been provided electronically.

Prior Review Processes

In the past staff and the applicant would work together to design a non-residential zoning district based upon a specific site plan. As a result, the regulations were customized and changed based on Commission, Council, staff, and resident input on a specific project. This approach can create issues in the future when the district is applied to different projects and locations.

**SUMMARY OF REQUEST:**

1. The applicant is proposing to amend Section 3-4606.1 to increase the amount of building coverage from 30% to 35%. The proposed amendment reads as follows:

Section 3-4606.1

(1) Coverage of a site by a building structure shall not exceed THIRTY-FIVE (35) ~~thirty (30)~~ percent of the total site.

2. The proposed amendment would result in an increase in the building footprint of 2,178 square feet for every acre of land area. As it relates to the proposed project, the amendment would increase the building square footage by 4,421 square feet.
3. The applicant is also requesting to amend Section 3-4613.11 to reduce the rear landscaping setback from 80 feet to 30 feet. The proposed amendment reads as follows:

Section 3-4613.11

Rear Setback: Landscaping shall be a minimum of thirty (30) feet in width between the main structure and the rear property line (opposite the right-of-way) if adjacent to any non-residential use.

~~(a) Landscaping shall be a minimum of eighty (80) feet in width between the main structure and the rear property line (opposite the right-of-way) if adjacent to an existing residential dwelling.~~

~~(b)~~ (a) Property areas where rear property lines abut existing residential uses shall be substantially landscaped with a combination of deciduous and evergreen trees and shrubs to mitigate potential impacts to surrounding residential use.

4. The Commission included as part of the motion a request to review the existing building height requirements. The Commission will need to determine, what if any, changes are needed to this section. The existing requirement is:

### Section 3-4608 Building Height

The maximum height of any building in the senior care assisted living overlay zone shall not exceed thirty-five (35) feet. The height is measured from one location along any elevation where the “grade of building” (as defined in 10-102(23)) to the highest part of the building is at its greatest vertical distance. On sloped lots where the grade difference exceeds four feet in elevation the averaged maximum “height of building” (as defined in 10-102 (26)) in the senior care assisted living overlay zone shall not exceed thirty-five (35) feet consistent with attachment “c”. No building shall be constructed to less than the height of 10 feet or one story above finished grade.

### ANALYSIS:

- Staff researched building height, building coverage, rear yard setback and landscape setback requirements of surrounding cities including Alpine, American Fork, Cedar Hills, Lehi, Lindon, Orem, Pleasant Grove and Provo. Office and neighborhood commercial districts were chosen that have similar characteristics. The findings are summarized below:
  - Only Alpine and Lindon have a separate zoning district for assisted living facilities. However, these facilities are allowed in commercial districts or higher density residential districts in the other cities.
  - Most cities require additional rear yard setbacks when adjacent to residential districts.
  - The size of the rear yard setback ranges from 10 feet to 50 feet.
  - Landscape setbacks range from a minimum of 10 feet to 30 feet.
  - Only American Fork has a commercial district with a height less than 35 ft.
  - Some cities require additional rear yard and landscape setbacks based on the height of the building.
  - Some communities require assisted living and similar facilities to be of the same size, scale, and design as the surrounding residential uses.
  - Many communities do not have building coverage requirements for non-residential zoning district. Instead they rely on setbacks, landscaping, and/or other requirements.
  - American Fork and Cedar Hills review and approve commercial developments through planned development regulations. As a result the development standards are tailored based on specific sites.
- Staff compared the building height, building coverage, rear yard setback and landscape setback for the five commercial districts within Highland City. The development standards are not consistent between districts. The SCALO District has the most restrictive standards.
- Addressing the compatibility between different residential and non-residential uses is a primary role/function of the Planning Commission and City Council. Compatibility is also addressed through building height, setbacks, screening, buffering, landscaping, lighting and architectural design. Specific standards are often determined based on the values and needs of the community and site characteristics. The Planning Commission and City Council also need to balance the needs of adjoining properties.

- Based upon the research completed and past experience it is typical to have development standards that vary based on type and intensity of the use. For example, a regional commercial district will have larger setback and increased landscaping requirements than a neighborhood commercial district.
- The following is a summary of the typical development standards based on research and past experience for a neighborhood commercial/professional office district that has been designed to be placed adjacent to existing or planned residential uses.
  - Building setbacks range from 20 ft to 50 ft with provisions included to increase the setback based on building height.
  - Building heights range from 30 ft to 35 ft.
  - Landscape buffers range between 20 to 25 feet.

**CONCLUSION:**

- Highland is a unique place to live and work and as such development standards should be tailored to meet the needs of residents and business owners and ensure land use compatibility. The Planning Commission will need to consider each item and determine what is in the best interest for residents and business owners. The following chart has been provided to assist the Commission in this determination:

<i>Regulation</i>	<i>Existing</i>	<i>Requested by Applicant</i>	<i>Planning Commission Proposal</i>
Building Height	35 ft	No Change	
Building Coverage	30%	35%	
Rear Yard Setback	30 ft	30 ft	
Landscape Setback	80 ft	30 ft	

- If additional amendments are needed, staff will work with the Commission to identify those so the Commission can make a recommendation to the City Council.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on May 27, 2011 and June 24, 2012. All comments received to date have been attached.

Staff also met with the residents on June 7, 2012 and June 21, 2012 to discuss the proposed amendments. The applicant has also met with staff since the June 12, 2012 Planning Commission meeting.

**RECOMMENDATION:**

The Planning Commission should conduct a public hearing and determine the appropriate development standards for the SCALO district and determine if:

- The proposed amendment is consistent with the purpose of the Development Code.

- The proposed amendment will or will not adversely affect the community.
- The proposed amendment will or will not result in compatible land use relationships.
- The proposed amendment is needed to update the Development Code.

If the Planning Commission determines that the amendment is in the best interest of the community, the Commission should draft findings and recommend approval of the proposed amendment.

If the Planning Commission determines that the amendment is not in the best interest of the community, the Commission should draft findings and recommend denial of the proposed amendment.

**ATTACHMENTS:**

- Attachment A – Applicant’s Narrative
- Attachment B – Citizen Comments
- Attachment C – Regulation Summary SCALO District
- Attachment D – Highland City Commercial District Regulations Summary
- Attachment E – Comparative Utah County City Regulations
- Attachment F – Draft Minutes of the June 12, 2012 Planning Commission Meeting

May 21, 2012

To: Highland City

Re: Development Code Amendment Request for 3-4606

Highland City Officials,

The current code for the Senior Care Assisted Living Overlay Zone (Article 4.6) in section 3-4606 (1) reads as follows:

"Coverage of a site by a building structure shall not exceed thirty (30) percent of the total site."

We appeal to the planning commission and city council to change the text of the code as follows:

"Coverage of a site by a building structure shall not exceed thirty-five (35) percent of the total site."

As the initial applicant bringing this code to Highland City and as the current sole operator of assisted living in the city of Highland, we worked with the planning commission to establish this new code to allow for assisted living facilities in the city. While working with the staff and planning commission back in 2009, the proposed code allowed for the option of 35% coverage of a building structure if approved by the planning commission; however, unbeknownst to us, the code changed somehow between the final meeting with the planning commission and the initial meeting with the city council.

On Friday May 4, 2012 our architect brought to our attention the point that the code had changed from what we originally planned for.

On Monday, May 7, 2012 a brief meeting was held with Nathan Crane and us. After looking at the minutes from the city council, Nathan said that the city council approved the code with 30% building to site coverage. We expressed that meeting minutes were not found where this change from the original proposal was discussed. So Nathan was going to research it and get back to us.

On Thursday, May 10, 2012 Jill (Planning Secretary) left us a voicemail and said that it was 30% and a request would have to be submitted for a Development Code Amendment to get 35%. Subsequently we setup a time to meet with Nathan that same day and with our General Contractor, Mark Hampton from Rimrock. During this meeting with Nathan, the staff notes that were brought up on his computer for the September 1, 2009 City Council meeting showed that the text change to 30% was in **Purple Bold** text which would suggest that we, the applicant, requested the change. We are absolutely certain the request was not made by us and the minutes (both audio and written) from all city council and planning commission show such.

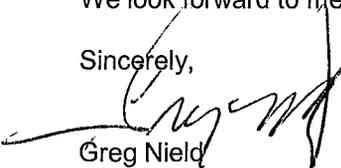
On Tuesday, May 15, 2012 Mayor Ritchie sat with me and the information was laid out to him regarding our concern over the discrepancy. He listened intently and said he would get with Nathan and find out what happened.

Thursday, May 17, 2012 Nathan responded to an email we sent inquiring of any findings and he responded, "We have not been able to find any additional information. Since it was part of the Planning Commission recommendation and part of all the Council discussions, a Development Code Amendment would be needed to change the ordinance."

In the absence of further documented evidence, it appears that the current code is not written as initially intended by the planning commission and/or applicant. Thus we are requesting the Development Code Amendment.

We look forward to meeting with you and discussing this request.

Sincerely,

  
Greg Nield  
(801) 380-9451

June 18, 2012

To: Highland City

Re: Development Code Amendment Request for 3-4613 (11)

Highland City Officials,

The current code for the Senior Care Assisted Living Overlay Zone (Article 4.6) in section 3-4613 (11) reads as follows:

"3-4613 (11) **Rear Setback**: Landscaping shall be a minimum of thirty (30) feet in width between the main structure and the rear property line (opposite the right-of-way) if adjacent to any non-residential use.

(a) Landscaping shall be a minimum of eighty (80) feet in width between the main structure and the rear property line (opposite the right-of-way) if adjacent to an existing residential dwelling."

We appeal to the Planning Commission and City Council to approve the following change as follows:

"3-4613 (11) **Rear Setback**: Landscaping shall be a minimum of thirty (30) feet in width between the main structure and the rear property line (opposite the right-of-way)."

