

1 **Highland City Planning Commission**  
2 **November 27, 2012**

3 The regular meeting of the Highland City Planning Commission was called to order by Planning  
4 Commission Chair, Christopher Kemp, at 7:02 p.m. on November 27, 2012. An invocation was offered by  
5 Commissioner Abe Day and those assembled were led in the Pledge of Allegiance by Commissioner Jay  
6 Roundy.

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8 **PRESENT:** Commissioner: Christopher Kemp  
9 Commissioner: Jay Roundy  
10 Commissioner: Sherry Carruth  
11 Commissioner: Abe Day  
12 Commissioner: Tim Heyrend  
13 Commissioner: Steve Rock  
14 Commissioner: Scott Temby  
15 Alternate Commissioner: Lance Garrett  
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17 **EXCUSED:** City Administrator: John Park  
18 City Engineer: Matt Shipp  
19

20 **STAFF PRESENT:** City Planner: Nathan Crane  
21 Secretary: Jill Ballamis  
22

23 **OTHERS:** Ryan Liljenquist, Madeline O’Conner, Kathy Griffiths, Jon Rosdahl, Steven McGhie, Karin  
24 Carling,  
25  
26

27 **A. PUBLIC APPEARANCES**

28 Commissioner Chris Kemp read an opening statement for the Planning Commission.  
29

30 “This Planning Commission is composed of Highland City citizens who have been appointed by  
31 the City Council to serve on the Commission as a civic responsibility. In the interest of  
32 maintaining a fair and efficient hearing, the Commission adheres to the following steps:  
33

34 The Chair calls the agenda item;  
35 Staff gives a brief report and recommendation;  
36 Applicant then may give a presentation;  
37 Opposition and support give testimony, no more than three minutes per speaker;  
38 Applicant may give a response, and  
39 The Commission has a discussion and makes decision.  
40

41 Anyone wishing to speak before the commission must fill out a speaker information form and  
42 hand it to Nathan Crane, Community Development Director. We expect all that participate will be  
43 civil in their public discourse and that they will be respectful of others whether they agree or  
44 disagree with any action taken. The Commission will stand against any incivility when we see it.  
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46 We thank you in advance for your participation.”  
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48 Commissioner Kemp invited comments from the public regarding items not on the agenda. Hearing no  
49 comments Commissioner Kemp continued with the scheduled agenda items.

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**B. PUBLIC HEARING AND LEGISLATIVE ACTION**

1. CU-12-01 A request by Greg Nield for a conditional use permit for the purpose of expanding the Ashford Memory Care Facility located at 10438 N 4800 W. The request will expand the facility to the property north of the existing facility and allow for future expansion to the south. The proposed expansion will add a new building with 37,529 square feet and 42 beds.  
*Administrative.*

Commissioner Kemp opened the public hearing at [7:05:46 PM](#).

Nathan Crane, Community Development Director, reviewed the proposed conditional use permit request. The Senior Care Assisted Overlay (SCALO) District was adopted originally in 2009. On September 4, 2012, the City Council approved an amendment to the district that modified setback and landscape requirements. Conditional use permits are administrative actions; our considerations and discussions are limited to compliance with the Development Code and the three required findings we have.

This location is across from Lone Peak High School on 4800 West (North County Boulevard). The expansion will take place on the lot to the north and lot to the south of the existing building. The Wildrose subdivision is located to the east of Ashford Memory Care. There is City open space on the north side of the proposed expansion.

The General Plan Land Use Designation for this property is mixed used. It is intended to allow a mix of residential and non-residential uses. The SCALO district applies to any property in the city where certain standards can be met; one of the limiting criteria is that the location has to be on a major arterial.

The site plan was reviewed. The expansion will add just over 37,000 square feet to the existing 10,000 square foot facility. This is a single story expansion. There is a required landscaping setback of thirty feet for single story buildings and a fifty foot landscaping setback for two story buildings. The site is accessed by three driveways on 4800 West with full access that allows full turning movements. A new concept being used by the applicant is grasscrete. Grasscrete is reinforced grass that allows heavy equipment to drive on it without damage, but looks and grows like regular grass; this will allow emergency vehicles to drive on this to access the back of the facility in the event of an emergency. The facility will be open seven days a week. When the original project came through, there was a discussion on that and they felt this was a residential use and therefore it could be open seven days a week.

