

# Highland City Planning Commission

## April 24, 2012

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Chris Kemp, at 7:00 p.m. on April 24, 2012. An invocation was offered by Commissioner Steve Rock. Commissioner Tim Heyrend led those assembled in the Pledge of Allegiance.

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

**EXCUSED:** City Administrator: John Park  
City Engineer: Matt Shipp

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Secretary: Jill Stewart

**OTHERS:** Chris Dalley, Tim Grundmann, Linda Andrew, Dale Maughan, Alden Andrew, Dale Maughan, Debbie Maughan, Jim Emery, Carol Emery, Pauline Woodward, Ron Woodward, Rae Coombs, Elise Blackwell, Tonya McBride, Glen McBride, Christian Mills, Joshua Little, Tamara Little, Sallie Poet, Brooke Kolste, Kristian Kolste, Ron Beck, Robin Beck, Sally Blohm, Mary Cano, David Marcum, Karen Marcum, Robin G. Thomas, Linda Lewis, Ingolf de Jong, Natalie A. Nordstrom, Josh Grundmann, Dan Grundmann, Vanita Grundmann, Dayna Gillespie, Daniel Gillespie, Tom Cook, Muriel Cook, Elizabeth Blackwell, Ann Kuhlmann, Kristina Rasmussen, Joy Marie Madsen, Eloise Rasmussen, Leslie J. Jarrett, Amy Jensen, Denise Howard, Matt Jarrett, Rischelle Mikkelsen, Todd Nilson, Mindy Christofferson, Chaucie Dunham, Todd Nilson, Parley Holliday, Janie Holliday, Leland Coleman, RaeAnn Woodward, Tina Grundmann, Day Christensen, Curt Wankier, Robin Thomas, Paula Soderstrom, Joseph Glancy, David Griffin, Stephen Sowby, Brooke Kolste, Rischelle Mikkelson, Paul Gillespie, Marcia Rogers, Gaylen Rogers, Jaylin Rogers, Anthony Rogers, Susie Griffin, Carolyn Gilbert, Yvonne Carter, Nicole O'Neal, John O'Neal, Ann E. Jeppson, Scott Jensen, Amy Jensen,

### A. APPEARANCES

Commissioner Kemp read an opening statement for the Planning Commission.

“This Planning Commission is composed of Highland City citizens who have been appointed by the City Council to serve on the Commission as a civic responsibility. In the interest of maintaining a fair and efficient hearing, the Commission adheres to the following steps:

The Chair calls the agenda item;  
Staff gives a brief report and recommendation;  
Applicant then may give a presentation;  
Opposition and support give testimony, no more than three minutes per speaker;  
Applicant may give a response, and  
The Commission has a discussion and makes decision.

Anyone wishing to speak before the commission must fill out a speaker information form and hand it to Nathan Crane, Community Development Director. We expect all that participate will be civil in their public discourse and that they will be respectful of others whether they agree or disagree with any action taken. The Commission will stand against any incivility when we see it.

**We thank you in advance for your participation.”**

Commissioner Kemp invited comments from the public regarding items not on the agenda. Hearing no comments Commissioner Kemp continued with the scheduled agenda items.

#### **A. PUBLIC HEARING AND LEGISLATIVE ACTION**

1. GP-12-01 A request by the Highland City Economic Development Committee to amend the General Plan Future Land Use Map to change the land use designation from Low Density Residential to Mixed Use for the property generally located at the southeast, southwest, and northwest corners of 6000 West and Timpanogos Highway (SR 92). This action does not change the existing zoning or entitlements on the **property. However, it would allow the property to be rezoned for non-residential uses** in the future. Legislative.

Nathan Crane introduced this item by explaining the planning process and how the general **plan fits in to the city's overall plans**. The general plan represents a desired future condition; for land use, economic development, transportation, and a number of different things. The goal over time is to work through budgetary processes and other actions that we may take in order to meet the objectives of the general plan to create the community that we desire. There are a number of tools that build on top on each other. The general plan is the foundation. Zoning is the next tool and is actually what entitles property rights; whether it is zoned commercial, residential, etc. Zoning conveys property rights, designates building height, setbacks, etc. As a part of that there is a site plan which looks at the design and function of a site when it is laid out. Staff's role is to try to provide an objective review of the situation and provide the Commission with a recommendation. **The Planning Commission and City Council's role is to do an objective review and balance the needs of the community, property owners, and adjacent property owners.**

Mr. Crane explained how this item came about. Approximately a year ago, the mayor formed an economic development committee. Their task was to look at the city and look at areas and ways to promote economic development and increase those development opportunities in our city. They looked at a number of different options; there was one area last summer on 4800 West. The item tonight is their next recommendation. Mr. Crane reemphasized that the general plan is the desired future land use, it does not change existing zoning. It will promote future rezones. When a rezone comes in, one of the things we look at is if the use is in

compliance with the general plan. Property taxes are not affected until a property is rezoned. Compatibility is dealt with at a site specific level, through rezoning, not at the general plan level.

Mr. Crane said that some of the stimuli on why to change a general plan or why look at it is that it is a living breathing document to adapt to the needs of the community and not be static. Right now the city finds itself in the case where additional revenue is needed to meet and provide for basic health and safety needs; roads, police & fire, and things of that nature. Mr. Crane expressed that one of the things to keep in mind is that residential uses require more **expenditures than the revenue they produce. In a study he found done by Utah Governor's Office of Planning and Budget they estimate that for every \$1.00 collected, \$1.23 is spent to support residential land uses.** Mr. Crane explained with this information, we know that through property tax we will not have enough revenue to support residential uses. There is a desire or need to increase that revenue. The two primary revenue resources for a city are property tax and sales tax. Mr. Crane stated that this is compounded in Highland; we have very large lots with very low density. Which is fine if that is what the community wants, but we need to think through how we diversify and how do we have a viable community. One of things that is interesting to notes is that 65% of our land area is low density residential and only 3% is commercial; office, mixed use, or commercial. There is a ratio here where additional revenue and funding is needed. This is the basis for the charge of the economic development committee to identify areas to expand our sales tax base and our other economic development opportunities to help our city.

Mr. Crane went over some numbers on the powerpoint presentation from a quick study staff did. As the density change and uses, the impact on what revenues are collected also change.

Mr. Crane explained that one of the reasons this location was proposed was because there are few remaining vacant parcel that are desirable for commercial development. There are minimal parcels that have access to a major road and have the traffic volumes and counts that are looked for in commercial developments. We have limited opportunities. The areas that are set aside for commercial are already planned or entitled; we know what is going in and there is not a chance to expand that, the only different case would be the property south of Lone Peak High School which is mixed use at this time. Mr. Crane explained that there is also the factor of surrounding development that makes the proposed location a viable option.

With the proposed amendment, the economic development committee recommended that the land use designation be changed from low density residential to mixed use. Mixed use allows a variety of uses. It would allow commercial, office, business park, would not allow a pure residential development, but would allow residential development as an overall planned development that included those other uses.

The amendment would affect the northwest, southwest, and southeast corners of the intersection of 6000 West and SR 92. There was a request received from the property owners on the northeast corner to be included in the amendment; that would have to be brought back to the Planning Commission at a separate meeting at a future date.

