



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, October 29, 2013 – Special 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 Scott Temby
- Pledge of Allegiance – Commissioner Tim Heyrend

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.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. CU-13-02 Rod Davis is requesting a conditional use permit to expand an existing church parking lot located at 6072 West 9600 North. *Administrative.*
2. FP-13-11 Rod Davis is requesting minor subdivision approval for a two lot subdivision to allow for the expansion of a church parking lot located at 6072 West 9600 North. *Administrative.*
3. TA-13-08 Greg Nield is requesting to amend Article 4.5 RP (Residential-Professional) District relating to building setbacks, trash enclosure locations, and screen wall requirements. *Legislative.*
4. Z-13-01 Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) to allow for a 10,001 square foot two-story office building located at 10298 North 4800 West. *Legislative.*
5. CU-13-03 Greg Nield is requesting a conditional use permit for a 10,000 square foot two story office building in the RP (Residential-Professional) District located at 10298 North 4800 West. *Administrative.*
6. FP-13-10 Greg Nield is requesting a minor subdivision approval for a two lot subdivision to allow for the Ashford Assisted Living office building at 10322 North 4800 West. *Administrative.*

7. TA-13-06 Highland City Council is requesting to amend Chapter 3, Article 7 of the Highland City Development Code relating to the placement and duration of political signs. *Legislative*

OTHER BUSINESS:

APPROVAL OF MINUTES:

- September 24, 2013 – Regular Meeting

PLANNING STAFF REPORT:

- Review of recent City Council Actions
- New Maps

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *November 12, 2013* at 7:00 pm City Council Chambers

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

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

FOR SPECIAL ACCOMMODATIONS

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

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 24th day of October, 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 24th day of October, 2013 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Jill Billamis, Treasurer

HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 29, 2013			
REQUEST:	A conditional use permit for an expansion of a parking lot for an existing church (CU-12-01).		
APPLICANT:	Rod Davis		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	LOCATION
Low Density Residential	R-1-20	± 20,000 Square Feet	Northwest corner of 6000 West and 9600 North

BACKGROUND:

Churches are permitted in the R-1-20 (Single Family Residential District) subject to a conditional use permit. A conditional use permit for the existing church was approved by the Council on May 6, 2003.

A conditional use permit is an administrative action. Consideration is limited to compliance with existing development standards and regulations and three required findings.

SUMMARY OF REQUEST:

1. The applicant is requesting a conditional use permit for the expansion of the existing parking lot. The expansion will add an additional 29 spaces to the existing lot.

REQUIRED FINDINGS:

The Planning Commission must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's analysis.

- 1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The subject property is designated as Low Density Residential on the General Plan Land Use Map and the property is zoned R-1-20. Churches are permitted in the R-1-20 (Single Family Residential District) subject to a conditional use permit.

The surrounding property to the north, south, and west is zoned R-1-20 and is developed as single family homes. There is a vacant parcel planned for new home on the north side of the new parking lot. The property to the east is zoned R-1-40 and is a city park.

A site lighting plan has been submitted and shows light levels less than one foot candle along all property lines.

Thirty five percent of the site is landscaped. An eighteen foot landscaped buffer is included on the north and west boundaries.

The proposed use will have an impact of the property to the east. However, the project includes reasonable measures to mitigate the impacts.

2. The use complies with all applicable regulations in the Development Code.

Primary access to the site is provided from an existing driveway on 9600 North and 6000 West. The existing driveways provide adequate access and circulation for the site.

The use meets all development standards set forth in the Development Code.

3. Conditions are imposed to mitigate any detrimental effects.

Three stipulations have been included to ensure compliance with the Development Code and compatibility between land uses.

CONCLUSION:

The proposed conditional use appears to meet the required findings for approval.

CITIZEN PARTICIPATION:

The neighborhood meeting was held on October 10, 2013. Notice of the neighborhood meeting was sent to 48 property owners on September 26, 2013. The neighborhood meeting notice sign was posted on September 25, 2013. Seven property owners attended the meeting. A summary of the meeting is attached (Attachment H). Comments included ingress and egress and power to the new home.

A notice of the Planning Commission hearing was published in the Daily Herald on October 13, 2013. Notification letters were mailed out to 45 property owners on October 10, 2013. No comments have been received.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public meeting and recommend **APPROVAL** of the proposed conditional use permit subject to the following stipulations:

- 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.

I move that the Planning Commission accept the findings and recommend **APPROVAL OF** case CU-13-02, a request for a conditional use permit for the expansion of a parking lot for an existing church subject to the three stipulations recommended by staff.

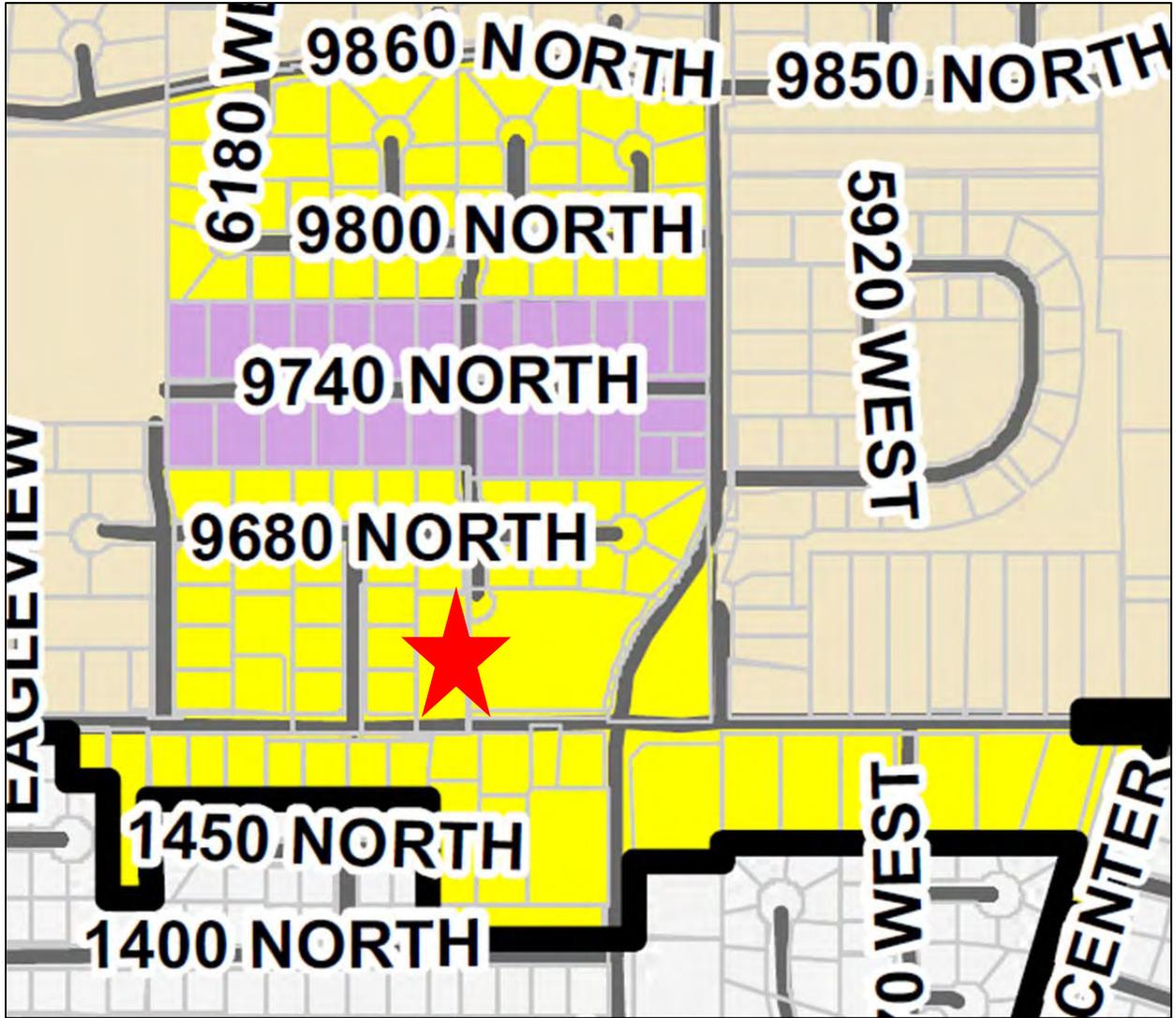
ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of the proposed conditional use permit based on the following findings (The Council should draft appropriate findings):

ATTACHMENTS:

- Attachment A – Zoning Map and Aerial
- Attachment B – Project Narrative
- Attachment C – Neighborhood Meeting Summary
- Attachment D – Site Plan
- Attachment E – Landscape Plan
- Attachment F – Lighting Plan

Zoning Map



Aerial Photo



Highland City Planning Commission and City Council Members:

1. The Church of Jesus Christ of Latter Day Saints would like to purchase part of the property located at 6072 West 9600 North and extend their parking lot area to gain an additional 29 parking stalls. Currently the members do not have enough parking and are using the road for their overflow which is causing traffic and safety concerns.
2. This use of this site falls within the guidelines of the General Plan and compliance with the Development Cod and other city codes and regulations.
3. We currently have a parking lot adjacent to other residential housing properties. All fencing and lighting issues will be per city codes and regulations.
4. We have submitted a "photometric" design for the parking lot lighting so it does not "spill over" into the neighbor's properties. Lighting will be similar to the existing parking light poles and fixtures.
5. Ingress and egress to the property will be from the existing parking lot. No additional entrances will be added to this site.
6. Internal vehicular circulation will flow through and back around into the existing parking lot to the east. See attached site plan and layout.
7. Sidewalk, curb and gutter will be extended in front of this piece of property to comply with the city codes and regulations. Pedestrian traffic will only be from the members and visitors that park in this area and walk through the parking lot into the Church. Normal pedestrian traffic will follow the sidewalk and will not cross into this new area.
8. We see no impact on public services, utilities, schools or recreation. We believe this will make it safer for members and visitors to the site to keep them off the main public roads.
9. We will extend the landscaping, trees and plants from the existing Church site and using the same material and varieties of plans. We will match the existing "overall look" of the site to flow into the new parking area. We would like to have this new area look like it was part of the original building and design.
10. No outdoor activities or storage is planned to this site. We will have cars parking in the parking lot during night activities at the Church, but do not plan on using the parking lot for activities.
11. We have added an additional 29 parking stalls to the total number of cars to park at this facility. Hours of operation is all day on Sundays into the night and during the weekdays on a "as needed" basis. Number of people using this site varies and will be mainly used on Sundays.
12. The use of this property will have exhaust and a little noise from the cars using it. Voices will be heard from people talking as they come and go to their cars. No notable vibration will occur once the asphalt parking lot has been installed. Illumination from the additional parking lot lights will not "bleed over" into the adjoining properties. See attached "photometric" plan.
13. The local Church leaders have tried to adjust the building schedules the best they can to not overload the parking on site. Over the last few years the membership has increased forcing the Church to provide more parking. They do not encourage street parking because of the safety concerns of members and visitors being hit and children running into the streets.

Neighborhood Notification Meeting Minutes **for October 10th, at 7:00 PM:**

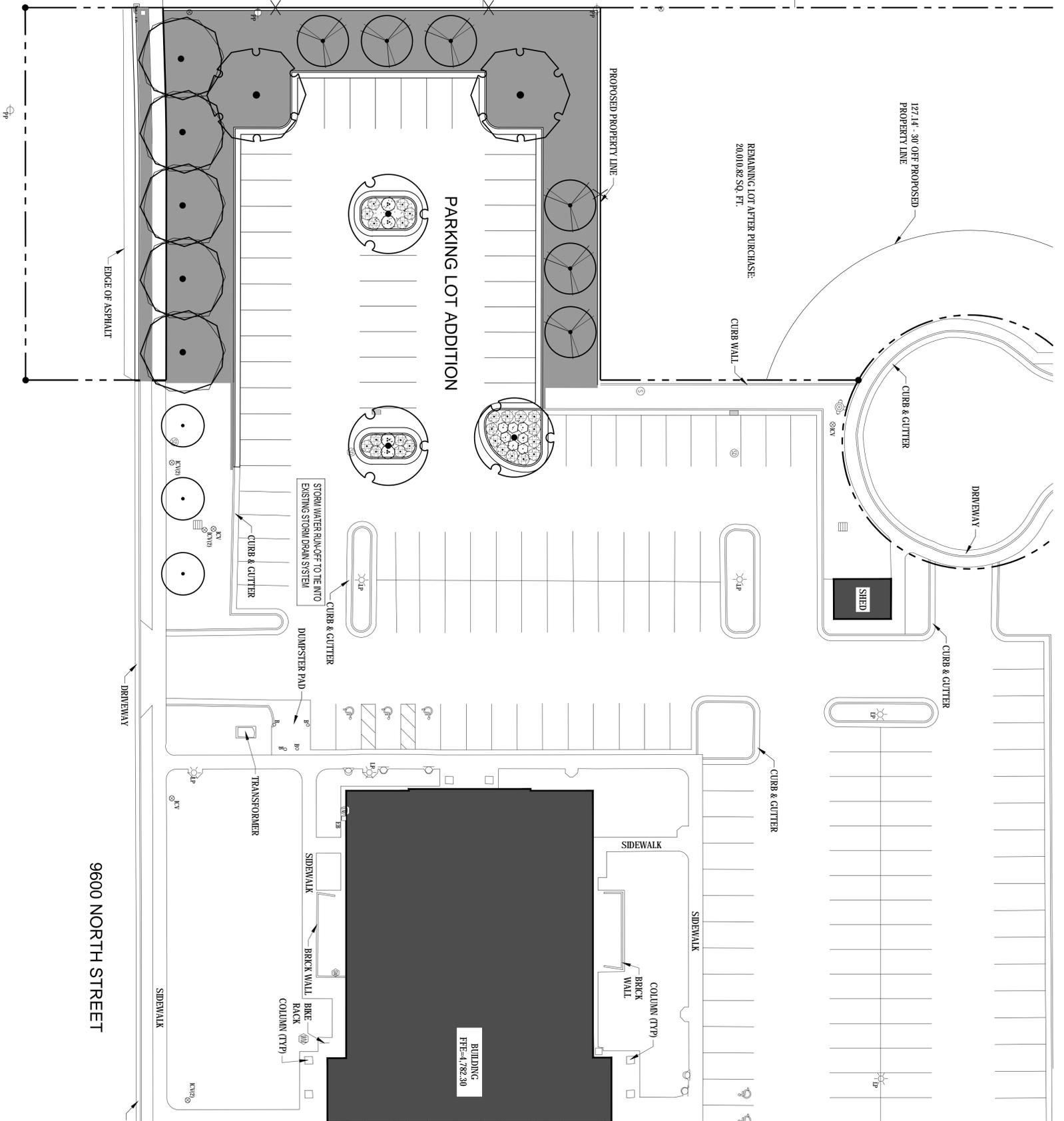
1. See attached sheet for people in attendance to the meeting.
2. Handed out at the meeting was reduced plans on 11 x 17 showing the one lot being divided into two lots, a layout of how the new parking lot was designed and a landscape sheet showing what the landscaping would be around the new site. A copy was given to each person that came.
3. All of the people that came was in agreement and liked what is being done with adding more parking. They all agreed that the Church needed more stalls and that people that parking on the road was dangerous for them to walk in the road, especially in the winter.
4. We showed them that no other entrances were being cut for the new parking lot. They would use the entrances that were existing.
5. New landscaping plants will be similar to what is existing.
6. Total of additional parking stalls we are showing is 29. They all said this would fill up fast and would like to get as many as the city will allow. They didn't want to install the islands and add more stalls. I told them the city had certain requirements on landscaping and that we would talk to them and try to work something out to get as many new stalls as we can.
7. We told them construction would not start until spring of next year. Project would take about 3 months to complete.
8. One of the questions asked at the meeting that I could not answer was "how the power was to be run to the new building lot"? They said the houses that use to be on the lot had an overhead power line from the power pole on the west property line. They wanted to know if it needed to be run underground or overhead and if it was still going to come off the same power pole? I told them I would try to find out for the meeting on the 29th of this month.
9. Everyone was told about the next meeting with the city on the 29th of October at 7:00 PM.

