

Highland City Planning Commission

July 10, 2012

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Chris Kemp, at 7:01 p.m. on July 10, 2012. An invocation was offered by Commissioner Kemp. Commissioner Day led those assembled in the Pledge of Allegiance.

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

EXCUSED: City Administrator: John Park
City Engineer: Matt Shipp
Commissioner: Sherry Carruth
Commissioner: Jay Roundy
Commissioner: Steve Rock

STAFF PRESENT: Community Development Director: Nathan Crane
Secretary: Jill Ballamis

OTHERS: Chris Dalley, Steve Slack, Cori Ollerton, Ryan Ollerton, John Woodley, Eric Woodley, John Bowcut, Torri Bowcut, Pat Nield, Lon Nield, Brooke Nield, Greg Nield, Michael Nilson, Mark Hatch, Brett Burns, Ben Stokes, Dave Kaylor, Rebekah Kaylor, Roger D. Dudley, Tom Brough, Susanne Brough, Shaunna Godwin, Ben Stokes,

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.

B. PUBLIC HEARING AND LEGISLATIVE ACTION

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.

Commissioner Kemp opened the public hearing at [7:04:34 PM](#).

Nathan Crane, Community Development Director, explained that the Planning Commission held a public hearing on June 12th to consider a request to amend the building coverage in our senior care assisted living overlay (SCALO) district; that request was continued to address a setback issue that was raised at that time and the Commission also asked to address building height. The request and advertisement was expanded that if other provisions need to be amended to accommodate or to do things, we can discuss those and make a recommendation to the City Council.

Mr. Crane clarified some items. An overlay district is designed to allow additional uses in a zoning district if specified criteria can be met (acreage, frontage, access, etc.). In this case, the senior care assisted living overlay allows assisted living and nursing care facilities through a conditional use permit in the R-1-40 district; it is not a commercial district. It was designed to be used in conjunction with the R-1-40 and R-1-20 districts.

Mr. Crane explained how a building setback and a landscape setback can differ. A landscape setback is an area dedicated specifically toward landscaping (buffers, transitions, etc.). A building setback identifies where the building goes. Often times there will be a greater building setback than a landscape setback; that is on purpose. This moves a building farther away from a property line; it would allow parking, fire lanes, driveways and different types of things like that in the building setback area; just no buildings.

Mr. Crane addressed whether there are two conflicting sections in the development code. He reviewed language from the development code on the overhead. He indicated that there were some if, then statements which could indicate that a building setback minimum was 30 feet, but if you are adjacent to residential, it is then 80 feet to provide that landscape setback. It is not necessarily a conflict, but can look at as a qualification.

Mr. Crane indicated that in the past that zoning districts were drafted based on specific sites. This approach allows the standards to be tailored to address specific projects and issues. One of the challenges though is that it creates a cookie cutter for a specific project and when it is applied to other properties it can create conflicts; this is what we are running in to today.

There has been a lot of discussion on the approval for this overlay district. The process

started in July and ended in October of 2009. The building coverage was 25% with a note indicated that it could go up to 35% at the discretion of the Planning Commission. Mr. Crane stated that was important to note that that extra percentage was not a given; it could go to 35% but a project was not entitled to that without Commission approval. Mr. Crane that the original proposed plan and the conditional use permit for the Ashford Memory Care were run concurrently; looking at that site plan with the expansion, the lot coverage exceeded the 25% requirement. Mr. Crane said that it made sense that the percentage would be changed from the 25% to the 35%. The building height was 35 feet in the first two drafts of the ordinance; it was lowered to 25 feet. It is not known why; the case file and notes have been reviewed and there was nothing indicating why. The records were listened to and the minutes reviewed for all five meetings this went to and we do not know why it was lowered. The Planning Commission raised it back to 35 feet and that is what was adopted. The rear yard setback was originally 75 feet and in August it was changed to 30 feet or 80 feet if adjacent to residential areas. The approved minutes really do not do this discussion justice; there was a request by the applicant and the Commission to reduce that setback to 30 feet. Mr. Crane said he thinks the intent was to reduce it to 30 feet. The landscape yard setback was at 20 feet at first and then changed to 30 feet or 80 feet if adjacent to residential; again, there was quite a bit of discussion. It was listed in August and all the way through the adoption of the ordinance. Mr. Crane said again, he thinks the intent was to reduce the setback to 30 feet. He does not know what happened or why; it was never brought up again. Looking at the conditions of approval or the changes made by the Planning Commission and discussed by City Council were only to the rear setback; the landscape setback was not discussed.