There are thirteen individual property owners within the area. One of the property owners represents eight different parcels; Patterson. UDOT owns a parcel. Two of the property

owners, Patterson and the water district, expressed support of the amendment. One of the owners was unsure of the amendment; Mr. Crane met with and discussed the amendment with them.

Mr. Crane reviewed the citizen participation efforts the City did to provide notification.

Mr. Crane explained that as this was considered as this was analyzed was that additional area is needed to provide for economic development opportunity, to diversify our revenue sources, and meet our public health and safety needs. All of the commercial and office land has been entitled for development. Mixed use allows for a mix of office, retail business park, and residential uses. Commercial only is permitted, but not the mix. Compatibility is addressed through the rezoning process which will require future public involvement. That would be driven most likely by the property owners which would include a neighborhood meeting and public hearing before the Planning Commission and City Council. There is adequate infrastructure to handle the proposed land uses.

Commissioner Kemp opened the public hearing at [7:17:53 PM](#).

Alden Andrew lives to the north and adjoins the proposed property. Mr. Andrew asked if the decision of the Planning Commission has already been made prior to this hearing. Commissioner Kemp said that not that he is aware of; he has not talked to anyone about this **item**. **Mr. Andrew asked if the Commission's decision will be made on the basis of the results** of this hearing. Commissioner Kemp expressed that the Planning Commission members have an open mind and gather information from all sources and make their decision based on that information. Mr. Andrew asked how many homeowners were notified of this. Mr. Crane stated 102 were notified. Mr. Andrew said that seems like an awful small amount that would be affected with this. He asked if there is any relationship of those seeking the rezoning and the Planning Commission members and or the City Council members. Mr. Crane stated not that he is aware of. He reminded everyone that this request is coming from the economic development committee and none of the owners sit on the committee. Mr. Andrew asked what was done in the past; it has been quite a while since Highland was made a city and we did not need this. Alpine does not seem to need a lot of commercial and high density residential. Mr. Crane said that is a great question and he thinks some of that has to do with the overall population growth of the city and the decrease of sales tax revenue since Walmart and Smiths opened. Commissioner Kemp voiced that this is not being approved for high density residential. Mr. Andrew said not right now, but does it not open the door. Commissioner Kemp clarified for mixed use residential; they could come in with a proposal.

Mr. Andrew said he did not understand the figure of \$500 and some odd dollars shown on the power point presentation per acre. He asked why his property tax is ten times that per acre. Mr. Crane explained that is based on a study staff did based on information from the county **website and it is an average**. **Commissioner Heyrend clarified that the majority of a resident's** taxes go toward the school district; the \$500 portion is what goes to Highland City.

Janie Holliday stated that her family has lived in Highland for over 27 years. They chose to come to Highland because of the lifestyle. They are not big city people. She guesses that those that have lived here awhile have a hard time understanding why we need a big booming city. She said it is a nice place to live and she would like to keep it that way. She commented that there are vacant buildings in the Town Center with for sale signs on some of

them. She asked why we need to expand beyond the Town Center when we have vacant buildings there. Ms. Holliday posed the question to the Commission of how would they like commercial in their backyard; basically that is what is going to happen with her neighbors across the road. She has the school in her backyard; which she loves the kids. She stated that if she remembers correctly, when they voted years ago, there was a designated area for the commercial. She does not understand the need to go beyond that. It appears to her that all we are talking about here is money. She asked if that is what Highland has become and we are not thinking about a way of life. Ms. Holliday posed the question as to why expenditures cannot be cut as opposed having commercial to get more money. She requested for all of us to think about that and what we want for Highland for our future and for our children.

Ron Beck indicated that his property does not border the proposed area, but it is only a street away. He asked for a little further for how mixed use becomes commercial and residential and high density residential. Mr. Crane explained that the land use map defines what can or cannot be done in an area. The next step is rezoning, which requires a public hearing. With rezoning, a developer will present a plan to the City for review. Mr. Beck asked if someone will purchase the entire area. Mr. Crane said they certainly could, but they are not required to. Mr. Crane further explained that a developer submitting a plan to the City for review would identify the uses, density, number of units, layout, and similar information. Mr. Beck inquired regarding talk he has heard of Home Depot being interested in this area being discussed. Mr. Crane said he has not heard of anything regarding Home Depot. Mr. Beck asked if there is a major retailer of any type looking at this property. Mr. Crane stated not that the City has talked to. He explained that this is an effort directly from our economic development committee. Mr. Crane said that there is not a user he is aware of for this property. Mr. Beck clarified that the economic development committee has made a recommendation that this land be rezoned for commercial use in order to help with some of the economic challenges. Mr. Crane said that is part of it; this does not mean the entire property will be commercial. It can provide and plan for a planned development of a mix of uses that will be, upon recommendation from the Planning Commission, up for approval by the City Council. Mr. Beck asked if it ever goes to a vote of the people. Mr. Crane indicated that it does not. Commissioner Kemp reiterated that any plan would have to come before the Planning Commission and City Council before it could be approved. Everyone within the radius notification area would receive notice of the public hearing on an item.

Mr. Beck asked if there is a notice between the recent amendments on Sunday closure and this item. Mr. Crane explained the only connection would be to try to increase economic development opportunities in the city. Mr. Beck asked if there is statistical evidence or historical evidence of what happens to property values that are close to a big box type of use. Mr. Crane said that he has seen studies and information on both. Mr. Beck said it would be his hope as this goes forward that consideration is given for the economic impact for those who are living close to this. He expressed that he and his wife are not in favor of this item.

Mindy Kristofferson lives adjacent to this property; her main concern is the mixed use, the commercial coming in. She grew up in American Fork; moved to Provo and did not enjoy the area so she moved to Highland because she loves the type of atmosphere here. She offered insight into things she has seen happen. Her parents live just north of the Costco in American Fork/Lehi; the property was purchased with the intent to keep it rural. Ms. Kristofferson said

the same thing happened; the mixed use came in as a proposal with only a driving range being proposed. Once it was changed to mixed use, it opened the door for everything else and the cities could not refuse with the tax base that would be generated by proposed uses. Ms. Kristofferson said we can all see the shift from American Fork Main Street to the retail **area by Walmart and Costco. She said that the value of her parent's home has gone down by** about half of what it was. She said this is what her concern is with this property; she has lived it, watched it, and has seen it happen with her parents. Ms. Kristofferson expressed that the city center we have now has vacant lots and her husband owns one of the buildings and cannot get it rented out because there is not enough around. She said we need to build those areas before we go outside. She does not think it is fair to approve something with mixed use when it opens the door for something bigger to come in and ruin in effect the community and a lot lives.

Eloise Rasmussen lives south of the Thompson property. If anything other than homes comes in, it will be right next to her backyard. She has lived here for 28 years and has raised her family here and it is a wonderful place to raise a family. She questioned whether it will remain a good place to raise a family. As more and more commercial is brought in, it will devalue their property and will devalue a lot of property around and on this side of the city. Ms. Rasmussen expressed that it is really hard to have an area be zoned something, but not really know what it is. She stated she is opposed to this amendment.