The landscape plan was reviewed. Thirty five percent of the site will be landscaped. There will be deciduous and evergreen trees. A lengthy discussion took place at the Neighborhood Meeting about the types and quantity of trees; the applicant's intent was to design the trees with the resident's wishes. With the lighting plan, all light levels are all less than one foot candle along the property lines. The ordinance requires is four foot bollards to be used as the parking lot lighting; this lowers the dispersal of the amount of light and therefore requires there to be more of the lights. On the north elevation, materials include hardy board, stucco, stone which are pretty consistent with the existing building. The site will include a covered entrance where vehicles can drive under. The architecture includes pop-outs on all of the windows.

There was a Neighborhood Meeting held on November 15, 2012 by the applicant. Forty five property owners were invited and eleven attended. Comments focused on the landscape buffer. Notices were mailed to the forty five property owners on November 13, 2012 informing them of the Planning Commission meeting.

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2 The staff analysis took into consideration the requirement of the Development Code; the use is not  
3 detrimental to the health, safety, or general welfare of persons residing or working in the area. Mr. Crane  
4 expressed that commercial uses such as this always have an impact with existing residential; mitigation  
5 measures have been included to lessen those impacts, but there will still be impacts. The use does comply  
6 with the Development Code standards. Staff is recommending approval subject to three stipulations.  
7

8 Greg Nield, applicant, presented the materials boards for the site expansion. Mr. Nield reported that the  
9 Neighborhood Meeting went really well; there were very specific requests with landscaping and buffering  
10 from the adjacent residents. Those residents most impacted by this project worked with the applicant to  
11 help mitigate their concerns. Mr. Nield explained that the single story area of the expansion will be more  
12 of the existing building and use for memory and dementia care. The two story building will be for  
13 individuals that require assistance, but not the dementia care. The expansion will not include a basement.  
14 The two story building will include an elevator. For staff purposes, the buildings will be connected to  
15 allow access to both buildings.  
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17 Discussion took place on evacuating the facility in the event of a fire. The sprinkler system in the facility  
18 was also reviewed.  
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20 Commissioner Scott Temby asked what the intent of the future building is. Mr. Nield explained that some  
21 information will be brought to Nathan Crane in the next couple of weeks; they are looking to either lease  
22 or sell the building for a professional office type of use. There is no intent to tie the future building to the  
23 south in with the Ashford facility. The conditional use permit request tonight only pertains to the Ashford  
24 facility.  
25

26 Commissioner Jay Roundy discussed concerns regarding the types of trees being used in the landscape  
27 plan. He recommended that someone who is a licensed architect volunteer their time to review and  
28 approve plans for the City. Mr. Nield stated that they hired a professional landscaper and met with the  
29 neighbors to make sure the neighbor's needs are met. Those neighbors had specific preferences which  
30 would immediately help mitigate their concerns. Commissioner Tim Heyrend echoed that it seems the  
31 neighbors wanted some immediate privacy and this is the reason behind the density of the plants.  
32 Commissioner Kemp suggested the Commission make a recommendation that the applicant meet with  
33 someone from the City to go over their landscape plan.  
34

35 Commissioner Lance Garrett asked for clarification on the four foot berm that is being installed. Mr.  
36 Crane reviewed that on the overhead. There is a six foot masonry wall that will run along the length of the  
37 east property line of Ashford facility.  
38

39 Commissioner Garrett asked if a certain number of parking spaces are required per tenant. Mr. Crane  
40 explained parking requirements are based on the size of the building and the number of employees. Mike  
41 Nilson, applicant's architect, explained that the facility will have more parking spaces than what is  
42 required until the future building comes online and then will meet the requirements.  
43