Mr. Crane explained that the request tonight is for just over a 37,000 square foot 2 story office building. To accommodate this, we would need to increase the building coverage from 30% to 35%, reduce the rear landscape requirement from 80 feet to 30 feet, the Commission wanted to discuss the building height, and any other amendments if needed can be discussed tonight.

Mr. Crane reviewed the different zoning district regulations for height, lot coverage, and setbacks. There are not a lot of consistencies between the zones. This is due again because the districts are designed to be site specific. Mr. Crane indicated that surrounding city regulations were researched and a lot of cities do not regulate building coverage, instead they say a property can be maximized as long as the parking, landscaping, buffer, etc. requirements are met. For comparison, the year yard setback for Walmart in Cedar Hills is 55 feet with a landscape of 10 feet. The Charleston facility has a setback of 48 feet with a 13 foot landscape buffer. Mr. Crane expressed that 10 feet is a little narrow when you discuss a tree growing to maturity in that type of area.

Mr. Crane concluded by stating that non-residential uses do have an impact on surrounding land uses. Development standards are used to address compatibility between uses. There are no consistencies between cities on what is required; varies based on the community and site. There is not a one size fits all approach. As considerations, the Commission should keep in mind whether the changes are consistent with the purpose and intent in the development code, what is the impact on the community, how is compatibility addressed, and is it needed to update the development code.

Greg Nield, applicant, gave a presentation on the interior and exterior of the Ashford facility. He reviewed the code requirements for the SCALO district and where facility such as the

Ashford could be located. Mr. Nield then addressed the year setbacks. He indicated that he is glad that it was clarified that the setback was changed to 30 feet with the building and that it appears that they meant to change it both building and landscape, but landscape was not discussed and therefore did not get changed. He reiterated from the last meeting that he believes that was a clerical error. Mr. Nield took pictures of commercial areas in the city that are adjacent to residential and reviewed those on the overhead to show those setbacks.

Mr. Nield stated that it was brought up at the last meeting that there was a 100 foot setback. He looked into it and found some information. It was referring to the Highland Marketplace development. It states that the 100 feet is measured from any wall of the home or otherwise if there is not a home, it would be a 30 foot setback; he said that was important to clarify. There was a requirement too for 10 feet of landscaping and the building can be 45 feet tall and parking can be in the setback.

Mr. Nield provided surrounding city regulations for facilities similar to the Ashford. He managed the Wentworth facility in Sandy. In Draper, the building at a minimum could be 35%; South Jordan is 40%; Riverton Care was 35%; Wentworth in Sandy was 40%; and Spanish Fork allows 40%. They would make sure the parking, buffering, and other items were sufficient and then the size of the building is determined on those restrictions.

Commissioner Garrett stated that in all but one of the examples Mr. Nield used he was referring to the landscape requirements. He asked if the building setback was looked at to the adjacent homes. Mr. Nield said that looked at the building setback from the property line, but not the adjacent homes.

Mr. Nield explained that they did not want to put parking for the Ashford adjacent to the residences. The fire chief at the time would not allow parking only on the front due to access that he needed, so parking was requested to be on the south side of the existing facility. Commissioner Garrett asked on the plan that is being proposed how close the building would be to adjacent houses. Mr. Nield explained they are asking for the 30 foot building setback.

Mike Nilson, project architect, joined Mr. Nield in answering questions. He reviewed the original site plan from two years ago; he said there was always the intent that some future phase would happen to the east. On that original site plan, the future building was show going to the 30 foot setback line. Commissioner Garrett clarified that only the current building is what was approved; Mr. Nilson indicated that was correct. The intentions of the future were shown on the plan. Mr. Nilson then reviewed the proposed site plan and expansion of the site on the overhead. He indicated that just over 35% of the lot area is designated for landscaping and the building also takes up 35% of the lot area.