Carolyn Gilbert asked if the property was posted anywhere that this was going on; she heard that legally something is supposed to be posted on the property. Mr. Crane stated that the noticing requirements were met and posting the property with a sign is not required. Ms. Gilbert posed a question as to who is going to pay for a new school if homes go into this proposed area; there is not enough room in the schools now for additional students.

Leland Coleman indicated he was a Planning Commissioner for four years back in the 1980s. His responsibility was zoning of Highland. He said they were asked by at least one City Council member to look at the zoning and there were only residential areas then. There was a survey sent out and 89% of the people wanted no commercial. Mr. Coleman said there was a decision to add commercial zoning in preparation for a time when there would be a need for commercial. Then it was promised that there would only be limited, essential services on the **corner and got the Kohler's grocery store. A year later an office building was built. Since that** time, it has continued to grow in the city center.

Mr. Coleman made a point that the more commercial we get the farther we are going to be with our cost revenue ratio. Mr. Crane explained that with commercial about \$0.28 is spent for every \$1.00 that is collected. Mr. Coleman asked how our ratio is higher than \$1.23 if the only difference between the residential and commercial. Mr. Crane explained that the standard ratio for residential properties in Utah County is that \$1.23 is spent for every \$1.00 that is collected.

Mr. Coleman said to back this up, when he was on the Planning Commission, they talked to South Salt Lake and Pleasant Grove because they were high commercial and they said the worst thing you can do is let commercial into your town because it will break you; that was their comment then. He talked to a City Council member in American Fork a month ago and she said their dying down there. Mr. Coleman said they are not surviving because of their expenses to cover the costs of that economic development. He and his wife oppose this

proposed amendment. They would like to hang on to a little bit of what Highland is.

Elizabeth Blackwell said that her family has discussed this amendment quite a bit. She stated that her family escaped Orem about 25 years ago and moved to Highland and have loved the area. She was also against the commercial as Mr. Coleman had described. Ms. Blackwell said hopefully the people on the economic development committee are not people invested in the area that would profit from development. She expressed for concern of property values. She said that if we make this first step, it could be that those who want to locate in that property would have grounds to perhaps sue if we did not proceed to put in whatever they chose to develop in the area. Ms. Blackwell said presumably the only reason anyone would **locate there is if Sunday opening was permitted. She expressed her family's opposition for** development of this area and would prefer a raise in property taxes.

Robin Beck expressed strong opposition for this amendment. She said she envisions lights and all of the hub bub that goes on with commercial. They did not move to Highland for that. She has been to many City Council meetings and been told over and over that development was only going to be in the city center. Ms. Beck said that Highland residents do not want the commercial; if we want to develop the city center more than go for it. She stated that that they bought their homes thinking they were moving to beautiful Highland, not to commercial in Highland. She asked the Commission to think about how they would feel if this was in their backyard.

Rayann Woodward explained that her family moved to Highland 36 years ago and then her family moved back here 23 years ago. She said it was beautiful here when there were no lights. She grew up in what is now called West Valley and lived by a peacock farm; she said it was great. She said the planners of West Valley City have had somewhat something to do with Highland as well. Ms. Woodward said if you want to go live there, then go, but do not bring it to Highland. She asked if any studies have been done on increased crime with more commercial or when things are opened on Sunday. Commissioner Kemp said he is sure there has, but he does not have that information. Ms. Woodward said that was one concern. She said there has been a lot more crime since she has lived in Highland. She said it is a beautiful place to be. Ms. Woodward, her home is located adjacent to the highway, stated that she was told it would always be small and the worse day was Sunday when everyone would go up the canyon. She said now they cannot be in their backyard and have a conversation; Sunday is the only day now that they can do that because it is now the slowest day. Ms. Woodward reiterated they were told there would not be commercial and it would not be a busy road. Her family is opposed to this amendment. They would like to keep Highland small and said we need to look at taking this another direction.

Chelsea Dunham is a fairly new resident to Highland. She has a young son that will be attending the elementary school in the fall that is right up the street from this area and this amendment makes her nervous. She said right now she is comfortable with letting her son play in the backyard with his freedom, but with a change to commercial, it might make her less comfortable to have him out there alone. Ms. Dunham stated she grew up in California in a small where they turned into a city and walking to 7-11 was no longer an option. She does not want to see that happen to this nice town. Ms. Dunham echoed what Ms. Woodward expressed as well.

Josh Little stated that he has lived in Highland for 15 days. He purchased a home directly north of this development. His family recently moved here from Michigan. He is a software

entrepreneur and has two companies and brought one of those companies here. Of all the places they chose to live, they chose Highland because of the location and the serene quiet feel. The home they purchased was not even on the market; they paid cash for the home. Mr. Little learned of the meeting from a neighbor. He said he knows he cannot give his house back to the bank since he paid cash. The commercial aspect being proposed will impact the value of his home. **He referenced Mr. Rock's opening prayer where he mentioned for benefit of the citizens.** Based on that, he posed the question of how this proposal benefits him as a new resident of Highland. Commissioner Kemp said we have to look at all the citizens of the city, just not those who live around a proposed area for development. Mr. Little asked how this is a benefit to him if he is going to lose several hundred thousand dollars. Commissioner **Kemp said that absolutely may be true and may not be fair if Mr. Little's property value will go down depending on use.** Mr. Little said there is no study that shows mid to high level homes increasing in value with a commercial development to go through.

Mr. Little asked if everyone who filled out a speaker form and checked the opposed box what would happen. Commissioner Kemp indicated the information would be passed along to the City Council. Mr. Little asked if that means this item would be not be passed. Commissioner Kemp said that is not the case. The Planning Commission makes a recommendation based on findings of fact; the City Council is the political body and where politics come in to play. **Mr. Little expressed that it is only fair that if everyone opposes it that we consider everyone's opinion, just not the opinion of one or two.** He expressed violent opposition to this amendment on his **and his wife's part.** **He moved that until we know a specific use and reason for this land that we do not move forward with this proposal.** He recommending waiting until we have a solid specific reason we can review objectively and not just a potential objective.

Tina Grundman lives directly on 6000 West and is a real estate agent. She stated this is going to kill home values and she is sure that taxes will not be compensated for that when home values decrease. Ms. Grundman asked how many citizens are in Highland. Commissioner Kemp indicated there are 16,000. Ms. Grundman critiqued the fact that only 102 notices were mailed to residents. Commissioner Kemp expressed that the notices were done as required by law. Ms. Grundman said that she understands that; she feels it is pertinent that this affects all citizens of the community, but only 102 notices were mailed.

Ms. Grundman, speaking from real estate experience, said that opening the door to mixed use, it removes the door entirely. It is wide open for anything and everything. She expressed frustration that the area can no longer be completely residential. She said she is pretty sure the higher the density, the higher the crime. Ms. Grundman said that the revenue we might get from a higher density residential community which gets more tax revenue is going to be more than offset by the court costs from increased crime. She is here on behalf of her parents who are out of town; they adamantly oppose this item and she does as well.

Commissioner Roundy pointed out to those in the audience that in addition to the notices that were mailed that the Planning Commission agendas are posted at city hall, the fire department, the justice building, as well as on the city website. He also indicated that the City has been promoting for the past year, the Notify Me function on the **city's website where** anyone can sign up and be notified electronically about public notices and meeting agendas. Commissioner Temby added that the notice was also published in the newspaper, The Daily Herald.

