



## AGENDA

### **HIGHLAND CITY PLANNING COMMISSION** **Tuesday, April 9, 2013 – Regular Meeting 7:00 p.m.**

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

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

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Chris Kemp, Chair
- Pledge of Allegiance – Commissioner Abe Day

#### **APPEARANCES:**

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

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

1. PP-13-02 Ivory Homes is requesting approval on a seven lot preliminary plat on approximately 5.36 acres. The property is located at 9976 N Alpine Hwy. **This item will be continued to the April 23, 2013 Planning Commission Meeting.** *Administrative*
2. TA-13-01 The City Council is requesting an amendment to Section 3-612 Fences, Walls and Hedges, relating to the setback requirements for fences adjacent to state highways/arterial streets. *Legislative*
3. TA-13-03 The City Council is requesting an amendment to Section 3-4103, Area and Width Requirements, clarifying how the maximum density is calculated in the R-1-40 District. It does not increase the maximum density permitted. *Legislative*
4. TA-13-02 Highland City staff is requesting a text amendment to Chapter 10 Definitions, to add a definition for measuring minimum lot width for lots in cul-de-sacs. *Legislative*

#### **OTHER BUSINESS:**

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

- February 12, 2013 and March 26, 2013 – Regular Meeting

**PLANNING STAFF REPORT:**

- Review of recent City Council Actions

**COMMISSION COMMENTS AND SUGGESTIONS:**

**ADJOURNMENT:**

NEXT MEETING: To be announced

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

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

**FOR SPECIAL ACCOMMODATIONS**

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4505 at least 48 hours prior to the Commission meeting.

**CERTIFICATE OF POSTING**

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 4<sup>th</sup> day of April, 2013. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 4th day of April, 2013 the above agenda notice was posted on the Highland City website at [www.highlandcity.org](http://www.highlandcity.org).

Dorinda King, Secretary

**Highland City**  
**PLANNING COMMISSION MEETING**  
**APRIL 9, 2013**

<b>REQUEST:</b>	PUBLIC HEARING – An amendment to Highland City Development Code Section 3-612 Fences, Walls, and Hedges relating to the location of fences along arterial streets (TA-13-01)		
<b>APPLICANT:</b>	Council member Tom Butler		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONING</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**BACKGROUND:**

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

1. Currently, fences along arterial streets are required to be setback a minimum of 30 feet from the back of curb. The primary purpose of the regulations is to improve visibility and aesthetics along high volume streets. It would also allow the City to implement the parkway detail if the property was acquired by the City.
2. The proposed amendment would reduce the setback from 30 feet to 14 feet from the back of curb for subdivisions recorded prior to 1980. The proposed amendment would read as follows:

Section 3-612.2.f

1. On all state highways or arterial streets, fences, walls, or hedges shall be setback a minimum of thirty (30) feet from the back of curb or as required by the parkway detail.
2. THE SETBACK ON ALL STATE HIGHWAYS OR ARTERIAL STREETS MAY BE REDUCED TO FOURTEEN (14) FROM THE BACK OF CURB IF THE SUBDIVISION WAS RECORDED PRIOR TO 1980.
3. On all other streets the minimum setback shall be fourteen (14) feet from the back of curb. This setback maybe reduced to six (6) feet if the fence is 66% open.

**ANALYSIS:**

- The location and style of fencing can have a direct impact on the aesthetics of a community. Further they can create safety issues if located adjacent to a sidewalk or too close to a street.
- The parkway detail was implemented to distinguish Highland from surrounding communities. It provides a wide open and landscaped feel as cars pass through the community. The parkway detail was implemented within the last eight to ten years. There are some existing subdivisions that were not planned to accommodate the wide landscaped streets. Most of the lots in these subdivisions have existing homes and fences. However, there are a few lots that are either vacant or a fence has not been built.

### **CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on March 10, 2012.

### **RECOMMENDATION:**

The Planning Commission should conduct a public hearing and determine if:

- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment will not adversely affect the community.
- The proposed amendment will result in compatible land use relationships.
- The proposed amendment is needed to update the Zoning Ordinance.

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

**Highland City**  
**PLANNING COMMISSION MEETING**  
 APRIL 9, 2013

<b>REQUEST:</b>	PUBLIC HEARING – An amendment to Highland City Development Code Section 3-4103, Area and Width Requirements clarifying how the maximum density is calculated in the R-1-40 District. It does not increase the maximum density permitted. (TA-13-03)		
<b>APPLICANT:</b>	Highland City Staff		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONING</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**BACKGROUND:**

The development standards for the R-1-40 District are as follows:

- Density: The maximum number of lots to be permitted on a subdivided property is determined by dividing the total square footage, less any area used as an existing prescriptive easement or roadway, by 40,000 square feet.
- Minimum Lot Area: 20,000 square feet, however, only 25% of the lots within a subdivision can be between 20,000-30,000 square feet
- Minimum Lot Frontage: 130 feet

The following terms are defined in the Development Code as follows:

*Density* – The term density shall mean the number of dwelling units per acre of land.

*Subdivision* – Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, meets and bounds, description, devise and testacy, lease, map, plat or other recorded instrument and divisions of land for all residential and non-residential uses, including land used or to be used for commercial, agricultural, and industrial purposes. All large-scale developments involving the division of land shall be deemed to be subdivision.