Commissioner Garrett asked what they have done to help mitigate the concerns of the adjacent properties. Mr. Nield said the main thing was the parking on the south side that was existing; they did not want to push it farther to the east. He indicated there are things in the future in regards to landscaping that they are willing to look at. Mr. Nilson said they looked at some other scenarios; bringing the building farther away, but by doing so, it would move the parking or have a fire access road at the rear of the property. He discussed fire access options and requirements.

Mr. Nilson discussed building height and reviewed it on the overhead. Right now the height is at 35 feet; they decided to over-excavate part of the site to keep the building flat, at an extra

cost, but height of the existing grade compared to the finished grade will actually be about 3 or 4 feet lower. Mr. Nilson discussed elevations and showed them on the overhead. The existing building had a 2 and 12 pitch and a 4 and 12 pitch and those same pitches will be maintained on the proposed two story to keep the profile low.

Commissioner Heyrend asked if they looked into doing a one story on the east side and gradually sloping that up to a two story. Mr. Nield expressed they have thought of scenarios like that; they need over 60 rooms to be able to get investors, a bank loan, and a certain number of rooms to be feasible. The rooms sizes are currently small for the memory care; assisted living rooms average a living space, bedroom, and kitchenette. Mr. Nield said it is not feasible to do single story and then only two story on the west. Mr. Nilson explained that the health department requires a certain amount of amenities for the service of these residents. For anyone to financially undertake one of these facilities there are certain criteria or room count to be met for it to be financially feasible. Smaller can be done, but they have limited services; Mr. Nield wants to do a full service facility. Mr. Nilson explained that someone who is approaching a point where the need assisted living, they can live out the remainder of their life in a facility like this and if they need dementia care services, they are just moving within the same building; this is the full service concept that Mr. Nield wants to bring to this community. More discussion took place about rooms sizes. Commissioner Day asked for clarification on building design and site layout. The applicant and architect reviewed this on the overhead.

Susanne Brough thanked Mr. Crane for his research on this proposed amendment. Ms. Brough lives directly behind the existing Ashford facility. As it is now, it is a very good facility and they do a very good job running it. She stated that the proposed expansion is the size of the Charleston facility in Cedar Hills with 61 residents at 91% of capacity. She said that Mr. Nield is wanting to quadruple the size of the existing building and occupancy rate to gain economically, but that is all to the surrounding properties expense. If the code is amended, it will affect the ability sell adjacent homes and will impact those residents daily life. Ms. Brough requested that the code remain as it is and that the applicant adhere to those regulations. Commissioner Heyrend asked how she would feel if large trees and a taller wall separated the facility. Mr. Brough expressed that the problem is that at the most they have 30 feet from the property line to their home and then with their porch, they only have 10 feet of grass to the property line. They are situated a little higher as well.

Tom Brough proposed looking at possible alternatives in the interest of mitigating the mixed use and residential zoning. He asked the Commission if it is an option to take the common area, owned by the City, and utilize it for a different use. He is looking at it as a width that they could possibly throw in to the equation here. He proposed allowing expansion of the Ashford 20 or 30 feet north toward/into that common area. Mr. Brough explained that would a little more wiggle room north to south. He also suggested a staggered setback that would be based on the number of stories of a building; the higher the story, the larger the setback. Mr. Crane stated that depth from the City area owned property to the property line is 87 feet.

David Kaylor said he too feels like too much in too little of a space is trying to be built. He expressed that the pictures the applicant showed were nice and they have no objection to a similar facility going in to the space; that would be a good fit for the property. Mr. Kaylor stated that the debate is not whether the Ashford is a nice place to live or work or the merits or needs of an assisted care facility. He said that the property owner has all of the rights and

privileges to use his property within the current guidelines of the city code; nothing has been **taken away from him. This issue specifically addresses the property owner's desire to amend** the code so he may build a larger facility. Mr. Kaylor said that nobody begrudges a property owner the right to get the profit of the land they can except for when the use of the property begins to infringe upon the rights of others. He expressed that he too is a property owner and neighbor; there are certain codes that he too must follow. These codes provide protections to surrounding property owners and him as well. He understands why these laws were put in place and agreed to abide by them when he purchased his property. He sees no reason why we cannot expect the same of the property owner to the west. Mr. Kaylor closed by stating that the amendment and proposed buildings and business plan will significantly reduce our protected property and security rights that they currently enjoy. Coupled with those losses, the resale-ability will certainly diminish. The amendment proposes a gain for one property at the expense and loss of several others. This is no doubt a form of wealth distribution and an ideal that we should receive little to no support. We therefore encourage the property owner to the west to examine business opportunities that will be successful within the guidelines of the current city code, we wish them every success in this current endeavor, likewise, we remain committed to raising our family within the private and secure confines of our home, the Wildrose neighborhood, and the Highland City community.