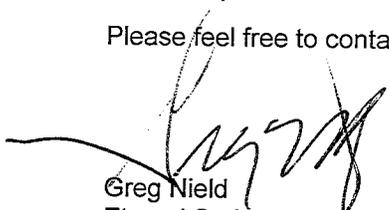
On June 6, 2012 I was made aware of the difference in the code of the required setback. In the Development Code under section **3-4607: Building Setbacks (3)** it states "Rear setback areas for the main structure shall be a minimum of thirty (30) feet." Then two pages below this under **3-4613: Landscaping (11) Rear Setback (a)** it reads, "Landscaping shall be a minimum of eighty (80) feet in width between the main structure and the rear property line (opposite the right-of-way) if adjacent to an existing residential dwelling."

On October 6, 2009 the City Council unanimously voted in favor of our site plan which showed a future expansion to the East which would allow a 30 feet rear setback. The Planning Commission also voted unanimously in favor of the same site plan (see attached).

No other commercial property in Highland City has more than 16 feet of landscaping between the commercial property and any adjacent residential property. It would be reasonable for assisted living facilities to be required to provide a backyard for their residents like other residences and require 30 feet of landscaping.

We have thoroughly enjoyed doing business in Highland City and providing the needed service for the several families in the area. We look forward to continuing our business in Highland city and appreciate you considering these facts as they relate to the SCALO zoning.

Please feel free to contact me at any time to discuss these items.



Greg Nield  
Eternal Spring, LLC  
801.380.9451

**Written Citizen Comments  
As of July 5, 2012**

*Email from Gary Wright received June 25, 2012*

Hi,

Highland City has raised our Property Taxes \$900,000 to meet the city needs. It has been discussed that Highland desperately needs more business to absorb costs. One proposal is to Open on Sunday. Another would be to accommodate every business that is trying to build in our community. The Ashford is one of those business's that would love to build in our community but is being hindered by unjust restrictions. We have residents in Wild Rose that do not want business open on Sunday, they do not want to pay extra property taxes and they want to complain when a decent business like the Ashford wants to build. This is completely irrational. We all have to give in somewhere.

After this Huge property tax increase, I believe it is necessary to accommodate the needs of the Ashford and all business that want to expand in Highland. Pull out all the stops so they can get their new building built. Business will drive our city but we cant have City Government standing in there way. You changed the Zoning to a Special Zone for Assisted Living, and then changed the Zone on "4800 West" to "Mixed Use". Now you have to change the land occupancy to 35% and the rear setback to the 30 feet they need or everything else you did was in Vain. You cant make a special Zone for Assisted Living and then say you cant build Up or Out. That is also completely irrational. Thank you allowing my input.

--

Sincerely,

Gary D. Wright

[gdwright@gmail.com](mailto:gdwright@gmail.com)

[801-400-1000](tel:801-400-1000)

*Email from Gary Wright received June 18, 2012*

Hi,

I am just following up after the last Planning Meeting regarding the set-back of 80 feet. That has got to be a "Typo". That was never discussed. Doesn't it seem rather silly to tell a company they are free to expand to the East, then put an 80 foot set-back so they cant?

That basically makes our property's useless as Commercial Property. Highland City went through so many meetings last year and converted 4800 West over to Mixed Use... then you say we cannot build on the last 80 Feet of the back and we need to stay another 80 feet from the front. This is a 1 acre lot... There is very little room to build if you pull 160 feet out off the lot.

That was meant to be 30 feet not 80, and we all know it. Please make that correction. Cedar Hills has contacted several of us residences about annexing into their city. This could be the reason for pulling our property out of Highland if we cant use the last 80 feet. Chris Kemp said that this is to "Look out for the property owners." Well, I am a property owner and I own property in Wild Rose as well as 4800 West. Please look out for my interest, not just one group of people.

Highland does not have enough business's right now and will need to change their ordinance to be open on Sunday or allow for business like Ashford and others. This "Typo" needs to be corrected or our future use as commercial property is greatly affected.

Sincerely,  
Gary D. Wright  
[gdwright@gmail.com](mailto:gdwright@gmail.com)  
[801-400-1000](tel:801-400-1000)

***Email from Wild Rose Residents/Cori Ollerton received June 6, 2012***

Mr. Crane,  
We as members of Wild Rose community would like to schedule a meeting with you, Chris Kemp and the City Council prior to our meeting on June 19. We would like to discuss a few of our concerns with this new building proposal for the Assisted Living Center. Please let us know a time and day that would work for you.

Thanks for your help.

Sincerely,

Wild Rose Residents

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Date: Fri, 1 Jun 2012 22:39:07 -0600  
Subject: Re: FW: Assisted Living Addition-Planning Commission Mtg  
From: rebekahlkaylor@gmail.com  
To: highlandbrowncoat@gmail.com; cori\_thegreat@msn.com; sbvalentine@mac.com; ryv@me.com; noellestokes@hotmail.com; paints002@gmail.com; tbtelfer@yahoo.com; dave@kaylor.org; thomas.brough@gmail.com; jared.home@gmail.com; moomalam@yahoo.com; marksuth42@gmail.com; timohoggard@yahoo.com; regnez@netzero.com; paul.s.edwards@gmail.com; margo.sings@gmail.com; brettburns1959@msn.com; kirk@obieone.net; db@kaylor.org; jaredgodwin@comcast.net; shagodwin@gmail.com; bhoggard65@yahoo.com; scbrough@gmail.com; upsplagent@msn.com; sburns1959@msn.com; jamiesuth@gmail.com; bstokes1@hotmail.com; rodoob@msn.com; cdavidkemp@gmail.com

Gary,

That's precisely the point. We wouldn't mind a home with neighbors. Having the barn and garden and the Sherwoods was something we dearly loved about being here. We know what the residential code is and would be happy with that. The Ashford is seeking to change the existing code. This would put their care center far closer to our property than any private home would be. And there is a huge difference between sharing your backyard with neighbors and sharing it with a business entity (lots and lots of people that we don't know and may not be able to trust). We are just trying to get the city to maintain its current code and to provide us with protection (a fence and trees) from the business entity.

Hoping you might understand,

Rebekah K.

On Fri, Jun 1, 2012 at 4:01 PM, Rebekah Kaylor <rebekahlkaylor@gmail.com> wrote:

Dear Neighbors,

I, too, would be very glad for neighborhood support in fighting the two-story expansion of the Ashford Living Center! I agree with Cori that a one-story building would be much more acceptable than a two-story monstrosity. Additionally, I think that a high fence and trees should also be mandated. When we moved here we moved in with the knowledge that the Highland Master city plan stated that the property all around us was zoned residential and would stay that way. I think that the city should feel obligated to compensate us in any way they can for changing the Master plan against the recommendation of the city planning commission last summer. Having a fence at an adequate height and trees planted would help make us (the adjacent residents) feel better about having businesses in our backyards. It would also give us considerably more protection and security to have adequate barriers between us and any business traffic. I definitely don't feel good about others being able to see when I am home or when my children are home alone, etc. Having the city mandate this kind of adequate protection for private residents at this juncture will only protect all those who might be in a similar situation in the future.

Of greater impact for all in the surrounding area is the added safety concern that this poses to our high school kids and any others wanting to cross the street safely to the high school or the seminary or the soccer fields. Currently the only designated cross walk is down by the Walmart. The only path to that crosswalk is now across the business driveways of the Ashford Living Center. If they expand as they would like, they will have two parking lots and driveways. I trust residential neighbors who have children of their own a lot more than random visitors and workers at a business to be aware of pedestrian crossing along driveways. Many times our youth are slight (tiny and hard to see) and in a hurry, and I don't think it is safe to have the only crossing along a corridor that the city wants to turn largely commercial. I would like the city to hold the Ashford Living owners accountable for the added safety concerns presented with their expansions.

And lastly, I would like to address the dishonest and unethical practices of the owners of the Ashford Memory Care Center. When they originally applied to the city for

application to place their center in a residential zoned area, Greg Nield knew from speaking with the neighbors and the city that they would never be okay with a two-story building backing our residential properties. A two-story building blocks the sun and adds all sorts of privacy issues and changes the feel of the residential area. The Charleston in Cedar Hills abuts a commercial property and an elementary school. The neighborhood to the south is buffered from the facility. Mr. Nield and his partner changed their plans to reflect a one-story property with a wall and a berm with lots of trees to protect the neighbors behind him in order to get the original exception granted. Now he wants to change that design.

Before they received their original permit from the city David and I told him of our intent to purchase the Sherwood property. He said that they were not considering expanding at that time, but that if they did, they would expand to the south. To buy the Sherwood property, he and his partner circumvented the usual way the county sells excess property. It was, at the very least, immoral and unethical. I am working with the director of county public works, Richard Nielson, and with the county commissioners to make sure that improper sales like the one executed by the owners of Ashford don't happen again.

Additionally, when David and I recently met with Greg in April of this year he stated to us that he and his partner feel that they never agreed to a fence and trees behind the Ollertons and Broughs. He intimated that they (Ryan and Cori) lied to the city about the promises Ashford made to the Ollertons about the fence and trees. I am not okay with his statement regarding our neighbors! It is my understanding that the agreement to build a fence and place a berm and trees was talked about in a meeting that they had with several Wild Rose neighbors and these things were drawn in their plans. I do think the onus of appeasing the residential neighbors should be with Ashford, especially since the city code was changed from what it was when we purchased our properties. (Incidentally, the Ollertons let me know that the Ashford never planted as many trees as they let the city think from their written plans that they would. Additionally, when they replaced two trees that died, they did not follow city code on the required size of the trees.)