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

- The purpose of the amendment is to clarify how density is calculated when reviewing a request for a subdivision. The proposed amendment would revise Section 3-4103 as follows:

**3-4103: Area and Width Requirements.** The maximum number of lots to be permitted on a subdivided property is determined by dividing the total square footage, less any area used as an existing prescriptive easement or roadway, by 40,000 square feet. IF A SUBDIVISION WAS PLATTED WITH LESS THAN THE MAXIMUM NUMBER OF LOTS, A LOT MAY BE FURTHER SUBDIVIDED IF BOTH LOTS MEET ALL THE REQUIREMENTS OF THE DEVELOPMENT CODE. FOR THE PURPOSES OF THIS SECTION, THE DENSITY REQUIREMENT IS CALCULATED USING THE NUMBER OF LOTS THAT WOULD BE ALLOWED UNDER THE ORIGINAL PLAT OF THE SUBDIVISION AS A WHOLE. Churches and other public buildings and grounds shall not be used in calculating the number of allowable lots. Lots in the R-1-40 Zone may not be smaller than 20,000 square feet, with not more than 25% of the lots being 30,000 square feet or less. In determining number of lots, and any computation or measurement resulting in a fractional number shall be rounded to the nearest whole number. Area and width requirements of a building lot in the R-1-40 Zone shall be as follows:

Use	Minimum Lot Area	Minimum Width at Setback Line
One-family dwelling	20,000 Square Feet	130 feet

**ANALYSIS:**

- Property owners have been allowed to subdivide their property if each lot can meet the requirements of the Development Code and there is unused density within the overall subdivision. The amendment is needed to update and clarify the Development Code.
- The amendment does not increase density in the R-1-40 District.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on March 24, 2013.

**FINDINGS:**

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment is needed to update the Zoning Ordinance.

**RECOMMENDATION AND PROPOSED MOTION:**

The Planning Commission should hold a public hearing and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the amendment clarifying how density is calculated in the R-1-40 District.

**ALTERNATIVE MOTION:**

I move that the Planning Commission recommend denial of the proposed amendment based on the following findings: (The Commission should draft appropriate findings.)

**Highland City**  
**PLANNING COMMISSION MEETING**  
 APRIL 9, 2013

<b>REQUEST:</b>	PUBLIC HEARING – An amendment to Highland City Development Code Chapter 10 Definitions relating to how to measure lot widths for lots on cul-de-sacs. (TA-13-02)		
<b>APPLICANT:</b>	Highland City Staff		
<b>FISCAL IMPACT:</b>	None		
<b>GENERAL PLAN DESIGNATION</b> N/A	<b>CURRENT ZONING</b> N/A	<b>ACREAGE</b> N/A	<b>LOCATION</b> Citywide

**BACKGROUND:**

A development code amendment is a legislative process.

**SUMMARY OF REQUEST:**

4. The Development Code does not define how to measure the lot width for lots on cul-de-sacs. Each lot in the R-1-40 requires 130 feet of frontage and the R-1-20 Districts requires 115 feet of frontage on a public street. This distance is reduced to 98 feet in the R-1-20 District.
5. The proposed amendment would add the following definition to the Development Code:

Lot Width for a Cul-de-Sac Lot:

The minimum lot width for lots within the full cul-de-sac radius shall be measured along the arc at the front setback line.

**ANALYSIS:**

- Lot width is currently measured at the front setback line for all other lots. The alternative is to measure the lot width is a straight line from side lot line to side lot line. Measuring the lot width this way increases the size of the lot and does not account for the curve in a cul-de-sac.
- Measuring the lot width along the arc provides the property owner with the greatest flexibility in the design and layout of subdivision.
- The proposed ordinance is needed to clarify and update the Development Code.

**CITIZEN PARTICIPATION:**

A notice of the Planning Commission public hearing was published in the Daily Herald on March 24, 2013.

**FINDINGS:**

The proposed amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment is needed to update the Zoning Ordinance.

**RECOMMENDATION AND PROPOSED MOTION:**

The Planning should hold a public hearing and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the amendment providing a definition for measuring lot width for cul-de-sac lots.

**ALTERNATIVE MOTION:**

I move that the Planning Commission recommend denial of the proposed amendment based on the following findings: (The Commission should draft appropriate findings.)



1 **Highland City Planning Commission**  
2 **February 12, 2013**

3 The regular meeting of the Highland City Planning Commission was called to order by Planning  
4 Commission Chair, Christopher Kemp, at 7:00 p.m. on February 12, 2013. An invocation was offered by  
5 Steve Rock Commissioner and those assembled were led in the Pledge of Allegiance by Commissioner  
6 Sherry Carruth.

7  
8 **PRESENT:** Commissioner: Christopher Kemp  
9 Commissioner: Jay Roundy  
10 Commissioner: Sherry Carruth  
11 Commissioner: Abe Day  
12 Commissioner: Steve Rock  
13 Commissioner: Scott Temby

14  
15 **EXCUSED:** Commissioner: Tim Heyrend

16  
17 **STAFF PRESENT:** City Planner: Nathan Crane  
18 Treasurer: Jill Ballamis  
19 Secretary: Dorinda King  
20 City Recorder: Jody ‘Ann Bates

21  
22 **OTHERS:** Karin Carling, Steven McGhie, Jon Rosdahl, Ryan Linjenquist, Kathy Griffiths, Madeline  
23 O’Connor, Rob Clawson, Nancy Wakefield, Jon Roshdahl, Bart Brockbank, Cole Cooper, Cheryl Barclay,  
24 Chad Christofferson, Bobbi Davis, Kevin Davis, Susan T. Card, Doreen Halls, Idon Openshaw, Linda  
25 Lewis, Martin Openshaw.

26  
27 **OATH OF OFFICE:**

28 The City Recorder Jody Bates administered the oath of office to Planning Commission Members Scott  
29 Temby and Steve Rock.

30  
31 **A. PUBLIC APPEARANCES**

32  
33 Commissioner Chris Kemp read an opening statement for the Planning Commission.

