



HIGHLAND PLANNING COMMISSION MINUTES

TUESDAY, December 10, 2024

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

Approved February 25, 2025

VIRTUAL PARTICIPATION

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

 Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order: Chair Audrey Moore

Invocation: Commissioner Claude Jones

Pledge of Allegiance: Commissioner Sherry Kramer

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:02 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 Jones and those in attendance were led in the Pledge of Allegiance by Commissioner Kramer.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Claude Jones, Debra Maughan, Trent Thayn, Sherry Kramer, Wesley Warren

CITY STAFF PRESENT: Assistant City Administrator/Community Development Director Jay Baughman, City Attorney/Planning & Zoning Coordinator Rob Patterson, Deputy Recorder Heather White

OTHERS PRESENT: Jon Hart, Phil Favro, Elizabeth Rice, Shay Larsen, Thomas Lehnardt, Daniel Schmidt

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was offered.

2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion.

Items on the consent agenda may be pulled for separate consideration.

- a. **Approval of Meeting Minutes General City Management**
Heather White, City Deputy Recorder
October 22, 2024, Planning Commission meeting minutes

Commissioner Thayn MOVED to approve the October 22, 2024 meeting minutes. Commissioner Warren SECONDED the motion. All present were in favor. The motion carried unanimously.

3. ACTION ITEMS

- a. **ACTION: Public Hearing – Vista Ridge Subdivision Preliminary Plat Land Use (Administrative)**
Rob Patterson, City Attorney/Planning & Zoning Administrator
The Planning Commission will conduct a public hearing and consider granting preliminary plat approval for the two-lot subdivision known as Vista Ridge.

Mr. Patterson reviewed the details of the Vista Ridge Preliminary Plat. He explained that the property was recently annexed into Highland subject to an annexation agreement that required the property owner to do several things. The preliminary plat needed planning commission approval due to the construction of a road. He mentioned that the fire marshal raised concern with fire access and the applicant was willing to work with the fire marshal to ensure adequate fire access was obtained. Mr. Patterson mentioned that he spoke with a neighbor, Evelyn Worlton, about having access for her property during construction. He reviewed proposed stipulations.

Commissioner Moore opened the public hearing at 7:13 PM and asked for public comments.

Attorney Phil Favro, representing Evelyn Worlton, thanked Mr. Patterson for his cordial and helpful way of working with him. Mr. Favro explained that Ms. Worlton owned her property for over 40 years and was concerned about the development. She understood that there would be and was prepared for disruptions. He said the city-owned lane was in good condition. He understood that it would be removed, and the new half-street would ultimately benefit Ms. Worlton with garbage truck access and closer postal service, but they wanted some sort of accommodation made so that she had appropriate ingress and egress during construction. He hoped work would only be done on weekdays during work hours instead of on weekends.

Elizabeth Rice wanted to make sure that all residents were notified. Mr. Patterson explained that he mailed notices to all property owners within a 500-foot radius of the subject property as required by law. He mentioned that the notice mailed to the Miners was sent back but that he spoke to Mr. Miner on the phone about the agenda item. Ms. Rice thought there needed to be more public input on the proposed subdivision.

Lehi Resident Shay Larson explained that she was doing the development. She said they were willing, if approved by the city, to gravel on the part of the lane that was not being developed. She said they could add gravel back to Ms. Worlton's driveway during construction of the road. Commissioner Thayn asked if she was the general contractor for the property. Ms. Larson said she and her mom were working together on the property. Commissioner Thayn explained that Shay was his niece and her mom was his sister. He said he was just finding out now that they were involved with the property and recused himself from the discussion and vote for the Vista Ridge Subdivision preliminary plat.

Commissioner Moore asked for additional public comment. Hearing none, she closed the public hearing at 7:18 PM.

Commissioner Warren wondered how snow removal and garbage pick-up would be handled once the road to Ms. Worlton's house was improved. Mr. Patterson understood that the lane had been treated as a private lane and a resident handled snow removal. In the future, the road would be added to the city snow removal route. Garbage

pick-up would be at curb by Ms. Worlton's house. Commissioner Maughan asked how Ms. Worlton would get her garbage can to 9600 North if the road was gravel during construction. Mr. Patterson said details with garbage pick up during construction would be worked out between city staff, the developer, and the property owner.

Mr. Favro mentioned that Mark Miner had handled snow removal for decades. He said he needed to confer with Ms. Worlton and her family. He said she personally maintained her property which would be affected by the construction. He appreciated the willingness of the developer to work with them.