And lastly, when we recently met with Greg on April 16th, he assured us that they were very concerned with being good neighbors and would let us know as soon as they finalized their plans what those would be and that they were required by law to inform the neighboring properties of proposed building. This, again, has shown him to be dishonest. It is only by chance that Cori saw their plans when she was volunteering with the Youth Council. The Ashford needs the city to change the current zoning laws in order for them to build the two-story addition. They want the city planning commission to make changes to the city building density code without any input from the surrounding neighbors. They have made it a point to conceal that effort from us and are seeking to do so while knowing that we are all vehemently opposed to any such plan. (Incidentally, he submitted plans to the city the same day that he spoke with David and I.)

Currently, the fence that they built (a mere 6 feet) allows the smokers on the back patio to look into our yards. The Broughs and Ollertons have to keep their blinds closed to assure privacy. At least one instance of rough handling of a patient has been observed. And

knowing of their unethical choices in regards to property acquisition and building permits and neighbor policy makes me suspect of the care and choices that they make within their facility.

If you cannot make it to the city planning meeting on the 12th of June and the city council meeting on the 19th of June, please write the city planning commission and also the city council in support of a one-story facility with a nine-foot minimum fence and required trees planted along the fence-line. We, your neighbors, are asking for your help in support of privacy and safety for our families! We also feel that these requirements are necessary for the continued value of our homes. I feel that these requirements of a 9 ft. fence and adequate trees along the fence that protect surrounding private residents from businesses in areas where the city council has changed the zoning will be a protection from which many in the future will benefit.

You can write to the city planning commission here: [cdauidkemp@gmail.com](mailto:cdauidkemp@gmail.com) and [nathanc@highlandcity.org](mailto:nathanc@highlandcity.org)

You can write to the city council here: [council@highlandcity.org](mailto:council@highlandcity.org)

Your voice matters!  
Rebekah Kaylor

On Fri, Jun 1, 2012 at 12:21 PM, Dave Kaylor <[highlandbrowncoat@gmail.com](mailto:highlandbrowncoat@gmail.com)> wrote:  
FYI

----- Forwarded message -----

From: Dave Kaylor <[highlandbrowncoat@gmail.com](mailto:highlandbrowncoat@gmail.com)>

Date: Fri, Jun 1, 2012 at 11:44 AM

Subject: Re: FW: Assisted Living Addition-Planning Commission Mtg

To: Cori Ollerton <[cori\\_thegreat@msn.com](mailto:cori_thegreat@msn.com)>

Cc: Shauna Valentine <[sbvalentine@mac.com](mailto:sbvalentine@mac.com)>, [ryv@me.com](mailto:ryv@me.com),  
[noellestokes@hotmail.com](mailto:noellestokes@hotmail.com), [paints002@gmail.com](mailto:paints002@gmail.com), [tbteffer@yahoo.com](mailto:tbteffer@yahoo.com),  
[dave@kaylor.org](mailto:dave@kaylor.org), [thomas.brough@gmail.com](mailto:thomas.brough@gmail.com), [jared.home@gmail.com](mailto:jared.home@gmail.com),  
[moomalam@yahoo.com](mailto:moomalam@yahoo.com), [marksuth42@gmail.com](mailto:marksuth42@gmail.com), Timo Hoggard  
<[timohoggard@yahoo.com](mailto:timohoggard@yahoo.com)>, [regnez@netzero.com](mailto:regnez@netzero.com), [paul.s.edwards@gmail.com](mailto:paul.s.edwards@gmail.com),  
[margo.sings@gmail.com](mailto:margo.sings@gmail.com), Brett Burns <[brettburns1959@msn.com](mailto:brettburns1959@msn.com)>, [kirk@obieone.net](mailto:kirk@obieone.net),  
Dave Kaylor <[db@kaylor.org](mailto:db@kaylor.org)>, [jaredgodwin@comcast.net](mailto:jaredgodwin@comcast.net), [shagodwin@gmail.com](mailto:shagodwin@gmail.com),  
[bhoggard65@yahoo.com](mailto:bhoggard65@yahoo.com), [scbrough@gmail.com](mailto:scbrough@gmail.com), [upsplagent@msn.com](mailto:upsplagent@msn.com), Sue Burns  
<[sburns1959@msn.com](mailto:sburns1959@msn.com)>, [jamiesuth@gmail.com](mailto:jamiesuth@gmail.com), [bstokes1@hotmail.com](mailto:bstokes1@hotmail.com), [rodoob@msn.com](mailto:rodoob@msn.com)>

I'm sure the owners of Ashford wouldn't want a two story business directly behind their residential property - no matter what the nature of the business was. Which is why they seem intent on putting it directly behind MY house. I'm not 100% sure how things went down, but Ashford and the city and the county have been planning this from the get go. We expressed interest in the property two years ago when it first sold to the County and were told by the county that it was not for sale but that when it was we would be

contacted. We were NEVER contacted. The County NEVER posted a for sale sign. The property was re-zoned mixed use and voila, suddenly Ashford is the new owner of cheap land that will now house a two story building and a parking lot. I do not believe that ANY individual should receive preferential treatment from the government as has happened in this case. The County, City, nor Ashford has offered any concessions to the homes that are most affected by this. Our property value has certainly eroded because of this. Barriers and trees have not been put up as promised behind Ollertons and Broughs. We asked to purchased a small strip of the land from Ashford so that we could install our own natural barrier. They were not interested. We asked them to install a significant natural barrier instead to show their interest in being good neighbors. Apparently their idea of a natural barrier that backs up to our property line is a two story building that will gaze upon our window and back yard and block our view of the western sunset.

We moved into a residential neighborhood for a reason. I get that things change and I can role with that. I don't have to think it's "wonderful" though. I can hope for a win-win. The city and county certainly has shown no interest in "having our backs" - if they want business to earn them money, they need to properly compensate those that they are adversely affecting in order to obtain their earthly treasures. This is just a form of wealth redistribution in my opinion. "We need to pay for our city debts so we have to take something from the Wild Rose neighbors so that our residents in another part of the city can have the goodies they want.

I do not approve.

Thanks for reading my rant :)

- Dave Kaylor  
Future Sheriff of the New City of Wild Rose

On Fri, Jun 1, 2012 at 10:24 AM, Cori Ollerton <cori\_thegreat@msn.com> wrote:

Thanks Gary.

Just to repeat myself in case this didn't come across well. I am not complaining about the building expanding. It has been fine and actually cleaned up the area well. My complaint is an addition of a two story building. I think all of you would agree that a huge two story building right behind your home is NOT your first choice in area clean up. I don't mind the expansion just the height addition. I was told that the way to fight this would be to argue the developmental code of property building space.

~Cori

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Thanks Cori,

This is great news. I have known about this for several months. I think this would add a great addition to Highland and 4800 West. In truth, the Ashford has brought a lot less traffic and all the problems that were discussed have never come to pass. Their property

beautiful and is nicely landscaped and would look very nice on that corner. This is the right location for it, and it leaves Wild Rose with their own private little neighborhood. Make no mistake of it, that lot is empty and some business is going in there. This is just the first offer. If you stop this one, there are many more behind it. I personally have been approached twice by two different developers for my land. I have turned both down for now. One was a fitness center and the other was doctors offices.

There was no secret when Ashford went in and then the Zoning was changed to "Mixed Use" that each of these properties down 4800 West would be used for this purpose. This is the future of 4800 West. If we don't want business open on Sunday, we better let Highland get business where ever else possible.

Anyway, you are all great neighbors and we love each of you. I'm sure there is some solution that would fit for everyone. I will see you at the meeting.

--

Sincerely,  
Gary D. Wright  
gdwright@gmail.com

On Fri, Jun 1, 2012 at 8:35 AM, Cori Ollerton <cori\_thegreat@msn.com> wrote:  
Neighbors,

Hopefully you all have received the information that I sent out regarding the Ashford Assisted Living addition. Greg (owner) is planning on going before the Planning Commission on JUNE 19. (not the 12th) We need as much support as we can get to stop the proposed 2 story building from being built. I know this may not affect some of you directly but, I remember a time when an assisted living center was wanted in our neighborhood and the entire neighborhood set out to make our voices heard. Please show up for this meeting we need to bond together or our sweet little neighborhood will have an entrance that looks like a hotel!

Let me know if you didn't get the previous info.

Thanks,  
Cori Ollerton

--

Sincerely,  
Gary D. Wright  
gdwright@gmail.com

*Email from Gary Wright received June 4, 2012*

Hi,

I see the Ashford is requesting to amend the current Developmental Code of 30% property land occupancy to 35% occupancy. This would allow them to build a larger building on their purchased lot. I am a neighbor with two houses next to Ashford and I am OK with that. I think this would add a great addition to Highland and 4800 West. In truth, the Ashford has brought a lot less traffic and all the problems that were discussed have never come to pass. Their property is beautiful and is nicely landscaped and would look very nice on that corner.

The people in Wild Rose are going to complain that a 2 story building is too large and the view will be affected. They also will say the traffic would be increased.

I just want to point out that most everyone in Wild Rose already has a 2 story home. The Woolstenhulme home is a 3 story home with a 2 story garage, and no one has complained about their house or garage being too big. Kaylor's might say this would be too large in their back yard but the Zenger's have a 3 story house in their back yard. I just don't see the 2 story argument will fly when everyone already has a 2 or 3 story house. Also, there has been a 2 story Horse Barn on that lot for over 30 years, and it is still there. No one has said that Horse Barn is too large.

As for the View... the View is to the EAST Mountains not to the WEST with the High School. The view is not affected. In fact, the Lameroux's have a 2 story Steal Building Horse Barn on the East next to the park. It is larger than this building would be and no one has ever said it distracts the view. And no matter what business you put on that lot will bring business traffic, this would actually bring less business traffic than other business might.

I think this it is fine and would like to see the amendment go forward.