Neighborhood Notification Meeting

October 10, 2013

People in attendance:

	Name	Address	Phone
1.	Delwin Thomson	6130 W 9600 N	801-492-6270
2.	Bonnie Thomson		801-319-0970
3.	Bryan Smith	6115 W 9680 N	
4.	Larry Hansen	6248 W 9600 N	801-227-4163
5.	Beverly Hansen		
6.	Jon Varney	6095 W 2600 N	801-756-7724
7.	Jone Varney	6095 W 9600 N	801-756-7724
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			



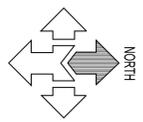
Call
1-800-662-4111

Call
1-800-662-4111

UNQUOTE, IT'S QUOTE
BEFORE YOU
CALL

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL UTILITIES AND STRUCTURES NOT SHOWN ON THE PLANS.

MCNEIL ENGINEERING - SURVEYING, L.C.



PLANTING PLAN

PLANTING LEGEND

SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE
TREES				
	2	VILLAGE GREEN ZELKOVA	Zelkova serrata 'Village Green'	2" Caliper
	5	SYCAMORE MAPLE	Platanus occidentalis	2" Caliper
	3	COMMON HOCKBERRY	Cornus occidentalis	2" Caliper
	6	GOLDEN RAIN TREE	Koelneria paniculata	1-1/2" Caliper
SHRUBS				
	4	MISS KIM LILAC	Syringa palmeri 'Miss Kim'	5 Gallon
	24	CRANBERRY COTONEASTER	Cotoneaster Apiculata	5 Gallon
	7	MEDLAND ROSE WHITE	Rosa X medland White	5 Gallon
LAWN				
	0.000 s.f.	LAWN SOO: TERNAL BLUE FROM ANKERSHIRE FARMS (888) 500-6853 OR APPROVED SOO/L		
MULCH				
	0.000 s.f.	SHREDED BARK INSTALLED A MINIMUM 4" DEEP	Install over Dewsits Pro 5 weed barrier fabric. Bark mulch shall be free of dirt, rock and other foreign debris.	

L2.01

SHEET 2 of 4

SHEET TITLE
PLANTING PLAN

REVISIONS

REV	DATE	DESCRIPTION

PROJECT NO: 13194
 CAD DWG FILE: 13194.Plan.dwg
 DRAWN BY: BE
 PROPERTY NO: 569,3810
 DESIGNED BY: BE
 FIELD CREW: BE
 CHECKED BY: SS
 DATE: SEPT. 2013

HIGHLAND 1, 22, 19
 The Church of Jesus Christ of Latter-Day Saints

HIGHLAND SOUTH STAKE
 9621 NORTH 6050 WEST
 HIGHLAND, UTAH

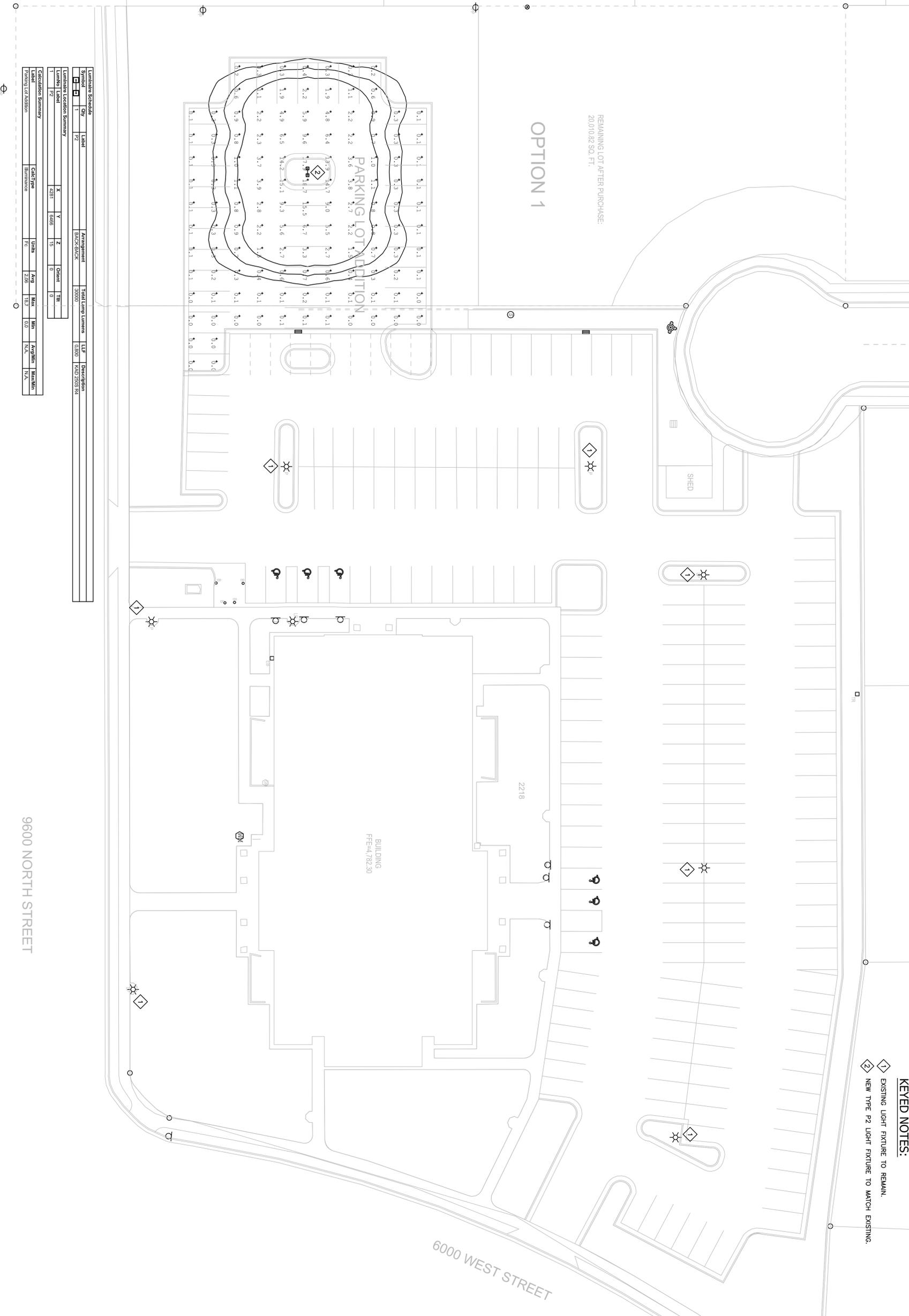
McNEIL GROUP

Designing for the Future Since 1983™

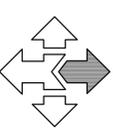
8610 So. Sandy Parkway, Suite 200 Sandy, Utah 84070
 TEL. (801) 255-7700 FAX (801) 255-8071
 E-MAIL info@mcneileng.com WEB SITE AT www.mcneil-group.com

NOTICE: THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHICS AND MODELS THEREIN ARE PROPRIETARY AND CANNOT BE COPIED, DUPLICATED OR COMMERCIALY EXPLOITED, IN WHOLE OR IN PART, WITHOUT THE EXPRESS WRITTEN PERMISSION OF HUNT ELECTRIC, INC. AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, CONTRACTORS, GOVERNMENT AGENCIES, VENDORS AND OFFICE PERSONNEL ONLY IN ACCORDANCE WITH THIS NOTICE.

MCNEIL ENGINEERING - SURVEYING, L.C. MCNEIL ENGINEERING STRUCTURAL, L.C. MCNEIL ASPEN CONSULTANTS, L.C. MCNEIL ENGINEERING - CIVIL, L.C.



Luminaire Schedule		Arrangement		Total Luminaire Lumens		LFP		Description	
Symbol	Qty	Label	Spacing	Spacing	300000	300000	K047-2526 F4	300000	K047-2526 F4
1	1	P2	2.00	2.00	300000	300000	300000	300000	300000
Luminaire Location Summary									
Luminaire Label	X	Y	Z	Offset	TI				
1	2.00	2.00	0	0	0				
Calculation Summary									
Label	Calc Type	Units	Avg	Max	Min	Avg/Min	Max/Min		
Primary Lot Addition	FC	fc	2.06	10.7	0.0	N/A	N/A		



SITE LIGHTING / PHOTOMETRIC PLAN

9600 NORTH STREET

6000 WEST STREET

KEYED NOTES:
 ◇ EXISTING LIGHT FIXTURE TO REMAIN.
 ◇ NEW TYPE P2 LIGHT FIXTURE TO MATCH EXISTING.

HUNT
 ELECTRIC, INC.
 1863 W. ALEXANDER ST.
 SALT LAKE CITY, UTAH 84119
 801-975-8844 FAX 801-975-0509

DESIGN-BUILD SERVICES

QUALITY, INTEGRITY, PERFORMANCE, & VERSATILITY

REVISIONS		
REV	DATE	DESCRIPTION

HIGHLAND 1, 22, 19
 The Church of Jesus Christ of Latter-Day Saints

HIGHLAND SOUTH STAKE
 9621 NORTH 6050 WEST
 HIGHLAND, UTAH



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8610 So. Sandy Parkway, Suite 200 Sandy, Utah 84070
 TEL. (801) 255-7700 FAX (801) 255-8071
 E-MAIL info@mcneileng.com WEB SITE AT www.mcneil-group.com

ES.01
 SITE PLAN
 LIGHTING

SHEET 1 OF 1

PROJECT NO.:
 DRAWING TITLE: ES1.dwg
 DRAWN BY: DBS
 PROPERTY NO.: 589-3810
 DESIGNED BY:
 FIELD CREW:
 CHECKED BY: DBS
 DATE: Sept. 3, 2013

HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 29, 2013			
REQUEST:	MOTION – Minor Subdivision Approval – Chapel Meadows Plat B Subdivision, a two lot minor subdivision (FP-13-11).		
APPLICANT:	Rod Davis		
FISCAL IMPACT:	Unknown		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
Low Density Residential	R-1-20	3.95	Northwest corner of 6000 West and 9600 North

BACKGROUND:

Subdivision review is an administrative process.

SUMMARY OF REQUEST:

1. The applicant is requesting minor subdivision approval for a two lot minor subdivision. Lot one is 3.311 acres and includes an existing church. The lot is being expanded to accommodate additional parking. Lot two is 0.459 acres and will be a new home.
2. Access to the site will be available from 6100 West, 9600 North, and 6000 West. Right of way dedications for 9600 North and 6100 West are also included. The applicant will be responsible for the improvements adjacent to these streets.

CITIZEN PARTICIPATION:

Notice of the October 17, 2013 Development Review Committee meeting was mailed to property owners within 500' of the proposed plat on October 1, 2013. No one attended the meeting.

A notice of Planning Commission hearing was published in the Daily Herald on October 13, 2013. Notification letters were mailed out to 48 property owners within 500' of the proposed plat on October 10, 2013. No comments have been received.

ANALYSIS:

- The property is designated as low density residential on the General Plan Land Use Map. The proposed subdivision is consistent with the General Plan.
- Water shares are required to be dedicated/paid as part of the approval.

FINDINGS:

The proposed plat meets the following findings with stipulations:

- It is in conformance with the General Plan, the R-1-20 District, and the Highland City Development Code.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public hearing and recommend **APPROVAL** of the proposed minor subdivision subject to the following stipulations:

1. The recorded plat shall conform to the final plat date stamped October 17, 2013 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 recordation, the final plat shall be revised as determined by the Community Development Director and City Engineer.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case FP-13-11 a request for minor subdivision approval for Chapel Meadows Plat B, a two lot minor subdivision subject to the five stipulations recommended by staff.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case FP-13-11 based on the following findings: (The Commission should draft appropriate findings.)

ATTACHMENTS:

Attachment A – Proposed Final Plat

HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 29, 2013			
REQUEST:	PUBLIC HEARING – An amendment to Highland City Development Code Article 4.5 R-P Zone relating to building setbacks, trash enclosure locations, and screen walls. (TA-13-08)		
APPLICANT:	Greg Nield		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

BACKGROUND:

A development code amendment is a legislative process.

SUMMARY OF REQUEST:

1. The proposed amendment is as follows:

Section 3-4506:

...

(1) No building shall be closer to a public street right-of-way than eighty (80) feet unless all parking is provided in the rear of the building, in which case it may be no closer than thirty-five (35) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than thirty (30) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it. **THE PLANNING COMMISSION MAY REDUCE THE FRONT YARD SETBACK TO THIRTY (30) FEET IF THE REDUCTION WILL INCREASE THE REAR YARD SETBACK BETWEEN THE BUILDING AND EXISTING RESIDENTIAL USES.**

(2) ...