Commissioner Moore MOVED that the Planning Commission approve the preliminary plat for the Vista Ridge Subdivision Preliminary Plat subject to the following five (5) stipulations recommended by staff:

- 1. Fire access turnaround be provided subject to the approval of the fire marshal*
- 2. Dedication dimensions for 9600 North to be updated and enlarged so as to meet the City's 66- foot, two lane minor collector ROW standard on final plat*
- 3. Delineations and dedications for setbacks and public/municipal easements to be correctly shown on plat per City standards and R-1-20 setbacks on final plat*
- 4. Final plat approval to be conditioned on payment of remaining impact fees for the existing home*
- 5. Final plat and subdivision improvement plans to conform to the requirements of Highland City Development Code and the recorded Annexation Agreement.*

Commissioner Warren SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Abstained</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

The motion carried 5:0

b. PUBLIC HEARING/ORDINANCE: Text Amendment – Town Center Commercial Setbacks

Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commissioner will consider a request from Highland Town Plaza, LP/WPI to amend the maximum setback requirement of the Town Center Commercial Retail District to allow for a pickup/drive thru lane along Town Center Blvd for lot 3 of the Town Center development.

Mr. Patterson discussed the proposed amendments. He said the applicant had a tenant that wanted to occupy the site but required a pick-up lane and window. In order to facilitate the pick-up lane, and to address traffic flow issues with Wendy's, the applicant proposed a site plan that located the building approximately 22 feet from Town Center Blvd, with a pick-up lane between the building and Town Center Blvd. To make the site plan work, the applicant needed the current maximum setbacks to be amended to 25 feet. Mr. Patterson mentioned that Wendy's was in favor of the plan. He reviewed the proposed text amendments and the concept plan. He said the developer would need to obtain approval from the city if they ever wanted to change the pick-up lane to a drive-thru lane.

Commissioner Moore opened the public hearing at 7:32 PM and asked for public comment.

Thomas Lehnardt, WPI, mentioned the intention was to have a pick-up window in order to maximize the efficiency of the site. Commissioner Kramer was concerned about the sharp turnaround into the pick-up lane and wondered if they considered moving traffic the opposite way. She voiced concern with the raised walkway on the east side and what appeared to be a blind corner. Mr. Lehnardt said they originally planned traffic to flow in the opposite direction, but Wendy's was concerned that cars would stack and back up in their drive-thru lane. He explained that the lane would be for online ordering and pick-up only and didn't think stacking would be a problem. Mr. Patterson said the city needed final dimensions of the location of the walkway on the east side, however, the walkway would be raised similar to a large speed bump and that cars in the pick-up lane would not be traveling fast.

Commissioner Moore pointed out that other restaurants had reserved pick-up stalls. She wondered why the city needed to make a code amendment. Mr. Lehnardt said the drive-thru pick-up window was a specific request from the tenant. He said, at this point, there were no dedicated stalls for pick-up on the concept plan.

Commissioner Warren wondered if there was any consideration for an intersection on the east side coming from Town Center Blvd. Mr. Patterson explained that he rejected an earlier concept with access to the east because he didn't want to add another intersection into Town Center Blvd.

The commissioners discussed other options for routing traffic and how it would affect businesses in the area. Mr. Patterson mentioned that a traffic study would be obtained as part of the development process. Daniel Schmidt, WPI, talked about considerations from Wendy's and the overall flow. He said they managed traffic in similar locations with signs and road paint to help direct drivers. Commissioner Moore discussed the traffic and parking history of the area. She said there was a lot of foot traffic in the summer and encouraged the developer to add signage. Commissioner Kramer talked about the patio sitting area and the proximity to the pick-up lane. She asked if other locations could be considered for the sitting area.

Commissioner Moore asked for additional comment. Hearing none, she closed the public hearing at 7:59 PM.

Commissioner Maughan voiced concern about the current traffic. She said the area was a chaotic mess and thought it made sense to solve the issues before adding more tenants/restaurants. Other commissioners thought the proposed improvements would help the flow of traffic.

Commissioner Warren MOVED that the Planning Commission recommend approval of the proposed amendments to the Town Center Commercial Retail District setbacks as put forward by the city.

Commissioner Jones SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

The motion carried 6:0

c. PUBLIC HEARING/ORDINANCE: Text Amendment – Lot Combination Zoning Standards
Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will consider a request from staff to amend the City's lot combination code to allow the City to treat approved combinations of property as a single property for zoning purposes.

