



**HIGHLAND CITY**


**HIGHLAND CITY PLANNING COMMISSION AGENDA**  
**Tuesday, July 27, 2021**


**Approved September 28, 2021**

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

**VIRTUAL PARTICIPATION**

 YouTube Live: <http://bit.ly/HC-youtube>

 Zoom: Call 1-346-248-7799 Meeting ID: 820 3295 1846

 Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

**7:00 PM REGULAR SESSION**

Call to Order – Mino Morgese, Commission Vice Chair

Invocation – Commissioner Claude Jones

Pledge of Allegiance – Commissioner Christopher Howden

The meeting was called to order by Planning Commission Vice Chair Mino Morgese as a regular session at 7:00 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Christopher Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Claude Jones.

**PRESIDING:** Commissioner Mino Morgese

**COMMISSIONERS**

**PRESENT:** Christopher Howden, Claude Jones (*electronically*), Audrey Moore, Mino Morgese, Alternate Tyler Standifird

**CITY STAFF PRESENT:** City Administrator/Community Development Director Nathan Crane, City Planner and GIS Specialist Kellie Smith, Planning Commission Secretary Heather White

**OTHERS PRESENT:** Nick Wood, Carol Cooley, Amy Lucas, Trevor Lucas, Sandy Packard, Dennis Packard, Michael Burns, Todd Trane, Ken Burg, Tyrell Gray

**1. UNSCHEDULED PUBLIC APPEARANCES**

Please limit comments to three minutes per person. Please state your name.

Resident Nick Wood voiced concern with the Millhaven Development near Mitchell Hollow Park. He has had a problem with trespassers, which recently included law enforcement, because of a pond on his property. He voiced concern that the trail for the development was two feet off his property line with only a split-rail fence that provided no security or privacy. Mr. Wood said adults and teens were the only ones who trespassed so far

but worried that the trail would bring kids who might wonder near the pond. He wanted the city to understand the increased level of risk in the area because of the trail. He also wondered if there were plans for additional fencing.

## **2. CONSENT ITEMS**

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

### **a. Approval of Meeting Minutes *Administrative*** Regular Planning Commission Meeting – June 22, 2021

*Commissioner Howden MOVED to approve the minutes for the June 22, 2021 Planning Commission meeting. Commissioner Moore SECONDED the motion. All present were in favor. None were opposed. The motion carried.*

## **3. PUBLIC HEARING: MINOR SUBDIVISION FINAL PLAT: CHASE LOT** *Administrative*

The Planning Commission will hold a public hearing to consider a request by Millhaven Development for approval of a proposed 1-lot subdivision located at approximately 6418 West 10250 North. The Planning Commission will take appropriate action.

Ms. Smith reviewed the details of the application. She explained that a trail easement was dedicated to the city over private property in 2002. It was requested that it be moved at this time by the developer. She said the requested 1-lot subdivision complied with the R-1-40 zone and the remaining square footage would be added to other lots. Ms. Smith explained that Millhaven and the property owner were making the request together. She said Millhaven represented the property owner in the request.

Commissioner Morgese opened the public hearing at 7:10 PM and asked for public comment.

Resident Carol Cooley asked about relocating the trail. Ms. Smith showed that the trail would be regraded and stubbed out. She said the trail would be shifted onto city property. Ms. Cooley wondered if the area where the trail was relocated to was considered wetlands. Ms. Smith showed the area that would be relocated and regraded.

Resident Amy Lucas wondered how close people would be able to build to the trail. She said the topography in the area was very steep on the other side. She explained that there was a lot of space on her property that could not be built on. She wanted to ensure that other property owners could not build up to the trail like they couldn't. Ms. Smith showed the map and explained that the wetlands stopped on the east side of the trail and did not extend to the west side. She explained that the same would not be required of the property owners on the west side. They would have to follow the development code requirements for typical residential lots. She reviewed the setback requirements for the R-1-40 zone.

Resident Trevor Lucas wondered if the developer was planning to expand the lots on the west. Todd Trane, representing Dwain Chase and Millhaven, said they technically could add property to a lot to the west by doing a plat amendment. He said, currently, Mr. Chase wanted to retain about one and a half acres. He said Mr. Chase was selling it as a 1.48-acre lot. Mr. Trane said anyone in the future could sell off part of the property to a neighbor, but he could not predict what would happen in the future. He explained that Mr. Chase had a very

long strip of property that was undevelopable. Millhaven wanted to clean up the area and extend lot lines to the trail. He said Millhaven met with Mr. Chase and they came to a win-win agreement.