--

Sincerely,  
Gary D. Wright  
[gdwright@gmail.com](mailto:gdwright@gmail.com)  
801-400-1000

## REGULATION SUMMARY – SCALO DISTRICT

Regulation	Planning Commission		City Council		Notes
	7/14/09	7/28/09	9/1/09	**10/9/09	
Building Coverage	*25%	*25%	30%	30%	It is unknown why the requirement changed from 7/28-8/25. The lot coverage for site with phase two included is approximately 28% which exceeds the 25% requirement.
Building Height	35 ft	35 ft	35 ft		As part of their motion on 8/25, the Planning Commission included a recommendation to increase the building height to 35 ft. It is unknown why it was changed from 35 ft to 25 ft from 7/28-8/25.
Building Rear Yard Setback	75 ft	75 ft	30 ft	30 ft	As part of their motion on 8/25, the Planning Commission included a recommendation to reduce the building setback to 30 feet. This change was requested by the applicant and was only applicable to this section. This requirement is listed as a minimum setback.
Landscape Rear Yard Setback	20 ft	20 ft	30 ft or 80 ft if adjacent to residential dwelling	30 ft or 80 ft if adjacent to residential dwelling	It is unknown why the requirement was changed from 7/28-8/25. After listening to the recording from the meeting, staff believes the intent was to reduce all building and landscaping setback requirements to 30 ft. It is unclear why it was not changed in this section.

\* Up to 35% at the discretion of the Planning Commission, if the project demonstrates superior response to the zoning guidelines (a project was not entitled to the 35%).

\*\* As recommended by the Planning Commission on 8/25/09

\*\*\* Adopted by the City Council on 10/9/09

## HIGHLAND CITY COMMERCIAL DISTRICT REGULATION SUMMARY

<b>Zoning District</b>	<b>Building Height</b>	<b>Building Coverage</b>	<b>Rear Yard Setback</b>	<b>Landscape Setback</b>
C-1	**30 ft	*25%	10 ft or 25 ft if adjacent to a residential district	10 ft
CR	45 ft	30%	100 ft from the wall of an adjacent home or 30 ft from property line whichever is greater – 100 ft from where an animal is housed, sheltered or fed	10 ft or 15 ft if adjacent to residential dwelling units
RP	**30 ft	*25%	10 ft or 20 ft when abutting a residential district	10 ft
PO	35 ft	***30%	25 ft or 35 ft when abutting a residential district – rear yard setbacks for storage areas reduced to 5 ft.	10 ft
SCALO	35 ft	30%	30 ft	30 ft or 80 ft if adjacent to residential dwelling

\*Up to 35% at the discretion of the Planning Commission, if the project demonstrates superior response to the zoning guidelines (a project was not entitled to the 35%).

\*\* The Planning Commission may approve an increase to 36 ft (at the discretion of the Commission subject to review criteria).

\*\*\*Up to 40% at the discretion of the Planning Commission, if the project demonstrates superior response to the zoning guidelines (a project was not entitled to the 40%).

**COMPARATIVE UTAH COUNTY CITY REGULATIONS**

City	Zoning District	Building Height	Building Coverage	Rear Yard Setback	Landscape Setback
American Fork	Planned Commercial Development	Determined on a case by case basis.			
	GC-1			30 ft	
	PO	30 ft or 3 stories whichever is higher		30 ft	
<b>Cedar Hills</b>					
	SC-1/Planned Commercial	Determined on a case by case basis. For comparison the WalMart Center: Setback to residential 55 ft; Landscape setback 10 ft.; Charleston Setback to residential 48 ft; Landscape setback 13 ft.			
<b>Lehi</b>					
	Neighborhood Commercial	35 ft or 2 stories		25 ft when adjacent to a residential use/zone	25 ft minimum and one foot additional for every one foot additional height over 20 ft
<b>Eagle Mountain</b>					
	Commercial	Five stories		20 ft or 50 ft when adjacent to a residential zone	20 ft
<b>Saratoga Springs</b>					
	Neighborhood Commercial	35 ft	50%	20 ft or 30 ft when adjacent to a residential zone	

<b>Provo</b>						
	Neighborhood Shopping Center	35 ft		30%	0 ft or 10 ft when adjacent to a residential zone	10 ft
	Professional Office	35 ft		30%	0 ft or 10 ft when adjacent to a residential zone	10 ft
<b>Pleasant Grove</b>						
	Professional Office	35 ft		30%	0 ft or 25 ft when adjacent to a residential zone	20 ft minimum and one foot additional for every one foot additional height over 25 ft
	Neighborhood Commercial	35 ft		30%	0 ft or 20 ft when adjacent to a residential zone	20 ft minimum and one foot additional for every one foot additional height over 25 ft
<b>Lindon</b>						
	CG	48 ft			40 ft	
	PC 1 and PC 2	48 ft			50 ft	

## ATTACHMENT F

### Excerpt of the Draft Planning Commission Minutes of June 12, 2012

**PRESENT:** Commissioner: Chris Kemp  
Commissioner: Sherry Carruth  
Commissioner: Abe Day  
Commissioner: Tim Heyrend  
Commissioner: Scott Temby  
Alternate Commissioner: Lance Garrett

**EXCUSED:** Commissioner: Jay Roundy  
Commissioner: Steve Rock

1. TA-12-06 A request by Eternal Spring, LLC to amend Section 3-4606.1 of the Highland City Development Code increasing the maximum building coverage on a lot from 30% to 35% for the Senior Care Assisted Living Overlay Zone. *Legislative.*

Nathan Crane explained the requested amendment is for a specific section in development code relating to the maximum building coverage to increase that from 30% to 35% in the Senior Care Assisted Living Overlay District (SCALO). Mr. Crane said that overlay districts allow additional uses in a particular zoning district of certain criteria. An analogy of would be to think of an overlay as a layer on a cake; the base layer is the base zoning district and this comes on top and allows additional uses under certain circumstances. In this district, in order to apply for a conditional use permit and utilize this district there has to be a minimum of 1 acre, 180 feet of frontage, located along a major arterial,  $\frac{3}{4}$  mile separation between similar uses, and separate license is required in addition to the state license. Mr. Crane explained that this overlay district allows assisted living and nursing care facilities through a conditional use permit. The SCALO was approved in 2009. Building coverage is determined by multiplying the square footage of the lot by the percent of building coverage allowed. It is important to note that only the footprint is addressed, not the total square footage. If it is a multi-level building, it is only the footprint of the building that is the building coverage.

Mr. Crane indicated that included with the staff report, that there was a discussion on what happened between a first draft of the proposed ordinance and the adopted ordinance. The ordinance changed; it is common for ordinances to change. The current requirements were a part of the Planning Commission's recommendation; that is what Council saw and that is what was adopted.

Mr. Crane further explained that this overlay district would be applied to a site; Ashford Assisted Living is looking to expand. He stated that there are a number of things that they need to address before they can expand and before they apply for a conditional use permit. The proposal from Ashford is just over a 37,000 square foot building, two stories, building footprint of just over 18,000 square feet, and would result in 47 new units. As this has gone forward, there may be

additional amendments that are needed to the overlay district to accommodate this use. Mr. Crane advised that if the applicant has additional amendments, the Commission may want to hear those all at once as opposed to a piece meal manner.

Mr. Crane stated that the requested increase from 30% to 35% would allow for just over an additional 2,000 square feet of building footprint for every acre of ground. On the proposed site, that translates to just over 4,500 square feet. Mr. Crane said that research was done on lot coverage on our non-residential zoning districts. The C-1 zone, Kohler's site, has 25% lot coverage; the CR zone, Taco Time area, has 30%; RP zone, office buildings on the corner of SR74 and SR92 and The Pointe, has 25% lot coverage; the PO zone, Highland Boulevard, allows up to 40% at the discretion of the Planning Commission; the Town Center has no maximum lot coverage and that is on purpose because an urban feel is trying to be created and building mass is one of the most important things to create that feel. Research in other cities showed no consistency for building coverage requirements. Some cities do require that assisted living facilities be located and have a similar size and scale to the surrounding residential uses.

Mr. Crane went over some things to consider. The first consideration is applicability; this change is being proposed to accommodate a specific plan. This change would apply to any development utilizing this overlay district. The second consideration is compatibility; one of the key things that the Planning Commission is charged with is balancing private property rights with resident needs and concerns. Compatibility is a big issue for the Commission, staff, and City Council to address. Mr. Crane indicated that some of the important things as it relates to this request is the building size and location. Those have direct correlation to the intensity of the use on the site and can affect compatibility. The final consideration is residential character; what type of character is trying to be created. The purpose of the overlay district is to allow these facilities as a residential character integrated with surrounding residential uses.

Mr. Crane indicated that the Planning Commission needs to hold a public hearing and determine if the amendment is consistent with the purpose and intent of the development code in this district, if it would result in compatible land use relationships, not adversely affect the community, and if it is needed at this time. Mr. Crane said that if there is an additional amendment needed, he thought there may be one and the applicant could clarify this, the Commission may want to make a recommendation on both of those amendments at the same meeting.

Commissioner Temby asked for clarification on the ¾ mile separation. Mr. Crane explained that facilities that utilize this district or other nursing or care facilities cannot be located within ¾ of a mile of another facility in Highland City. Mr. Crane said that he listened to the meeting recordings of when this overlay district was approved and they were aware of the Cedar Hills facility and did not raise concern.

Greg Nield, applicant, explained that they have several sketches they have looked at over the course of the last few months. He said there was a plan that he had shown Mr. Crane and the Mayor; at that time they understood that there were some discrepancies in the code that were brought to their attention. At that point, they stopped working on the floor plans. The property

to the north of the existing facility was purchased by them and they are looking to expand and offer assisted living without the dementia care.