Rebekah Kaylor applauded facilities that help those who are no longer able to care for themselves. Ms. Kaylor participates in a singing group that volunteer by singing at assisted facilities around the Salt Lake and Utah County valleys. She indicated in her experience of visiting these facilities, the large scale ones, they are all located in commercial property. She expressed her concern for the current proposal being adjacent to residential even though it is now in a mixed use zone. She encouraged maintaining compatibility and expressed her **understanding for Mr. Nield's funding dilemmas for a certain number of beds. Ms. Kaylor said** she thinks a smaller scale facility would be more appropriate for this site. She referenced the overhead proposed site plan to show some of her concerns with the proposal. She expressed great concern for future family parties and visits at the proposed expanded facility; family parties currently occur at the facility that can create a large number of people and more assisted care residents will generate more events. Ms. Kaylor expressed that these events and visits will bleed over into the Wildrose neighborhood creating a direct impact. She said the intensity of use for the site is just too much.

Cori Ollerton lives adjacent to the Ashford facility. She said the building is beautiful; it has been very accommodating and overall a great addition to the city. Her comments echo what has been said. Ms. Ollerton expressed that the proposed addition is quite extensive to the requested location. She stated concern for parking; there are 21 existing park spots for 16 residents and the request is to add 17 parking spots for 47 more residents, leaving the overflow of vehicles will end up in the Wildrose neighborhood. Ms. Ollerton expressed that the photos of existing commercial areas do not compare to the use we are dealing with. She stated concern for a two story building having the ability to look down right into their homes; a one story facility is not as big of a concern. She said her greatest issue is letting it be known that they are not trying to prevent the facility from expanding, but rather they want it done in a way that is compatible with the existing adjacent uses.

Ryan Ollerton feels that the rather lengthy presentation by the applicant was kind of distracting the Commission from the real issues at hand. He stated there are three main issues they are opposed to: the height, setbacks, and the overall size versus the land. The

intent for this overlay zone was to have something that fit and was compatible for the existing residential and proposed project, so comparing it to any other commercial is not appropriate in an overlay district. The code was written to help mitigate the effects and impact that such a use would have. Mr. Ollerton echoed what Mr. Kaylor stated about the applicant having the right to use the current code to go on. Mr. Ollerton expressed that expanding north into the city piece may take away from the requirement for the Wildrose subdivision to have a certain amount of open space. He said that there are other areas in the city that the applicant could find other property locations in the city that would be a better fit for a project of this scale. Mr. Ollerton stressed the importance of harmony, compatibility, and mitigation.

Bret Burns lives in the Wildrose subdivision. He is an advocate of assisted living, **Greg Nield's management of assisted living, and of the memory care that is there.** Mr. Burns said he thinks Mr. Nield made a bad financial decision; he is making an assumption purchasing new property with a big building on codes that do not exist at the detriment and hope that the Commission and City Council will change the codes so that he can build a bigger structure. Mr. Burns said that he hopes the Commission does not feel pressure to accommodate simply because he needs a certain number of units to get financing. He stated that he understands the need to balance of the residents and the commercial people. He used the analogy to not put an orange where an apple goes; it does not fit. A change to the code would set a precedence for things on down the road.

Shauna Godwin lives in Wildrose. She stated concern for the safety of the road with all of the traffic that is going to be coming to the facility and trying to locate where it is and then possibly parking in their subdivision.

Rebekah Kaylor stated that they as residents have met with Nathan Crane and asked what compromises can be met here. They have submitted several different compromises to the current code and asked if the applicant can work with this and every time the answer has been no. Ms. Kaylor said that is very off putting as residents adjacent to the facility; the feel is that Mr. Nield has no concern or consideration for those adjacent resident's needs.

Commissioner Kemp closed the public at [8:18:32 PM](#).