(3) Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of twenty-five (25) feet. **THE PLANNING COMMISSION MAY REDUCE THE SIDE YARD SETBACK WHEN THE ADJACENT PROPERTY HAS A NON-RESIDENTIAL LAND USE DESIGNATION AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED.**

(4) ...

Section 3-4508.5.c

...

- (a) No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any Residential-Professional development site, unless along a district boundary which

abuts a residential zone, in which case the height shall be eight (8) feet. THE PLANNING COMMISSION MAY CONSIDER AN ALTERNATIVE WHEN THERE IS AN EXISTING WALL OR THE PROPERTY IS ADJACENT TO CITY OWNED OPEN SPACE AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED.

Section 3-4515.d

No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within ~~one hundred (100) feet~~ THIRTY (30) FEET of any residential use.

ANALYSIS:

- The proposed amendment will allow the construction of a 10,001 square foot office building at 10438 North 4800 West.
- Reducing the front yard setback to increase the buffer between commercial and residential uses will assist in mitigating negative impacts and address compatibility.
- As the City develops, there may be locations where existing residential uses are located adjacent to planned or developing commercial areas. The amendment allows modification of development standards by the Planning Commission with approval from the adjacent residential property owners.
- Addressing the compatibility between different residential and non-residential uses is a primary role/function of the Planning Commission and City Council. Compatibility is also addressed through building height, setbacks, screening, buffering, landscaping, lighting and architectural design. Specific standards are often determined based on the values and needs of the community and site characteristics. The Planning Commission and City Council also needs to balance the needs of adjoining properties.

CONCLUSION:

Highland is a unique place to live and work and as such development standards should be tailored to meet the needs of residents and business owners and ensure land use compatibility. The Planning Commission and City Council will need to consider each item and determine what is in the best interest for residents and business owners.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on October 13, 2013. No comments have been received.

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

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

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

MOTIONS:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the ordinance amendment.

I move that the Planning Commission **CONTINUE** the public hearing to the next meeting to address the following (The Commission should provide appropriate direction):

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

ATTACHMENTS:

Sample Ordinance

ORDINANCE NO. 2013-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE ARTICLE 4.5 RP ZONE RELATING TO BUILDING SETBACKS, TRASH ENCLOSURE LOCATIONS, AND SCREEN WALLS, AS SHOWN IN FILENAME TA-13-08.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on October 29, 2013; and

WHEREAS, the City Council held a public hearing on this Ordinance on November 19, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City Development Code, Article 7 Signs is hereby amended as follows:

Section 3-4506:

...

(5) No building shall be closer to a public street right-of-way than eighty (80) feet unless all parking is provided in the rear of the building, in which case it may be no closer than thirty-five (35) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than thirty (30) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it. THE PLANNING COMMISSION MAY REDUCE THE FRONT YARD SETBACK TO THIRTY (30) FEET IF THE REDUCTION WILL INCREASE THE REAR YARD SETBACK BETWEEN THE BUILDING AND EXISTING RESIDENTIAL USES.

(6) ...

(7) Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of twenty-five (25) feet. THE PLANNING COMMISSION MAY REDUCE THE SIDE YARD SETBACK WHEN THE ADJACENT PROPERTY HAS A NON-RESIDENTIAL LAND USE DESIGNATION AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED.

(8) ...

Section 3-4508.5.c

...

- (b) No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any Residential-Professional development site, unless along a district boundary which abuts a residential zone, in which case the height shall be eight (8) feet. THE PLANNING COMMISSION MAY CONSIDER AN ALTERNATIVE WHEN THERE IS AN EXISTING WALL OR THE PROPERTY IS ADJACENT TO CITY OWNED OPEN SPACE AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED.

Section 3-4515.d

No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within ~~one hundred (100) feet~~ THIRTY (30) FEET of any residential use.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, November 19, 2013.

HIGHLAND CITY, UTAH

Lynn Ritchie, Mayor

ATTEST:

Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 29, 2013			
REQUEST:	PUBLIC HEARING: Rezoning –R-1-40 (Single Family Residential) to RP (Residential Professional)		
APPLICANT:	Greg Nield		
FISCAL IMPACT:	Unknown		
GENERAL PLAN DESIGNATION Mixed Use	CURRENT ZONING R-1-40	ACREAGE ± 0.70 Acres	LOCATION 10438 North 4800 West

BACKGROUND:

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

A conditional use permit for Ashford Memory Care was approved by the Council in October of 2009. The facility opened in 2011 and is 10,156 square feet and houses 16 beds for patients.

A conditional use permit to expand the site and building was approved by the Council on December 4, 2012. The expansion added 37,529 square feet and house 42 additional beds and is currently under construction. Upon completion the building will be 47,685 square feet and house 58 beds.

A request for a text amendment and conditional use permit will be considered as separate agenda items.

The adoption of a PD District is a legislative process. The City Council has completed discretion.

SUMMARY OF REQUEST:

1. The request is to zone approximately 0.70 acres from R-1-40 (Single Family Residential) to RP (Residential Professional) to allow a 10,001 square foot, two story office building.
2. The RP District allows Community Uses, Financial Institutions, Medicare Facilities, Professional Offices, Single Family Homes, Private Educational Institutions, Preschools, and Day Cares. All uses in the RP District require a conditional use permit.
3. Development standards in the RP District include:
 - Front Setback: 80 feet unless all parking is provided in the rear of the building in which case it is 35 feet.
 - Side Setback: 10 feet unless abutting a residential district in which case it is 25 feet.
 - Rear Setback: 10 feet unless abutting a residential district in which case it is 20 feet.
 - Building Height: 30 feet.

4. Access to the site will be provided from North County Boulevard.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on October 9, 2013 at the site. According to the materials presented by the applicant nine people attended the meeting. Comments included setback requirements, moving the building closer to North County Boulevard, building height (two story building is a concern), having the building sunken into the ground to reduce the height, and increasing the size of trees adjacent to the neighbors.

Notice of the Planning Commission public hearing was published in the Daily Herald on October 13, 2013 and mailed to twenty property owners within 500' of the proposed rezoning on October 10, 2013. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

ANALYSIS:

General Plan

- The property is designated as Mixed Use on the General Plan Land Use Map. The Mixed Use Land Use Category encourages residential and non-residential development.
- The purpose of the RP District is to provide for various professional office, private education, and related uses. It is intended to protect and buffer residential neighborhoods from retain commercial encroachment and influence. Uses in the RP District are consistent with typical office uses.

Compatibility with Surrounding Land Uses

- The surrounding property to the north, south, and east is zoned R-1-40 and is single family homes. The property to the west is zoned R-1-40 and is Lone Peak High School. Typically, office uses have less impact on adjacent residential uses than other commercial uses; however, adverse impacts do need to be mitigated. Adverse impacts include but are not limited to: building height, location, lighting, hours of operation, etc.
- The scale and design of the building will mitigate any potential impacts on the adjacent residential uses and ensure that it is compatible with the desired residential character of the area. The Commission should discuss whether a two-story building is appropriate at this location. Other impacts can be addressed through review of the conditional use permit.

Site Circulation

- The proposed entrances to the development will provide adequate access to the site.

Conformance with Development Code

- The proposed development is consistent with the purpose of a RP District. However, the RP District will need to be amended to accommodate the proposed site plan.

FINDINGS:

With the proposed stipulations, the proposed PD appears to meet the following required findings:

- The RP District implements the Mixed Use Land Use Category.
- Adequate access and infrastructure will be provided.

RECOMMENDATION:

The Commission should discuss whether a two-story building is appropriate at this location. The Commission, should also discuss if other measures or conditions are needed to ensure compatibility with adjacent land uses.

Staff recommends that the Planning Commission conduct a public hearing, determine whether or not the request meets the findings and provide a recommendation to the City Council. The Commission may include appropriate stipulations to address compatibility.

PROPOSED MOTIONS:

I move the Planning Commission accept the findings and recommend **APPROVAL** of the proposed PD district subject to the twenty-one stipulations recommended by staff.

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

ATTACHMENTS:

- Attachment A - Sample Ordinance
- Attachment A - General Plan Land Use Map and Zoning Map
- Attachment B - Aerial
- Attachment C - Neighborhood Meeting Summaries
- Attachment D - Proposed Site Plan (8.5 x 11)

ORDINANCE NO. 2013-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONE MAP OF HIGHLAND CITY FOR APPROXIMATELY 0.70 ACRES OF LAND GENERALLY LOCATED AT 9976 NORTH ALPINE HIGHWAY AS SHOWN IN FILENAME (Z-12-01), REZONING SUCH PROPERTY FROM R-1-40 RESIDENTIAL TO RP RESIDENTIAL PROFESSIONAL AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Highland City Council desires to amend the Official Zone Map of Highland City; and

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held public hearing on this Ordinance on October 29, 2013; and

WHEREAS, the City Council held a public hearing on this Ordinance on November 19, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That ± 0.70 acres of certain real property located at 10438 North 4800 West more particularly described as Lot 2 of Ashford Plat B, is hereby rezoned from R-1-40 Residential to RP Residential Professional subject to the following condition:

1. XXXX

This condition shall run with the land, and shall apply until such time, if any, that the property is re-zoned either by failure to comply with the conditions or further zoning action by the City Council.

SECTION 2. This zone map amendment is predicated upon compliance with the conditions in Section 1. In the event any condition is violated or unfulfilled, this Ordinance shall become null and void and the zone designation for all of the subject properties shall revert to the R-1-40 Zone.

SECTION 3. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, November 19, 2013.

HIGHLAND
CITY, UTAH

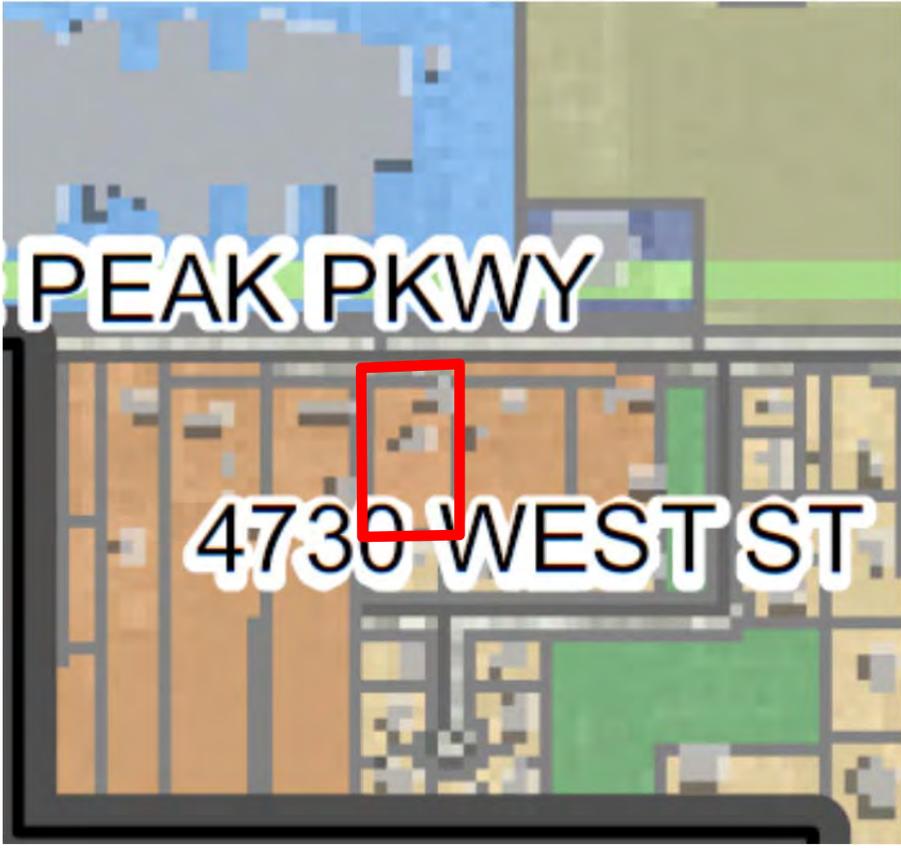
Lynn Ritchie, Mayor

ATTEST:

Jody Bates, City Recorder

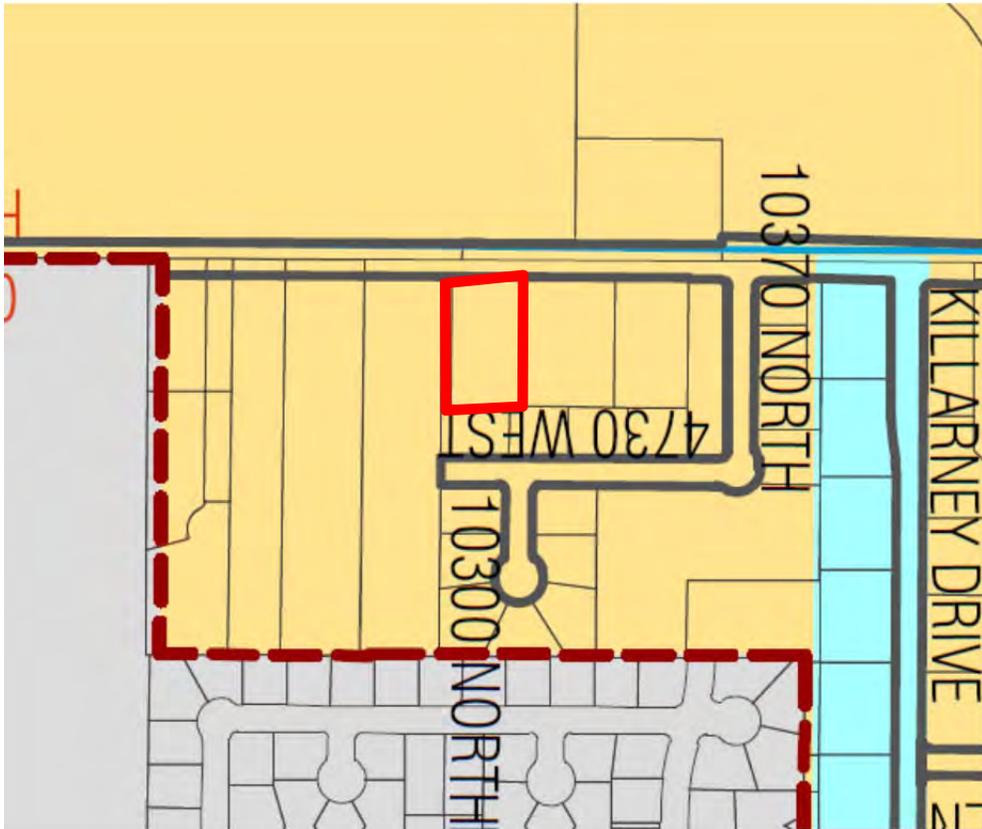
COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

General Plan Land Use Map



Land Use: Mixed Use

Zoning Map



Zoning: R-1-40 (Residential)



Aerial

September 19, 2013

Subject: Project Narrative – Zone Change request to Residential Professional (RP)

To whom it may concern:

As the owners of the parcel located at 10298 N 4800 W (directly South of the Ashford Assisted Living), we are requesting that the zoning be changed to Residential Professional to allow a roughly 10,000 sq ft, 2-story office building. The architecture will match that of the Ashford Assisted Living. We will meet all of the requirements for parking, landscape, building-to-site coverage, etc. within this zone. While meeting with Nathan Crane several weeks ago, he recommended that instead of re-zoning to Professional Office, we request a zone of Residential Professional. We agree that this will provide a better buffer for the neighboring residents. We already have businesses that are ready and eager to come to Highland and occupy this office building upon completion.