Dave Marcum lives just north of the proposed area. He said he has thought about how difficult it is for the Planning Commissioners to balance the needs of the city with the desires of the citizens. He said he thinks what we are asking for is compassion to preserve the feeling that has existed in the community for a long time. The feeling is what attracted most of the people to live here. Mr. Marcum asked what the reason that the cost ratio is so much less for commercial versus residential. Mr. Crane explained that commercial does not require the same level service that residential does with police, fire, library, parks, recreation, etc. Mr. Marcum asked how it increases if those are already costs we are bearing; he said if we put homes in there, it does not increase infrastructure costs. Mr. Crane said it does because the number of trips in volume increases, how much water is used, how many times toilets are flushed, etc. increase. Discussion took place on who bores the responsibility of those costs.

Mr. Marcum asked what the role of the Planning Commission is; what is the recommendation the Commission is making. Mr. Crane said their role is to make a recommendation based on input they receive, balancing the need of the community versus the surrounding property owners, review of the general plan, and things of this nature. Mr. Crane stated it is not a vote. He reiterated that this request is coming from the economic development committee, and staff **does not have a dog in the fight. It is staff's role to process the application and process the request by the economic development committee that was appointed by the mayor to solve some of the issues the city is facing. The Planning Commission's role is to review this item and provide a recommendation to the City Council who will either approve or deny the request. Staff's research is based on the general plan, the needs of the city at the time, and those type of things. Commissioner Kemp stated that this meeting's purpose is to hold a public meeting we are generally concerned about the needs of Highland and what the resident's think. He expressed that the Commission does not come with their minds already made up based purely on dollars; the Commissioners are people who live in Highland as well. Commissioner Kemp said he thinks seriously when someone asks if he would like a Home Depot in his backyard and he indicated he would not like that. Mr. Marcum expressed that he has had some experience with this. When he bought a home in Orem, it was in an orchard and their home ended up right behind Target. Commissioner Kemp said he hears situations of that a lot of the time; the only way to prevent development around you is to buy the 200 acres around you so that no one else can move in. Mr. Marcum said what we do hope though is that the Commissioners have compassion for the people that are going to be affected next to a Commission recommendation; that were it your house would the Commission's vote be different. He expressed understanding for how difficult it is to balance the needs of citizens that are asking for more services with those who are asking for this not to be approved. He asked for consideration the impact that it will have on those homes closely located to the proposed property.**

Dave Christensen has about 1100 lineal feet of frontage on the proposed property. His primary concern is the quality of life in Highland; he would be glad to pay more property taxes. He feels we need to pay for what kinds of things we want. He said is somewhat distressed with what he sees happening in Highland. The Planning Commission, if he understood correctly, recommended elimination of some of the nicest trails and trail easement in the city. Mr. Christensen said what he sees happening is that some of policies the city is doing is **affecting the quality of resident's lives. He indicated it was on one of the original committee's for the early general plan for the city when we were looking at doing the city center. He said that the concept there as he remembers it was recognition of some need of commercial so**

people had services, but we did not want SR 92 to become like State Street in Orem. Mr. Christensen said the concept was to focus development in this one large area; this was before the north parcel became commercial. He said when he sees this plan what he sees is that it is starting to be strip development. He said everything along SR 92 could end up being changed to commercial or mixed use. He expressed concern for the need to look at how that is going to be developed.

Mr. Christensen asked if there is a reason to change the land use before a property owner or developer comes in with a plan. He said he believes that the City has already been in discussion with the property owner. Mr. Crane explained that changing the land use now allows the City to be proactive in recruitment. This does not give up leverage because even with a land use change, the property still has to go through the rezoning process. Mr. Christensen said he just wonders about that because the City keeps saying they do not have any control over how the Town Center developed. Commissioner Kemp explained that it was zoned a particular way and then someone buys property and depending on circumstances; whether that be a downturn in the market, no tenant, or any number of reasons the City does not have control over who locates in the city in a lot of ways. Mr. Christensen summed up his feelings as disappointment in the way development has happened in Highland. He said with better planning and a more sophisticated design we could get a better quality of life in the city.

Elise Blackwell lives directly across the street from the proposed property. She asked what other options have been considered other options than commercial and raising taxes. Commissioner Kemp said we are open to anything. Ms. Blackwell said she agrees with most everything that has been said tonight. She is opposed to this mostly because of the quality of life in Highland. She has lived in Highland since she was three years old. She feels that the impact on the quality of life will be longer lasting and more valuable than the economic concerns; she realizes economic concerns are important as well.

Glen McBride moved his family here three years ago from American Fork. They lived in the neighborhood adjacent to where Costco was built. Even being three or four blocks away, the impacts were still felt. Mr. McBride said that the people that move here as a whole want the kind of community we have; the more rural feel, bigger properties, no commercial. He expressed that he and his wife looked at this large Patterson piece of property before purchasing their home and saw the zoning was low density residential and liked that and hoped it would remain that way. Mr. McBride reiterated why his family moved to Highland and thanked the Commission for their time.

Rischelle Mikkelson lives in a similar area on Avonmore Drive. She said that she grew up in Orem off of 800 North and watched in her teenage years happen exactly what it looks like Highland is going through. She said her childhood home has Harmons as the backyard neighbor with the glaring sign shining in the backyard. Ms. Mikkelson indicated that crime **has gone up, property values have gone down significantly, her parent's home will not sell;** her dad even tried to include their property as a portion for development. She expressed that what the Commission is considering really affects those personally who are so closely located to this property and the whole city. She asked that the Commission consider that carefully.

Curt Wankier has lived in Highland for 32 years. He stated his love for Highland; he said we have something very special here in his opinion. He said that the Planning Commission and

City Council has an opportunity to show some courage and find a solution without changing what we moved here for and what we all love about the city.

Brooke Kolste asked what it would take for this item to not pass. Commissioner Kemp explained that the City Council votes on this. The Planning Commission provides a recommendation to the City Council, but they ultimately have the say in this. Ms. Kolste asked if the majority of the citizens expressed opposition to this if that would affect the **Commission's recommendation**. Commissioner Kemp said there is probably a way for the citizens to file a referendum and get this on the ballot in November. He referred Ms. Kolste to staff to find out requirements for filing a referendum.

Ms. Kolste expressed her opposition for this item. She said that in her opinion, this seems like a sneaky way to get commercial in by calling it mixed use. She stated concern that this is proposed when not all of the commercial use land has not been used or taken advantage of. She indicated she also has friends and family from other cities who are opposed to this amendment because they do not want Highland to be a lousy place to live. Ms. Kolste reiterated concerns raised by previous residents this evening. She suggested that there be a complete separation of commercial and residential areas; the mixed areas seem to become a transient area. Ms. Kolste closed by requesting that the Commission keep this an upscale place to live.

Robin Thomas lives on Avonmore Drive and addressed safety concerns with the road and the problems that already exist with trying to get onto SR 92. She said she cannot even imagine the amount of traffic they will have if a big commercial site is put in. Ms. Thomas stated that there are numerous accidents on SR 92 and 6000 West. She moved here from Texas about nine years; they looked specifically for a rural area. In Texas, state taxes are not paid; all of the school, city and everything is taken from property taxes. She said they owned a 1,300 square foot home and paid \$3,500 in property taxes. She expressed her willingness to pay more property taxes here to have more police; which she imagines would be necessary if more commercial uses are going in to this area.