Commissioner Garrett said that it makes sense to him as Mr. Crane suggested that the greater the building height, the greater the landscape setback. He asked how many parking spaces and how many employees there will be with the proposed expansion. Mr. Crane explained that no analysis has been done on the proposed plan. He said that we know there is a building setback issue and a lot coverage issue. The site plan has not been submitted for review. We are going off of what the applicant has indicated the changes would be. The parking requirement is half a parking space per resident and one space per employee.

Commissioner Garrett indicated that his original thoughts were that the project is for the good **of the city and the resident's in the area would need to keep that in mind.** He said now his current thoughts are that this would impose an undue burden on the adjacent property owners. It appears to him that the owner has done everything to maximize his profitability and nothing more than the minimum requirements to accommodate the neighboring properties. The proposed improvements would be at the cost of the neighboring properties; if the proposed building were there first, we would not be having this lengthy discussion, but in fact the homes were there first. This proposal would impede their right to pride and

enjoyment. Commissioner Garrett said he is sorry that there is not a win-win proposal on the table. He expressed he is against increasing the lot usage without restricting the building height. He is for enforcing the 100 foot setback between commercial buildings and any residential dwellings; wall to wall.

Commissioner Temby stated that it appears to him that the consensus is that this business has been a good citizen of Highland. The nature of services are something that are beneficial to the community as a whole. **He stated that Commissioner Garrett's comments are very well said.** With that, Commissioner Temby evaluated the purpose of the development code and he sees the proposal, as requested by the applicant, as not necessarily consistent with all the requirements of the purpose and intent of the development code, specifically to stabilize and improve property values. He stated concern for the impact on the adjacent homeowners. He is also concerned for certainty and direction for future planning of other land owners about the ability to rely on prior Planning Commission decisions that were made with well informed and balance based upon the minutes and redlines that were provided of the prior meetings. It is clear that there was some give and take, some compromise made in establishing those requirements, so in light of that as well, he is not a proponent of modifying the regulation as requested by the applicant. However, the landscape setback of 80 feet seems inconsistent with some of the other landscape setbacks we have within our ordinances and he thinks the 100 foot wall to wall rule is something he would support as well and suggests it is something the City Council consider for modification. Furthermore, Commissioner Temby stated he thinks there is an opportunity to revisit the development code and its intent in respect to prevent the overcrowding of land as we continue to grow and evaluate further mixed use properties so that we can maintain the look and feel of Highland City, especially with the buffers between mixed use and commercial with residential properties.

Mr. Crane clarified that the zoning for the property is R-1-40, not mixed used. The general plan does say mixed use, but not the zoning. They are two different concepts.

Commissioner Heyrend clarified that the SCALO district can be applied anywhere in the city; Mr. Crane indicated that is correct. Mr. Crane said this needs to be considered; these standards are city wide for this overlay district, not just for this specific site.

Commissioner Heyrend stated that he feels it depends what type of district this SCALO overlay lie on top of. He would feel more comfortable with a shorter setback if it were over a commercial area. Being this close to residential, he would feel more comfortable with a larger setback. He said he can see why the previous Commission and Council looked at a 30 foot setback and then 80 feet if it is adjacent to residential. Commissioner Heyrend said he is also sympathetic to the property owner because if we automatically reserve 80 feet of a property for a setback and it is not needed, he feels we may be doing an injustice to the property owner. It does tie in to the property height. The current height maximum is 35 feet with and 80 foot setback in residential. He indicated he has seen codes that start at a certain height and the landscape setback is adjusted something like 2 feet for each 1 foot of additional height. Commissioner Heyrend would be in favor of some sort of amendment that would adjust the landscape setback based on height. He feels the density needs to be taken in to consideration; he does not know that we would approve an apartment type setting with this density adjacent to residential. He said he is perhaps looking for a more detailed code than what we are working with now.

Commissioner Day stated that the one thing that concerns him is that the proposed plan is not necessarily a final stage. The parking would definitely be a concern. He said like Commissioner Garrett, he has not been able to see a win-win with this request.