1. The existing property is zoned as Residential and the City Master Plan shows it as Mixed Use. The city has allowed it to be a SCALO zone for senior care.
2. This property is directly south of the Ashford Assisted Living Facility. It is on a 5-lane highway across from the high school.
3. Changing this to the RP zone allows us to put a 2-story office building that will clean up the area and will bring more businesses to the city of highland to increase its revenue.
4. Compatibility is exceptional next to an assisted living facility and also acts as a great buffer for neighboring residents as this is light commercial.
5. This would meet the Highland City General Plan exactly by having this be an office building in an RP Zone.
6. The impact will be very positive as it will bring more revenue to the city of highland through higher property tax income as opposed to residential or vacant land.
7. The parking is already laid out by the Ashford Assisted Living and this was all done with UDOT and Utah County. We've even moved a telephone pole to ensure better safety with traffic so that our egress lines up perfectly with the high school.

We look forward to working with the city staff, neighbors, commission, and council.

Sincerely,

Greg Nield

October 9, 2013

Neighborhood Meeting Minutes

7:00 pm

Attendees:

Greg Nield, Melinda Wright, Ryan Ollerton, Cori Ollerton, Rebekah Kaylors., Brett Burns, Marialisa Wright, Gary Wright, and Jackie and Tim Healey.

Announced that what is expressed here is not reflecting the view points of the city of Highland.

Greg showed plans for the building and is proposing to receive RP Zoning for the south lot directly south from the Assisted Living Facility across from Lone Peak.

PO would allow anything RP allows plus some is Greg's understanding. Discussion about different types of zoning, but RP is specifically being requested.

R140 zoning is the current zoning. The Highland City Master Plan has this property as mixed use.

Parking 4 stalls per 1000 sq feet of building is required.

Talking about interested parties in the office building next door.

Question: What are the setbacks?

Neighbors asked if we could increase the rear setback and push the building closer to 4800 West.

Neighbors asked about having the building sunk in ground. Can't move the building down because we are required to have an elevator. Also concerned about water entering the building. They were wondering if we could drop the overall height by 3 or 4 feet. Look into that.

Lobby would be in the middle area. Seating (waiting room) would likely be in individual offices.

No way around steps up or down.

We will not build the building unless we have a sufficient number of companies to lease the space. Right now we do have the interest of companies wanting to come to Highland city specifically to this location.

We would make no steps at all like we have at Ashford.

Height for Assisted Living is around 31 feet. Continued discussion about the height limit and options available. If building is lowered you run into problems with flooding. Greg explained how the storm drain works.

The sump pumps help with drainage.

We were asked if we would be willing to push the building to the front of the property along 4800 W like the Ashford.

Greg replied he would be okay with that. Will there be a chimney? No.

What about the colors on the building? Will it be similar? The reply was yes.

Do you have to build a two stories to make it worth it? Yes, 1 floor won't work.

30 or 35% open space (whichever is required currently in the RP zoning) will work. What kind of parking lot are you building now?

Next step this goes to the planning commission. If all goes well what is your plan for breaking ground?

We would want half preleased. 6 month build. Home Health and Hospice is one of the companies wanting to be there and they don't have patients that visit their office. So it's minimal traffic in and out. They have a weekly IDT meeting with their staff that lasts a couple hours. Other than that, they are out in the nearby cities visiting patients in their homes.

Are there rules about what kind of signs you can use? City would regulate that.

How many office spaces? 2 up and 2 down. Each potential lease would take a quarter.

I would love more open space by my house of course. Will you put a row of tall trees?

Planning commission meeting next. Public forum.

Greg asked about any other concerns?

Push it as far away from Wild Rose as possible.

Two story building is a concern. Realtor showed proof the property value has gone down.

Greg replied that it would not work to be one level.

Business would require certain sq footage.

Greg acknowledged the unhappiness of Rebekah, and Sue Brough and Cori.

Cori feels that she can affect a difference in the zoning.

High School is what depreciates our value.

Cori asking about bigger trees as more of a buffer. She mentioned there's a nursery that has large, mature trees and they warranty them down in American Fork.

Greg expressed concern that mature trees tend to die more likely than a regularly installed tree.

Neighborhood Mtg - Office Building

NAME	SIGNATURE
RYAN DUERTON	Ryan
Cory Overtor	Cory Overtor
Rebekah Kaybe (also representing Broughs)	R. Kaybe
BRETT BURNS	Brett Burns
MARIALISA WRIGHT	MariaLisa Wright
Gary	Gary
JACKIE & TIM HEACEY	T. Heady
Greg Nield	Greg Nield
Melinda Wright	

REFERENCE NOTES

boque building
730 pacific avenue
salt lake city
Utah 84104
• 801-521-6186
• 801-539-1916
ffkr.com

FFKR
ARCHITECTS

DATE: STATUS:

PROPOSED BUILDING	Description	Area	Required	Provided
Lot 2 (Professional Building) R-P Zone				
Total Square Footage	30,724			
3-4505: Site Coverage		5,073 s.f.		
(1) Total Building Coverage		7,881 s.f. max		5,072 s.f.
25% of site		10,753 s.f. max		
35% of site (with P.C. and/or C.C. approval)				
(3) Landscaping Coverage		10,753 s.f. min.		11,811 s.f.
35% total land area				
3-4506: Building Setbacks				
Side	10'			10'
Rear	20'			25'-6"
Front	80'			80'
3-4507: Building Height				
				30' max
				29'-6"
3-4508: Parking				
(1) Parking Lot Characteristics				
(d) Size of spaces	9'x18'			9'x18'
(e) Handicapped (ADA)	2			2 (One Van)
(2) Specific Requirements for Each Land Use				
(a) Parking stalls for all uses shall be 4.0 per 1,000 s.f.	10,100 s.f.			39
(b) In cases where less parking is appropriate - See (c)	-411 s.f.			
(c) In cases where less parking is appropriate - See (c)	10,100 s.f.			29
(d) In cases where less parking is appropriate - See (c)	-411 s.f.			
				37
Lot 1 (Memory Care) SCALO Zone				
Total Square Footage	96,270			
3-4508: Site Coverage				
(1) Total Building Coverage	34,127 s.f.			
35% of site		33,870 s.f. max		34,127
(2) Landscaping Coverage		33,870 s.f. min.		36,461
35% total land area				
3-4607: Building Setbacks				
Side	10'			10'
Rear (single story)	30'			30'-8"
Rear (two story)	50'			50'
Front	50'			50'
3-4507: Building Height				
				35' max
				30'-5"
3-4610: Parking				
(7) Parking Lot Characteristics				
Quantity of stalls (1 space per 2 beds)	31			32
Quantity of Employees (1 per employee)	14			16
(d) Size of spaces	9'x18'			9'x18'
(e) Handicapped (ADA)	2			4 (One Van)

SCALE

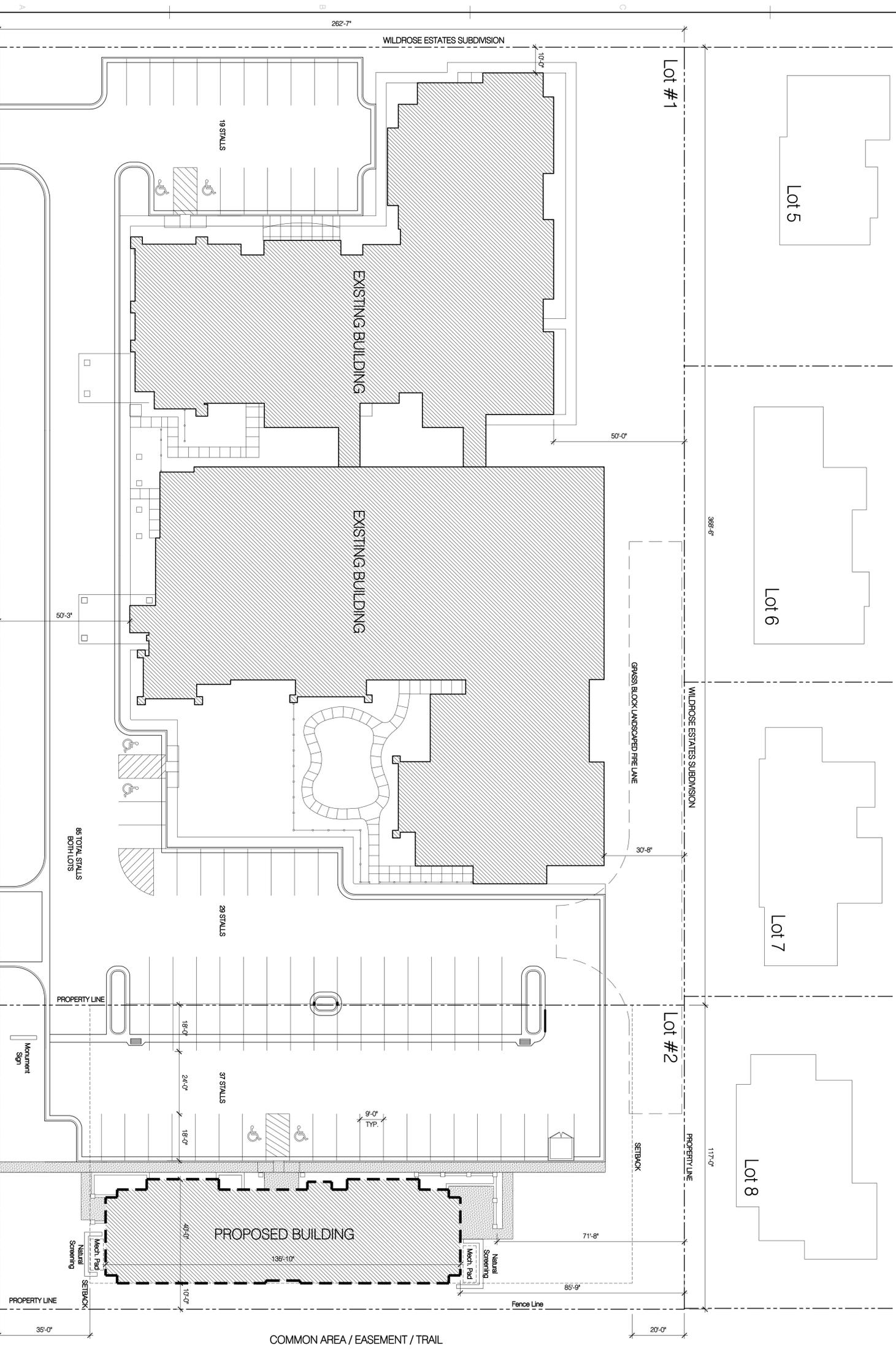
ASHFORD MEMORY CARE - OFFICE BUILDING
10322 N 4800 W
HIGHLAND, UTAH 84003
SCHEMATIC DESIGN

DATE	STATUS
9/12/2013	DPC - Review
10/16/2013	DPC - Resubmittal
PROJECT NUMBER	13983
OWNER	
DESIGNED BY	
CHECKED BY	

SCALE

SITE PLAN

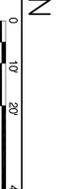
AS 100



400 WEST STREET / NORTH COUNTY BOULEVARD

A1 SITE PLAN

SCALE 1" = 20'-0"



Hardscape Area

HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 23, 2013			
REQUEST:	A conditional use permit for a 10,001 square foot two-story office building. (CU-13-03).		
APPLICANT:	Mr. Greg Nield		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION Mixed Use	CURRENT ZONE RP (Proposed)	ACREAGE ± 0.70 Acres	LOCATION 10438 North 4800 West

BACKGROUND:

A request for a rezoning and text amendment will be considered as separate agenda items. The site plan may need to be modified based on the results of the rezoning and Development Code amendments. If the modifications are significant, the Commission may want to continue this request to allow the Commission to review an updated site plan.

A future building was identified as part of the conditional use permit review and approval for the expansion of the facility. However, no details were provided.

A conditional use permit is an administrative action. Consideration is limited to compliance with existing development standards and regulations and three required findings.

SUMMARY OF REQUEST:

1. The applicant is requesting a conditional use permit for a 10,001 square foot two story professional office building. End users have not been identified.

REQUIRED FINDINGS:

The Planning Commission must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's analysis.

- 1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The subject property is designated as Mixed Use on the General Plan Land Use Map and the proposed zoning is RP (Residential Professional). Office buildings are permitted in the RP District subject to a conditional use permit.

The surrounding property to the south and east is zoned R-1-40 and is single family homes. The property to the west is zoned R-1-40 and is Lone Peak High School. The property to the north is

zoned R-1-40 with the Senior Care Assisted Overlay District and has been developed as assisted living.

The building is setback 85' 9" from the property to the east and ten feet from the property to the south. The RP District requires the building to be setback a minimum of 20 feet to the east and twenty five feet to the south.

A site lighting plan has been submitted and shows light levels less than one foot candle along all property lines. The parking lot lighting is four foot bollards that match the existing lighting. All building mounted lighting will be shielded.

Thirty five percent of the site is landscaped. The landscape plan shows a single row of trees behind the building. These trees are spaced closer than 30 feet on center.