Resident Sandy Packard mentioned that she and her husband had a case in the 4<sup>th</sup> District Court against Highland City over the Millhaven Development. She said they often walked the narrow trail. The west side was wilderness area on the Chase property and the east side was backyards. She said there currently was a semblance of a trail in the wilderness. She said that if backyards were extended to the trail, then fences would be built, turn the area into an alley and discourage people from going to the area. She encouraged the Planning Commission to not approve the lot.

Resident Dennis Packard also mentioned the case against Highland City. He said the fundamental point they were making in the case was that landowners and developers had rights to use property, but so did citizens that moved into a city. He said it had to do with the General Plan. He said Utah law said there were specific things for public uses that must be followed once it was set. He read Section 10-9a-406 and said the city attorney advised the City Council contrary to the law. He said the law also stated that cul-de-sacs should be avoided if there was any way they could be connected. If they could not be avoided, they should be less than 200 feet. He said the cul-de-sacs violated the law. He also believed that traffic load was violated. He said Highland City was committing an illegal act if they allowed Millhaven to proceed. Commissioner Morgese reminded him that the Millhaven Subdivision was not being discussed as part of this application. Mr. Packard said they were advocating a more eastern exit from the development. He said the effort of trying to make this lot was simply a way of blocking the eastern route. He advised the Planning Commission to not approve the application because the case was still pending and could block a way that allowed it to be fixed. He said he tried to talk to Millhaven who told him the plan would not be changed because it was already designed.

Commissioner Howden talked about rights of property owners. He said this was an administrative action and that the Planning Commission was not in a position to dismiss the application.

Mr. Packard said it was the Planning Commission's obligation to make sure that the city observed the public use according to the General Plan and not contribute to it not being satisfied. He said it was not well understood by staff and officials in the city. Mr. Packard said it was an administrative decision that that parcel would contribute to blocking a way of fixing the other thing. He said it gave more ammunition to Millhaven to say that the city went along with them. He talked about Millhaven suing the city if their development didn't get approved.

Mr. Morgese reminded him that the discussion was not about the master plan for the Millhaven Subdivision. Mr. Crane added that this was a request for a 1-lot subdivision on property owned by Mr. Chase represented by Millhaven. He said the criteria being reviewed by the Planning Commission and the city was whether or not it complied with the R-1-40 zoning district. Any relationship or anything related to development adjacent to was irrelevant at this point because it was not included or proposed to be part of the other subdivision. He said it was a development that stood on its own that was reviewed for its merits. He said a fence could be built on the eastern property line today. Because of this, fencing would not be reasonable justification to turn down a subdivision plat. He pointed out that, currently, a home could also be built on the property.

Resident Michael Burns thought he might be the most effected neighbor because the relocation of the trail would mean a lot of changes to his landscaping. He talked about the need to fill in his property and change the layout of his backyard. He recognized that they had the right to develop it but wanted to make sure that there was some kind of requirement or notation about the need for an agreement for how his yard was taken care of and who would pay for it.

Commissioner Moore wondered if his landscaping was on the city easement. Mr. Burns had not had it surveyed and did not know where the property line was.

Mr. Trane explained that he tried to stop by and speak with Mr. Burns several times. He said the current plans showed a retaining wall on city property. A new retaining wall would follow the edge of trail as it came up to city property. He wanted to speak with Mr. Burns so they could come to an agreement about what would be done on Mr. Burns property. He said legally Millhaven would have to put up a retaining wall. Mr. Burns asked if changes and plans could be made if the application was approved. Ms. Smith explained that a stipulation of approval was that the plans needed to be approved by the city engineer. She said if he and Mr. Trane were working with the city engineer changes could be made after approval.

Ms. Packard said she heard a lot that the city had a set of criteria that needed to be followed. She asked who had a broader view and cared that there would be an alley instead of a trail or that Mitchell Hollow had houses on both sides. She asked where the vision was.

Mr. Crane explained that the City Council adopted specific standards for fencing along trail corridors to deal with this issue.

After asking for additional public comment and hearing none, Commissioner Morgese closed the public hearing at 7:48 PM and asked for additional comment.

Commissioner Standifird mentioned that he grew up in Highland and talked about development that impacted the views and area where he grew up. He said it was unfortunate that fields were changing. He also mentioned the city codes.

*Commissioner Standifird MOVED that the Planning Commission accept the findings and recommend approval of the Chase Subdivision Plat subject to the three (3) following stipulations recommended by staff:*

- 1. The recorded plat conforms to the final plat date stamped June 17, 2021 except as modified by these stipulations.*
- 2. All public improvements, including the city trail, shall be installed as required by the City Engineer and City Fire Marshall.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*

*Commissioner Jones SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Yes</i>

*Motion carried 5:0*

#### **4. PUBLIC HEARING: SITE PLAN, ARCHITECTURAL PLAN, AND CONDITIONAL USE PERMIT: HIGHLAND BUSINESS PARK - BUILDING 'C'** *Administrative*

The Planning Commission will hold a public hearing to consider a request by Patterson Development for a Site Plan and Conditional Use Permit for a general office building located at approximately 11235 N Highland Blvd. The Planning Commission will take appropriate action.

