

1 **Highland City Planning Commission**  
2 **September 24, 2013**

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

8 **PRESENT:** Commissioner: Chris Kemp  
9 Commissioner: Tim Heyrend  
10 Commissioner: Sherry Carruth  
11 Commissioner: Abe Day  
12 Commissioner: Steve Rock  
13 Commissioner: Jay Roundy  
14 Commissioner: Scott Temby  
15  
16  
17  
18

19 **STAFF PRESENT:** Community Development Director: Nathan Crane  
20 Secretary: Sam Smith  
21  
22

23 **OTHERS:** Korby Siggard, Bart Brockbank, Greg Bird, Graydon Stoner, Kent and Nola Day.  
24

25 **A. APPEARANCES**  
26

27 Commissioner Kemp invited comments from the public regarding items not on the agenda.  
28 Hearing no comments Commissioner Kemp continued with the scheduled agenda items.  
29

30 **B. WITHDRAWALS AND CONTINUANCES**  
31  
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33 **C. PUBLIC HEARING AND LEGISLATIVE ACTION**  
34

- 35 1. FP-13-07 Mr. Graydon Stoner is requesting preliminary and final plat approval for a one lot  
36 subdivision located at 1065 North 6400 West. *Legislative.*  
37

38 7:04:56 PM  
39

40 Commissioner Kemp opened the public hearing.  
41

42 Mr. Crane explained the request is for a one lot subdivision located at 6400 West 10400 North on the  
43 south side. Referring to the plat map, Mr. Crane pointed out the parcel is just over 41,000 square feet.  
44 There is a portion of the land on the parcel that is owned by the United States Government that is in the  
45 process of being transferred to local control through the Provo River Water Users Association. This  
46 will facilitate the disposal of the said portion of the parcel which was once the right-of-way for the old  
47 Murdock Canal.  
48

49 Referring to the stipulations, Mr. Crane noted it is recommended this issue of property ownership be  
50 addressed before the project moves forward. The subdivision requested is standard; the improvements  
51 on 6400 West will be installed and will be designed for one lot. As far as citizen participation, there  
52 were comments made on the name of the subdivision; it is the last name of the applicant, hence the

1 name of the subdivision. No other comments were received. Approval was recommended subject to the  
2 six stipulations provided in the report.  
3  
4 Mr. Stoner referred to Mr. Crane's comments stating the project is a single lot subdivision in an  
5 owner/builder situation. Mentioned he has not built before but has experienced construction. At the  
6 time of purchase he noted he was not aware of the right-of-way and ownership of the portion of the  
7 land by the US Bureau of Reclamation that runs through the property.  
8  
9 Commissioner Kemp asked if the ownership was present in the title report when the land was  
10 purchased. Mr. Stoner replied that the title report did not indicate this ownership. The title report  
11 insurance did not go back far enough.  
12  
13 Commissioner Rock inquired if there are any requirements/plans for fencing on the one lot subdivision.  
14  
15 Mr. Stoner stated he has not been informed on any requirements on fencing but indicated that the two  
16 homes north of the lot, owned by Kent Day, were built before there were subdivision requirements and  
17 did not have fencing on the property.  
18  
19 Commissioner Rock asked if the utilities have been stubbed in. Mr. Stoner stated that he will have to do  
20 that as part of the process to create this subdivision.  
21  
22 Commissioner Roundy indicated that the transfer of the land may or may not happen. Also, if Mr.  
23 Stoner decides to move forward regardless of outcome there are fence requirements. Commissioner  
24 Roundy recommended meeting with the Provo Office to acquire the easement encroachment  
25 information.  
26  
27 Mr. Stoner provided that he has been in contact with Steve Cain at the Provo River Water Users  
28 Association. Steve Cain has been directing them on the process to transfer ownership of the land in  
29 regards to what is possible and updating on the process. In response to Commissioner Rock's question  
30 if the canal was ever built on the property, Mr. Stoner expressed he was not completely sure if it was  
31 actually built. The property was deeded to the government but was never deeded back. This is the last  
32 lot in the area that will be affected by this easement.  
33  
34 Commissioner Kemp asked if the other homes affected by the easement were able to get the property  
35 back from the government.  
36  
37 Mr. Stoner replied that no, the homes were built before Provo River Water Users Association became  
38 aware of the situation. The subdivisions had been built and recorded before Provo River had objected  
39 to what was happening. They allowed the building to continue as long as no one was building on the  
40 actual property.  
41  
42 Commissioner Rock inquired if Mr. Stoner's house will sit on the easement.  
43  
44 Mr. Stoner indicated that his home will not be on the easement. He also indicated that was one of the  
45 Provo River Water Users Association stipulations that they required; no permanent structure would be  
46 built on the easement. Mr. Stoner stated that his house plan is not near the easement.  
47  
48 Commissioner Kemp asked if the Provo River Water Users Association has let him know what will  
49 happen if they do not relinquish the easement as far as what can legally be place on the easement.  
50  
51 Mr. Stoner replied that according to Steve Cain from the Provo River Water Users Association, they  
52 have no intentions of doing anything with it unless they were to sell the property to the owners in  
53 which the easement runs through their property. Mr. Stoner said he was unaware of any restrictive  
54 easements.  
55