Sally Poet asked how many individuals are on the economic development committee. Mr. Crane stated there are 5-7 individuals; they are citizens with expertise in economic development. There are developers, real estate agents, former council members, generating quite a mix on the committee. Ms. Poet said those 5-7 people are changing the life of the community. Mr. Crane explained that the committee was directed by the City Council to look at economic development possibilities and this request will affect the community as a whole. Ms. Poet expressed that all of the citizens will be paying for more crime, the whole spirit of Highland changing, decreased home values, lawsuits, traffic, decreased quality of life. She posed the question if we want this unplanned hodgepodge to be the gateway of our city or if we want homes, the spirit of our community, to be the gateway to our city. Ms. Poet proposed that it be put to the city to come up with ideas of how we can come up with revenue.

Mr. Crane indicated there is an upcoming community open house on May 3<sup>rd</sup> on the budget and he invited the residents to come out and make their thoughts, suggestions, and ideas known to staff and City Council.

Commissioner Roundy expressed that the Commissioners here are volunteers that are trying to use their expertise to do the impossible for scenarios and do the best they can. He served

on a committee with Mr. Christensen, who was also an architect, and he knows on some of these committees to have more people volunteer and provide their input is welcomed. Commissioner Roundy said that this meeting is just one opportunity to express ideas, but bring those ideas to staff, the mayor, different committees and people to make this a better place.

Ingolf de Jong thanked those for their service on the Commission. He expressed his reasons for his family living in this community; the peacefulness, the open feeling, etc. that this area offers. Mr. de Jong asked for some clarification on the procedure of an amendment. He **asked what percentage of the pie does the public's input have on a proposed amendment.** Mr. Crane indicated that each case is different; each case is looked at independently and its unique circumstances are looked at. Commissioner Kemp stated that as a Planning Commission some things are done because they are guidelines and rules set out by the state and our own development code. He explained that the City Council is a political body and he thinks that the public input weighs heavily on them. Commissioner Kemp said sometimes our hands are tied as Planning Commissioners because of laws and regulations.

Mr. de Jong expressed that the group here tonight is fairly passionate on this subject. He stated that if a developer was here they would be equally as passionate for the property they own. Mr. de Jong asked for clarification on how much of the property taxes go to Highland City. He also asked about the city spending \$1.23 for every \$1.00 that is brought in and what would be the cost increase to each property owner to make up that \$0.23. Mr. de Jong indicated his prudent question is what the dollar amount is for each person to shell out to maintain the serenity of the community. Commissioner Kemp said that cannot be determined; it is a moving target. It has to be projected outward what the economy is going to be like in 5 years, what the population is going to be, the roads conditions, catastrophic equipment failures at the city, and other numerous things that have to be taken into consideration. Commissioner Kemp expressed that this is a good question; this is something the city will be working on between now and November.

Mr. de Jong expressed that the proposed amendment will change the feel of Highland dramatically. He is opposed to this item. He is open to other options; recognizing the city needs a certain amount of money to run. Mr. de Jong asked about the City Council meeting on this item. Mr. Crane explained there will be a public hearing at the City Council meeting. Mr. de Jong asked what is going on with the Sunday opening. Commissioner Kemp explained that it is going to a public vote on the ballot in November.

Paula Soderstrom thanked the Commission for their service. She said that she feels kind of like people are threatening her; like this has to go or else property taxes are going to go up. She agreed with the other gentleman that she would be willing to give extra money and let it go straight to the city as opposed to additional commercial development areas. Ms. Soderstrom said she knows commercial development likes to be on main roads, but if people have a good business, like Dough Boy and Flour Girl in American Fork, they do not lack for business and need to be on a main road.

Ms. Soderstrom spoke concerning one of her neighbors, the Pursers, that are directly affected by this amendment and were not able to be at the meeting this evening. She said the young family only moved there about a year or so ago and purchased it because they would be able to have their horses. Ms. Soderstrom said her family came to Highland because they too

were able to have horse rights. She said she sees these areas for with animal rights being taken away by having a change in the use. She asked what will happen to those properties that have backyards bordering this property. Commissioner Kemp explained that we do not have a plan at all right now.

Ms. Soderstrom closed by saying she felt like Highland was a little bit of heaven when she moved here 12 years ago and she said there are not very many places that are as unique as this city that has the atmosphere and values we have; as much as she does not want a business next to her house, it is not about the property value, it is about the community values.

Linda Lewis said she finds it is interesting that there is a large parcel on the northwest corner and then the two pieces below; almost that entire intersection has been taken into mixed use. She stated that we do have a cemetery and it is commercial; the commercial that the community said was okay for it to go in because of the types of residents it brings in. Ms. Lewis echoed most of what the others have said tonight; these are the reasons why they **moved to Highland. She says that taking three corners of anyone's backyard is rough; she** posed the question why not all four at this intersection, when will it stop. She reiterated the decline in the quality of life this will cause; she would be willing to pay higher taxes.

Commissioner Day expressed that this item has been very upsetting to the community from what he has seen. There are other options from him and others in addition to raising taxes **that will be discussed by the Commission after the public's comments.**

Joseph Glancy said the first main scenarios that could cause problems with this amendment are based on which way the Sunday closure item goes. He said if businesses are not open on Sunday, it does not make a lot of sense to have mixed or commercial areas because a lot **of businesses already in the past to not be interested in the past in Highland's economic system because of Sunday closures. Mr. Glancy's second observation was that it makes** more sense to have businesses more in the central nucleus area of Highland; where all the hussle is. He said there are a lot of open lots in the Town Center that are not being used; makes more sense to have the businesses located in this area than down the road on the way to Lehi. He closed by saying to keep the business in the center of Highland makes more sense.

Leslie Jarrett **said she is sitting here thinking didn't we just do this; she remembers fighting** the issue where Patterson wanted to have smaller lots. She is sick to her stomach because he looked at her and said fine, he was going to wait until the city comes and begs him to put a development in; she feels like this is what we are doing so that we can have economic development. Ms. Jarrett stated that so much time was spent doing this city center and telling the residents that we are not going to have any other businesses but here in the city center. She asked why the city center is not developed. Commissioner Kemp said there are reasons why; we are in an economic downturn, we do not control the property, and a number of various reasons. Ms. Jarrett asked the Commission to wait and get this area finalized and developed before we go and open up another area of problems. She stated that it makes no sense to change the zoning now and open the door.

Commissioner Day said that in speaking with the city council from Orem city they indicated the city subsidizes the mall to the tune of \$21 million over about a five year period of time.

Mr. Crane indicated that is called sales tax rebates. It is common thing to get a mall or a large store like Costco or car dealership; in other words the money does not come out of the city's general fund, it comes out of the revenues that the mall produces. Commissioner Day said the way it was framed was that it was not a good deal for the citizens. Mr. Crane said it may or may not be, he did not know.