Ms. Smith reviewed the details of the application as defined in the staff report and mentioned that the applicant would need to landscape the medians along Highland Blvd.

Commissioner Morgese opened the public hearing at 7:56 PM and asked for public comment. Hearing none, he closed the public hearing at 7:57 PM and asked for additional comments.

Commissioner Standifird asked about the landscaping requirements and the possibility of xeriscaping. Ms. Smith explained that the original landscaping plan included plants and shrubbery that needed to be watered. Now the plan called for rocks and trees. Commissioner Moore pointed out that shrubs and plants created visibility problems in some areas. Commissioner Standifird agreed and thought the city needed to be proactive with preventing water waste.

*Commissioner Moore MOVED that the Planning Commission accept the findings and approve the architectural plans of the Highland Business Park Building 'C' subject to the following two (2) stipulations recommended by staff:*

- 1. Architecture, materials, and colors shall comply with the site plan and building elevations dated June 2, 2021, except as modified by these stipulations.*
- 2. All signage shall require a separate permit and meet the requirements of the Development Code.*

*Commissioner Howden SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Yes</i>

*Motion carried 5:0*

*Commissioner Howden MOVED that the Planning Commission recommend approval of the site plan and conditional use permit for Highland Business Park Building 'C' subject to the five (5) stipulations recommended by staff:*

- 1. Development of the site shall comply with the site, elevations, and landscape plan date stamped June 2, 2020, require a separate permit, and comply with the Development Code requirements.*

2. *Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer and the Fire Marshall.*
3. *All signage shall require a separate permit and comply with the Development Code requirements.*
4. *In accordance with Section 4-109, the Conditional Use Permit will expire if a building permit is not issued within one year of approval by City Council.*
5. *The landscaping in the islands along Highland Blvd be completed as approved by the Parks Superintendent before a Certificate of Occupancy is given.*

*Commissioner Standifird seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Seth Barrus</i>	<i>Absent</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Yes</i>

*Motion carried 5:0*

**5. PUBLIC HEARING: TEXT AMENDMENT: GUARANTEE OF PERFORMANCE** *Administrative*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections in Chapter 6 Guarantee of Performance in the Development Code to be consistent with Section 10-9a-604.5 in Utah State Code. The Planning Commission will take appropriate action.

Commissioner Moore stepped away from the meeting at 8:01 PM.

Ms. Smith explained the need for bonds and the bonding process for public improvements. She mentioned that the city currently accepted cash bonds in the form of check or a signed improvement deposit account agreement, however, State Code required that cities accept a minimum of two forms of completion assurance.

Commissioner Moore rejoined the meeting at 8:03 PM.

Ms. Smith explained that the proposed text amendment included an irrevocable letter of credit as an acceptable form of a performance guarantee bond.

Commissioner Morgese opened the public hearing at 8:05 PM and called for public comment. Hearing none, he closed the public hearing at 8:05 PM and asked for additional comments. Hearing none, he called for a motion.

*Commissioner Standifird MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to several sections in Chapter 6 Guarantee of Performance in the Development Code.*

Commissioner Moore *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Absent
Commissioner Seth Barrus	Absent
Commissioner Sherry Carruth	Absent
Commissioner Christopher Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Mino Morgese	Yes
Commissioner Tyler Standifird	Yes

Motion carried 5:0

## **6. PLANNING COMISSION AND STAFF COMMUNICATION ITEMS**

Commissioner Morgese asked about DR Horton. Mr. Crane explained that the Council was trying to work with DR Horton and Lehi City to make sure that the master planning reflected what was shown. He mentioned that there were a lot of newly submitted applications. He reported that he recently met with the Boyer Group who was working on platting their project to the high school. Mr. Crane mentioned that the first phase of homes in the Boyer project was being constructed and the city hoped to see commercial soon.

Commissioner Moore asked about Mountain Ridge Park. Mr. Crane said construction drawings were near completion and that the Council wanted to do additional outreach for the elements of the all-abilities playground. He said there was nothing formal regarding sports groups who might sponsor soccer fields or other elements of the park.

## **ADJOURNMENT**

Commissioner Standifird *MOVED* to adjourn the regular meeting. Commissioner Moore *SECONDED* the motion. All present were in favor. The motion carried unanimously.