Commissioner Kemp clarified that Mr. Nield is requesting the increase from 30-35% for the lot coverage. Mr. Nield indicated that is correct. Commissioner Kemp asked if there would need to be a change to the existing setback regulations. Mr. Nield said that he received an email last week from Mr. Crane asking what the future expansion rear setback was; Mr. Nield indicated it was approximately between 30-40 feet. At that point, Mr. Crane informed him that the development code requirement was 80 feet; Mr. Nield was under the impression it was 30 feet. Mr. Nield explained that they then looked in the development code under the building section setback and it discusses 30 feet from the rear property line; then a couple of pages after that, an 80 foot setback is discussed. Mr. Nield at that time identified this was another discrepancy that would need to be brought up, but because of public noticing requirements, it could not be on tonight's meeting agenda.

Commissioner Kemp clarified to the Commission that tonight only the lot coverage is being addressed, but at some point, it sounds like another part of the code would need to be addressed at a future date.

Commissioner Temby asked if there was a plan to expand when the original facility was built. Mr. Nield said there was to the east; at that time that was the plan. In the meantime, there has been a lot of interest in regular assisted living without the dementia care. Commissioner Temby asked if at the original application time if there was any consideration for any height restrictions. Mr. Nield said at that time they knew it was 35 feet, so they kept that in mind. Commissioner Temby asked if the residents to the east are the same ones as when Mr. Nield originally approached the City Council. Mr. Nield, with help from the audience, indicated they are the same residents.

Commissioner Temby asked if the plans now are preliminary based upon what the City Council approves; Mr. Nield explained that he was under the impression that he had 35% for lot coverage and when they found out otherwise, they put those plans on hold. Mr. Nield said he looked into it and found the code had changed; it was not ever discussed in a Planning Commission or City Council meeting. He said that with the help of Mr. Crane, they reviewed notes and meeting minutes and could not find documentation of why it changed to 30%. So in order to get that percentage increased a code amendment was required and the reason the request is before the Commission tonight. The current building covers 28% of the lot.

Mr. Nield expressed that if the lot coverage is left at 30%, that it would not work for the business and they would not be able to move forward and offer regular assisted living. At 35%, it makes sense for them. Their banks and investors asked for specific numbers in order to get loans. Mr. Nield explained that for dementia care the rooms are typically very small compared to regular assisted living facilities. For dementia patients it is confusing to have a large area, so small rooms work best. The goal is to provide regular assisted living which requires more space. Mr. Nield expressed that in his opinion the business model of a Beehive Home does not sell well to this population and area.

Commissioner Temby asked if the intent is to have a second story only on the site to the north. Mr. Nield clarified that the existing structure would not be expanded upward.

The Commission chose to hear the comments from the public at this time on the lot coverage and then make a recommendation at the next meeting for both the lot coverage and setbacks.

Commissioner Kemp opened the public hearing.

Susanne Brough lives directly behind the Ashford Assisted Care Center and has lived here for 20 years. She stated that their last home backed the golf course and they were not able to use their backyard because it was bombarded with golf balls. They moved to the Wildrose Subdivision. She said they have a very small yard and are most directly affected by the current building. Ms. Brough said that her father was in a dementia care unit for 2 ½ years and she wishes this facility would have been here six years ago. It is a beautiful unit as it stands now and is well run; they have done a great job following the code. When she heard the adjoining lot was purchased and they wanted to increase the size of the building, she became a little alarmed because she was concerned about the setbacks. She said they are following the landscape setback almost; she believes it is close to 80 feet. Ms. Brough then went and read the development code and found that the structure needs to be 30 feet from the property, but it needs to be 80 feet from residential property. She said they want to hold them to the 80 feet. After thinking about the setbacks, another concern became the amount of people that would be in the structure behind their home. Ms. Brough said she called the Charleston facility, in Cedar Hills, and they built on commercial property and they have about 61 residents currently with 91% capacity, but generally run at 95% capacity. She stated that based on the expansion plan she saw for Ashford, they want 63 units and that is when she became a little alarm. She feels like such a large facility should have been planned for and built on commercial ground initially. She requested that they follow the development code standards.

Commissioner Garrett asked for clarification on the setbacks being adjacent to commercial/residential areas. Mr. Crane explained that adjacent to existing residential it requires an 80 landscape setback. The main structure rear setback is 30 feet. The setbacks apply to any development in this district.

Gary Wright owns two properties; horse property directly south of the assisted living and then another property in Wildrose which is one of the four right by the assisted living facility. Mr. Wright said the folks at Ashford have been great neighbors. He indicated that the concerns that were raised when the facility was first proposed have not been an issue and the facility has been a great use there. He said he would probably prefer this as a neighbor rather than a regular neighbor. Mr. Wright stated that this issue boils down to three things, two story and too large of a facility, the view will be diminished, and the third issue may be increased traffic. Mr. Wright distributed copies to the Commission of properties in the area for consideration to keep consistency with the surrounding properties. He indicated that the view is to the east and that no one's complaint is going to be losing the view of 4800 West and the high school. He said this type of use is going to generate less traffic than any other type of commercial use. He stated he is in favor of this use.

Ryan Ollerton occupies one of the homes directly across the fence from the Ashford center. Initially, when the area was rezoned their main concerns were buffering the existing homes. He said he is very pleased with Ashford, but the current proposal seems to encroach on that buffer. He is against increasing the size; it is too much of a building for such a small lot. Mr. Ollerton said he understands wanting to buy only a little bit of land for a facility; he is a doctor doing the same thing in American Fork. In this scenario with overlay and mixed used, he strongly urges the Commission to maintain the setbacks at 80 feet and try to prevent this two story going right behind their homes. Mr. Ollerton expressed that a two story home on a one acre lot is different than a two story motel 30 feet from the fence. He suggested they build a similar sized structure to what is existing. He said if they wish to have such a large facility that they should look to procure more land. He said most of the home's views look to the west in this neighborhood. Mr. Ollerton closed by saying he likes Ashford and wants them to be there and expand, but just done in the right way to not have such an impact on the homes.

Rebekah Kaylor reiterated what many of the neighbors have said. She recognize that the City is trying to different ways to restructure some land use. Ms. Kaylor said she does support them in trying to find the right fit. She stated they are only requesting to maintain the current code. She referenced the setbacks in the code. She said that the existing residential setbacks requirements were addressed later in the code in the landscaping; she said this is not an error, it is just that the existing residential dwelling situation was addressed in the rear setback with landscaping. Ms. Kaylor stated that when 47 additional units are looking to be added, that is no longer a family feasible size and that will significantly impact the land and surrounding structures. She expressed that not only the equity of the properties will be affected, but safety and protection will be impacted because of the increase of patients, families, employees. She closed by asking that the protections that have already been set in place be maintained.

Tracy Young stated that she has been a Highland resident for about 9 years and also has worked at Ashford as a CNA since about November. She expressed that the standard of care at Ashford is great; Greg has set very high standards. Ms. Young expressed that this facility has provided employment to several Highland residents. She views this facility as an asset.

Sharon Brocious has lived in Highland for 47 years. She is also employed at the Ashford facility. She remarked that her friend's spouse is at the facility; it is the third home she has been at and it has been great. Ms. Brocious said that having lived here for 47 years, a lot of things have changed; we have to welcome change. We all have aging parents. We need to have a facility that we know and trust and know patients are being taken care of.

Melinda Wright has lived in Highland for a year; she moved here a year after her husband passed away. She has found an amazing job and loves being at the Ashford. She indicated that she does not know if she will be able to support herself if the facility is not able to expand. Ms. Wright said she hopes that the Commission will think of all the angles that affect the expansion of the facility.

Ruth LeBaron has lived in Highland for 22 years. She works at Ashford and has enjoyed working there. She said that the residents that are concerned about the facility and the expansion, they have said they are good neighbors and she agrees with that 100%. Ms. LeBaron

indicated that those individuals who come visit patients at the facility do not appear to create any threat to the surrounding homes. She posed the possibility if setbacks could be delineated and the option of expanding more on a single level. Ms. LeBaron said in her opinion the view of the residents is not going to be changed by a two story building. Her opinion is that they cannot see beyond the Ashford currently. If there is mixed use, she cannot think of a better use there.

David Dean has lived here for about 15 years; he grew up in American Fork. For the last 10 years, he has been involved in taking care of his parents. He expressed that in the event anyone has to experience that, you will try many different options. In his search, they have experimented with many different options for his family. When Ashford opened up a couple of years ago, they found the option that worked. His mother was the first patient at Ashford. Mr. Dean expressed that the facility became his mother's home. He said it was a real answer to prayer. He is thankful for a facility in Highland like this; we need these types of facilities here. He encouraged the Commission to do whatever they have to keep this type of facility in Highland.

David Kaylor, owns the property just east of the piece where the facility is looking to expand. He addressed the question raised earlier as to what knowledge they had of the facility's expansion; they were never under the impression they would be expanding as they would want to. Mr. Kaylor said that when they say they have no problem with the current Ashford, that is true, but the expanded Ashford does have some concerns. He indicated that this is not about the view or the ethics of the Ashford or the employment opportunity. He stated that what affects them is their property and what they moved in to. Mr. Kaylor said that Ashford may have a nice facility, but that does not mean he needs to subsidize their new property just because they are good folks. The reason those setbacks are in there is so that they can maintain their property values that they paid for. He is asking for their personal space and property value to be maintained. He is also speaking for other residential properties who may be faced with similar situations at a future time with this overlay zone.

Scott Barclay has lived here about 30 years. He said the city has changed a lot, but that they expect to have some change. He indicated that he was quite please when they learned an assisted living facility was coming here. They had an experience when he aging father-in-law fell and broke his help; they had him live with them for a year. Their needs are different and it is challenging. Mr. Barclay expressed that they may have to put him to an assisted living facility as his health is deteriorating and it would be a benefit to have a facility close by. He feels a facility like this in our community would be a great benefit.

Bret Burns lives in the Wildrose subdivision, but he does not abut Ashford. He used to be a partner with Greg in managing assisted living facility. His facility was 120 units. He said that what he is really supporting is thinking of those neighbors abutting the facility. Mr. Burns said he has property behind him and now that it has been changed to mixed use, so anything that happens here could happen to his property. He is here to advocate that we do not change existing codes and we keep some buffers for all the neighbors.