Mr. Patterson explained that state law changed a couple of years ago to permit the combination of lots with a legal description rather than a plat amendment. A plat amendment was a more involved and expensive process, and the State determined it was not necessary when combining lots. Even though the legal description was approved by the State, Utah County would not recognize a legal description as an acceptable process when combining lots. Mr. Patterson requested and recommended a text amendment so city staff could recognize combined properties with a legal description as a single property for zoning purposes. He reviewed the proposed changes to the city code.

Commissioner Moore asked if there were problems with selling property if the county did not recognize it as a combined lot. Mr. Patterson explained that it could cause problems because residents might not realize they would receive two separate tax bills from the county. He said the city always checked lot lines when processing building permits. He said new owners would also know there was a combination of lots because it would be recorded at the county offices by the city.

Commissioner Warren wondered what would need to happen if property was subdivided in the future. Mr. Patterson said the property owner or developer would need to follow current zoning regulations at that time. If someone combined lots, then decided later to sell the lots separately, they would need to re-subdivide the property.

Commissioner Thayn said the proposed amendment was a good option and thought it would help residents save money. He talked about spending \$3,000 20 years ago while trying to combine lots that the county eventually did not accept. He said it was cheaper to pay taxes on a sliver of land than to try to combine it in a way that was recognized by the county.

Commissioner Moore opened the public hearing at 8:14 PM and asked for public comments.

Resident Elizabeth Rice was concerned that property owners would go to county records for a clear title instead of city records. Mr. Patterson showed an example of what would be recorded at the county showing the city approved and recognized combination of lots. He said he would recommend that residents go through the plat amendment process if they wanted a clean title. Ms. Rice did not have a problem with the proposed amendment if the city filed combined-lot descriptions with the county.

Commissioner Moore closed the public hearing at 8:20 PM and asked for a motion.

Commissioner Maughan MOVED that the Planning Commission recommend approval of the proposed amendments to section 5-7-104 of the Highland Development Code.

Commissioner Thayn SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Absent</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>

Commissioner Trent Thayn	Yes
Commissioner Alternate Sherry Kramer	Yes
Commissioner Alternate Wesley Warren	Yes

The motion carried 6:0

4. COMMUNICATION ITEMS

Communication items are informational only. No final action will be taken.

Mr. Patterson said he would email the 2025 Meeting Schedule and mentioned that there would be a combined work session on January 28th. Mr. Baughman reviewed the Resident Survey results. He addressed issues with commissioners being able to access emails.

ADJOURNMENT

Commissioner Thayn MOVED to adjourn the meeting. Commissioner Maughan SECONDED the motion. All were in favor. The motion carried.

The meeting ended at 8:39 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on December 10, 2024. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

WELCOME TO THE HIGHLAND
PLANNING COMMISSION MEETING

DECEMBER 10, 2024

PLEASE SIGN THE ATTENDANCE SHEET



1



7:00 PM REGULAR SESSION

Call to Order – Chair Audrey Moore
Invocation – Commissioner Claude Jones
Pledge of Allegiance – Commissioner Christopher Howden

2



UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express ideas and comments on non-agenda items or agenda items for which no public hearing will be held.

- Please state your name clearly.
- Limit your comments to three (3) minutes.

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CONSENT ITEMS

2a. Approval of Meeting Minutes: October 22, 2024
General City Management

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PUBLIC HEARING: VISTA RIDGE
PRELIMINARY PLAT

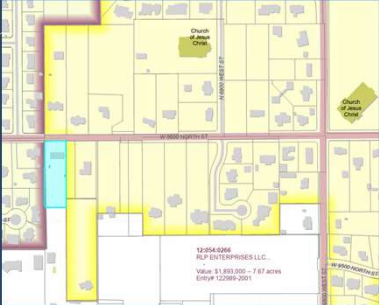
Land Use (Administrative)

Item 3a. – Action Item
Presented by – Rob Patterson
City Attorney, Planning & Zoning Administrator

5

VICINITY

7015 W
9600 N



6

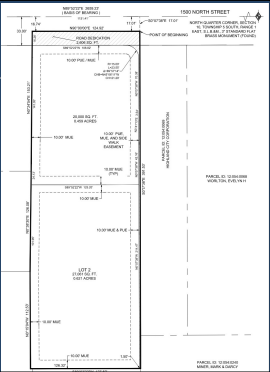
Background

- Property was recently annexed into Highland City
- As part of annexation, property was zoned R-1-20
- Property is subject to annexation agreement that imposes utility, road, and water dedication requirements
- Subdivision is processed as a major subdivision because it requires extension of a road and utilities
- Preliminary plat requires Planning Commission approval, then final plat will be approved by DAB