Landscape is proposed as screening for ground mounted equipment. Staff believes a wall should be used.

The proposed use will have an impact of the property to the east. The Commission will need to determine if the site plan has included reasonable measures to mitigate the negative impacts.

2. The use complies with all applicable regulations in the Development Code.

Primary access to the site is provided from three driveways on 4800 North. A traffic analysis was completed and found the site ingress and egress was sufficient for the site.

The site includes 37 parking spaces which includes 2 ADA accessible spaces. Thirty-nine spaces are required. The RP District allows a reduction in parking if the applicant has provided evidence that less parking is adequate. The applicant has not provided any evidence nor demonstrated that a reduction in parking is justified. Required parking is a minimum standard designed to address a typical site. Reducing the amount of parking is problematic and often results in off-site impacts. For example, the reduction in the amount of parking required for the dance academy on 5600 has resulted in significant impacts on the surrounding streets. Office uses often require more parking than what is provided particularly if they are medical offices. Staff believes that each use, assisted living and office, should stand on its own as it relates to parking and development standards.

The RP District requires trash enclosures to be setback a minimum of 100 feet from adjacent residential properties. The enclosure is setback 39 feet from the east and 55 feet from the south property line.

The location of the trash enclosure is problematic. It effectively eliminates one maybe two parking spaces from being useable.

The building architecture is consistent with the existing building. Materials include a stone base, board and cementitious fiber board. The building height is 29' 6".

The building will be setback 85' 9" from the east property line.

A cross access agreement will required.

The RP District requires an 8 foot wall to be placed on all lot lines adjacent to residential districts. The applicant is proposing to use the existing six foot wall on the east side and a view fence on the south side. Details of the view fence have not been submitted.

The RP District also requires 50% of the trees adjacent to residential properties be evergreen. All of the proposed trees are deciduous.

3. Conditions are imposed to mitigate any detrimental effects.

Five stipulations have been included to ensure compliance with the Development Code and compatibility between land uses.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on October 9, 2013 at the site. According to the materials presented by the applicant nine people attended the meeting. Comments included setback requirements, moving the building closer to North County Boulevard, building height (two story building is a concern), having the building sunken into the ground to reduce the height, and increasing the size of trees adjacent to the neighbors.

Notice of the Planning Commission public hearing was published in the Daily Herald on October 13, 2013 and mailed to twenty property owners within 500' of the proposed rezoning on October 10, 2013. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

RECCOMENDATION AND PROPOSED MOTIONS:

The Planning Commission should hold a public hearing and determine if the proposal meets the required findings. Stipulations can be added to address compatibility or other issues. The request should also be continued to allow the applicant to submit necessary documentation to address their request for reduction in parking if the number of required spaces cannot be provided.

If the Commission determines that the use meets the required findings the following stipulations should be included:

- 1) The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations date stamped October 23, 2013 except as modified by these stipulations.
- 2) 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.
- 3) Screen walls shall be used for screening of all ground mounted equipment and the trash enclosure. The screen wall shall match the architecture of the building.
- 4) Parking lot screening shall be shown on the landscape and site plans.
- 5) A cross access agreement shall be recorded prior to issuance of a building permit.

I move that the Planning Commission find that the proposed use meets the required findings and recommend **APPROVAL** subject to the five stipulations recommended by staff.

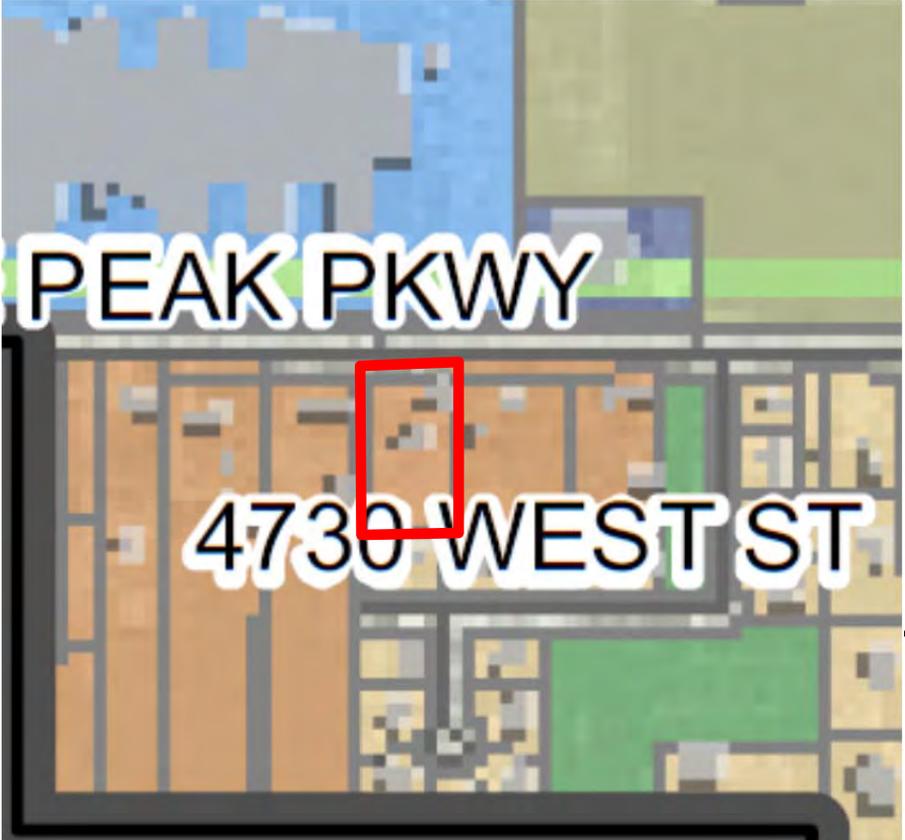
I move that the Planning Commission **CONTINUE** the public hearing to the next meeting to address the following (The Commission should provide appropriate direction):

I move that the Planning Commission recommend **DENIAL** of case CU-13-03, a request for a conditional use permit for the addition to the Ashford Office Building based on the following findings (The Commission should draft appropriate findings):

ATTACHMENTS:

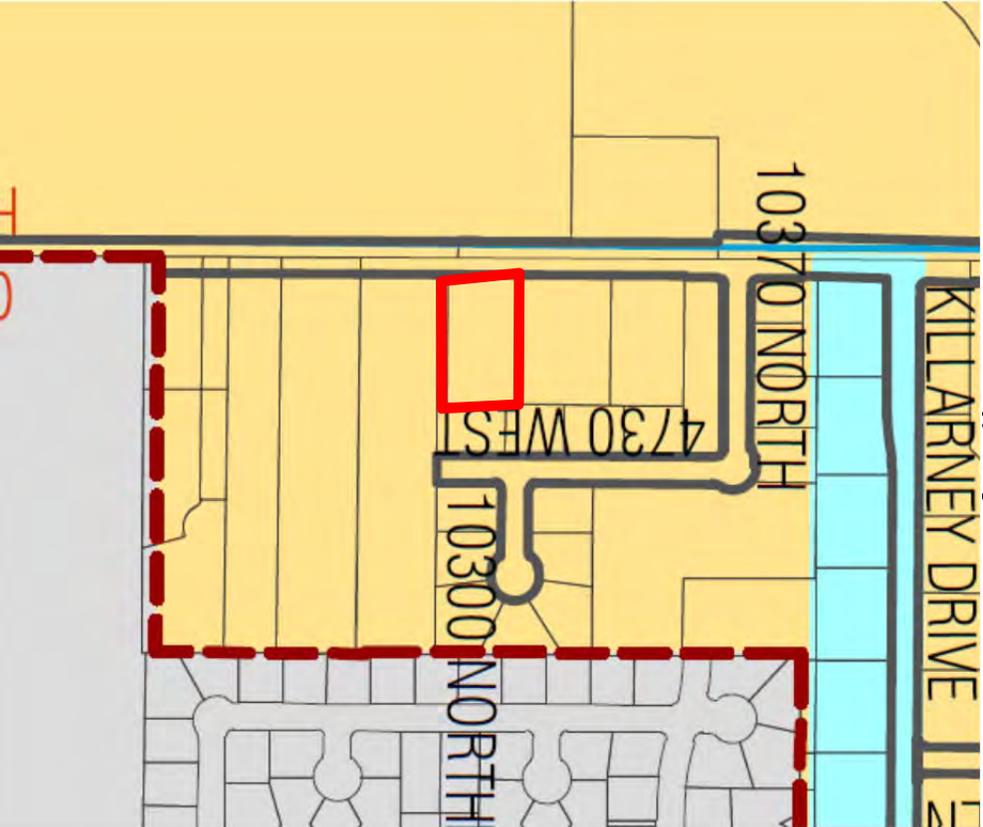
- Attachment A – Zoning Map
- Attachment B – Aerial Photo
- Attachment C – Project Narrative
- Attachment D – Neighborhood Meeting Summary
- Attachment E – Site Plan
- Attachment F – Landscape Plan
- Attachment G – Elevations
- Attachment H – Lighting Plan
- Attachment I – Cross Section

General Plan Land Use Map



Land Use: Mixed Use

Zoning Map



Zoning: R-1-40 (Residential)



Aerial

September 19, 2013

Subject: Project Narrative – Zone Change request to Residential Professional (RP)

To whom it may concern:

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Greg Nield

October 9, 2013

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7:00 pm

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We would make no steps at all like we have at Ashford.

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Do you have to build a two stories to make it worth it? Yes, 1 floor won't work.

30 or 35% open space (whichever is required currently in the RP zoning) will work. What kind of parking lot are you building now?

Next step this goes to the planning commission. If all goes well what is your plan for breaking ground?

We would want half preleased. 6 month build. Home Health and Hospice is one of the companies wanting to be there and they don't have patients that visit their office. So it's minimal traffic in and out. They have a weekly IDT meeting with their staff that lasts a couple hours. Other than that, they are out in the nearby cities visiting patients in their homes.

Are there rules about what kind of signs you can use? City would regulate that.

How many office spaces? 2 up and 2 down. Each potential lease would take a quarter.

I would love more open space by my house of course. Will you put a row of tall trees?

Planning commission meeting next. Public forum.

Greg asked about any other concerns?

Push it as far away from Wild Rose as possible.

Two story building is a concern. Realtor showed proof the property value has gone down.

Greg replied that it would not work to be one level.

Business would require certain sq footage.

Greg acknowledged the unhappiness of Rebekah, and Sue Brough and Cori.

Cori feels that she can affect a difference in the zoning.

High School is what depreciates our value.

Cori asking about bigger trees as more of a buffer. She mentioned there's a nursery that has large, mature trees and they warranty them down in American Fork.

Greg expressed concern that mature trees tend to die more likely than a regularly installed tree.

Neighborhood Mtg - Office Building

NAME	SIGNATURE
RYAN DUERTON	Ryan
Cory Overtor	Cory Overtor
Rebekah Kaybe (also representing Broughs)	R. Kaybe
BRETT BURNS	Brett Burns
MARIALISA WRIGHT	MariaLisa Wright
Gary	Gary
JACKIE & TIM HEACEY	T. Heacey
Greg Nield	Greg Nield
Melinda Wright	

REFERENCE NOTES

boque building
730 pacific avenue
salt lake city
Utah 84104
• 801-521-6186
• 801-539-1916
ffkr.com

FFKR
ARCHITECTS

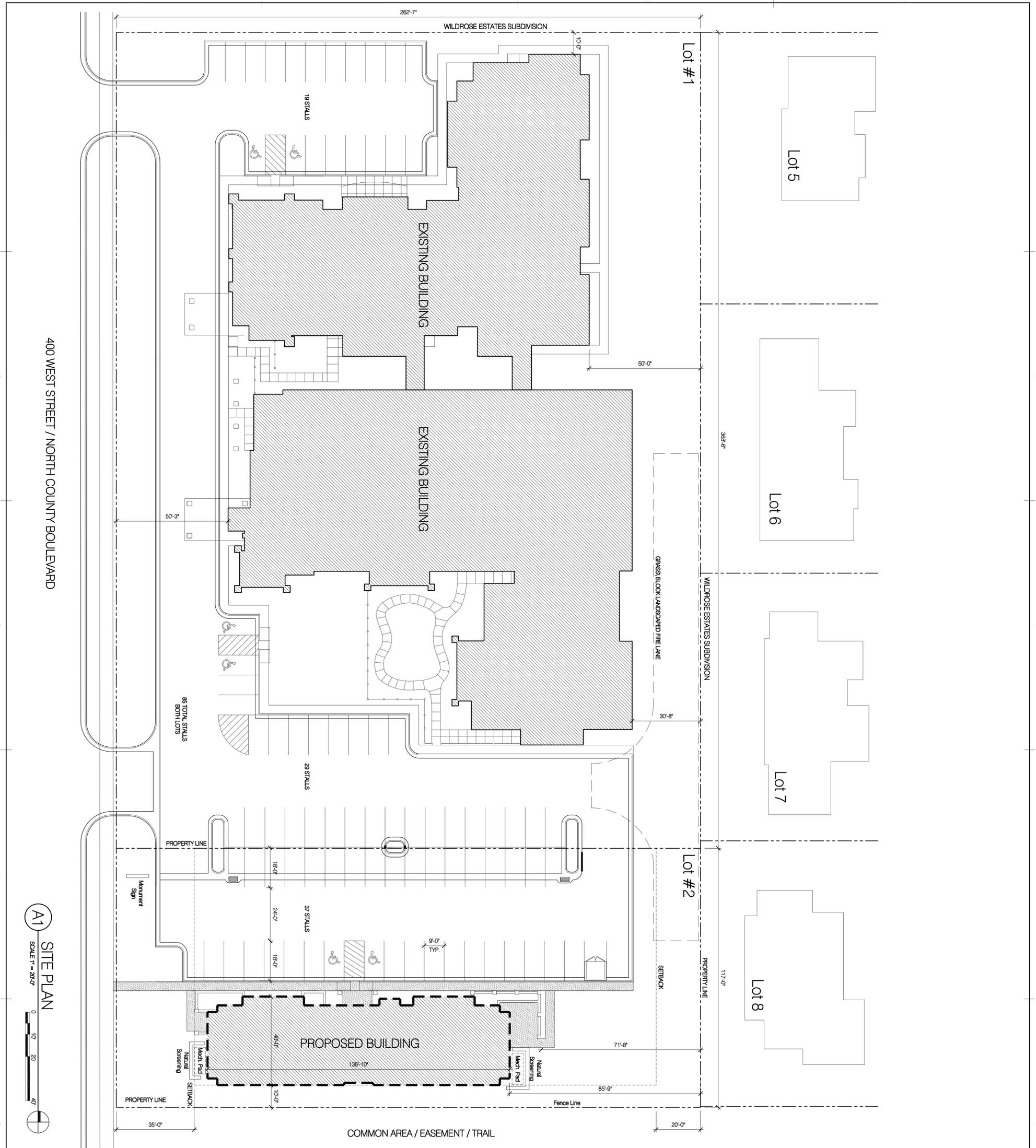
DATE: STATUS:

PROPOSED BUILDING	Description	Area	Required	Provided
Lot 2 (Professional Building) R-P Zone	Total Square Footage	30,724		
	3-4505: Site Coverage			
(1) Total Building Coverage	5,073 s.f.	7,881 s.f. max	5,072 s.f. approval	
	35% of site (with P.C. and/or C.C. approval)	10,753 s.f. max		
(3) Landscaping Coverage	10,753 s.f. min.	11,811 s.f.		
	35% total land area			
3-4506: Building Setbacks	Side	10'	10'	
	Rear	20'	25'-6"	
	Front	80'	80'	
3-4507: Building Height		30' max	29'-6"	
3-4508: Parking	(1) Parking Lot Characteristics	9'x18'	9'x18'	
	(d) Size of spaces	2	2 (One Van)	
(2) Specific Requirements for Each Land Use	(a) Parking stalls for all uses shall be 4.0 per 1,000 s.f.	10,100 s.f.	39	37
	(c) In cases where less parking is appropriate - See (c)	10,100 s.f.	29	37
Lot 1 (Memory Care) SCALO Zone	Total Square Footage	96,270		
	3-4506: Site Coverage			
(1) Total Building Coverage	34,127 s.f.	33,870 s.f. max	34,127	
	35% of site	33,870 s.f. min.	36,461	
3-4507: Building Setbacks	Side	10'	10'	
	Rear (single story)	30'	30'-8"	
	Rear (two story)	50'	50'	
	Front	50'	50'	
3-4507: Building Height		35' max	30'-5"	
3-4610: Parking	(7) Parking Lot Characteristics			
	Quantity of stalls (1 space per 2 beds)	31	32	
(d) Size of spaces	Quantity of Employees (1 per employee)	14	16	
	(e) Handicapped (ADA)	9'x18'	4 (One Van)	

PROPOSED BUILDING	Description	Area	Required	Provided
Lot 2 (Professional Building) R-P Zone	Total Square Footage	30,724		
	3-4505: Site Coverage			
(1) Total Building Coverage	5,073 s.f.	7,881 s.f. max	5,072 s.f. approval	
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ASHFORD MEMORY CARE - OFFICE BUILDING
10322 N 4800 W
HIGHLAND, UTAH 84003
SCHEMATIC DESIGN

DATE	9/12/2013	STATUS	DPC - Review
DRAWN BY	10/16/2013	CHECKED BY	DPC - Resubmittal
PROJECT NUMBER	13983		
CUSTOMER			
DRAWN BY			
CHECKED BY			



A1 SITE PLAN



Hardscape Area

A1 SITE PLAN

AS 100

GENERAL LANDSCAPE NOTES:

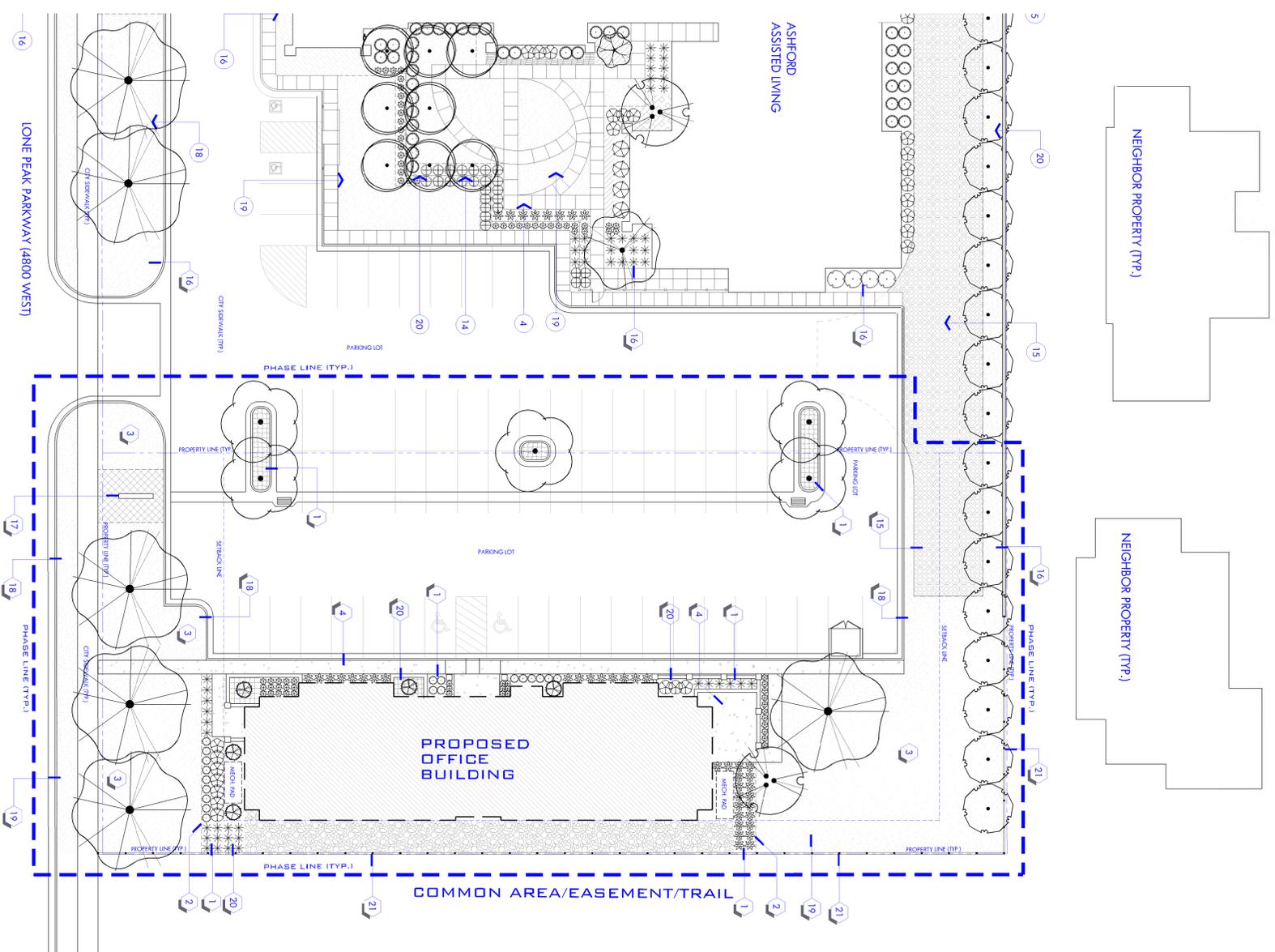
1. ALL LANDSCAPE SHALL BE IN COMPLIANCE WITH LANDSCAPE REGULATIONS, 2014 EDITION, ORDINANCE NO. 2133, STATE OF UTAH AND THE PLANNING ASSOCIATION OF UTAH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE UTAH LANDSCAPE REGULATIONS, 2014 EDITION, ORDINANCE NO. 2133, STATE OF UTAH AND THE PLANNING ASSOCIATION OF UTAH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
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4. CONTRACTOR SHALL NOT VERIFY PROCEED WITH CONSTRUCTION AS SHOWN WHEN IT IS DETERMINED THAT THE EXISTING CONDITIONS DO NOT MATCH THE INFORMATION ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY UPON DISCOVERY OF SUCH DISCREPANCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
7. ALL TREE AND SHRUB LOCATIONS SHALL BE STAKED BY THE CONTRACTOR AND APPROVED BY THE ARCHITECT IMMEDIATELY UPON DISCOVERY.
8. PLANT DISTRIBUTION WILL NOT BE REFINED UNLESS APPROVED BY LANDSCAPE ARCHITECT AND ENGINEER.
9. ALL SHRUB BEDS TO BE BLACK ORGANIC MULCH TO DEPTH OF 3" PER PLANTING GROUP CITY CODE.
10. ALL PLANTING SHALL BE PLACED TO BE PROTECTED BY BLACK ORGANIC MULCH TO A MINIMUM OF 12" FROM THE PLANTING GROUP CITY CODE.
11. ALL PLANTING SHALL BE PLACED TO BE PROTECTED BY BLACK ORGANIC MULCH TO A MINIMUM OF 12" FROM THE PLANTING GROUP CITY CODE.
12. ALL PLANTING SHALL BE PLACED TO BE PROTECTED BY BLACK ORGANIC MULCH TO A MINIMUM OF 12" FROM THE PLANTING GROUP CITY CODE.
13. SOD TO BE 100% FROM STATE-GROWN, U.S. BRED, REFINISHED BLEND FROM GERMANY. SOD SHALL BE 100% FROM STATE-GROWN, U.S. BRED, REFINISHED BLEND FROM GERMANY. SOD SHALL BE 100% FROM STATE-GROWN, U.S. BRED, REFINISHED BLEND FROM GERMANY.
14. ALL PLANTING SHALL BE PLACED TO BE PROTECTED BY BLACK ORGANIC MULCH TO A MINIMUM OF 12" FROM THE PLANTING GROUP CITY CODE.
15. PLANTS SHALL BE INSTALLED IMMEDIATELY UPON DELIVERY TO SITE. IT IS NOT POSSIBLE TO STORE PLANTS FOR MORE THAN 72 HOURS.
16. PLANNING THIS SHALL BE EXCAVATED TO A MINIMUM OF TWICE THE WIDTH OF THE FOOTING. DO NOT DISTURB SOIL AT THE BOTTOM OF THE FOOTING DEEP TO PREVENT COLLAPSE.
17. AFTER EACH INSTALLATION, ALL PLANT MATERIAL SHALL BE RELOCATED TO THE ROOT AREA OR TO AN APPROPRIATE AREA.
18. LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR ONE YEAR FROM DATE OF FINAL INSPECTION.
19. ALL LANDSCAPE SHOWN ON THESE PLANS SHALL BE MAINTAINED IN A NEAT AND ACCURATE MANNER. REQUIRED MAINTENANCE ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, FERTILIZING, PRUNING, WEEDING, AND REPLACEMENT OF DEAD OR DAMAGED PLANTS. MAINTENANCE SHALL BE PERFORMED ON A REGULAR BASIS AS DETERMINED BY THE LANDSCAPE CONTRACTOR.
20. SEE SHEET P-501 FOR PLANTING DETAILS.
21. SEE CIVIL AND ARCHITECTURAL DRAWINGS FOR ALL STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING DETAILS.

REFERENCE NOTES

- | SYMBOL | DESCRIPTION | QTY | DETAIL |
|--------|---|----------|--------|
| 1 | PLANTING AREA (TYP) | 64/P-501 | |
| 2 | 6X1/4" RUSTED STEEL EDGING (TYP) | 84/P-501 | |
| 3 | TURF AREA (TYP) | 74/P-501 | |
| 4 | CONCRETE WALKWAY - SANDSCAPE CONCRETE FINISH - COLOR - GRAY (TYP) | / | |
| 15 | TURF BLOCK (TYP) - FIRE TRUCK HAMMERHEAD AREA ONLY (PER CONTRACTOR) | | |
| 16 | EXISTING LANDSCAPE PLANNINGS - PROJECT-IN-PLACE (TYP.) | | |
| 17 | NEW SIGN AND LANDSCAPE PLANNINGS LOCATION - MATCH EXISTING SIGN (PER OTHERS) | | |
| 18 | IRRIGATION SYSTEM SHALL BE 100% AUTOMATIC AND MEET CITY REQUIREMENTS AND SHALL BE WATER EFFICIENT. | | |
| 19 | IRRIGATE TURF AREAS WITH LOW PRECIPITATION RATE TURF ROTARY HEADS WITH AT LEAST 1.000" HEAD TO HEAD COVERAGE (TYP.) - [LAYOUT PER CONTRACTOR] | | |
| 20 | IRRIGATE SHRUB AND PLANTER BEDS WITH WATER EFFICIENT IN-LINE DRIP AND DRIP EMITTERS (TYP.) - [LAYOUT PER CONTRACTOR] | | |
| 21 | FENCELINE (BY OTHERS) | | |

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	CE8	CERCIS CANADENSIS 'FOREST PANSY' TM / FOREST PANSY REDBUD	2" CAL	1	
	CC2	CHAMAECYPARIS ORBITUSA 'WELLS HINOKI KING' / HINOKI KING FALSE CYPRESS	7" MIN.	5	
	PL2	PLATANUS ACERIFOLIA 'BLOODGOOD' / LONDON PLANE TREE	2" CAL	4	
	PC2	PIRUS CALIFORNIANA 'CHANICLEER' / CHANICLEER PEAR	2" CAL	5	
	ZG	ZELKOVA SERRATA 'GREEN VASE' / SAWLEAF ZELKOVA	2" CAL	5	
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	BN	BERBERIS THUNBERGII 'NANA' / CRIMSON PYGMY BARBERY	5 GAL	19	
	KF	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER' / KARL FOERSTER GRASS	1 GAL	24	
	BB	EUONYMUS ALATUS 'COMPACTUS' / DWARF BURNING BUSH	5 GAL	10	
	SOD	HEMEROCALLIS HYBRID 'STELLA DE ORO' / STELLA DE ORO DANIELLY	1 GAL	35	
	RK	PENNINGTONIA ORIENTALE 'KARLE ROSE' / KARLE ROSE MOUNTAIN GRASS	1 GAL	36	
GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	CS2	TIMOTHY GRASS 'LANSCAPE ROCK STAKER PARSON' - (80) 409-9200	ROCK MULCH		1,334 SF
	ASS PER	ASSORTED PERENNIALS/ANNUALS	1 GAL	12" o.c.	310 SF
	PIP	DELONIXA COOPERI / PURPLE ICE PLANT	FLAT	12" o.c.	311 SF
	SF	SEDUM SPURBUM 'FULDAGLUT' / STONECROP	FLAT	12" o.c.	67 SF
SOD/SEED	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	TB	TURF GRASS / TURF GRASS	SOD		8,024 SF