34  
35 “This Planning Commission is composed of Highland City citizens who have been appointed by  
36 the City Council to serve on the Commission as a civic responsibility. In the interest of  
37 maintaining a fair and efficient hearing, the Commission adheres to the following steps:

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

45  
46 Anyone wishing to speak before the commission must fill out a speaker information form and  
47 hand it to Nathan Crane, Community Development Director. We expect all that participate will be

1 civil in their public discourse and that they will be respectful of others whether they agree or  
2 disagree with any action taken. The Commission will stand against any incivility when we see it.  
3

4 We thank you in advance for your participation.”  
5

6 Commissioner Kemp invited comments from the public regarding items not on the agenda.  
7 Hearing no comments Commissioner Kemp continued with the scheduled agenda items.  
8

9 **B. PUBLIC HEARING ITEMS:**

- 10  
11 1. **PP-12-03** Don Wakefield is requesting preliminary approval for the purpose of subdividing his  
12 property at 10891 North 5750 West into two residential lots. *Administrative*  
13

14 Mr. Crane mentioned the Development Code includes an option if there are three lots or less to do what’s  
15 called a minor subdivision, which allows both preliminary and final plat applications to be combined in  
16 order to go through the process once. Typically, there would be a preliminary plat and then a final plat.  
17 Mr. Crane stated that subdivisions are an administrative action versus a legislative action.  
18

19 Mr. Crane explained the density in the R-1-40 zone is determined by dividing the amount of land area by  
20 40,000 square feet which gives the number of lots allowed within a particular parcel. Once that is taken  
21 into consideration, 25% of the lots can be 20,000-30,000 square feet; the rest have to be over 30,000  
22 square feet, with a minimum frontage requirement of 130 feet. The Country Farm Meadow subdivision  
23 was platted in 1992, at the time it included 18.5 acres. The subdivision would allow 20 lots, and only 18  
24 lots were platted. The proposed subdivision and divided lot in two 20,000 square feet lots meet the  
25 standards of the Development Code. He explained that on January 30, 2013 the DRC meeting was held.  
26 Three residents attended the meeting in opposition and the city also received 4 letters of opposition which  
27 have been attached to the staff report. In reviewing the plat, staff found that the plat is in conformance  
28 with our general plan and Development Code. Staff recommended approval subject to 3 stipulations.  
29

30 Don Wakefield, applicant, has proposed to divide his one acre lot into two half acres lots. He has met all  
31 the zoning requirements; each lot will be over 20,000 square feet with a minimum of 130 feet frontage.  
32 He believes the new lot will have at least 150 foot frontage. All the utilities are readily available. He  
33 requested a decision to divide the lot under the current zoning requirements. Planning Commission sent  
34 37 letters to residents in his area and only 4 have objected, which is just slightly over 10% and they are the  
35 neighbors closest to the property in question. He explained his lot has been manicured like a park ever  
36 since they have lived there since 2000. He believed the neighbors have a vision of seeing something quite  
37 different. Mr. Wakefield’s neighbor has a large out building, which he believes is much more of an eye  
38 sore than a nice house would be on the lot in question.  
39

40 Mr. Wakefield works 16 hours a week manicuring his lawn and feels at his age a one acre lot is much more  
41 of an obligation than he needs. Mr. Wakefield has not asked for any variances or modification of zoning.  
42 He is requesting approval in what he believes he qualifies for.  
43

44 Comissioner Kemp opened public hearing.  
45

46 Kathy Griffiths, neighbor of applicant, lives directly by Mr. Wakefield, and her backyard shares the west  
47 boundary of the Wakefield lot. She mentioned that his lawn is beautiful, perfectly manicured and they are  
48 lovely people. She can completely understand why somebody would want to financially move forward by

1 subdividing their lot. She needed clarification about the presentation that states “One lot can be a  
2 subdivision”. Mr. Crane explained that in this situation the definition of a subdivision includes the entire  
3 Country Farm Development.  
4

5 Kathy Griffiths presented the Commissioners with some research she had in regards to the previous  
6 owner of the Wakefield property. She believed the easements and roadways should be subtracted from the  
7 Country Meadow Subdivision. She believed the subdivision was to capacity 10 years ago with 19 lots.  
8

9 Kathy mentioned that those who purchased lots within Country Farm Subdivision purchased in a  
10 developed subdivision, leading them to believe the subdivision would stay open. She mentioned she  
11 wouldn't mind if they had trees or out buildings, but she didn't think she would have neighbors 15 feet  
12 from her house. She felt the request to subdivide the Wakefield property would be detrimental to her  
13 property value. She invested in Highland because of the opportunity to have larger lots and open space.  
14 She believed if subdividing was not appropriate to do 8 years ago for the previous owner, and the zoning  
15 laws haven't changed it doesn't make sense to do so now. She asked respectfully that the request be  
16 declined.  
17

18 Madeline O'Conner, neighbor of applicant, lives directly kiddy corner of applicant and across the corner  
19 from Mrs. Griffiths. She reiterated everything that Kathy has said. However, she is also concerned about  
20 a 2 story home being built for loss of privacy and devaluation of her home. She was under the impression  
21 that each of the homes was to be at least half an acre. Commissioner Kemp mentioned that if the request  
22 was approved each lot would be half an acre; he stated that the Wakefield lot is currently an acre lot.  
23 Madeline replied she believed it to be half an acre.  
24

25 Madeline expressed concern about a two story home. Commissioner Kemp stated there are no  
26 restrictions other than what's in the code, and that a two story home would be allowed. Madeline stated  
27 she would be against a 2 story home.  
28

29 Commissioner Kemp closed the public hearing.  
30

31 Commissioner Temby believed this request is consistent with the current residential zoning. He agreed  
32 with the recommendation of staff and recommends the recommended approval of the proposed plat  
33 subject to the stipulations they provided.  
34

35 Commissioner Roundy stated that there could be more distracting things to that area. He had no  
36 additional comments other than what's already been mentioned.  
37

38 Commissioner Rock expressed gratitude for being able to continue being a Commissioner. He asked Mr.  
39 Crane if he knows what the Country Meadow Farm covenants are at this point, if they can expire and if  
40 they did expire. Mr. Crane explained covenants can expire. He explained that Covenants, Conditions and  
41 Restrictions (CC&R's) are private contracts and a civil issue.  
42

43 Commissioner Rock asked if CC&R's usually address lot size. Mr. Crane answered, explaining that they  
44 can address lot size, along with a number of different things.  
45

46 Commissioner Rock questioned how much weight can be put on neighbors' opinions and views versus if  
47 the request actually meets the Code. Mr. Crane explained the distinction between administrative actions  
48 and legislative actions. He explained that a legislative action is making a law; when the council makes a law