Debbie Maughan asked for clarification that the house on the northeast corner of the intersection now wants to be included in the amendment. Mr. Crane said that is correct. Ms. Maughan said this is exactly what makes her envision State Street. For every house that gets added, the house next door is going to want to be added as well. She said the Highland will never have the population to sustain a State Street scenario. Ms. Maughan expressed that her and her husband disagree with the proposed amendment. She said that when a certain landowner first proposed some development in this city a long time ago, the promises were that taxes would go down, we would get a better tax base, and everything else and the quality life would be better. She said she has lived here 20 years and her taxes have never gone down. Ms. Maughan reiterated the comments of the previous speakers; she said they all feel strongly and have the same concerns and that is why they have been repeated so much tonight. She thanked the Commission for their time and service.

David Griffin said that he sees this issue coming over and over again in city after city; his concern is that the developers, Patterson in particular, do not care about the city or the residents. Their concern is about money and how much they make. He said it offends him to the core to see government allow development destroy the character of beautiful towns. Mr. Griffin said he loves going to the east and seeing the little towns who have maintained their integrity. He asked that when developers come forward with requests to keep in mind that all they care about is what is good for them right now.

Tanya McBride said in regards to the additional lots wanting to be included in this amendment, she knows them personally and has not talked to them personally, but she can only assume they would want to be a part of this is because all three corners of this yard are going to be commercial and who wants to live there. Ms. McBride said that all the reasons that have been given about why the city center has not developed are going to apply to this same spot. It will be visible as soon as you enter the city. She stated that you do not want commercial across from the beautiful cemetery.

Joy Madsen stated that she likes to think of Highland as the city of heart; with a heart. If we are going to be distinct and individual, we need to have integrity and keep commercial where it needs to be and residential where it needs to be. Ms. Madsen closed by saying she will look to all means maintaining that integrity.

Paul Gillespie stated that he prefers a bedroom community, low density with lots as a choice for if people want to have a horse or an orchard, quiet peaceful town with businesses limited in their hours and days, Sunday closing, and property tax increase as a means of providing the funds for our city to operate. He said that out of the amount of property tax he pays, only about \$200 goes to Highland. Ms. Gillespie said that the idea of a town center, he thinks, implied a contract between city officials and the residents that the businesses would be limited to this little area. He said he thinks to even be considering any option is a breach of that contract. He closed by indicating the afore mentioned are his preferences.

Commissioner Kemp closed the public hearing [9:15:08 PM](#).

Commissioner Rock asked what the City plans for access off of SR 92. Mr. Crane said the access on that road is controlled by the Utah Department of Transportation and would have planned access or ability to make those decisions. The assumption for this area is that the main access would be from SR 92.

Commissioner Temby asked what the current zoning is. Mr. Crane explained it is R-1-40; single family residential district with a density of one unit per 40,000 square feet; that can be increased through open space subdivisions. Before zoning can change, it has to go through a whole rezoning process.

Commissioner Temby thanked everyone for their comments tonight. He said just to be clear, he did not come in with any agenda or predisposition for how he might vote on the recommendation. He got notice of this through the email process before he even received his Planning Commission binder with the materials in it. He expressed that the public notice process does work. Some people spoke about compassion and balance and he said that is what he is trying to do and his colleagues as well. It is really trying to balance the needs of the city with providing basic services in the future. Although it is important for us to preserve the past, it is important for us to preserve the future; not only of the look and feel of the community and values, but also preserve the future for our children and future generations.

Commissioner Tebmy said that he lived in Cedar Hills prior to living here; before the Walmart was there. There was a huge debt and citizens were concerned about the taxes going up and he was concerned about the future of the homes and the ability to maintain the home values and the ability for future generations to purchase homes there and have services available.

Commissioner Temby said they moved away after the Walmart came in and his family did not **gain the benefit of that revenue source. He said he recognizes that Highland's economic** committee has had a challenge trying to identify those few remaining parcels in the city as to where we can have some commercial development; unfortunately he thinks that Highland has changed, largely in part due to the expansion of SR 92. Commissioner Temby expressed that his inclination is to adopt the change to mixed use.

Commissioner Heyrend expressed that he agrees with most of the comments from the speakers this evening. He thinks Highland has a real issue with competition in our commercial area; he posed the question as to why we have to pay a nickel or ten cents more for gas here, but you go up the road and you can find it cheaper. He said it is because we do not have another gas station here to compete with. He said he would like to see another gas station here in Highland; he feels the corner on northwest would be a great location. Having said that, he does not agree that we need all 86 acres as mixed use. Commissioner Heyrend said he thinks the developer has come in and said we are going to go for broke and try to get all of it or be it the economic committee; he thinks the developer definitely had a say in this piece of property. Commissioner Heyrend said as a city, he does not think we need to look at the whole area to go into mixed use. He expressed as someone owning a burial plot at the cemetery, the last thing he wants to see across the street is a parking lot. He stated that cemeteries are generally planned for peaceful areas. Commissioner Heyrend went over the surrounding areas and reiterated those are areas that generally are located in residential areas. He agreed with the comment from earlier that there is not plan before us; a developer

will come in typically and propose a zone change with his plan. This way, it gives us incentive to make this change. Commissioner Heyrend expressed that the way this proposal is before us is an uncommon way to do it. He said that he is a little disappointed with the way the city has been handling things lately and he is a little upset with it. He wants to see Highland stand up for itself and recognize why we all moved here; we are here because of large lots, less traffic, less commercial centers, etc. Commissioner Heyrend agreed that he does not want the gateway of our city to be large commercial centers. He expressed that by the high school and the town center are better places for commercial in the city. He expressed that we are going to lose what Highland is if we approve this. We do not want the hodgepodge look that strip mall retail and other commercial brings in. He closed by saying this area is too great to give away to mixed use.

Commissioner Day addressed a few issues. He asked if there was anyone that came as residents or representatives of Patterson Construction that support this item. He said he did not hear even one opposing view on this. If there was, he asked that they raise their hand and come forward; he would love to hear from them as to why they want this. He said he just wanted to confirm that this was true that no one was here this evening. Commissioner Day stated that he looked up over the last 10 years that Orem City, according to their city accountants, had subsidized certain businesses to the tune of \$42,671,079.00 while 4,300 other businesses pay their own way. He said that is speculation on Orem City and it is not really a free market. He said that what can happen and that someone had mentioned what Orem City had allowed to happen in their main street that is the giant 7 story 4<sup>th</sup> wonder of the world, he does not know what it is. Commissioner Day said when you have a central government trying to plan economically, it is hard. The best thing that we can do as a Planning Commission is make a plan for the city and then execute on that plan. Therefore setting a precedence that will allow residents and businesses to see what that plan is and plan accordingly. He said that is the purpose of that. When they planned for this area, someone spoke on this, that it in a way is a contract, maybe not hard and fast, but we are required follow those rules. That is why we are here planning to change that by law that they have to build the type of area up the way they were planning on it.