1 Commissioner Roundy suggested Mr. Stoner get in contact with the people who own the easement, the  
2 Bureau of Reclamation in Provo. The law was given in 1890 for all lands whether it shows up in a deed  
3 or not; those lands are an easement of the United States.  
4

5 Commissioner Kemp asked if there were any more questions to be addressed.  
6

7 Commissioner Heyrend asked Mr. Crane about the partial road that will leave one empty lot next to the  
8 subdivision where the curb and gutter will not be finished and why it is not being finished all at once.  
9

10 Mr. Crane indicated the curb and gutter for that lot will be the responsibility of the City in the future.  
11 The curb and gutter are not going to be finished right now because that lot is not part of this particular  
12 application. It is unlikely that this portion will be completed in the near future because there is no room  
13 in the budget.  
14

15 Commissioner Kemp closed the public hearing.

16 **MOTION: Commissioner Rock moved that the Planning Commission accept the findings and**  
17 **recommend APPROVAL of case FP-13-07 a request for minor subdivision approval for the**  
18 **Stoner Subdivision, a one lot residential subdivision subject to the following six stipulations**  
19 **recommended by staff.**  
20

- 21 1. The recorded plat shall conform to the final plat date stamped September 11, 2013 except as  
22 modified by these stipulations.
- 23 2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to  
24 recordation of the final plat as required by the Development Code.
- 25 3. All required public improvements shall be installed as required the City Engineer.
- 26 4. The civil construction plans shall meet all requirements as determined by the City Engineer.
- 27 5. Prior to recordation, the final plat shall be revised as determined by the Community  
28 Development Director to address Federal land ownership issue.
- 29 6. PRWUA shall sign the plat as a property owner unless the property is transferred to the  
30 applicant.  
31

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

33 [7:17:38 PM](#)

34 **D. OTHER BUSINESS**  
35

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

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

43 There will be joint use parking with the clubhouse of the subdivision. There are sufficient parking  
44 spaces that are required by the PD District. The facility will include office space, a fitness center,  
45 indoor baseball diamond, batting cages, basketball court, etc. The landscaping complies with the detail  
46 along Highland Boulevard. Additional trees were installed on the East property line to serve as a buffer  
47 between the lots. There is foundation planning next to the building. Building height at its highest point

1 is forty feet which complies with the PD District. All access to the site is from Grant Boulevard. There  
2 will be no access to Highland Boulevard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 [7:26:52 PM](#)

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

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

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

10 **E. APPROVAL OF MINUTES :**

- 11 • March 26, 2013 – Regular Meeting
- 12 • April 9, 2013 – Regular Meeting
- 13 • April 23, 2013 – Regular Meeting
- 14 • July 9, 2013 – Regular Meeting

15  
16 **MOTION: Commissioner Day moved to approve the Meeting Minutes for March 26, April 9,**  
17 **April 23 and July 9, 2013. Motion seconded by Commissioner Roundy. Unanimous vote, motion**  
18 **carried.**

19 **F. COMMISSIONERS COMMENTS AND SUGGESTIONS**

20  
21 **G. PLANNING STAFF REPORT**

22 Review of Recent City Council Actions

- 23
- 24 • Ashford Assisted living is going to put in for an office building.
- 25
- 26 • Draper boundary, no resolutions there, a couple minor subdivisions in near future.
- 27
- 28 • Walgreens went into foreclosure. No progress thus far.
- 29
- 30 • Requesting to move Planning Commission from October 22<sup>nd</sup> to October 29<sup>th</sup>.
- 31
- 32 • Patterson Construction has applied for a conditional use permit for assisted living with  
33 underground parking. Some residents have been concerned with the project. Discussion  
34 is still going.
- 35
- 36 • Beacon Hills, Plat C has had final approval.
- 37

38 **ADJOURNMENT**

39  
40 **MOTION: Commissioner Roundy moved to adjourn. Motion seconded by Commissioner Rock.**  
41 **Unanimous vote, motion carried.**

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43 **Meeting adjourned at 7:39:03 PM.**