1 they can have as much public input as possible, the applicant solicits the request, recognizes the request  
2 and tries to get it. He explained with administrative actions commissioners simply review projects for  
3 conformance with an applicable law. If the request conforms to law then that request is entitled to  
4 approval. Commissioner Kemp explained that Planning Commissioners aren't really a political body, they  
5 simply look to see if a project meets the current law and standards, if the project does there is not a whole  
6 lot of ground that they can deny that project. The City Council can do things differently.  
7

8 Commissioner Day inquired about the code that mentioned density. He believes that the code mentioned  
9 25% of a subdivision shouldn't be any less than 20,000 square feet. Mr. Crane clarified that 25% of the lots  
10 in a subdivision can be 20,000-30,000 square feet.  
11

12 Commissioner Day questioned if the covenants made are the cities obligation to enforce.  
13 Mr. Crane stated that covenants are a civil matter.  
14

15 Mrs. Griffiths, neighbor of applicant, mentioned CC&R's aren't the issue. She is referring to the R-1-40  
16 zoning that comes straight from the city website. She believed that by taking the square footage of a lot,  
17 and subtracting the easements and public roadways is the way density should be calculated. She believes if  
18 the city views one lot as one subdivision they would still have to take away the easement, and then what's  
19 left over is what you divide by 40,000.  
20

21 Commissioner Day believed that as well. Mr. Crane explained the maximum number of lots to be  
22 permitted on a subdivided property is to be determined by dividing the total square footage of lot, minus  
23 any land area for existing easements. Mr. Crane gave an example of a 10 acre piece of property with a  
24 prescriptive easement; he mentioned when that piece of property gets subdivided it should be removed  
25 from the density calculation. Commissioner Day clarified that prescriptive easements and roadways are  
26 not applied. Mr. Crane mentioned he didn't see any in the file, and that he went off the 18 acres that was  
27 on the plat. Commissioner Day asked if these easements are in regards to the standard easements.  
28 Mr. Crane explained that a prescriptive easement is a piece of land that is used all the time, and will not be  
29 built on.  
30

31 Commissioner Temby stated that he wasn't aware of any other CC&R being recorded since the original  
32 CC&R's were issued, which expired in 2012 under the original terms.  
33

34 Commissioner Temby explained, it does permit them to be renewed with filing of a renewal of the  
35 CC&R's prior to the expiration. He explained that in his reading with what has been provided, the CC&R  
36 did not limit lot size other than a planned 18 lot home subdivision. He mentioned the CC&R is expired  
37 now.  
38

39 Commissioner Day questioned if the city recognizes the proposed request as a subdivision. Even though  
40 it's a 25% designated area.. Mr. Crane clarified staff is applying the code to the original Country  
41 Meadows Farm subdivision.  
42

43 Commissioner Day inquired about everyone within the subdivision subdividing their lots. Mr. Crane  
44 explained that everyone could not subdivide because the subdivision would exceed the 25% requirement  
45 which he mentioned earlier. Commissioner Kemp added that they would not have the required 130 foot  
46 frontage if everyone subdivided.  
47

1 **MOTION: Commissioner Temby moved that the Planning Commission accept the findings and**  
2 **recommend APPROVAL of case PP-13-02, a request for minor subdivision approval for the**  
3 **Country Farm Subdivision subject to the following three stipulations.**

- 4 1. The recorded plat shall conform to the final plat date stamped February 9, 2013 except as modified  
5 by these stipulations.
- 6 2. All required public improvements shall be installed as required by the City Engineer.
- 7 3. The civil construction plans shall meet all requirements as determined by the City Engineer.

8  
9 **Motion Seconded by Commissioner Abe Day. All who voted Aye: Commissioners Sherry Carruth,**  
10 **Steve Rock, Scott Temby, Abe Day, Jay Roundy and Christopher Kemp. Motion carried.**

11 Commissioner Kemp mentioned if anyone has any concerns, they can bring them up at City Council on  
12 February 19, 2013. He explained that they are somewhat bound by the laws and regulations. He thanked  
13 everyone for coming and showing interest in this item.

14 **PD-12-01** Discussion on a request by MRFP, LLC for a Planned Development (PD) District of  
15 approximately 83.54 acres named Skye Estates. The property is generally located north of the north east  
16 corner of 11800 North and Highland Boulevard. The requested Planned Development will include office,  
17 retail, senior living, and 176 residential family lots. *Legislative*

18  
19 Mr. Crane mentioned the site is currently located in Utah County and the applicant has applied for  
20 annexation. He mentioned the property is not included in our General Plan Land Use Map, and is included  
21 in the Highland City Annexation Plan that was adopted in 2007. He explained that the detailed  
22 infrastructures and planning were completed for the annexation area as part of the annexation plan. He  
23 explained that this area was identified for future residential development as open space subdivisions. Mr.  
24 Crane explained the applicant has submitted a request for an annexation agreement which is currently  
25 under review by staff. It is anticipated that the annexation, annexation agreement, and PD District will be  
26 considered concurrently at a future public hearing before the City Council. He reminded the commission  
27 that the adoption of a PD District is a legislative process.

28  
29 Mr. Crane explained the request is to zone approximately 85 acres to the Planned Development to allow a  
30 1.75 acre office/retail center, a 7.5 acre active adult community and a 74.3 acre single family residential  
31 subdivision. Mr. Crane stated that the applicant has submitted a Planned Development plan and narrative  
32 and intends to subdivide the property at a later date. He explained that a subdivision plat will be required  
33 prior to development of the single family residential development.