The meeting adjourned at 8:11 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on July 27, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White  
Planning Commission Secretary

Welcome to the Highland  
Planning Commission  
Meeting  
July 27, 2021



1



**PUBLIC APPEARANCES**  
Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to (3) three minutes.

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**CONSENT ITEMS**

- Item 2a – Approval of Meeting Minutes – Regular Planning Commission Meeting June 22, 2021 *Administrative*

3




**CHASE SUBDIVISION**  
*ADMINISTRATIVE*

Item #3 – Minor Subdivision Final Plat – Public Hearing  
Presented by – Kellie Smith

4

Vicinity Map



5

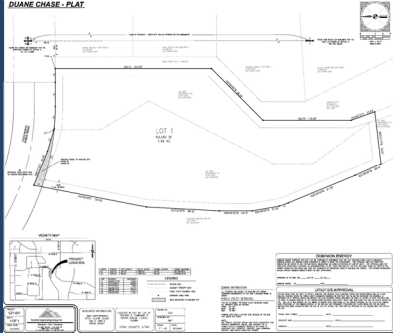
Background

- Property not in a recorded subdivision
- Minor Subdivision – Preliminary/Final plat approval
- Trail easement over the private property dedicated to the City in 2002; relocating the trail to be on City property

6



## Plat



- R-1-40 Zone
- 1.48 acres
- 1-lot subdivision
- Access from 10250 North

7

## Citizen Participation

- Public Hearing Notice
  - Mailed to property owners within 500'
  - Daily Herald
  - State and City websites
- No correspondence has been received.

8

## Recommendation & Proposed Motion

Staff recommends that the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed plat with the following stipulations:

1. The recorded plat conforms to the final plat date stamped June 17, 2021 except as modified by these stipulations.
2. All public improvements, including the City trail, shall be installed as required by the City Engineer and City Fire Marshall.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the Chase Subdivision plat subject to the three (3) stipulations recommended by staff.

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## HIGHLAND BUSINESS PARK BUILDING 'C' ADMINISTRATIVE

Item #4 - Site Plan, Architectural Plan, and Conditional Use Permit - Public Hearing  
Presented by - Kellie Smith

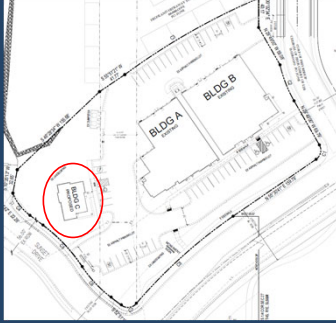
10

## Vicinity Map



11


## Site Plan



- 4,572 sq. ft (1,632 building footprint)
- 54 parking stalls (3 handicap)
- Hours of Operation: Mon-Sat 8am-6pm
- Sunset Dr and Normandy Way

12

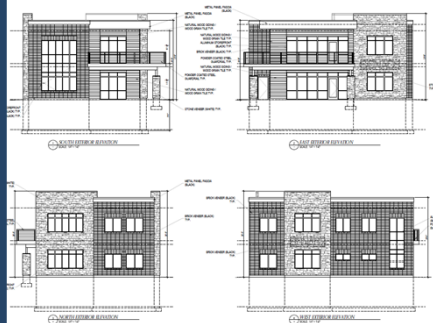
### Landscape Plan



- 35% Landscaping (32,360 sq ft)
- Stipulation added requiring landscaping in medians on Highland Blvd
- Consistent with 3-4911 Landscaping

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### Elevations



- Materials – natural wood, stone veneer, brick veneer
- 4-sided architecture
- Meets guidelines in Sections 3-4922 Architectural Design and 3-4919 Roof Design

14

### Citizen Participation

- Public Hearing Notice
  - Mailed to property owners within 500'
  - Daily Herald
  - State and City websites
- No correspondence has been received.

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### Recommendation & Proposed Motion

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to Section 3-624 Accessory Dwelling Unit.

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## GUARANTEE OF PERFORMANCE *LEGISLATIVE*

Item #4 – Text Amendment  
Presented by – Kellie Smith

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### Background

- Bonding – to protect the City from incomplete or inadequate installation of public improvements
- The City currently only accepts cash bonds (check or Improvement Deposit Account Agreement)
- Utah State Code Section 10-9a-604.5, *“A municipality shall... establish a minimum of two acceptable forms of completion assurance”*

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## Proposed Amendment

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- Includes “an irrevocable letter of credit” as an acceptable form of a bond

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## Citizen Participation

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- Public Hearing Notice
  - Daily Herald
  - State and City websites
- No correspondence has been received.

20

## Recommendation & Proposed Motion

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Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to several sections in Chapter 6 Guarantee of Performance in the Development Code.

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