LOFT SIX FOUR
 LANDSCAPE ARCHITECTURE
 ARCHITECTURAL SITE DESIGN
 1000 N. 1000 W. SALT LAKE CITY, UT 84103
 801.458.5000
 LOFTSIXFOUR.COM

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STAMP:
 REGISTERED LANDSCAPE ARCHITECT
 # 5197921
 Brandon A. Reed
 STATE OF UTAH

ASHFORD OFFICE BLDG
 10322 NORTH LONE PEAK PARKWAY
 HIGHLAND, UTAH 84003

DATA:
 DATE: 10.18.13
 PROJECT NO.: 1344
 DRAWN BY: BAR
 CHECKED BY: BAR

REVISIONS:

TITLE
 LANDSCAPE PLAN

SHEET
 LP101



C2 South
SCALE: 1/8" = 1'-0"



B2 East
SCALE: 1/8" = 1'-0"

B4 West
SCALE: 1/8" = 1'-0"



A2 North
SCALE: 1/8" = 1'-0"

REFERENCE NOTES

FFKR
ARCHITECTS

bogue building
730 pacific avenue
salt lake city
Utah 84104

• 801-521-6186
• 801-539-1916
ffkr.com

Ashford Memory Care - Office Building
10322 N 4800 W
Highland, Utah 84003
Design Development

DATE	STATUS

DATE	REVISION

PROJECT NUMBER	13083
FILE	
DRAWN BY	Author
CHECKED BY	Checker
SCALE	1/8" = 1'-0"

COLORED ELEVATIONS

A201

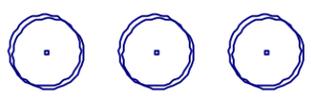
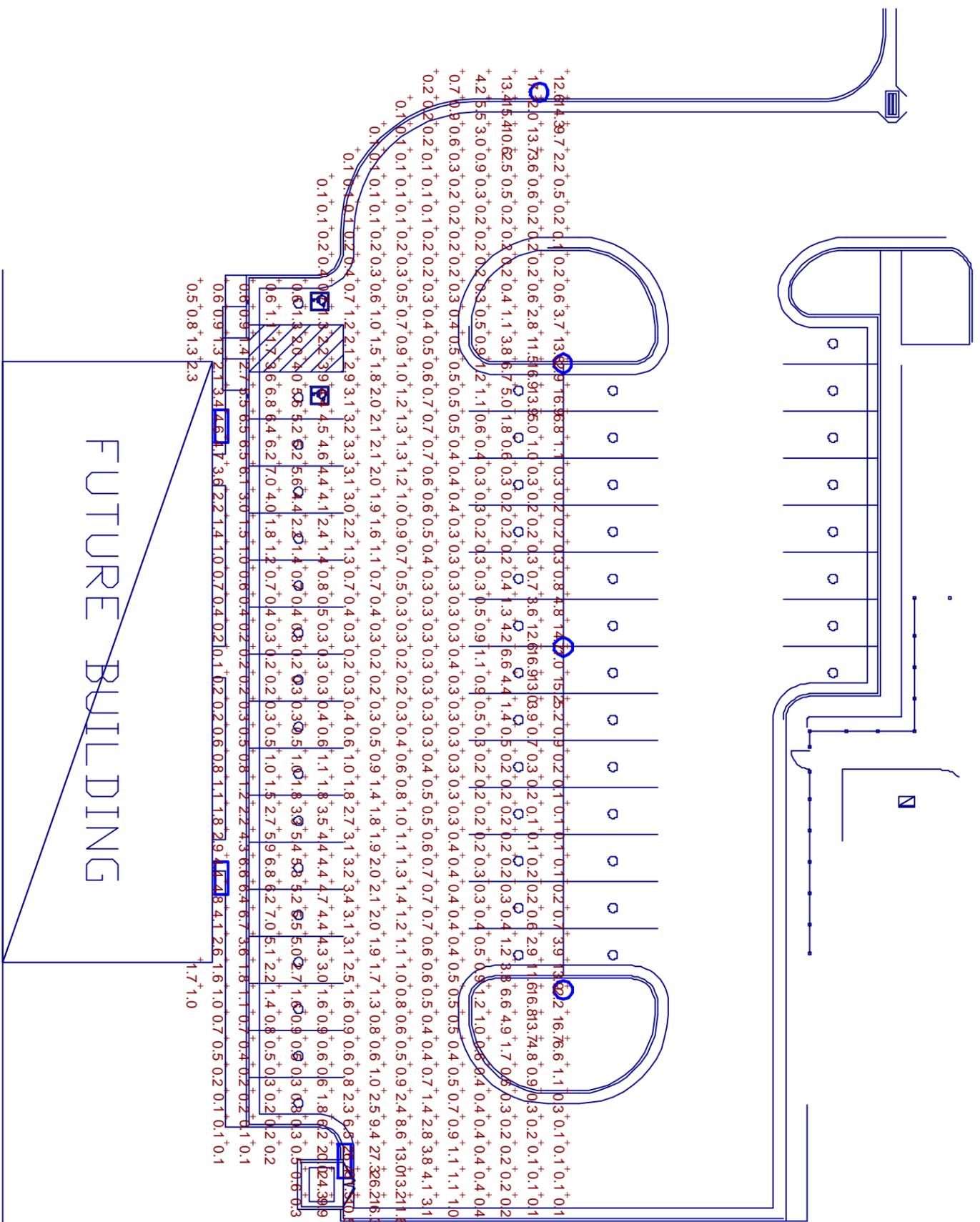
STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #2	+	2.3 fc	31.5 fc	0.1 fc	315.0:1	23.0:1

ATTACHMENT H

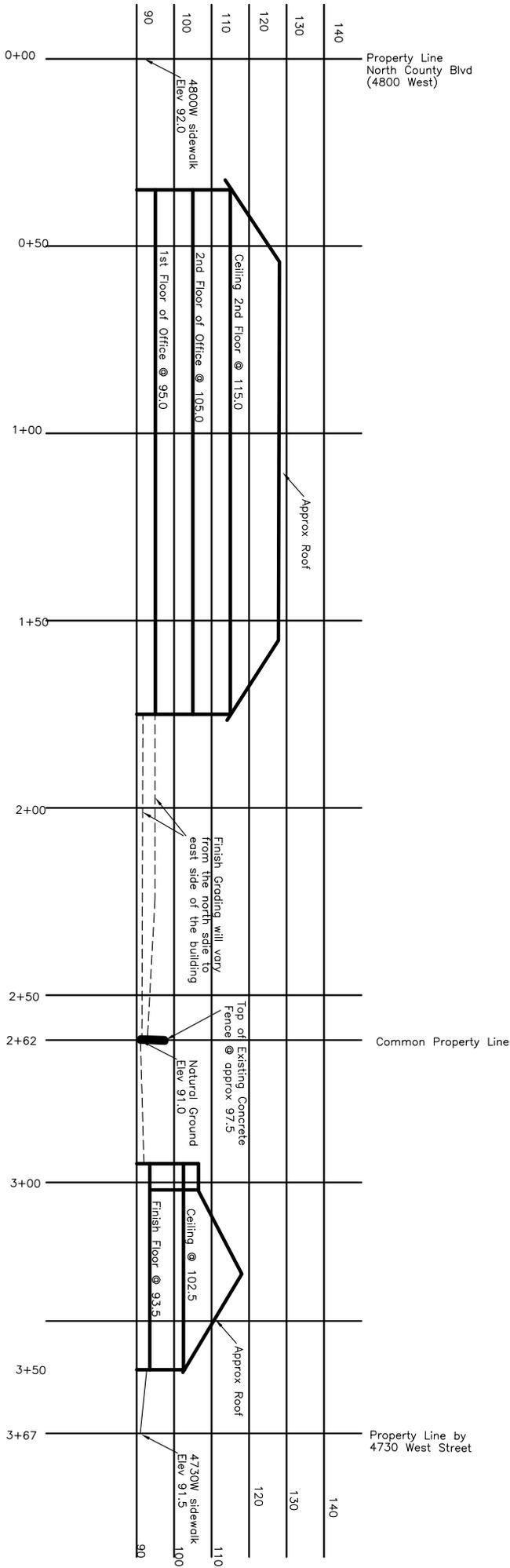
LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	B1	4	KBR8 100M R5	8 IN ROUND BOLLARD	ONE 100-WATT CLEAR E-17 METAL HALIDE VERTICAL BASE-DOWN POSITION.	KBR8_100M_R5.ies	8500	1.00	140
	WM1	3	WSQ 150M FT (PULSE START)	ARCHITECTURAL SCNCE WITH FORWARD THROW DISTRIBUTION WITH CLEAR FLAT GLASS LENS. CLEAR LAMP. MEETS THE NIGHTTIME FRIENDLY CRITERIA	ONE 150-WATT CLEAR ED17 PULSE START METAL HALIDE HORIZONTAL POS.	WSQ_150M_FT_(PULSE_ST ART).ies	14000	1.00	189



Plan View
Scale 1" = 25'

Proposed Ashford Office Building Cross Section
 East-West with Lot 8 to the East



HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 29, 2013			
REQUEST:	MOTION – Minor Subdivision Approval – Ashford Plat B (FP-13-07).		
APPLICANT:	Greg Nield		
FISCAL IMPACT:	Unknown		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
Mixed Use	R-1- 40/SCALO	2.941	10322 N. North County Boulevard

BACKGROUND:

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

A conditional use permit for Ashford Memory Care was approved by the Council in October of 2009. The facility opened in 2011 and is 10,156 square feet and houses 16 beds for patients.

A conditional use permit to expand the site and building was approved by the Council on December 4, 2012. The expansion added 37,529 square feet and house 42 additional beds and is currently under construction. Upon completion the building will be 47,685 square feet and house 58 beds.

Subdivision review is an administrative process.

SUMMARY OF REQUEST:

1. The applicant is requesting minor subdivision approval for a two lot minor subdivision. Lot one is 2.20 acres and includes the assisted living/memory care facility. Lot two is 0.70 acres and is intended to for a office building.
2. Access to the site will be available from North County Boulevard. There is a small right of way dedication for North County Boulevard. All improvements have been installed. Landscaping will be installed with the adjacent development.

CITIZEN PARTICIPATION:

Notice of the October 17, 2013 Development Review Committee meeting was mailed to property owners within 500' of the proposed plat on September 23, 2013. No one attended the meeting.

A notice of Planning Commission hearing was published in the Daily Herald on October 13, 2013. Notification letters were mailed out to 48 property owners within 500' of the proposed plat on October 10, 2013. No comments have been received.

ANALYSIS:

- The property is designated as low density residential on the General Plan Land Use Map. The proposed subdivision is consistent with the General Plan.
- Water shares are required to be dedicated/paid as part of the approval.

FINDINGS:

The proposed plat meets the following findings with stipulations:

- It is in conformance with the General Plan, the R-1-20 District, and the Highland City Development Code.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public hearing and recommend **APPROVAL** of the proposed minor subdivision subject to the following stipulations:

1. The recorded plat shall conform to the final plat date stamped October 17, 2013 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 recordation, the final plat shall be revised as determined by the Community Development Director and City Engineer.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case FP-13-11 a request for minor subdivision approval for Chapel Meadows Plat B, a two lot minor subdivision subject to the five stipulations recommended by staff.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case FP-13-11 based on the following findings: (The Commission should draft appropriate findings.)

ATTACHMENTS:

Attachment A – Proposed Final Plat

HIGHLAND CITY PLANNING COMMISSION MEETING OCTOBER 29, 2013			
PUBLIC HEARING REQUEST: Article 7 Signs relating to (06)	amendment to Highland City Development Code the size and placement of political signs. (TA-13-06)		
APPLICANT: Highland City Council			
FISCAL IMPACT: None			
CURRENT ZONE DESIGNATION: N/N/A/Citywide			

BACKGROUND:

A development code amendment is a legislative process.

SUMMARY OF REQUEST:

1. Political signs are regulated as follows:

Section 3-704.5 General Regulations

(5) Signs relating to the nomination or election of an person for public office or advocacy of any measure to be voted upon at a special or general election may be erected in all zones. No such sign shall be placed or posed on any public property or structure. Political signs shall not require a permit.

Section 3-712: Temporary Signs

(6) Political Signs

(a) Construction and Location – Temporary political signs may be erected in the City of Highland on private property only unless otherwise approved by the City Council. These signs shall be no larger in area than thirty-two square feet and stand no higher than ten feet from the ground. These signs shall not be erected within any road right-of-way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulating sign and shall not be lighted.

(b) Temporary political signs shall be exempt from requirement of a sign permit and fee; however, failure to comply with the above regulations shall constitute littering, punishable as a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection or shall be removed by any Highland City official. If the person accountable for erecting the sign cannot be found it shall be assumed the person advertised shall be responsible.

2. The proposed amendment would replace these regulations with the following:

Section 3-712: Temporary Signs

(6) Political Signs

- a) Political signs are allowed in all zoning districts.
- b) The maximum sign area shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.
- c) Political signs shall not be displayed more than sixty (60) days prior to the date of the election to which they refer.
- d) Political signs shall be removed not later than seven (7) days after the date of the election to which they refer. This shall not prevent a sign displayed for a primary election to remain if the candidate is part of a subsequent run-off election.

ANALYSIS:

- The proposed amendment will update and clarify the City’s political sign regulations. This will make them easier to understand and administer.
- The proposed regulations address the time, place, and manner in which political signs can be displayed.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on October 13, 2013. No comments have been received.

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:

Prior to making a recommendation for the Planning Commission should discuss the length of time political signs can be displayed.

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 relating to the size and placement of political signs.

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.)

ATTACHMENTS:

Sample Ordinance

ORDINANCE NO. 2013-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE ARTICLE 7 SIGNS RELATING TO THE SIZE AND PLACEMENT OF POLITICAL SIGNS, AS SHOWN IN FILENAME TA-13-04.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the “Commission”) and the Highland City Council (the “City Council”) were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on October 29, 2013; and

WHEREAS, the City Council held a public hearing on this Ordinance on November 19, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. That the Highland City Development Code, Article 7 Signs is hereby amended as follows:

...