Greg Nield, and his architect Michael Nilson, addressed the Commission again at this time. Mr. Nield said that he wants to be clear on the setback; on the approved site plan they received from the City shows their expansion and it is within the 30 feet setback, it is not an 80 foot setback.

Mr. Nield stated that Mike Walch was on the Planning Commission when the item came through; Greg spoke with him yesterday and Mr. Walch expressed in regards to the setback discrepancy that he had never heard of an 80 foot setback. Mr. Nield said that they have looked into all of the different codes in Highland and there is not one area that is required to have an 80 foot setback with a structure on it. The most landscape they found with existing commercial buildings is about 16 feet. Mr. Nield stated the he believes this was a clerical error with the discrepancy on the setbacks.

Michael Nilson, architect, gave some information on assisted living centers. The state of Utah has codes to ensure the appropriate amenities. A facility has to be a certain size to provide all the amenities require. Zoning ordinances are built so that certain types of businesses can be in certain areas. The way the economic climate is now and the way lenders are requiring a certain amount of money to be returned and the state requirements, assisted living facilities need to be of a certain size to work, otherwise they are not viable. Mr. Nilson indicated that an assisted living facility would not work on this designated site unless the percentage is increased. He asked to look at how the code was rewritten and see where the discrepancy came from and take that into account. Commissioner Kemp stated that they also have the obligation to look out for property rights of other people and compatibility.

Commissioner Garrett asked why a new proposed structure could not support assisted living and dementia care. Mr. Nilson said that dementia care has to be separated from a regular assisted living facility. There are certain space requirements from the state code. Commissioner Temby asked if there is a minimum square footage required for a mix of dementia and assisted living care facility. Mr. Nield said they could look at doing a Beehive Home and the cost is less because of the level of care is less. He indicated they would rather not be in the business of providing less services and have the revenue be less per month. Commissioner Temby indicated he is really curious if they have a design in mind with the current ordinances. Mr. Nield said with the setback discrepancy they do not, but at the next meeting they can look at having something like that. Mr. Nilson said the current building does not meet the current setback; it is only at 73 feet. This is one of the reasons they were surprised by this.

Commissioner Day indicated he was on the Commission when this came through; he thinks that this was the first mixed use area that they approved. If he remembers correctly, they may have included the language about the 80 foot setback in the code after seeing the original plan. He did not remember looking at any other set back areas. He said it is within their realm to make it more consistent with other areas. Commissioner Day discussed the aging population and needs for facilities in the future.

**MOTION: Commissioner Heyrend moved that the Planning Commission table this item until we can discuss the setbacks and the additional amenities.**

The question was asked if we are waiting because no notice was given regarding the setback issue. Mr. Crane said that is correct; whenever an amendment is done to the development code, it is posted in the Daily Herald. That allows people interested to know what is being amended. In this particular instance, we only advertise the amendment for building coverage. We did not know that a request for setbacks was needed until late last week.

Commissioner Carruth asked if at the next meeting if we can know if other commercial properties that back other residential areas have an 80 foot setback. Mr. Crane said there is one in the CR zone that has a 100 foot setback, but the others are less than that.

**Commissioner Garrett asked if it can be added to the motion to discuss maximum building height. Commissioner Heyrend indicated that is fine.**

**Motion seconded by Commissioner Garrett.**

**Those voting aye: Commissioner Garrett, Commissioner Temby, Commissioner Heyrend, Commissioner Carruth, Commissioner Kemp. Those voting nay: Commissioner Day. The amended motion carried with a majority vote; 5:1.**

**HIGHLAND CITY  
PLANNING COMMISSION MEETING  
JULY 10, 2012**

<b>REQUEST:</b>	PUBLIC HEARING: Preliminary Plat Approval – Cobblewood Estates Subdivision a Twelve Lot Residential Subdivision (PP-12-01)		
<b>APPLICANT:</b>	Eric Woodley		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONING</b>	<b>ACREAGE</b>	<b>LOCATION</b>
Low Density Residential	R-1-20	12.27 Acres	4900 West and 11300 North

**BACKGROUND:**

Subdivision review and approval is an administrative process.

**SUMMARY OF REQUEST:**

1. The applicant is requesting preliminary plat approval of a twelve lot residential subdivision at a density of 1.02 dwelling units per acre. The lot sizes are as follows:

Lot	Square Feet	Lot	Square Feet
1	35,760	7	34,836
2	35,239	8	36,452
3	44,829	9	38,012
4	38,084	10	49,956
5	50,453	11	33,809
6	36,114	12	42,722

2. Access to the subdivision is provided from 4800 west via Jonathan Road. A new street, Avondale Lane, will be constructed to access each lot. As required by the Development Code, Jonathan Road will also be extended to the edge of the property to the west. All street names will be approved by the City Engineer.
3. The full street improvements for Jonathan Road and Avondale Lane including curb, gutter, and sidewalk will be installed as part of this subdivision.

**CITIZEN PARTICIPATION:**

Notice of the June 28, 2012 Development Review Committee meeting was mailed to all property owners within 500’ of the proposed plat on June 14, 2012. No residents attended the meeting.

Notice of the Planning Commission public hearing was published in the Daily Herald on June 24, 2012 and mailed to all property owners within 500’ of the proposed plat on June 26, 2012. No comments have been received.

## **ANALYSIS:**

- The General Plan designation is Low Density Residential. The proposed subdivision density of 1.02 dwelling units per gross acre is in conformance with the General Plan.
- The property to the north has been developed as single family residential subdivision in Alpine City. The property to the south and east have been developed as large lot single family residential and are zoned R-1-40. The property to the west is vacant and zoned R-1-40. The proposed subdivision is compatible with the surrounding existing uses.
- Engineering has reviewed the connection to 4800 West via Jonathan Road. Both streets have the capacity to handle the increased traffic from the subdivision.
- Utility connections will be provided as follows: pressurized irrigation and culinary water to existing lines in Jonathan Road. The sewer connection will be provided to an existing line in Alpine Highway (SR 74) via a new easement across the properties to the west. A stipulation has been included requiring the applicant to submit a copy of the recorded easement prior to recordation of the final plat. Further, the applicant will need approval from the Metropolitan Water District of Salt Lake City to cross the existing aqueduct. This will also be required prior to final plat recordation.
- The Metropolitan Water District of Salt Lake City is requesting that a fence be installed between the subdivision and their property. The fence will serve as a way to protect the Metropolitan Water District of Salt Lake City property from encroachment and construction damage. A stipulation has been included to address this issue.
- There is an existing 50 foot power line easement located on the south boundary of lots 10-12. Lot 11 is the lot most affected by this easement. The easement leaves a building pad of 60 feet in depth. A stipulation has been included requiring a note to be placed on the plat notifying potential owners of the easement and any possible restrictions relating to the easement.
- The proposed subdivision meets all of the requirements of the R-1-40 District and the Highland City Development Code.
- The standard ten (10) feet public utility easements have been included on the plat. In addition the easement for the power lines and aqueduct have been shown. A stipulation has been included requiring a note on the final plat stating that all uses of property is subject to these easements as applicable.
- Water shares are required to be dedicated/paid as part of the approval.

## **FINDINGS:**

The proposed plat meets the following findings with stipulations:

- It is in conformance with the General Plan, the R-1-40 District and the Highland City Development Code.

**RECOMMENDATION AND PROPOSED MOTION:**

Staffs recommends the Planning Commission hold a public hearing and recommend **APPROVAL** of the preliminary plat subject to the following stipulations:

1. The recorded plat shall conform to the final plat date stamped July 5, 2012 except as modified by these stipulations.
2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to recordation of the final plat as required by the Development Code.
3. All required public improvements shall be installed as required the City Engineer.
4. The civil construction plans shall meet all requirements as determined by the City Engineer.
5. Prior to final plat recordation, the applicant shall provide a copy of the recorded easement for the sewer line and approval from the Metropolitan Water District of Salt Lake City to cross the existing aqueduct.
6. A fence shall be installed between the Metropolitan Water District of Salt Lake City and the subdivision. The design of the fence shall be approved by staff prior to civil plan approval.
7. The following note shall be placed on the final plat: Lots 10, 11, and 12 are subject to existing power line easements. All uses within these areas shall are subject to the restrictions contained within this easement.
8. All ditches shall be piped as required by Section 5-9-109 of the Development Code. In addition, all construction plans shall be approved and construction approved by the appropriate ditch company.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case PP-12-01 a request for preliminary plat approval for the Cobblewood Estates Subdivision subject to the eight stipulations recommend by staff.