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Proposed Plat

- 2 lots
- Each lot min 20,000 sqft
- Each lot min 115' frontage
- City parcel developed half road with utilities
- 9600 N expanded to 66' minor collector



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Staff Review

- Plat and lots meet R-1-20 standards for size, location, and frontage
- Per revised plat 12.05.2024, property is dedicated for 9600 N to meet 66' minor collector ROW and new 7000 W to meet 56' local road ROW
- No sensitive lands
- Fire marshal is requiring a fire turnaround be provided. Developer will work with staff and fire marshal to determine appropriate turnaround method

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Annexation Agreement

- Most items in annexation agreement are complete or are being addressed in proposed plat and related development plans
- Remaining items:
 - Park and TSSD sewer impact fees for existing home due (all other impact fees for existing home have been paid)
 - All impact fees for new home will be due at building permit
 - Water dedication for PI per City Code

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Notice

- Notice to affected entities and adjacent property owners mailed 11.27.2024
- Notice of hearing published 11.27.2024
- Staff received comments/concerns from representative for Ms. Worlton, neighbor to east
 - Concerned about impact to Worlton access/utilities during construction
 - Concerned about landscape/sprinkler impacts

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Staff Recommendation

- Staff recommends the Commission hold a public hearing and approve the preliminary plat, with the following stipulations:
 - 1. Fire access turnaround be provided subject to the approval of the fire marshal
 - 2. Dedication dimensions for 9600 North to be updated and enlarged so as to meet the City's 66-foot, two lane minor collector ROW standard on final plat (addressed by revised plat 12.05.2024)
 - 3. Delineations and dedications for setbacks and public/municipal easements to be correctly shown per City standards and R-1-20 setbacks on final plat (addressed by revised plat 12.05.2024)
 - 4. Final plat approval to be conditioned on payment of remaining impact fees for the existing home
 - 5. Final plat and subdivision improvement plans to conform to the requirements of Highland City Development Code and the recorded Annexation Agreement.

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Proposed Motion

- I move that the Planning Commission APPROVE the preliminary plat for the Vista Ridge subdivision subject to the five (5) stipulations recommended by staff.
[Planning Commission may specify additional or different stipulations as part of motion]

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**PUBLIC HEARING: TOWN CENTER
COMMERCIAL SETBACKS**
Land Use (Legislative)

Item 3b. – Action Item
Presented by – Rob Patterson
City Attorney, Planning & Zoning Administrator

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Background

- Applicant is seeking to develop the last lot (Lot 3) within the Town Center Commercial District (south of Wendy's) and the potential tenant (Mo'Bettahs) desires to have a pick-up window lane
- Town Center zoning imposes a maximum 15-foot building setback and a 10-foot entrance setback from Town Center Blvd
- These maximum setbacks prohibit the proposed site plan with a pick-up window lane
- Applicant seeks a code amendment changing the setbacks from 15'/10' to 25'/25'

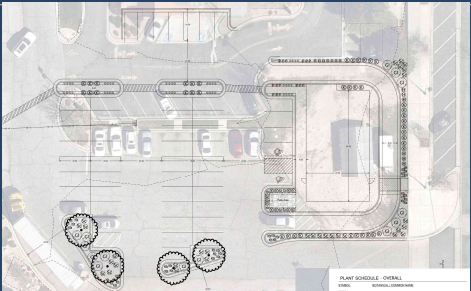
15

Vicinity



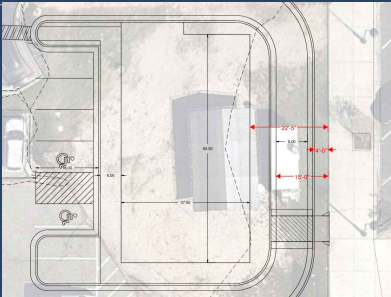
16

Concept Site Plan Lot 3



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Setback Issue



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Staff Review

- The 15'/10' setbacks only apply to Lot 3, because there is an exception for lots that front onto SR-92 (Cubby's, UPS, and Wendy's buildings) and they were not applied to Meier's (unknown why)
- Commercial lots east of Lot 3 also front onto Town Center Blvd, but have 40'-80' minimum setbacks under the C-1 zone, rather than maximum setbacks
- The pickup lane may fit within 15' setback, but it would constrict the lane and remove landscaped buffers
- Staff is not concerned about code amendment