Section 3-704.5 General Regulations

~~(5) Signs relating to the nomination or election of an person for public office or advocacy of any measure to be voted upon at a special or general election may be erected in all zones. No such sign shall be placed or posed on any public property or structure. Political signs shall not require a permit. Reserved.~~

...

Section 3-712: Temporary Signs

(6) Political Signs

~~(a) Construction and Location—Temporary political signs may be erected in the City of Highland on private property only unless otherwise approved by the City Council. These signs shall be no larger in area than thirty two square feet and stand no higher than ten feet from the ground. These signs shall not be erected within any road right of way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulating sign and shall not be lighted.~~

~~(b) Temporary political signs shall be exempt from requirement of a sign permit and fee; however, failure to comply with the above regulations shall constitute littering, punishable as a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection or shall be removed by any Highland City official. If the person accountable for erecting the sign cannot be found it shall be assumed the person advertised shall be responsible.~~

a) POLITICAL SIGNS ARE ALLOWED IN ALL ZONING DISTRICTS.

- b) THE MAXIMUM SIGN AREA SHALL BE THIRTY-TWO (32) SQUARE FEET AND THE MAXIMUM HEIGHT SHALL BE EIGHT (8) FEET.
- c) POLITICAL SIGNS SHALL NOT BE DISPLAYED MORE THAN SIXTY (60) DAYS PRIOR TO THE DATE OF THE ELECTION TO WHICH THEY REFER.
- d) POLITICAL SIGNS SHALL BE REMOVED NOT LATER THAN SEVEN (7) DAYS AFTER THE DATE OF THE ELECTION TO WHICH THEY REFER. THIS SHALL NOT PREVENT A SIGN DISPLAYED FOR A PRIMARY ELECTION TO REMAIN IF THE CANDIDATE IS PART OF A SUBSEQUENT RUN-OFF ELECTION.

...

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, November 19, 2013.

HIGHLAND CITY, UTAH

Lynn Ritchie, Mayor

ATTEST:

Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
Tom Butler	<input type="checkbox"/>	<input type="checkbox"/>
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Scott Smith	<input type="checkbox"/>	<input type="checkbox"/>

Highland City Planning Commission

September 24, 2013

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Chris Kemp, at 7:02 p.m. on September 24, 2013. An invocation was offered by Commissioner Rock. Commissioner Carruth led those assembled in the Pledge of Allegiance.

PRESENT:

Commissioner: Chris Kemp
 Commissioner: Tim Heyrend
 Commissioner: Sherry Carruth
 Commissioner: Abe Day
 Commissioner: Steve Rock
 Commissioner: Jay Roundy
 Commissioner: Scott Temby

STAFF PRESENT:

Community Development Director: Nathan Crane
 Secretary: Sam Smith

OTHERS: Korby Siggard, Bart Brockbank, Greg Bird, Graydon Stoner, Kent and Nola Day.

A. APPEARANCES

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. WITHDRAWALS AND CONTINUANCES

C. PUBLIC HEARING AND LEGISLATIVE ACTION

1. FP-13-07 Mr. Graydon Stoner is requesting preliminary and final plat approval for a one lot subdivision located at 1065 North 6400 West. *Legislative.*

[7:04:56 PM](#)

Commissioner Kemp opened the public hearing.

Mr. Crane explained the request is for a one lot subdivision located at 6400 West 10400 North on the south side. Referring to the plat map, Mr. Crane pointed out the parcel is just over 41,000 square feet. There is a portion of the land on the parcel that is owned by the United States Government that is in the process of being transferred to local control through the Provo River Water Users Association. This will facilitate the disposal of the said portion of the parcel which was once the right-of-way for the old Murdock Canal.

1
2 Referring to the stipulations, Mr. Crane noted it is recommended this issue of property ownership be
3 addressed before the project moves forward. The subdivision requested is standard; the improvements
4 on 6400 West will be installed and will be designed for one lot. As far as citizen participation, there
5 were comments made on the name of the subdivision; it is the last name of the applicant, hence the
6 name of the subdivision. No other comments were received. Approval was recommended subject to the
7 six stipulations provided in the report.

8
9 Mr. Stoner referred to Mr. Crane's comments stating the project is a single lot subdivision in an
10 owner/builder situation. Mentioned he has not built before but has experienced construction. At the
11 time of purchase he noted he was not aware of the right-of-way and ownership of the portion of the
12 land by the US Bureau of Reclamation that runs through the property.

13
14 Commissioner Kemp asked if the ownership was present in the title report when the land was
15 purchased. Mr. Stoner replied that the title report did not indicate this ownership. The title report
16 insurance did not go back far enough.

17
18 Commissioner Rock inquired if there are any requirements/plans for fencing on the one lot
19 subdivision.

20
21 Mr. Stoner stated he has not been informed on any requirements on fencing but indicated that the two
22 homes north of the lot, owned by Kent Day, were built before there were subdivision requirements and
23 did not have fencing on the property.

24
25 Commissioner Rock asked if the utilities have been stubbed in. Mr. Stoner stated that he will have to
26 do that as part of the process to create this subdivision.

27
28 Commissioner Roundy indicated that the transfer of the land may or may not happen. Also, if Mr.
29 Stoner decides to move forward regardless of outcome there are fence requirements. Commissioner
30 Roundy recommended meeting with the Provo Office to acquire the easement encroachment
31 information.

32
33 Mr. Stoner provided that he has been in contact with Steve Cain at the Provo River Water Users
34 Association. Steve Cain has been directing them on the process to transfer ownership of the land in
35 regards to what is possible and updating on the process. In response to Commissioner Rock's question
36 if the canal was ever built on the property, Mr. Stoner expressed he was not completely sure if it was
37 actually built. The property was deeded to the government but was never deeded back. This is the last
38 lot in the area that will be affected by this easement.

39
40 Commissioner Kemp asked if the other homes affected by the easement were able to get the property
41 back from the government.

42
43 Mr. Stoner replied that no, the homes were built before Provo River Water Users Association became
44 aware of the situation. The subdivisions had been built and recorded before Provo River had objected
45 to what was happening. They allowed the building to continue as long as no one was building on the
46 actual property.

47
48 Commissioner Rock inquired if Mr. Stoner's house will sit on the easement.

1 Mr. Stoner indicated that his home will not be on the easement. He also indicated that was one of the
2 Provo River Water Users Association stipulations that they required; no permanent structure would be
3 built on the easement. Mr. Stoner stated that his house plan is not near the easement.
4

5 Commissioner Kemp asked if the Provo River Water Users Association has let him know what will
6 happen if they do not relinquish the easement as far as what can legally be place on the easement.
7

8 Mr. Stoner replied that according to Steve Cain from the Provo River Water Users Association, they
9 have no intentions of doing anything with it unless they were to sell the property to the owners in
10 which the easement runs through their property. Mr. Stoner said he was unaware of any restrictive
11 easements.
12

13 Commissioner Roundy suggested Mr. Stoner get in contact with the people who own the easement, the
14 Bureau of Reclamation in Provo. The law was given in 1890 for all lands whether it shows up in a
15 deed or not; those lands are an easement of the United States.
16

17 Commissioner Kemp asked if there were any more questions to be addressed.
18

19 Commissioner Heyrand asked Mr. Crane about the partial road that will leave one empty lot next to the
20 subdivision where the curb and gutter will not be finished and why it is not being finished all at once.
21

22 Mr. Crane indicated the curb and gutter for that lot will be the responsibility of the City in the future.
23 The curb and gutter are not going to be finished right now because that lot is not part of this particular
24 application. It is unlikely that this portion will be completed in the near future because there is no room
25 in the budget.
26

27 Commissioner Kemp closed the public hearing.

28 **MOTION: Commissioner Rock moved that the Planning Commission accept the findings and**
29 **recommend APPROVAL of case FP-13-07 a request for minor subdivision approval for the**
30 **Stoner Subdivision, a one lot residential subdivision subject to the following six stipulations**
31 **recommended by staff.**
32

- 33 1. The recorded plat shall conform to the final plat date stamped September 11, 2013 except as
34 modified by these stipulations.
- 35 2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to
36 recordation of the final plat as required by the Development Code.
- 37 3. All required public improvements shall be installed as required the City Engineer.
- 38 4. The civil construction plans shall meet all requirements as determined by the City Engineer.
- 39 5. Prior to recordation, the final plat shall be revised as determined by the Community
40 Development Director to address Federal land ownership issue.
- 41 6. PRWUA shall sign the plat as a property owner unless the property is transferred to the
42 applicant.
43

44 **Motion seconded by Commissioner Roundy. Unanimous vote, motion carried.**

45 [7:17:38 PM](#)

46 **D. OTHER BUSINESS**

1
2 2. SP-13-02 Greg Bird is requesting Site Plan approval for the commercial portion of Skye Estates
3 located at approximately East of Highland Blvd and North of 11800 North. *Administrative.*

4 Mr. Crane explained the request for site plan approval for the area of the Skye Estates Commercial.
5 The master plan included three sections: 173-6 single family lots, 60 lot Active Adult Community (age
6 restrictive) and a commercial area. Annexation was completed early spring along with the Planned
7 Development District and a final plat was completed in April. The building is approximately 36,000
8 square feet.

9 There will be joint use parking with the clubhouse of the subdivision. There are sufficient parking
10 spaces that are required by the PD District. The facility will include office space, a fitness center,
11 indoor baseball diamond, batting cages, basketball court, etc. The landscaping complies with the detail
12 along Highland Boulevard. Additional trees were installed on the East property line to serve as a buffer
13 between the lots. There is foundation planning next to the building. Building height at its highest point
14 is forty feet which complies with the PD District. All access to the site is from Grant Boulevard. There
15 will be no access to Highland Boulevard.

16 Commissioner Roundy inquired about the retention pond located near the property asking if there
17 would be an issue storing that water immediately adjacent to the site.

18 Mr. Crane replied that no, the trees are higher up on the bank so they are not at a lower level. It will
19 take a decent storm to reach those trees. The project is being recommended subject to six stipulations.

20 Commissioner Temby asked for clarification on the location of the Skye Estates Commercial site plan.

21 Mr. Crane stated that the lighting levels meet the requirements which will be less than a candle foot at
22 the property lines. To help with compatibility the posts have been moved inside of the site. Originally
23 they were on the perimeter.

24 Commissioner Rock asked if the pool and the clubhouse are part of this phase.

25 Mr. Crane replied that they are not and will be built as part of the subdivision. The annexation
26 agreement requires the pool and clubhouse to be built with phase one.

27 Commissioner Heyrand asks if the facility is for the residents only or will this be a community facility.

28 Bart Brockbank, the applicant, explained that the plan is to open the facility up to residents while the
29 overall goal is for little leagues to have a place to practice during the off season. As of right now, there
30 is an agreement with Skye Estates for the residents within to be able to use the facility as part of the
31 HOA. The capacity is still being determined to allow the community in but also let the little leagues
32 have time to practice in the off season.

33 Commissioner Kemp inquired if the facility is more than one level as well as if there would be other
34 sports other than basketball and baseball.

35 Mr. Brockbank replied, the building is two stories. There is a baseball diamond that covers both stories
36 with offices on one side of the diamond that overlook the facility. There are offices that also overlook
37 the basketball courts. There is also a workout gym in the upstairs with batting cages and pitching
38 mounds below. The baseball diamond is turf and can accommodate soccer, lacrosse, football and other
39 sports. There will also be concessions available.

1 Commissioner Kemp asked about when the project will start and what the desired finish time is.

2 Mr. Brockbank replied that the original goal was to be finished by winter. Now the plan is to get it
3 finished as soon as possible after the plans are approved.

4 Commissioner Temby asked for clarification on the purpose of the building wanting to know if it will
5 be leased out.

6 Mr. Brockbank replied that the overall intent is to have our little league baseball team have a place to
7 practice indoors in the off season. Most of the interest will probably come from other little league
8 teams across the valley of all sports. We would also like to hold events in the facility over the off
9 season.

10 Commissioner Temby restated that the facility will be used by the community as a whole rather than
11 just the residents in Skye Estates.

12 [7:26:52 PM](#)

13 **MOTION: Commissioner Heyrand moved that the Planning Commission accept the findings and**
14 **recommend APPROVAL of the site plan for case SP-13-02 subject to the six stipulations recommended**
15 **by staff.**

- 16 1. The development shall conform to the site plan, elevations, landscape plan, and lighting plan
17 date stamped September 17, 2013, except as modified by these stipulations.
- 18 2. Final landscape plans shall be approved prior to issuance of a building permit.
- 19 3. The final plat shall be recorded prior to issuance of a certificate of occupancy.
- 20 4. All ground mounted mechanical equipment shall be screened and painted to match the building.
- 21 5. All signage shall require a separate permit. In addition a comprehensive sign plan shall be
22 reviewed and approved prior to issuance of a building permit.
- 23 6. The civil construction plans shall meet all requirements as determined by the City Engineer.

24 **Motion seconded by Commissioner Carruth. Unanimous vote, motion carried.**

25 **E. APPROVAL OF MINUTES :**

- 26 • March 26, 2013 – Regular Meeting
- 27 • April 9, 2013 – Regular Meeting
- 28 • April 23, 2013 – Regular Meeting
- 29 • July 9, 2013 – Regular Meeting
- 30

31 **MOTION: Commissioner Day moved to approve the Meeting Minutes for March 26, April 9,**
32 **April 23 and July 9, 2013. Motion seconded by Commissioner Roundy. Unanimous vote, motion**
33 **carried.**

34 **F. COMMISSIONERS COMMENTS AND SUGGESTIONS**

35

36 **G. PLANNING STAFF REPORT**

37 Review of Recent City Council Actions

38

- 1 • Ashford Assisted living is going to put in for an office building.
- 2
- 3 • Draper boundary, no resolutions there, a couple minor subdivisions in near future.
- 4
- 5 • Walgreens went into foreclosure. No progress thus far.
- 6
- 7 • Requesting to move Planning Commission from October 22nd to October 29th.
- 8
- 9 • Patterson Construction has applied for a conditional use permit for assisted living with
- 10 underground parking. Some residents have been concerned with the project. Discussion
- 11 is still going.
- 12
- 13 • Beacon Hills, Plat C has had final approval.
- 14

15 **ADJOURNMENT**

16
17 **MOTION: Commissioner Roundy moved to adjourn. Motion seconded by Commissioner Rock.**
18 **Unanimous vote, motion carried.**

19
20 **Meeting adjourned at [7:39:03 PM](#).**