Commissioner Day stated that it is interesting that Patterson owns most of that land and from everything he has heard from him, he does not know him personally, he gets the impression and from his behavior that he cheats. He directed his comment toward Mr. Crane by stating, if the issue over where it is supposed to be office building professional space and they built, so when you think of office professional buildings you think of nice a nice office building, but he thinks the first thing they built was an storage shed facility and a lot of the residents above there complained. Commissioner Day said if he is not mistaken, are they still not compliant with the rules of not covering the trailers, has that ever been resolved? Mr. Crane indicated is has been, they have removed them. Commissioner Day said that is good. He said they were asking for more permissions and they were not compliant and he is glad to hear that is the case. Commissioner Day stated that in his own neighborhood, they tried to maximize profits at the expense of everything else, so he just does not trust that developer personally and as long as he is on this Planning Commission, that is his impression. He said if they have a different opinion, he would love to hear it, but they do not seem to be here, so that is why he asked.

Commissioner Day indicated the other thing he wanted to address was roads. He said that what the argument comes down to with Sunday closure laws, this is about roads. There is

\$20 million in repairs for the city over the next 10 something years and it is about roads. Everything is about roads. Commissioner Day asked if we have roads that are not maintained by the city. Mr. Crane said there is SR 92 and North County Boulevard. Commissioner Day asked if the city maintains private roads. Mr. Crane said not within a development. Commissioner Day asked how they are maintained. Mr. Crane stated that the homeowners pay for them themselves. Commissioner Day said that is another solution in his mind. He said if roads costs money, how come some residents can afford to pay for the roads? He said when he talks to residents, it is not that much when they need to replace a road every ten years, they pitch in \$100 or something and then it gets paid. He said this is what they are telling him, so he does not know how they are doing it, but he thinks it is because they get to hire the people they want to hire and do it the way they want to do it and it works out and it is not a burden on the city. Commissioner Day asked if they still pay property taxes. Mr. Crane said yes they do. Commissioner Day reiterated that they still pay property taxes even though they are paying for their own roads. He said there is a possible **solution in the future that we could look at besides raising people's taxes and privatizing** roads. Mr. Crane asked how that is different; because the fee still goes up. He explained that if you have to increase the fee to maintain a road, you either increase through a property tax or an assessment by an HOA. Commissioner Day said it could be that way or citizens could do it on their own without forming an HOA if they wanted to. Commissioner Temby asked if he was suggesting we make all of the city roads toll roads. Commissioner Day said he is suggesting there are other ways. He said he is bringing up that there are already roads in Highland city that are maintained by private citizens and they are happy to do it. He said he would love to live on one of those streets, they are very very exclusive communities. Commissioner Day said that is just one option that is the proper role of government to maintain these roads necessary. He stated he is not saying it is not, but it is up to us to decide.

Commissioner Day said the other thing is that he would consider himself an armchair economist; he does study it quite a lot and he reads many books on the economy and follows the situation. He said that Jim Rogers, one of the premier investors in the whole world, and others like him see what has happened in America and one of the comments he made is that the average age of farmers in America is about 65 years old, which means on an economic stand point in 10 years there is going to be a food crisis because farmers are retiring. He continued by stating that this author tells all of his investors to get out of wall street and buy a farm and that farm is the new business. Commissioner Day said where we look at a strip mall and the failing businesses of Orem and how they have to subsidize their mall, maybe that is not the best use of land.

Commissioner Day said in looking at some other cities, in looking at the history of Navoo and their charter, when they chartered their city they required anyone from age 21 to 55 to spend 3 days a year to working on the roads, pathways, and trails of the city otherwise they could pay a fee. He said another idea would be to set up pictures throughout the city they have 100 hours or more of man labor and volunteer work needed that can be given to our scouts and community leaders to volunteer their time toward. He suggested providing an award and having a hall of awards for those who donate their time in the community.

Commissioner Day expressed that one thing that the city did wrong was that we had a fully functional city building and maybe only need \$1 million worth of overhaul and instead they decided to create a \$19 million debt with this building. Commissioner Day reiterated that

there is more than one option and we should look at those before we approve the proposed amendment. He closed by stating he does not support this item at this point.

Commissioner Carruth addressed some of the comments that had been made about who encompasses the Planning Commission and other of the city committees. She has lived in Highland for 27 years; the only time she came to a public meeting like this was when she opposed the item, which is what we have here and what we have had at every meeting. She expressed that what we need to do remember that out of the 16,000 people that agree and are not here. We all seem to make a stand when we oppose something. Commissioner Carruth said she has not been approached by a developer and does not have any funds in this. She does not want her taxes tripled. She said she is part of old Highland and most of the current residents would not be living here if Highland had not changed.

Commissioner Carruth expressed that there are a lot of things to consider. Each of those who came and those who did not are important to us. A lot of people do not dare come because they do not want to face a crowd like this. Commissioner Carruth asked that the people keep in mind that as the votes are made that a lot of us have been here a long time, a lot of us are not super wealthy, and that is not why a lot of us are here and that is what we dislike about Highland. She closed by stating that we balance what you people say and what those who are not here say.

Commissioner Roundy had no further comments.

Commissioner Kemp thanked those who came out for their comments and attendance. He said that he does not really like the idea of another area competing with the city center. He expressed that Walmart is often vilified, but most of us stop there so that is not fair to vilify them. He said he does not agree that all development is bad; we all have needs and have to go to developments for things we need and use every day. Commissioner Kemp said the not **in my backyard thing is a really big thing to him, it's just not fair. He said he is willing to pay** higher taxes to be closed on Sunday, but he does not think that is fair to require that of the elderly person down the street who is on a fixed income. Commissioner Kemp has heard from quite a few people who are in favor of this item. He said he thinks we are trying our best to preserve a little bit of heaven here in Highland, but we still have to remember we have to have some way to pay for it.

Commissioner Kemp said that people are coming to Utah because of our lifestyle and our value system. We have to figure out a way to accommodate those people. He said he has heard that there is a 55 year old and older community planned for this area; he has in-laws that live in Highland and are probably going to be forced out of Highland because they cannot maintain their 1/3 acre yard and house because of age. A community like this would provide additional opportunities for people to stay in the city. He said he likes the idea of a town center for commercial area, but unfortunately it has not developed the way we would like because of some things beyond our control. He said he does not like approving this without seeing some kind of plan and opening the door for some type of disaster. He is opposed to this unless he saw some further information and a plan that he could base a better decision on.

**MOTION Commissioner Roundy moved that the Planning Commission recommend to the City Council denial at this time of the request to amend the General Plan Land Use Map**

**from Low Density Residential to Mixed Use based on the following findings: the quality of life, property values, keeping of the rural nature, avoiding sprawl, and maintaining the proud to be a Highland resident attitude. Motion seconded by Commissioner Day.**

Commissioner Day requested to add the denial is also **due to a lack of any proposed plan for that area**. Commissioner Roundy agreed to the addition.

**Those voting aye: Commissioner Rock, Commissioner Heyrend, Commissioner Day, Commissioner Roundy, Commissioner Kemp. Those voting nay: Commissioner Temby, Commissioner Carruth. The motion carried as amended with a majority vote; 5:2.**

Commissioner Kemp called for a five minute recess.

Meeting reconvened at this time [10:05:24 PM](#).

2. TA-12-05 A request by the Highland City Council to amend Section 3-614.7 of the Highland City Development Code revising the public notice requirements for home occupations. Legislative.