44 Commissioner Kemp closed the public hearing at [7:53:50 PM](#).  
45

46 **MOTION: Commissioner Rock moved that the Planning Commission accept the findings and**  
47 **recommend APPROVAL of case CU-12-01, a request for a conditional use permit for an addition**  
48 **to the Ashford Memory Care subject to the three stipulations recommended by staff and an**  
49 **additional stipulation by the Planning Commission:**

- 1) The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations date stamped November 21, 2012 except as modified by these stipulations.
- 2) Prior to the issuance of a building permit, the applicant shall provide a letter from UDOT approving the driveway locations and spacing.
- 3) In accordance with Section 4-109, the conditional use permit will expire if a building permit has not been issued within one year of approval by the City Council.
- 4) The applicant shall discuss the landscape plan with a qualified landscape architect.

**Motion seconded by Commissioner Day. Unanimous vote, motion carried.**

**C. OTHER BUSINESS:**

2. SP-12-02 A request by Chad Spencer for site plan and architectural approval for the purpose of constructing new retail business (Meier's Fine Foods) located west of the southwest corner of Town Center Boulevard and SR-92. *Administrative.*

Nathan Crane reviewed the application. The proposed site is west of the Wendy's fast food establishment adjacent to SR 92, just north of the Toscana development, and east of the power plant. The land use designation is mixed use and zoning is Town Center Overlay; there is a Town Center Commercial Retail within that and this is a part of that. The site plan includes the existing Highland Water Company building; the City Council has declared that property as surplus and is under negotiations to sell that property as a part of this development. There are three individual pads included in the site plan to be built in the future. There will be access to the site from SR 92 and Town Center Boulevard.

The building for Meier's Fine Foods is just over 13,000 square feet. It includes an outdoor sitting area for patrons to sit and eat sandwiches and deli items. The building was reviewed on the overhead. The trash enclosure is on the south side of the building and on the north side of the Toscana development. Toscana has guest parking located there; the applicant has increased the height of the trash enclosure from six feet to eight feet to mitigate any concerns this may create. The lighting plan was reviewed; box style lights are going to be used. The advantage to these is there can be a full cut off lens versus the gooseneck style; staff feels these are important especially when a site is adjacent to a residential area.

The building is a mix of stucco, stone veneer, brick and hardy board. There is a change in roof lines through the use of pediments and other architectural features. The building is twenty six feet at its tallest point. There are almost 198 parking spaces. Mr. Crane explained that the setback is quite small compared to what would normally be seen in a typical residential and commercial setting; this is a specific design of the Town Center Overlay. It is supposed to create an urban feel and zero or minimal lot line development. The setback is about twelve feet from the property line.

Mr. Crane indicated that they are working with Wendy's to try to improve the circulation; they understand that there is an issue there with the parking. He explained that we cannot require this of Wendy's since they are not property owners, we can only encourage them.

He explained that the architectural action of this is reviewed and approved by the Planning Commission and the Commission will review and make a recommendation on the site plan.

The applicant, Matt Meier, explained that Meier's has been in business in Salt Lake for well over thirty years. Matt's father owns a meat and deli shop in Salt Lake; they are currently in a grocery store in Holladay that they lease space for the meat and deli. They are looking to expand and own their own facility. Mr. Meier said that his grandfather owned a store when his dad was little and his dad always wanted to own one and this is their opportunity. The meats, deli, and bakery will be more of a higher end

1 type of facility. As far as grocery goes, more well-known brand names will be carried at Meier's and the  
2 pricing will be very competitive to anyone around. Mr. Meier stated that where they feel they will be  
3 specializing is in the meat, deli, and bakery items. He indicated that the deli will include items sandwiches  
4 and hot items that can be purchased.  
5