Commissioner Kemp stated that with an additional 47 units there is going to be a lack of parking than what has been shown on a preliminary area. He has concerns with the recreation area will be too small with what is currently shown. A two story building with 30 foot setbacks will infringe on the existing adjacent properties more than he would like to see. He would recommend that the building height maximum be changed to 25 feet plus an additional 10 feet is allowable to make a maximum of 35 feet, but for every foot over 25 feet, there is an additional 2 foot setback. Commissioner Kemp said he is fine with the 35% lot coverage because it seems it is standard with a lot of other cities. For setbacks, he would recommend 30 feet and a 100 foot wall to wall setback. Other than those items, he is not in favor or the proposed changes.

Commissioner Garrett moved that the Planning Commission recommended to the City Council denial of case TA-12-06. Motion seconded by Commissioner Temby. Unanimous vote, motion carried.

The Commission discussed the chart that Mr. Crane provided on page 4 of the staff report to give some clarification to the City Council.

Commissioner Garrett said that seeing as we read a rule/requirement that already exists, it would make sense to clarify that there should be a 100 foot setback from existing residential structures for two story buildings and that one story commercial buildings would require a 70 foot setback, wall to wall, from existing residential structures and that the exception to extend the coverage to 35% of the property would only be considered for one story buildings.

Commissioner Temby said that the building coverage of 35% would be consistent with other requirements, the rear yard setback of 30 feet seems reasonable, and the landscape setback of 100 feet, wall to wall, sounds good.

Commissioner Heyrend asked for clarification on the setback type. Mr. Crane said they are talking specifically about rear yard landscape setbacks. The side yard setback adjacent to residential is 20 feet and the building setback is 70 feet (property line to property line).

Commissioner Garrett recommended ensuring that there is a buffer when a parking lot or driveway is adjacent to residential that there is a buffer of some sort. Mr. Crane suggested a minimum landscape buffer requirement and then what the minimum building setback requirement is; that can be based on height if wanted.

Commissioner Heyrend said he is in favor of a 30 foot landscape buffer because it provides not only a buffer, but some open space.

Commissioner Day asked where the 100 foot wall to wall setback is that has been mentioned. Mr. Crane explained that is in the CR Zone there is a 100 foot wall to wall building setback, not landscape setback. Mr. Crane said that his preference for building setbacks would be that it is property line to building. **Based on the Commission's discussion, Mr. Crane**

recommended making minimum requirements for aspects in the SCALO district.

Commissioner Garrett added that 35% lot coverage should be considered for one story buildings, but it is not automatic.

Much discussion took place about possible requirements the Commission wanted to add to the chart provided in the staff report by Mr. Crane. Mr. Crane expressed that the building size is going to be governed by parking requirements and setbacks.

Regulation	Existing	Requested by Applicant	Planning Commission Proposal
Building Height	35 ft	No Change	35 ft
Building Coverage	30%	35%	30% for two story buildings or 35% for single story buildings
Rear Yard Setback	30 ft	30 ft	70 ft wall to wall for single story or 100 ft wall to wall for two story when adjacent to existing single family dwellings or 40 ft from property line if the abutting property is vacant
Landscape Setback	80 ft	30 ft	30 ft minimum

Commissioner Garrett moved that the Planning Commission recommend to the City Council approval of the proposed chart as amended and shown above. Motion seconded by Commissioner Day. Unanimous vote, motion carried.

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.

Commissioner Kemp opened the public hearing [9:05:00 PM](#).

Mr. Crane explained that this is request for preliminary plat for a 12 lot residential subdivision located at Jonathan Road, just north of 11300 North. The lots to the north are about 20,000 square feet in Alpine. The lots to the east are plus or minus an acre. The lots to the south range from .75 to 1.5 acres. The site is designated as low density residential on the land use map. The site is zoned R-1-40. Density is 1.02 per dwelling units per acre. When R-1-40 density is calculated by taking the total acreage and dividing it by 40,000 and that is the number of lots there can be. A different requirement that deals with lot size is that 25% of the lots between 20,000 - 30,000 square feet. The minimum lot size in the proposed subdivision is 34,000 and the maximum is 52,000 square feet. There is a power line easement that runs through the subdivision; we have requested a note to be placed on the plat notifying potential buyers of that easement and any restrictions that are associated with it.