34  
35 Mr. Crane, continued reviewing the Office and Retail Center. He mentioned, the proposed commercial  
36 uses are similar to the Professional Office and Residential Professional districts, they were modified to  
37 meet the desired character of the development and to be compatible with existing and future residential  
38 development. The proposed uses include: Retail Sales of Merchandise and Food, Restaurants, Medical  
39 Facilities, Skilled Nursing Facilities, Professional Offices, Daycare or Nursery, Educational Institutions,  
40 Sports and Fitness Centers

41  
42 Mr. Crane stated that access to the retail center will be available from Highland Boulevard, and the  
43 pedestrian access from the adjacent neighborhood is provided through the interconnected trail system, and  
44 all parking is located behind the buildings. He mentioned any screen walls will coordinate with the single-

1 family residential development theme walls. He explained the PD District includes architectural design  
2 guidelines for the center, and mentioned the sample elevations have been provided as part of the district.  
3

4 Mr. Crane mentioned there will be a 56-unit age restricted active adult attached townhome development,  
5 with the maximum density of 7.47 units per acre. He mentioned the minimum age requirements for  
6 ownership or rental privileges, which is 55 or above for at least one adult, age restrictions will be enforced  
7 through the Home Owner's Association. All recreation areas and roads within the community will be  
8 private and owned and maintained by a Home Owners Association. He explained each unit will feature a  
9 two car garage, and a sixteen stall guest parking lot will also be provided, and each unit will include a  
10 private 10-foot fenced in area in the rear of the unit. The developer will be responsible for installing  
11 common fencing for these areas. All of the property outside of this area will be owned and maintained by  
12 a Home Owner Association. He mentioned this area includes 2.30 acres of formal landscaped areas and  
13 1,600 feet of sidewalk that can be used as walking trails. He stated the PD District includes architectural  
14 design guidelines for the townhomes and sample elevations have been provided as part of the district. A  
15 cross section is also proposed for the private streets in the adult community area. This includes 28 feet of  
16 right-of-way, a 4 foot sidewalk on one side and a pavement width of 20 feet. These roads will be owned  
17 and maintained by an HOA.  
18

19 He continued onto the residential subdivision, mentioning a 176 lot single family residential subdivision is  
20 proposed with a maximum density of 2.37 dwelling units per acre. He stated that all of the lots are a  
21 minimum of 10,000 square feet. He stated that there are three different lot categories, showing the first  
22 minimum lot area of 10,000-11,000 square feet which includes 79 lots with the average lot area totaling  
23 10,308 square feet totaling 44.88% of total lots. The second minimum lot area is 11,000-15,500 square feet  
24 which includes 46 lots, with the average lot size of 13,562 square feet, totaling 26.14% of the total lots.  
25 Finally, the last minimum lot area are lots greater than 15,500 square feet, which includes 51 lots equaling  
26 28.98% of the total lots.  
27

28 Mr. Crane pointed out that the project will begin with the single family subdivision, and the office/retail  
29 and adult community areas will be developed in the future. There was some concern between  
30 Commissioners about having an amenity done after the first phase or 50% build out. Commissioner Day  
31 responded, mentioning when Toscana presented their plan to the commission they had the same concerns.  
32 Toscana learned after the first phase they were to put in an amenity, so from his recall the current  
33 clubhouse coming in is late. Mr. Crane mentioned Toscana's clubhouse has been built but doesn't know  
34 what the timing was. If there is particular timing on phasing, that timing needs to be included as an  
35 appropriate stipulation. Mr. Crane then continued, mentioning the applicant is proposing to install the  
36 recreation areas and theme elements concurrently with the adjacent phase with the exception of the grand  
37 entrance, community center, and pools which will be installed during the first phase.  
38

39 Mr. Crane mentioned utilities will need to be extended to the site to serve the property. He mentioned all  
40 costs associated with these extensions will be the responsibility of the developer, and mentioned there is  
41 capacity in the existing system to serve the development.  
42

43 Mr. Crane explained the natural area is 7.8 acres with the purpose of protecting the drainage corridors and  
44 the existing tree canopies. There will be a 30 foot conservation easement. He explained that the property  
45 owner will own that property; there will be a conservation easement over the area. He explained there is a  
46 stipulation to straighten out the easement lines so residents are very clear of where the conservation  
47 easement is to reduce the number of encroachment issues that may arise. Mr. Crane mentioned the  
48 interconnected trail systems using the streets and the conservation easement areas. Mr. Crane mentioned

1 the recreational area having open play, playground, structures, pavilion or Ramada. He mentioned the trail  
2 connecting to the Highland Hills subdivision. He mentioned to the south there is an existing trail that will  
3 connect.

4  
5 Mr. Crane explained the Recreation Center will share parking with the office building and believed parking  
6 shouldn't be an issue. Mr. Crane points out the kiddie pool and regular size pool. Mr. Crane mentioned  
7 lot lines, easements, and where they can put fences. Commissioner Roundy wondered who does  
8 maintenance on the natural area. Mr. Crane explained that because the natural area is a drainage area, the  
9 city will have access to that natural area. However, HOA will be the ones ultimately responsible for the  
10 natural area.

11  
12 Mr. Crane continued on the trail system, explaining there will be sidewalk trails and water trails. He  
13 explained that the Highland Boulevard trail will continue north from the present position to the edge of  
14 the property, and the trails through the conservation areas. There will be a Scottish theme, architecture in  
15 bridges, monuments and islands, secondary monuments, street tree theme, stamped asphalt to help with  
16 snow removal, barbeque bench, and many other details.

17  
18 Mr. Crane mentioned the General Plan, compatibility, site circulation, and how this project meets the  
19 Development Code. This was mentioned for two reasons; one, it's not shown on our land use map, and  
20 two, the land use designation next to this area is a low density residential category. Mr. Crane mentioned  
21 the adopted trail master plan, and explained the trails and connections, explaining they will be city trails,  
22 but owned and maintained by the HOA. He mentioned that there will easements over them so they can  
23 be used by the public.

24  
25 Mr. Crane mentioned the goals that this project meets from the Highland City General Plan:

- 26  
27 1) Housing for seniors.  
28 2) Preservation of open space.  
29 3) Consistent land use patterns.  
30 4) Integration of commercial uses and our theme.  
31 5) We provide a wider range of housing options.  
32 6) Compliance with trail master plan and access to parks.