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Proposed Text Amendment

- HDC 3-4713(5)(d)(iii)
 - Location. Any portion of all buildings within the Commercial Retail District shall be a maximum of ~~fifteen (15)~~ twenty-five (25) feet from an existing right-of-way, and the building front and front door shall be a maximum of ~~ten (10)~~ twenty-five (25) feet from Parkway East or Town Center Boulevard except as follows:

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Feedback on Site Plan and Elevations

- Pickup window/drive-thru
 - Applicant indicated they would be amenable to stipulation on site plan approval that lane be limited to pickup window, and that changing to drive-thru would require site plan amendment (allow additional review of traffic impacts and circulation for changed use)
- Parking
- Setback issue
- Building look/materials

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Concept Site Plan Lot 3

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Concept Building Elevations

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Concept Building Elevations

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Staff Recommendation

- Staff recommends that the Planning Commission hold a public hearing, consider the proposed amendments, and recommend APPROVAL of the amendments.

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Proposed Motions

- I move that the Planning Commission recommend APPROVAL of the proposed amendments to the Town Center Commercial Retail District setbacks.
[Planning Commission may specify additional or different amendments as part of motion]

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**PUBLIC HEARING: LOT COMBINATION
ZONING STANDARDS**
Land Use (Legislative)

Item 3c. – Action Item

Presented by – Rob Patterson

City Attorney, Planning & Zoning Administrator

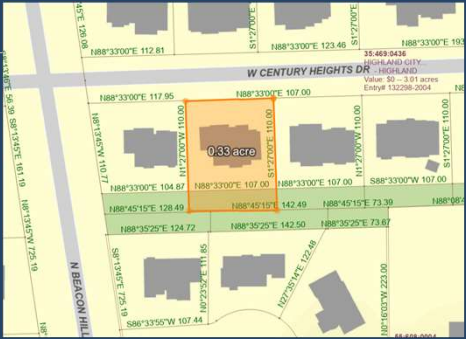
27

Background

- 2022 state law changed to allow lots to be combined without requiring a plat amendment
- City amended its code to allow staff to approve combinations without plat amendment and without Council approval
- Staff have approved and recorded approval of several combinations of properties (combining parcels, or adding open space areas to existing lots)
- County refuses to combine properties in records

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Example



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Example



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Reason for Amendment

- Because the County will not combine properties without a plat amendment, the properties still show as separate parcels
- Current city regulations are based on County property lines (lot size, setbacks, etc.), so combined properties do not get the benefits of combination
- Staff proposes an amendment to allow the City to treat property as combined for City zoning purposes

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Proposed Text Amendment

- HDC 5-7-104 – new subsection (5)
- 5. Effect of Notice of Approval.
 - a. Property for which a Notice of Approval of a lot or parcel combination has been approved and recorded pursuant to this section shall be treated as a single, combined lot or parcel for all purposes under this Code, including the following:
 - i. The property line to which setbacks may be measured shall be the property line of the combined property furthest from the structure; and
 - ii. Property coverage regulations shall be calculated based upon the size of the combined property.

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Proposed Text Amendment

- b. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect any public utility easements, municipal utility easements, or other easements or the applicability of plat notes or other restrictions that may apply to any of the properties that are the subject of the Notice of Approval.
- c. Unless otherwise approved by the Zoning Administrator in writing, any restriction applicable to one of the properties being combined shall apply to the entire combined property upon the approval and recording of a Notice of Approval of a lot or parcel combination.
- d. The approval and recording of a Notice of Approval of a lot or parcel combination does not affect the applicability of any building or fire code regulations.

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Staff Recommendation

- Staff recommends that the Planning Commission hold a public hearing, consider the proposed amendments, and recommend APPROVAL of the amendments.

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Proposed Motions

- I move that the Planning Commission recommend APPROVAL of the proposed amendments to Chapter 5, Article 7 of the Highland Development Code.

[Planning Commission may specify additional or different amendments as part of motion]

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PLANNING COMMISSION AND
STAFF COMMUNICATION ITEMS

a. 2025 Meeting Schedule (Fourth Tuesday – perhaps cancel November)

January 28 – General Plan CC/PC Work Mtg

February 25

March 25

April 22

May 27

June 24

July 22

August 26

September 23

October 28

November 25

December 9

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PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

b. Resident Survey and General Plan Update

c. Future Meetings

- January 7, City Council, 7:00 PM, City Hall
- January 21, City Council, 7:00 PM, City Hall
- January 28, Planning Commission/City Council General Plan Work Session, 7:00 PM, City Hall