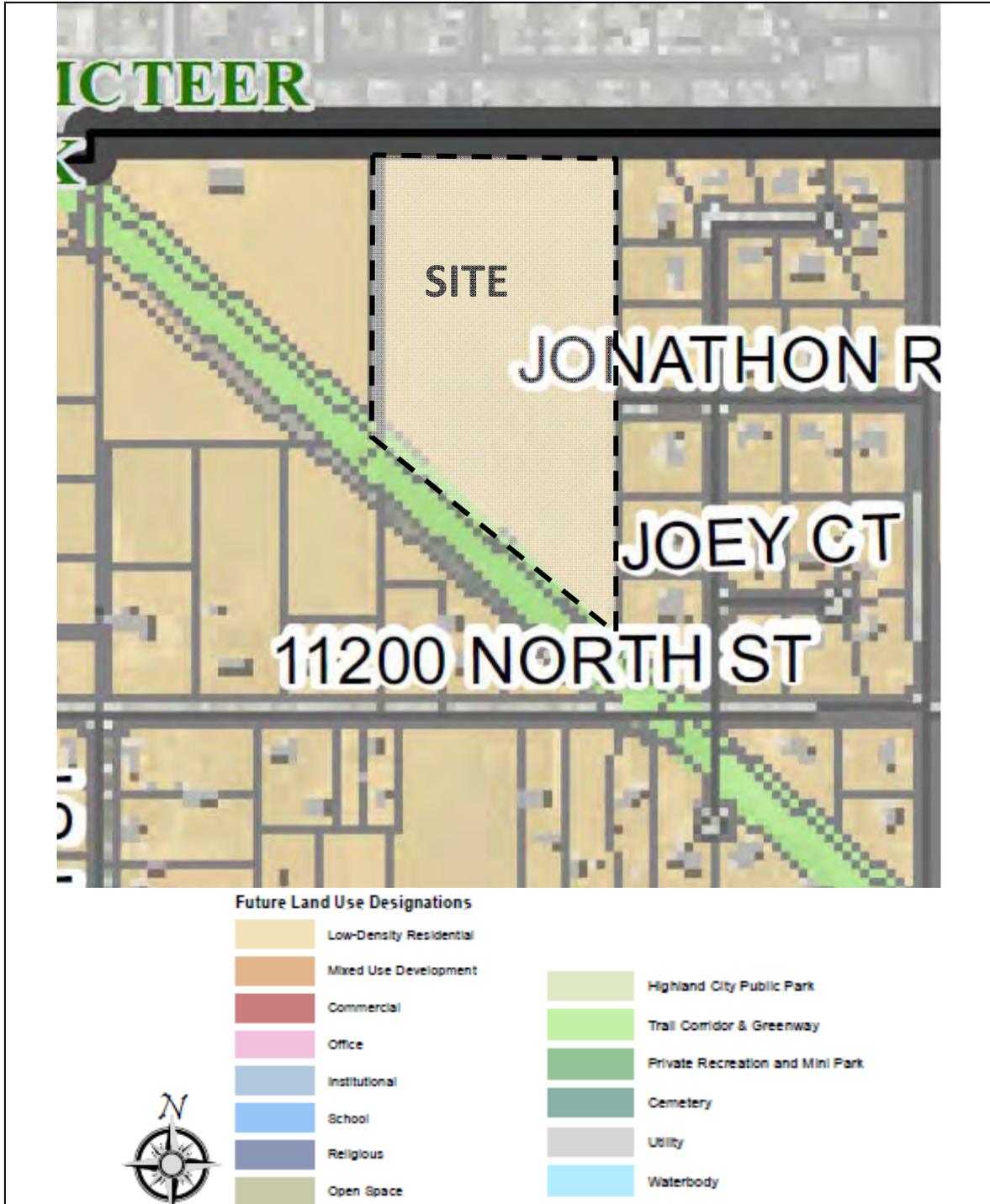
**ALTERNATIVE MOTION:**

I move the Planning Commission recommend **DENIAL** the proposed plat subject to the following findings: (The Commission should draft appropriate findings).

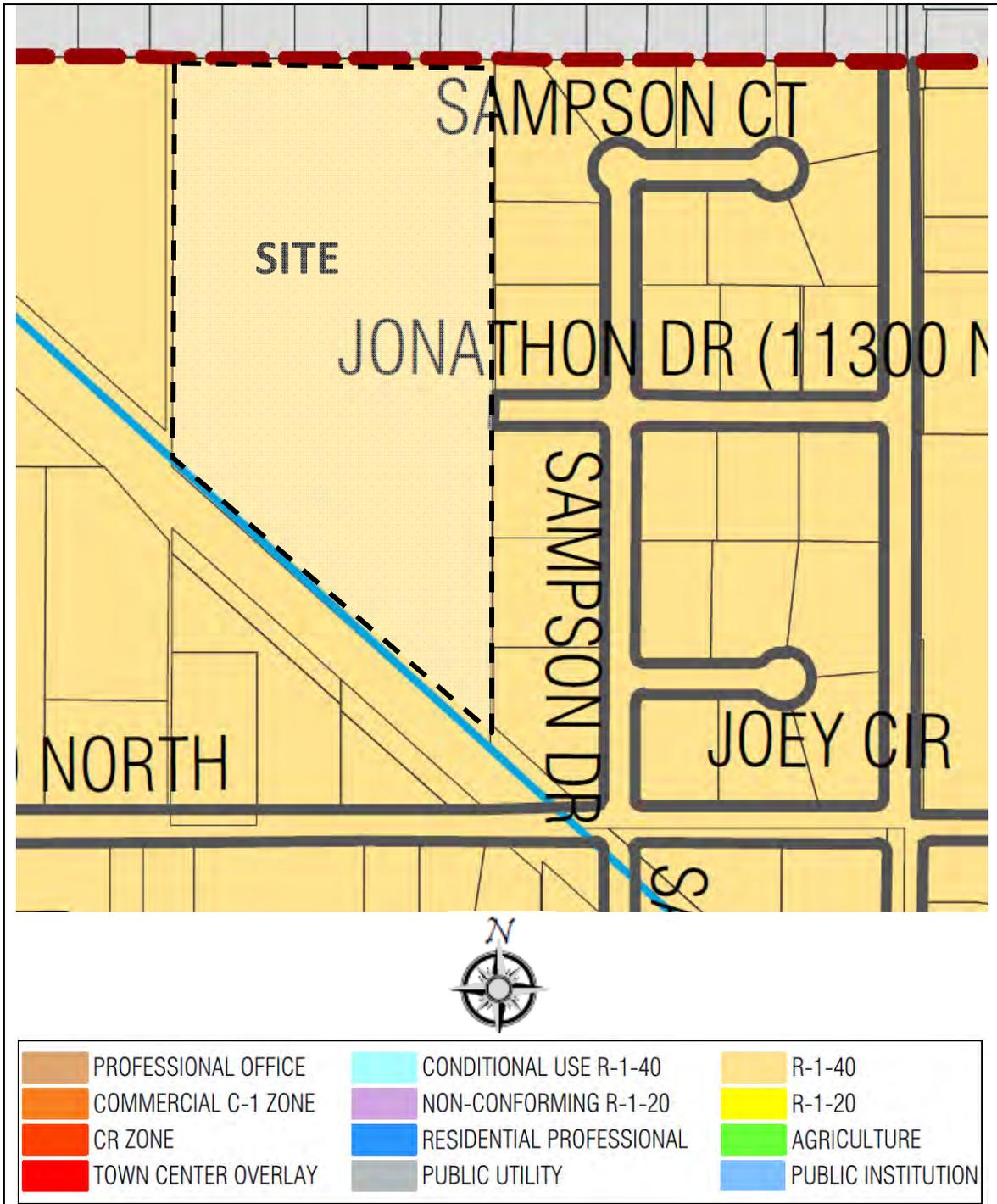
**ATTACHMENTS:**

- Attachment A – Aerial, Land Use Map, and Zoning Map
- Attachment B – Proposed Plat date stamped July 5, 2012

# HIGHLAND CITY LAND USE MAP



# HIGHLAND CITY ZONING MAP



# AERIAL



**Surveyor's Certificate**

I, Roger D. Dudley, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 147809 as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, blocks, streets, and easements and the same has been correctly surveyed and staked on the ground as shown on this plat and that this plat is true and correct.

**Boundary Description**

Commencing at a point located South 89°49'50" West along the Section line 740.41 feet and North 182.67 feet from the Southeast corner of Section 25, Township 4 S, Range 1 East, Salt Lake Basin and Meridian; thence North 48°13'00" West along the Salt Lake aqueduct right-of-way 796.44 feet; thence North 00°12'26" West along a fence line 672.91 feet; thence North 89°26'28" East along The Park at South Pointe Subdivision 593.05 feet; thence South 00°08'20" East along Victor's Landing Subdivision 1204.21 feet to the point of beginning.

AREA = 556,246 sq. ft. or 12.77 acres  
MAD 27

Basis of Bearing \_\_\_\_\_  
Date \_\_\_\_\_  
Surveyor \_\_\_\_\_  
(See Seal Below)

**Owners Dedication**

We, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public, the public utility easements to all providers, public or private and the irrigation easements to all lot owners, and their successors and assigns in perpetuity.

In witness hereof we have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

**Acknowledgement**

STATE OF UTAH }  
COUNTY OF UTAH }

On the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, personally appeared before me the signers of the foregoing Owner's Dedication who duly acknowledged to me that they did execute the same.

My Commission Expires \_\_\_\_\_ NOTARY PUBLIC  
(See Seal Below)

**Acceptance by Legislative Body**

The Department of Public Works and Engineering of Highland City, County of Utah, approves this subdivision and hereby grants the dedication of all streets, easements and other parcels of land indicated on this plat for public purposes for the perpetual use of the public the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Approved by Mayor \_\_\_\_\_

Approved \_\_\_\_\_ Attest \_\_\_\_\_

The undersigned beneficiary hereby consents to the recording of this plat for the herein described property and the dedications provided herein.

Approved \_\_\_\_\_

**Highland City Attorney**

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Highland City Attorney

**Planning Commission Approval**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Orem City Planning Commission.

Community Development Director \_\_\_\_\_  
Planning Commission Chair \_\_\_\_\_

**Conditions of Approval**

There are conditions of approval attached to this subdivision which are indicated on this plat. These conditions have also been recorded with this subdivision. Potential buyers are requested to read these conditions carefully and obtain a copy of these conditions and the plat prior to purchasing or contracting to purchase any lots on this subdivision. The conditions are binding on the purchaser through the deed from the County Recorder's office or Highland City Recorder's office. It is the responsibility of the buyer to do their due diligence in obtaining all accurate information and/or regulations that may directly or indirectly affect the use of property prior to purchasing or contracting to purchase any property anywhere. Conditions of approval conveyed on this property by the legislative body of Highland City, which are in addition to the development code, are as follows:

- 70% of the front yard landscaping shall be installed by the homeowner within one year after receiving a certification of occupancy.
- Landscaping and construction materials of any type are not permitted upon or within the street curb & gutter, park strip or sidewalk (street right-of-way) with the exception of the park strip which requires 75% to be landscaped.
- A fence that abuts open space or has a trail has additional restrictions of size and opacity. Fences along open space or a trail must comply with Highland City Ordinance. A fence permit is required for all fences.
- Highland City Ordinances restrict height of foundation above curb. It is the responsibility of the buyer to contact the city prior to purchasing any lot. This restriction applies to all lots in this subdivision.