6 Dan Schmidt, WPI, expressed that they do not have any current prospects for the additional pads on this  
7 site. He explained for the last number of years with the recession there have not been any prospects.  
8 There have been discussions here and there, but not knowing what was going to happen in the back of the  
9 property they had not been able to attract the tenancy for financing or anything to move forward with a  
10 pad development. He indicated that in the future what they are expecting to find is that those pads may be  
11 developed into 4,000-5,000 square foot buildings or multi-tenant buildings that would be complimentary  
12 uses or there may be room for smaller sit down restaurants, quick serve, or fast food restaurants. Mr.  
13 Schmidt stated they felt it was best to get the approvals for the site first and then know what is locked in  
14 the back and then start a marketing campaign in the spring when the building comes out of the ground.  
15 He expressed that the development to the north with vacancies in the back has left a little bit of a stale  
16 taste in the marketplace concerning the area. The new construction will start to generate a lot more  
17 interest. The parking will be installed with the Meier's Fine Foods and will additionally help prospective  
18 tenants to see the layout and feel it is a more sure thing.  
19

20 Mr. Crane answered questions regarding the Highland Water Company building. The City Council has a  
21 specific disposal of property process they go through; the property is appraised. State law requires us to  
22 save fair value for the property; then it is a negotiation between buyer and seller at that point. The  
23 building will be demolished as a part of this project. The building is just a storage building. The well,  
24 generator and things associated with that are not included in the sell.  
25

26 Commissioner Heyrend asked if the applicant is okay with the Sunday closure. Mr. Meier indicated that is  
27 their preference and regardless of the outcome of the vote or if it comes up in the future they have no  
28 intention of being open on Sunday.  
29

30 Commissioner Kemp thanked the applicant for their hard work on this and the willingness to invest in our  
31 city. He has friends that shop in Salt Lake for their meats and different items and have always had good  
32 things to say about Meier's.  
33

34 Discussion took place about landscaped plans being verified. Mr. Crane explained that the purpose of the  
35 final landscape plans is to check connections to pressurized irrigation. To also check improvements to  
36 public areas; in this case it would be SR 92. Finally, we check for compliance with the preliminary plan; we  
37 check for quantities, stipulations, and other similar items. What a property owner does on their own site is  
38 really up to them. The City does not have the resources to hire a landscape architect to review plans. In  
39 doing this in the past, it can prove to be problematic. Just as with a home, part of it is the responsibility of  
40 the property owner to ensure that what they develop is what they want.

41 Commissioner Carruth asked if there is a regulation of the proximity of one grocery store to another. Mr.  
42 Crane indicated there are no regulations surrounding that.

43 Mr. Meier shared that they had a major study done on the Highland/Alpine area before this was even  
44 started. They hired a company that was referred to them by Associated Foods; Associated Foods uses  
45 them before they build a grocery store. The company's study came back with a geographical area of what  
46 is leaving this area as far as revenue to shop elsewhere. In the study, out of one hundred percent of the

1 revenue that is being spent, over thirty percent of the revenue is leaving this area to shop elsewhere. Mr.  
2 Meier expressed that they are not trying to build a store and run other businesses out of business. He  
3 stated that there is room in this market for expansion. Their goal is to catch that thirty percent that is  
4 leaving to shop elsewhere and pull it back in to the city.

5 Commissioner Temby asked about Meier's timeframe. Mr. Meier said ideally they would like to be open  
6 sometime in the summer. There are some major holidays beginning with Father's Day in the summer that  
7 they would like to capture, as well as be up and operating to get bugs worked out before the holiday  
8 season.

9 **Commissioner Heyrend moved that the Planning Commission accept the findings and**  
10 **APPROVE the architectural plan for case SP-11-02 subject to the two stipulations recommended**  
11 **by staff. Motion seconded by Commissioner Temby. Unanimous vote, motion carried.**

- 12 1. The development shall conform to the elevations and materials board date stamped November 26,  
13 2012.
- 14 2. Each pad shall receive separate site plan approval. The architecture of the future pads shall be  
15 consistent in materials, colors, and theme with the anchor tenant.  
16

17 **Commissioner Rock moved that the Planning Commission accept the findings and recommend**  
18 **APPROVAL of the site plan for case SP-12-02 subject to the nine revised stipulations**  
19 **recommended by staff. Motion seconded by Commissioner Roundy. Unanimous vote, motion**  
20 **carried.**