The Metropolitan Water District of Salt Lake and Sandy owns property at the south of this development; this is where the aqueduct goes that goes into Salt Lake County. The Water District is requesting a fence between lots 10, 11 and 12 and their property. One of those reasons is to keep construction activity and debris out of the aqueduct and then to identify where that property line is to prevent encroachment issues. The water and pressurized irrigation will be provided from existing connections and the sewer line will be run out to the Alpine Highway, 100 East, and there will be a sewer easement. The agreement with the Water District is being worked on to cross the aqueduct. The city attorney will review that agreement.

The plat is in conformance with the general plan, the R-1-40 zoning district, and the development code. Approval is recommended subject to eight stipulations.

Commissioner Temby asked if there is an existing power line running through the easement. Eric Woodley, applicant, indicated that there is. Commissioner Temby asked if it is a high tension line. Mr. Crane stated that it is higher than 12, so it is 69KV plus. Commissioner Temby asked if there is a large enough footprint along lot 11 for a home; Mr. Woodley indicated there is plenty of room.

Commissioner Kemp asked if Mr. Woodley lives in this area. Mr. Woodley said he does not, but plans to. Commissioner Garrett asked about the proposed sidewalk. Mr. Crane clarified there will be a sidewalk on both sides all around. Commissioner Kemp asked if these lots are going to one builder or if they are open to the general public. Mr. Woodley said they are open to the public, but about eight lots are spoken for; one for himself and one for his brother.

Commissioner Day asked for clarification on the fence requirement. Mr. Crane explained that a stipulation was included that the fence be installed along the aqueduct easement to establish the property line and keep debris and construction out of the Water District property. The Water District has in the past approved maintenance agreements with adjacent property owners to grass areas or plant gardens. Mr. Woodley indicated that currently the Water District is only requesting an orange construction style type of fence. Mr. Crane had expressed a request for a more permanent type of fence. Mr. Woodley said they have not figured out the type of fence yet, but they are working on that.

Commissioner Garrett asked if there are any existing trails that go along this area. Mr. Crane said that there is a planned trail that would be on the aqueduct property.

Commissioner Garrett asked if the road to the west is the only access for the farm there. Mr. Crane said for right now it would be. The road is designed to extend all the way to 100 East which will provide a second connection; the exact alignment and timing on that is not known at this time. Commissioner Heyrend asked if the fire department had any concern with this access. Mr. Crane indicated we did not receive any comments from them.

John Bowcut lives right next to where the road will be extended, 4896 West 11300 North. Mr. Bowcut said that he does not have any problems with this development; he has spoken to Eric Woodley about it. It is a good plan. He said they would be interested in having the entire development fenced and Mr. Woodley indicated he would too. Mr. Bowcut said he would have preferred if the project would have been allowed to just have a cul-de-sac with just the 12 homes. His concern is that there will be a piece meal approach and at what point is the road finally connected in to. Mr. Crane expressed that we do not know the timeframe on when the development to the west will occur. He indicated that staff will use their best

judgment as to whether someone is required to provide that connection depending on their development. Commissioner Kemp expressed to Mr. Bowcut to get it in writing about the fencing and Mr. Crane added that the Planning Commission can add it as a stipulation if they want.

Steve Slack, Metropolitan Water District of Salt Lake and Sandy, clarified a couple of items of clarification on the staff report with the agreement that will be taken over by the City from the developer. Mr. Crane explained that the agreement for the public sewer line outlines the standards of construction and maintenance. The sewer line is 8 inches and the aqueduct pipe is 69 inches.

Commissioner Kemp closed the public hearing at [9:24:24 PM](#).

MOTION: Commissioner Day moved that the Planning Commission accept the findings and recommend approval to the City Council of the request for preliminary plat approval for the Cobblewood Estates Subdivision subject to the eight stipulations recommended by staff.

Seconded by Commissioner Temby. Unanimous vote, motion carried.

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 agreement for the sewer line and approval from the Metropolitan Water District of Salt Lake City and Sandy to cross the existing aqueduct.
6. A fence shall be installed between the Metropolitan Water District of Salt Lake City and Sandy 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 be 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.

C. OTHER BUSINESS

No other business items for discussion.

D. COMMISSIONERS COMMENTS AND SUGGESTIONS

No comments or suggestions.