33  
34 Mr. Crane mentioned in the Highland Hills subdivision the lots adjacent to the area are the average size of  
35 8,700 square feet and lots in this subdivision average 17,000 almost 18,000 square feet. On the south side  
36 on Mercer Hollow the average lot size 28,000 square feet and the proposed is 21,000 square feet. He  
37 mentioned the lots lines match on the south side.

38  
39 Commissioner Day wondered if the smaller lot sizes were justified because those adjacent subdivisions are  
40 open space. Mr. Crane explained they are both an open space subdivision. Mr. Crane explained he didn't  
41 include commercial just the single family/residential portion. Proposed density is 2.3, Highland Hills right  
42 next to the project on the east is 2.2. Mr. Crane believed that to be compatibility. Mr. Crane mentioned  
43 the cross sections and streets in this project. He mentioned a typical subdivision street has curb, park strip  
44 and sidewalk. In this project one side will be a 6 foot trail as whereas typically there would be a sidewalk  
45 on both sides. He mentioned the trail being attached to curb. He explained the city will maintain the  
46 amount of asphalt needed for the streets.

47

1 Mr. Crane explained that the utilities will be extended to this site from the east for both water and sewer  
2 connections. Commissioner Temby asked if the city currently has enough PI feeding into that area. Mr.  
3 Crane believed they do.

4  
5 Mr. Crane compared the Planned Development District with a standard open space subdivision. He  
6 mentioned open space subdivisions have a little lower density. He stated they have 30% open space but  
7 the trails and parks are the cities responsibility. With the PD district the open space is 10% less, they do  
8 get complete installation of all the recreation improvements, they are owned and maintained by the Home  
9 Owners Association, you get a mix of uses and a chance to do alternative housing. The other thing is that  
10 it's a legislative action so the city has complete discretion over the project. He stated that when looking at  
11 density justification, some of the things to consider are theming, mix of uses, senior housing and  
12 protection of our drainage corridors.

13  
14 Mr. Crane mentioned that the developers did two neighborhood meetings and they also went home to  
15 home. The first meeting was held November 1, 2012 with the attendance of 27 people. The second was  
16 held January 3, 2013 and 6 people attended. The City has received one request for additional information,  
17 but no opposition to the project. Some considerations for the commission is the project in conformance  
18 with the General Plan, does the project meet the goals and objectives of the area, does the project have  
19 adequate infrastructure, is the project compatible with existing and future development, and does the  
20 project exceed our quality of development of Highland and for this area. Mr. Crane stated that the  
21 commissioner's task is to determine if the project is appropriate for Highland and this location. If so, staff  
22 is recommending several stipulations to be added.

23  
24 Commissioner Kemp thanked Mr. Crane; he invites applicants to come add anything they feel has not  
25 been covered.

26  
27 Bart Brockbank, applicant, expresses his excitement with this project. He is a Highland City resident and  
28 planned this project in his own backyard. Bart mentioned he has attended Planning Commission and  
29 Council meetings to try to implement the direction of the city. He tried to gain knowledge of the things  
30 that have failed with the open space subdivisions.

31  
32 Bart explained that this area is approximately 85 acres just off of Highland Blvd north of 11800 North.  
33 He expressed the planning that went into this project was to conform to Highlands goals, as well as  
34 provide a community that would allow residents to move into Highland City and still obtain the high hold  
35 values and beautification within Highland. The developers wanted to ensure the recreational areas are  
36 usable and meaningful to residents. The club house with the kiddie pool and adult pool is something that  
37 would provide a great enjoyment to the residents. In addition, the trail system has been very popular. The  
38 developers understand the trails have come with a lot of excitement and non-excitement with some of the  
39 maintenance that comes along with them. However, they feel the trails add value to Highland.

40  
41 Both parks will be maintained by the HOA and allow the citizens within this community to be able to  
42 schedule them. So once he determined that he needed usable and meaningful recreational areas, he started  
43 to plan the housing around the recreational areas.

44  
45 Bart believed there is a need in the Highland area for young executive housing, while still maintaining the  
46 high home values and architectural standards within Highland. Bart started the project with 10,000 square  
47 foot lots and worked his way up. The developers started on the south side of existing make sure they  
48 matched their lot lines.

1  
2 The first neighborhood meeting was at the time of planning the first phase. He spent a significant amount  
3 of time working with the roadways to ensure that the main corridor traffic flowed out onto the Highland  
4 Blvd. They also limited the amount of traffic going through the community by not putting a through  
5 street all the way into the existing road. After comments from neighbors, they wanted to ensure that the  
6 homes coming behind them were similar in lot size. They worked through a couple different meetings  
7 with the residents to address their concerns. In arriving at this final rendition, they felt like they have taken  
8 the input of the council and staff. They appreciate that the Commissioners are letting them present this  
9 and felt the staff have been helpful.

10  
11 Bart mentioned the pool and club house will be used as a sales office and will be first to come in. The  
12 other amenities will be installed at the beginning of each phase in which they are in. The maintenance of  
13 the corridors will be maintained by the Home Owners Association, the city will have access to modify  
14 drainage as they deem necessary. Bart explained they are required to put in a pressure reducing valve due  
15 to the amount of pressurized irrigation.

16  
17 Commissioner Kemp invited him to stay to answer any questions that Commissioners may have.

18  
19 Commissioner Temby mentioned the requirement for the recreational/park area was to be 18 plus acres.  
20 However, he only saw a little less than 9 acres. Mr. Crane explained there is a 20% recreation area and  
21 that's divided into active and natural those two together create the 20%.

22  
23 Commissioner Temby agreed that the flow areas that run throughout the property would be included in  
24 that, he asked if the access would not be inhibited to those if kids wanted to go running through them?  
25 Bart explained that kids will run through them.

26  
27 Commissioner Kemp opened the public hearing

28  
29 Ryan Liljenquist, resident, lives on Atlas Drive at the base of the community in question. He is concerned  
30 about traffic flow. He explained his lot is on an elevation at the base, so it is a downhill slope coming onto  
31 Atlas Drive. He mentioned he lives on a dead end street, and there are only 2 residents at the top just  
32 north of him. He questioned if there is some way to bottleneck this secondary access. He can see traffic  
33 being a real issue in the winter time because of the drifting snow. He is concerned about the safety of the  
34 children front yards being taken out.