- 21 1. The development shall conform to the site plan, landscape plan, lighting plan and project narrative,  
22 date stamped November 26, 2012, except as modified by these stipulations.
- 23 2. Final landscape plans shall be approved prior to issuance of a building permit. The master site plan  
24 shall provide a minimum of 15% landscaping. A minimum four foot screen wall or  
25 berm/landscaping screening shall be installed along Timpanogos Highway.
- 26 3. The final plat shall be recorded prior to issuance of a certificate of occupancy.
- 27 4. All ground mounted mechanical equipment shall be screened and painted to match the building.
- 28 5. Prior to issuance of a building permit for the any of the pads, approval from UDOT for the  
29 location of the new western driveway on Timpanogos Highway shall be provided.
- 30 6. All signage shall require a separate permit. In addition a comprehensive sign plan shall be reviewed  
31 and approved prior to issuance of a building permit.
- 32 7. All lighting shall be fully shielded and directed downward.
- 33 8. Each pad shall receive separate site plan approval.
- 34 9. The civil construction plans shall meet all requirements as determined by the City Engineer.  
35

36 **D. APPROVAL OF MEETING MINUTES FOR OCTOBER 23, 2012 – REGULAR MEETING**  
37 **MOTION: COMMISSIONER ROUNDY moved to approve the Meeting Minutes for October 23, 2012**  
38 **as revised. Motion seconded by Commissioner Carruth. Unanimous vote, motion carried.**  
39

40 **E. PLANNING STAFF REPORT**

- 41 • Review of recent City Council Actions

42 Nathan Crane reviewed the recent actions of the City Council. He indicated the rezone off of the  
43 Alpine Highway was approved by the Council. An additional moratorium was placed on the Open  
44 Space Subdivisions. We will come back and look at other options, such as PUDs and things like

1 that that could potentially replace and/or address the concerns that the Open Space Ordinance  
2 has.

3 • Electronic Packets

4 The City Council is considering doing electronic packets. This would involve making a PDF file of  
5 the packet and sending those out electronically. We are trying to determine if the Planning  
6 Commission has any interest in doing this as well. Scott Temby, Abe Day, and Chris Kemp will  
7 try out doing the electronic packet option only; the other Commissioners will still receive their  
8 paper copy of the packet as well as an electronic copy. A paper copy of the packet is always  
9 available for review at City Hall.

10  
11 • Joint City Council/Planning Commission Work Session Review

12 Nathan Crane asked for feedback on the recent work session with the City Council regarding the  
13 proposed annexation project. Commissioner Temby stated the work session was helpful; it begs  
14 the question though what we are going to do with the General Plan. That type of discussion with  
15 the City Council would be very helpful.

16  
17 Commissioner Kemp said that he thinks we need to have a discussion as a City as what we want to  
18 be. Commissioner Temby suggested some type of transitional buffer between various  
19 communities. Discussion took place about lot sizes.

20  
21 Commissioner Heyrend commented on the proposal at the work session and the arrogance of the  
22 potential applicants; if we do not do this, then Lehi will be the type of approach they are taking.  
23 He stated distaste for the lack of amenities with plan.

24  
25 Mr. Crane echoed that amenities are key and this is something we are working with the applicant  
26 on. He indicated this application will come forward sometime early next year. Mr. Crane said the  
27 comments on where we go as a City are important. Staff has expressed the need in next year's  
28 budget to fund for a General Plan update.

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30 Discussion took place on densities, as well as possibly needing to annex property into Highland.

31  
32 Mr. Crane expressed that the applicant saying they will go to Lehi is a real issue. There was a  
33 specific decision made to accommodate the development of the northwest portion of Highland to  
34 protect some of Highland's interests. Mr. Crane indicated Lehi is dealing with a development plan  
35 currently that is within our annexation plan; they are trying to master plan the area on the east side  
36 of Micron. The plan is on the Lehi website.

37  
38 **F. COMMISSION COMMENTS AND SUGGESTIONS**

39 No further comments were voiced.

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41 **G. ADJOURNMENT**

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

44  
45 **Meeting adjourned at [8:50:59 PM](#).**