Plat "A"

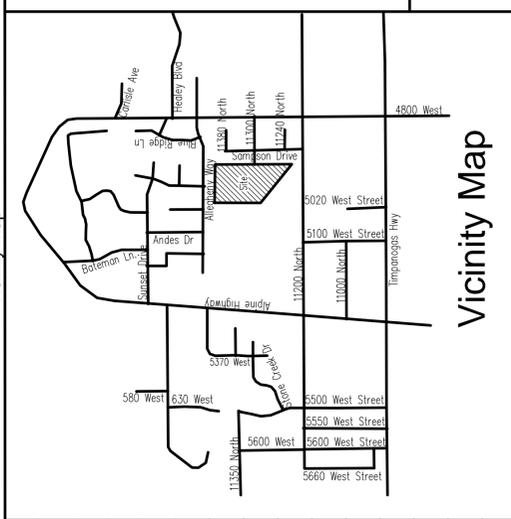
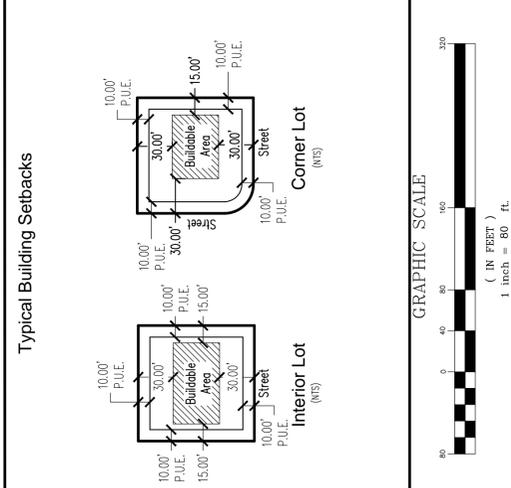
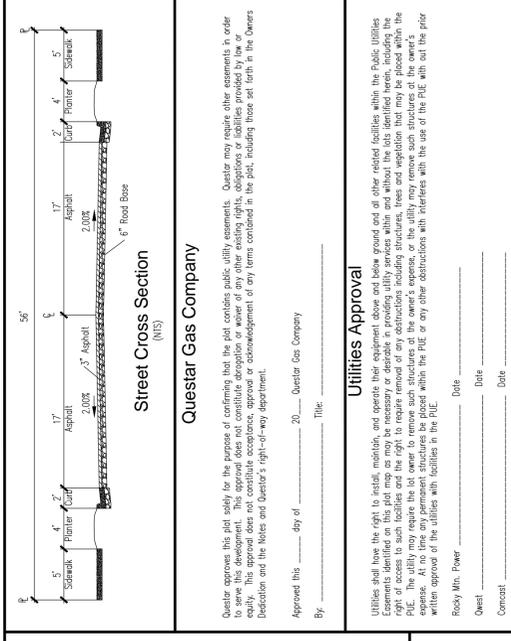
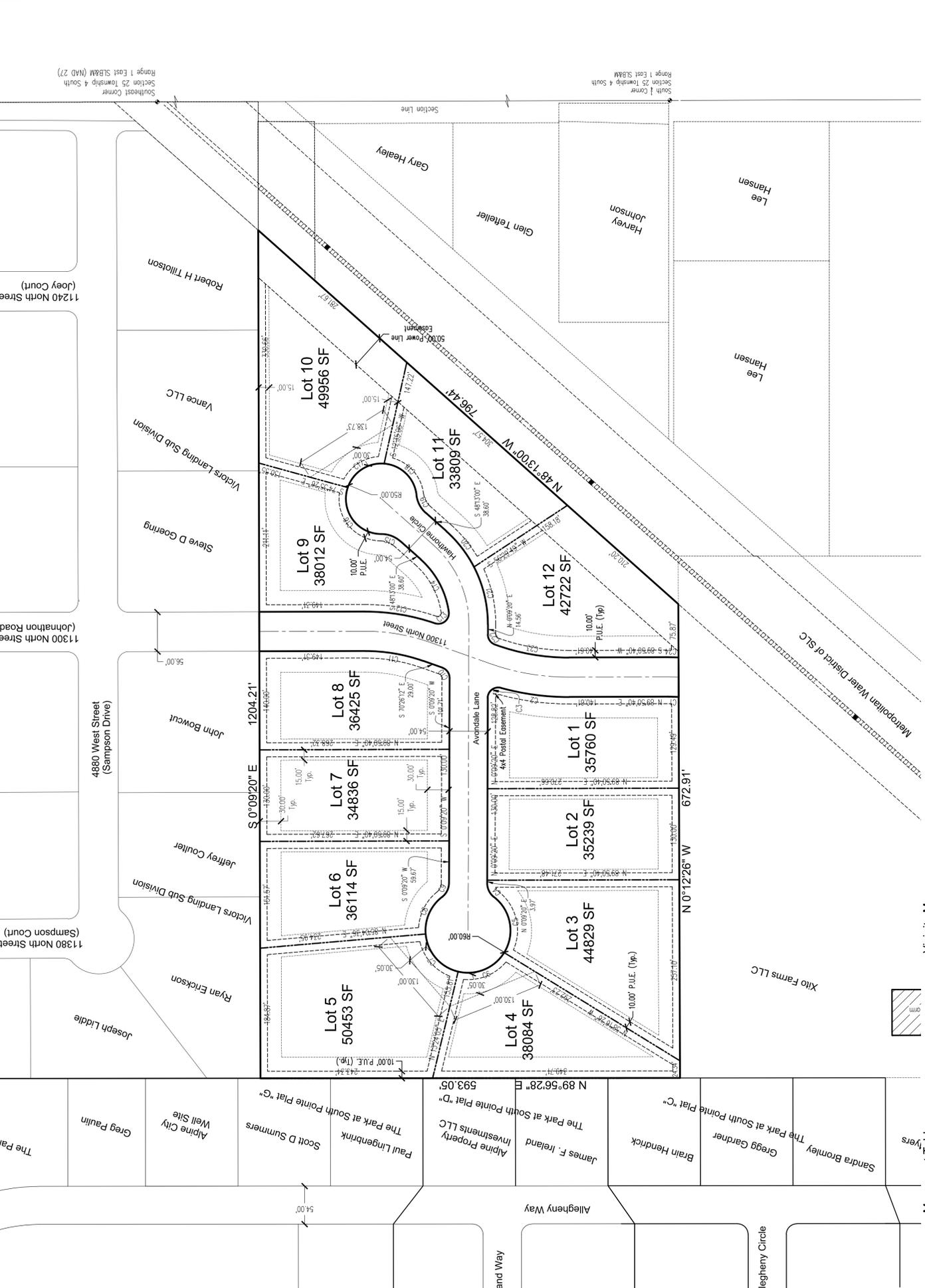
**Cobblewood Estates**

Subdivision

OREM CITY, UTAH COUNTY, UTAH

SCALE: 1" = FEET

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CITY-COUNTY ENGINEER SEAL CLERK-RECORDER SEAL



**Monument Table**

Yers	Chord	Bearing	Delta
C1	200.00'	14.24' S 88°06'57" E	4°04'46"
C2	356.00'	97.16' N 82°20'12" W	15°38'16"
C3	15.00'	27.57' N 52°49'08" E	10°19'36"
C4	25.00'	22.81' N 25°59'09" W	5°27'58"
C5	60.00'	87.81' N 107°12'02" E	8°35'12"
C6	60.00'	75.06' N 70°26' S 67°33'50" W	7°14°31"
C7	60.00'	75.06' N 70.26' N 40°45'39" W	7°14°31"
C8	60.00'	60.07' S 71°59' S 23°45'27" W	5°27'42"
C9	25.00'	22.81' S 26°17'49" W	5°27'58"
C10	15.00'	18.48' S 35°08'26" E	7°05'52"
C11	244.00'	83.98' S 80°17'46" E	19°43'08"
C12	300.00'	100.91' S 80°31'11" E	19°16'16"
C13	15.00'	30.67' S 50°32'24" W	11°79'08"
C14	123.00'	86.26' S 28°07'35" E	4°01'50"
C15	40.00'	28.60' S 69°09'39" E	4°15'31"
C16	50.00'	94.78' N 35°47'59" W	10°36'40"
C17	50.00'	66.19' N 56°25'42" E	7°55'41"
C18	50.00'	68.22' S 45°59'19" E	7°19'17"
C19	40.00'	28.24' S 27°16'21" W	4°15'31"
C20	177.00'	64.94' S 37°42'20" E	2°10'20"
C21	177.00'	83.69' S 13°31'10" E	2°27'20"
C22	15.00'	18.29' N 34°46'55" W	6°52'27"
C23	300.00'	107.01' N 79°56'13" W	20°26'13"
C24	256.00'	14.18' S 88°34'05" E	3°10'29"
C25	228.00'	14.21' S 88°22'11" E	3°34'17"
C26	326.00'	112.88' N 80°17'46" W	19°43'08"
C27	272.00'	93.61' S 80°17'46" E	19°43'08"
C28	150.00'	126.64' S 24°01'50" E	4°8'22'20"

**Dudley and Associates, Inc.**  
Engineers Planners Land Surveyors  
353 East 1200 South  
Orem, Utah 84058 801-224-1252

**Curve Data Table**

Curve	Radius	Length	Chord	Bearing	Delta
C1	200.00'	14.24'	14.24'	S 88°06'57" E	4°04'46"
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