35  
36 Commissioner Kemp questioned what is to the west of Ryan's lot. Bart answered that the property is  
37 vacant. Ryan replied agreeing that the street is a dead end. Ryan mentioned he is not opposed to the  
38 subdivision; He just wants to make sure traffic flow is addressed. He understands that there will be a  
39 considerable amount of people that cut through the subdivision due to past experiences in a previous area.  
40 After conversation among Ryan and the Commissioners there was an agreement to address the traffic  
41 flow.

42  
43 Karin Carling, resident, mentioned her family owns the property to the south of the community in  
44 question, and to the west of the vacant property. Karin stated that due to problems she has had in the  
45 past, she is concerned about drainage. Commissioner Kemp stated the adjacent property owner is  
46 responsible to retain the water generated on their property.

47

1 Karin inquired about her property automatically becoming Highland. Mr. Crane explained that she could  
2 request annexation and put a Development Plan together. He mentioned options on the corner at 11800  
3 North. Mr. Crane believes that Skye Estates and Council would be interested in talking to her.  
4 Commissioner Kemp thought annexing her into Highland makes sense. He mentioned they haven't  
5 received a proposal from anybody yet. Karin wondered if a proposal is required in order to be annexed.  
6 Mr. Crane explained that annexation happens at the property owner request. Commissioner Kemp  
7 recommended her to Nathan for more information.

8  
9 Steven McGhie is on the southern boundary on a street called Mcgummes. In the middle of that street is  
10 part of the Mercer Hollow subdivision. Steven is opposed to the development for both personal, as well as  
11 other reasons that he hopes will be considered. He complimented the developers for what they have  
12 done. He questioned the boundary agreement expiring with Lehi and Draper. Mr. Crane believed that the  
13 boundary agreement will expire next year. Steven mentioned May of 2014 was his understanding. Mr.  
14 Crane believed that to be correct. Steven questioned if there is concern that Lehi or Draper will annex the  
15 property. Mr. Crane expressed he is concerned. The research Steven has done led him to believe that  
16 Draper struggles with getting utilities, and Lehi has utilities that do not cross over the highway. He stated  
17 that both Lehi and Draper have led him to believe that right now they are suggesting annexation is  
18 something that they are not interested in.

19  
20 Mr. Crane expressed that he understands Steven's concerns. Mr. Crane stated infrastructure east of the  
21 highway were supposed to be in Highland already. He mentioned Lehi's track record of aggressive  
22 annexations. Mr. Crane believed if a property owner approached them; Lehi could possibly annex the  
23 property.

24  
25 Steven mentioned that was his understanding as well. He mentioned he is a new resident, and one of the  
26 main reasons he purchased his property, did a significant remodel, and upgrade was because of the land  
27 that was there. His understanding was the land wouldn't be developed in the foreseeable future. In the  
28 last few months he has witnessed a lot of people using that area for recreational use. He mentioned all his  
29 neighbors feel the land situation for that area is unique.

30  
31 Mr. Liljenquist, Resident, mentioned he borders the smaller park that was proposed. He is concerned that  
32 the homes in question will create drainage other than the natural drainage. The drainage issue for him is a  
33 big deal because he sits at the bottom of a hill, and all roads lead into his home. He briefly mentioned his  
34 concern about traffic, home value and density.

35  
36 Commissioner Kemp reminded him of what Lehi proposes as their density. Steven mentioned that he and  
37 his neighbors are all in favor of the development in Highland versus Lehi's density. Steven mentioned  
38 during his research with Lehi, he asked them about their utilities, and how they would approach  
39 annexation, and they led him to believe that wasn't really in their plan. Commissioner Kemp mentioned  
40 he does know that they do have some pretty aggressive plans for that area.

41  
42 Commissioner Kemp closed the public hearing.

43  
44 Commissioner Temby mentioned Ryan Liljenquist concern about traffic flow. He questioned the costs on  
45 a low rise or speed bump. Commissioner Temby wondered if that would be something the developers  
46 would consider, so long as there is no interference with plowing or access. Mr. Crane mentioned the  
47 mixed reviews with speed bumps. Mr. Crane gave an example from the previous year, it was portrayed  
48 that everyone was in favor of a particular speed bump, but when the city started to put in the speed

1 bump residents came to the Council meeting expressing they were against the speed bump. He mentioned  
2 speed bumps are ultimately the Council's decision.  
3

4 Commissioner Temby mentioned that in his own neighborhood people use the secondary roads for access  
5 to surrounding schools; he mentioned how horrible traffic can be after school at pick up time. He is  
6 sympathetic to that concern. He reviewed the materials and the recommended stipulations; he believed  
7 them to be reasonable. He expressed he is not a personal fan of HOA's or PUD's but feels they have their  
8 purpose to fulfill a need within a community, and because of that he does support them. He understands  
9 the concerns about drainage. He was hopeful that the park being served as a storm water detention will  
10 prevent any drainage issues.  
11

12 Commissioner Roundy understood the concerns with drainage. He believes that with the retention basins  
13 drainage will be controlled. He agreed with the recommendations from staff, but feels one more would be  
14 worth adding in regard to the traffic flow. He feels there are a lot of visual and architectural things that  
15 can serve as a speed bump and should be considered as a 22<sup>nd</sup> stipulation.  
16

17 Commissioner Rock inquired about Highland City assuming ownership of the roads versus the Home  
18 Owners Association. Mr. Crane explained that it would take a specific Council action to accept and  
19 maintain private roads. A separate fund would need to be set up and dedicated to road maintenance to  
20 address the issues. Mr. Crane mentioned the city will be responsible for any roads that are not private in  
21 this project.  
22

23 Commissioner Rock questioned if the park is too small to serve 176 residents. He is also concerned about  
24 the size of the pool in the senior living area. Commissioner Kemp asked if they know the size of the pool.  
25 Bart replied 20x40.  
26