E. APPROVAL OF MEETING MINUTES FOR JUNE 12, 2012 - REGULAR MEETING

MOTION: Commissioner Temby moved to approve the Meeting Minutes for June 12,
Highland City Planning Commission

2012. Motion seconded by Commissioner Heyrend. Unanimous vote, motion carried.

F. PLANNING STAFF REPORT

- Planning Commission Chair & Vice Chair Elections

Chair and Vice Chair are done each July per our development code standards. Commissioner Kemp was nominated as Chair and Commissioner Heyrend as Vice Chair. Both nominations were voted on unanimously.

- Highland City Demographic Overview

Mr. Crane went over just some highlights from the 2010 Census which can tell us something about our community and maybe point to some potential issues that we have. In 2010, our population was 15,523; we estimated that number at just over 16,000 the end of 2011. The median age for the community is relatively young; 21.9. Average person per household is 4.39; that is high, we are even high based on the numbers of Utah County. 7,900 of our residents are under the age of 18; 1,300 are above the age of 60. Family households are 94% of the homes in Highland. 91.3% is owner occupied housing; not a lot of renters. Highland has about 3,600 units and the vacancy rate is quite low at 3.5%. 97.4% are single family detached homes. Since 2000, 51% of the housing stock has been built. Then looking back, 70% of the housing stock has been built since 1990. With 51% of the housing stock being built since 2000, that tells us that maintenance with roads, at least in the subdivisions, has not hit yet; it will come.

Almost 67% of our population have moved in since 2000; new residents. 57% of our homes have more than 5 bedrooms; typical of our demographic and also influenced by having basements. 40% of the homes have 3 to 4 bedrooms; at least 90% have more than 3 bedrooms; 70% to 80% have more than 4 bedrooms, so the homes are big with lots of rooms.

The median home value is about \$439,000; this is 2010 dollars. 36% of the homes are worth more than \$500,000. 45% are worth between \$300,000 and \$500,000; Mr. Crane said we probably have an affordability issue. Only 18% of the homes are less than \$300,000.

We all know consumer ratios have recommended the amount of our mortgage should be around 28% of our income; in Highland, 38% almost 39% spend almost 35% or more of their income on housing.

Employment: 78% of the population work in management, business, science, arts, and sales. The management really outweighs the sales. This tells us we have a pretty educated workforce. 80% of the population are in private industry. 76% drive alone to work; average commute time is 24 minutes. That tells us that we are a bedroom community and we have no jobs; transportation is important and roads are important. Commuting detracts from the ability to volunteer in the community and also can affect the quality of life. 10% of the population have a home based business. The median household income is \$93,000-\$94,000; the mean average is \$114,000. Per capita income is \$27,509 which is the highest in the state. That is the income divided by per

capita.

Looking at Utah County, persons per household is almost 1 person less than Highland; when that 1 person is multiplied over 6, 8, or 12,000 homes that makes a significant difference. Compared to the county, our vacancy is low, single family percentage is high, our median age is young, household income and home values and we almost double both of those.

Going to America Fact Finder pulls up all kinds of data on this type of information.

Mr. Crane said that we gain from this the knowledge that we have a young population and that tells us where perhaps we should be focusing our time, monies, and things like that. It also tells us that we are going to have a built in demand for alternative housing stocks if we want our kids to live in Highland. We know our maintenance costs are going to rise. We do not have diversified housing stock and we have higher housing costs. Mr. Crane calculated that someone would have to make about \$144,000 at the 28% consumer ratio mortgage level to afford an average house price in Highland. The average house price in Utah County is \$224,000; the average income would have to be about \$63,000 to stay within the 28% consumer ratio. Mr. Crane stated that 43% of our homes are dual incomes.

The Commission and Mr. Crane discussed the possibility of needs for smaller lots and more housing options. The state land south of the school was discussed, but there is no indication of when or what the state may do in that area. They also discussed the **needs of Highland's roads.**

- Recent City Council Actions

The home occupation notification requirements were approved as recommended by the Planning Commission.

Phase A of the Beacon Hills park was approved; this will include some grading and sod.

G. ADJOURNMENT

MOTION: Commissioner Kemp moved to adjourn. Motion was seconded by Commissioner Heyrend. Unanimous vote, motion carried.

Meeting adjourned at [9:45:04 PM](#).