Mr. Crane explained this agenda item. This is a request regarding public notice requirements for home occupations. Home occupations are an administrative action and if they meet the code requirements, they are entitled to approval. A concern that has been raised is that with our existing requirements an applicant for a home occupation is required to notify everyone within 500 feet of a proposed business. That has been implemented by the applicant visiting each home within 500 feet and obtaining a signature on a petition indicating they are aware of the home occupation application. Mr. Crane said that in the time that this requirement has been in place, no calls have been made to the City prior the business license being approved. The City Council requested this be looked at after receiving a complaint from a resident.

Mr. Crane said in looking at this amendment the wording was changed. The proposed amendment eliminated all noticing requirements, but that can be changed if Commission wants. Another option that may be better if the concern is the impact on the surrounding properties is that it may be appropriate to lower the noticing from 500 feet to 300 feet or so. The other thing may be to create a distinction between the types of home occupations. For example, some uses that have no impact on surrounding properties, such as a computer programmer versus a home salon that requires people to come to that location, may not need to do a notification. Mr. Crane said that staff made the distinction by the 300 foot radius and then if customers visit the home the radius notification has to be complied with. If no customers visit the home, no radius notification would be necessary.

Commissioner Kemp opened the public hearing at [10:08:42 PM](#).

Commissioner Temby asked what the definition of a home occupation is. Mr. Crane explained that it is basically any business inside a home.

Commissioner Kemp closed the public hearing at [10:09:36 PM](#).

Commissioner Roundy voiced concerns over home based massage businesses and asked if staff is the check and balance for those types of businesses. Mr. Crane explained that the

business is reviewed, but it is hard for staff to know if shady business is going on there unless it is described on the business application.

Commissioner Temby asked if the purpose of adding the part about businesses that have customers visit the home is to address the businesses that are open to the public. Mr. Crane said that is correct. It is to address those businesses that would have a bigger impact on surrounding properties.

Commissioner Temby asked for more information on the complaint that was received. Mr. Crane explained that the gentleman was running an office use doing software development out of his home and had no customers coming to the office and he did not have time to go around getting a petition signed. It was an onerous type of thing for him to get this petition signed when his business has no impact on surrounding properties.

Commissioner Temby asked if a business license is required and then a home occupation application. Mr. Crane explained it is all part of the same process.

Commissioner Day asked if it could be based on the number of vehicles that visit the business in a day. Commissioner Kemp expressed that is difficult to regulate. Mr. Crane said he would much rather have a specific regulation; such as if there are customers in and out then it requires a radius notification.

Commissioner Temby said that he understands what we are trying to balance here and he suggested that we revise the ordinance to where the applicant shall be required to notify all residents within a 300 foot radius of the property in writing of the nature and hours of operation of the home occupation for those that hold themselves open to the public.

Commissioner Garrett said that if they are required to notify their neighbors, it only serves a purpose if there is some period for comment. Mr. Crane explained again that this is an administrative action, then as long as the applicant meets the regulations, then they are entitled to approval regardless of whether comments are received. Mr. Crane further explained that it is hard for staff to balance the need to notify people that they may see a home occupation coming in with if the applicant meets the standards they have to be allowed.

Commissioner Temby asked what the purpose of the notification is. Mr. Crane explained it is to provide notice to neighbors, not get their approval. Commissioner Day suggested adding a caveat that businesses that have customers regularly visiting the home be required to notify the surrounding neighbors. Mr. Crane expressed that there is not a way to define what regularly is. Commissioner Garrett suggested it could be listed as more than one customer or one employee is at the home business at a time then they be required to provide notice to surrounding properties.

**MOTION: Commissioner Day moved that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendment revising the public notice requirements for home occupations and requiring noticing for businesses with customers visiting the home. Motion seconded by Commissioner Carruth. Unanimous vote, motion carried.**

3. GP-11-03 A request to amend the General Plan Existing and Future Trails Map to create a new Trails Master Plan. Legislative.

Mr. Crane explained the last time this was discussed the discussion was left open on what corridors would be appropriate for equestrian users. The Planning Commission needs to make a recommendation on that. Mr. Crane identified the Pfifferhorn trail, the Utah county equestrian park, the Murdock Canal trail, and through a couple of other areas on the map as areas for consideration of equestrian use. In the future, trails can be added this recommendation is not set in stone.

Commissioner Garret asked if the width of the trail was taken in to consideration. Mr. Crane said that in some areas it was. Commissioner Day asked if defining these trails as equestrian use if that makes other trails unusable for equestrian uses. Mr. Crane said potentially yes. Commissioner Day asked if a specific equestrian trails map was not created if horses would not be able to use the trails in general. Mr. Crane explained that in general trails are not designed for that type of use. He said it is important to plan for areas where equestrian users could get to connect to other major areas or things.

Commissioner Heyrend suggested the possibility of equestrian trail access to Highland Glen park to provide access to the American Fork and Fox Hollow area.

Commissioner Garrett asked if it has been proposed to the trails committee that they look at this map with the idea of simplifying, removing, or selling some of the trails or easements for business and money. Mr. Crane indicated that is why we are doing this.

**MOTION: Commissioner Rock moved that the Planning Commission recommend to the City Council approval of the trails as recommended by staff with the addition of the Murdock Canal trail. Motion seconded by Commissioner Roundy.**

Commissioner Garrett stated that the Murdock Canal trail is already designated as an equestrian trail.

**Unanimous vote, motion carried.**

## **B. OTHER BUSINESS**

No other business items for discussion.

## **C. COMMISSIONERS COMMENTS AND SUGGESTIONS**

Commissioner Roundy commented that he loves analogies and as his wife would say, read between the lines. He said that as we come prepared having studied the contents of the agenda and rely on input and information from staff and others and he wanted to add a couple of comments concerning this. He explained that he spends a lot of time in federal court and it clearly exceeds state and other types of things. His overall comment is that as we look at different actions, Al Capone could want to make a development somewhere and everybody knows the type of person Al Capone is, but Commissioner Roundy thinks we are highly and extremely out of line to mention Al Capone's name in a public meeting.

Commissioner Roundy said he hopes that we can read between the lines and take things for how they are and let it be water under the bridge.

**D. APPROVAL OF MEETING MINUTES FOR MARCH 27, 2012 - REGULAR MEETING**

**MOTION: Commissioner Temby moved to approve the Meeting Minutes for March 27, 2012 as amended. Motion seconded by Commissioner Rock. Unanimous vote, motion carried.**

**E. PLANNING STAFF REPORT**

- Recent City Council Actions:
- A moratorium was placed on open space subdivisions until design and implementation concerns can be addressed. The Planning Commission will be involved in that. There will likely be a joint work session with the Commission and City Council.
- The amendment for chickens was approved. The setback requirement was changed from 40 feet to 20 feet. There were a few other minor changes.
- The ordinances were approved regarding the Sunday closure issue. The ordinance removing the days of operation in the CR district from the development code was approved and will now reference the municipal code. New language was approved allowing Sunday openings subject to ratification by the voters in November.

Mr. Crane provided information on the upcoming community and budget open house on May 3<sup>rd</sup> from 5-8 pm.

**F. ADJOURNMENT**

**MOTION: Commissioner Roundy moved to adjourn. Motion was seconded by Commissioner Day. Unanimous vote, motion carried.**

**Meeting adjourned at [10:41:54 PM](#).**