27 Commissioner Rock is concerned about a project coming into the City with smaller lots. He believes that  
28 Highland is the one city in Utah County that can have larger lots. However, he understands they are  
29 residents of Highland and have an appreciation for the City. Therefore, he feels they have a right to build  
30 their community.  
31

32 Commissioner Day inquired about how many Home Owners Association's that Highland has so far. Mr.  
33 Crane isn't sure how many exactly, but named a few.  
34

35 Commissioner Day wanted clarification on which roads are private. Mr. Crane clarified that only the  
36 Active Adult Community will have private roads.  
37

38 Commissioner Day asked when the project is scheduled to be completed on phase 1 and 2.  
39 Bart stated they would start as soon as the project is approved.  
40

41 Commissioner Carruth commended the developers for all their work trying to make the City and  
42 neighbors of the community happy, she feels that including them is important. She expressed her concern  
43 about the private roads not being wide enough. Bart explained that none of the private roads will have  
44 parking. The non-private roads will conform to the Highland Code as far as the asphalt width. They aren't  
45 asking for a variance or change. Each resident will have a 2 car garage, and they will have an additional 18  
46 parking stalls for visitors, similar to Coventry.  
47

1 Commissioner Kemp mentioned the improvement in the plans. He mentioned they have done a good job  
2 trying to appease as many of the neighbors as possible, and make something that is desirable to Highland.  
3 He stated there is a need for people who want to live in Highland, and have a nice subdivision without  
4 maintenance requirements of an acre lot. He believed to have a diversified project in Highland is a good  
5 thing.  
6

7 **MOTION: Commissioner Jay Roundy moved that the Planning Commission accept the findings**  
8 **and recommend APPROVAL of case PD-12-01 a request for a proposed Planned Development**  
9 **District subject to the 22 stipulations. Commissioner Carruth seconded the motion.**

- 10 1. Development shall be in substantial conformance with the development plan and narrative dated  
11 February 7, 2013 except as modified by these stipulations.
- 12 2. The required development standards shall be as shown in the narrative request dated February 7,  
13 2013.
- 14 3. Uses for the property shall be as shown in the narrative request dated February 7, 2013.
- 15 4. The developer shall be responsible for all costs associated with extending culinary water, secondary  
16 water, sanitary sewer and all pertinent structures associated with these utilities.
- 17 5. The developer shall be responsible to pay all fees associated with the connection to any TSSD  
18 sewer lines.
- 19 6. All residential and non-residential buildings shall be in substantial conformance to the style and  
20 character of the elevations provided in the PD narrative.
- 21 7. All conditional uses shall be evaluated and processed in accordance with the Highland City  
22 Development Code.
- 23 8. A public use easement shall be dedicated for all Highland City trails.
- 24 9. The total minimum width of the conservation easement shall be sixty feet. The conservation  
25 easement shall be revised to run parallel with the rear lot lines. Neighborhood pylons shall be  
26 placed at each intersection of the lot line and conservation easement and shall be installed prior to  
27 the issuance of a certificate of occupancy.
- 28 10. All building construction shall meet the minimum requirements of the geotechnical report.
- 29 11. The developer shall install the east half street improvements for Highland Boulevard including the  
30 parkway detail as determined by the City Engineer.
- 31 12. Prior to preliminary plat approval, the applicant shall submit a wall plan that shows the location  
32 and of the community theme wall. The theme wall shall be used for the active adult community,  
33 required screening for the office/retail area and along the main connector street from Highland  
34 Boulevard to lot 128.
- 35 13. All theme walls and landscaping shall be developed in the first phase of development for each  
36 phase.
- 37 14. No lots shall front or have access onto the main connector street.
- 38 15. A note shall be added to the Final Plat and the Covenants, Conditions, and Restrictions for the  
39 adult active community stating the Homer Owner's Association shall be responsible for the  
40 maintenance of all private drives including repaving the private drives after a leak or break is  
41 repaired.
- 42 16. The preliminary plat shall include all the single family residential portion of the development. The  
43 developer shall provide an exhibit of the phasing of this area.
- 44 17. The developer shall establish an irrevocable maintenance fund to ensure the maintenance of the  
45 private streets.
- 46 18. The street side yard setback for the single family residential area shall be 20 feet. The minimum  
47 setback to any trail shall be 10 feet.

- 1 19. The main culinary water line shall be in a minimum twenty foot wide easement dedicated to  
2 Highland City. All permanent structures, including retaining walls are prohibited within the  
3 easement.  
4 20. Each individual phase shall meet the infrastructure requirements as determined by the City  
5 Engineer. Further financial guarantees shall be provided for each phase in accordance with city  
6 requirements.  
7 21. One street parking shall be prohibited on all private streets.  
8 22. The City Council considers traffic calming measures on Atlas Drive.  
9

10 **All who voted aye: Scott Temby, Jay Roundy, Abe Day, Sherry Carruth and Christopher Kemp.**

11 **All who vote nay: Steve Rock. Majority vote 5:1, Motion carried.**

12 **C. APPROVAL OF MINUTES**

13 Commissioner Temby moved to accept minutes for November 27, 2012, Seconded by Commissioner Rock.  
14

15 **D. PLANNING STAFF REPORT**

16 Mr. Crane mentioned the site plan for Miers has been approved and they have construction plans in, they  
17 should have a permit next month and they hope to be open late summer. Ashford was also approved for  
18 a conditional use permit for the assisted living; their plans are also under review right now. Mr. Crane will  
19 be meeting with them to talk about pad on south side tomorrow.

20 **E. COMMISSION COMMENTS AND SUGGESTIONS**

21 Commissioner Kemp introduced and welcomed Dorinda King who is now the Planning Secretary.  
22

23 **F. ADJOURNMENT**

24 **MOTION: Steve Rock moved to adjourn, and Jay Roundy seconded. Unanimous vote, motion**  
25 **carried.**

26  
27 Meeting adjourned at [8:29:13 PM](#) .  
28