



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, November 10, 2015 – Regular Meeting 7:00 p.m.

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

CALL TO ORDER: Chris Kemp, Chair

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

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:

1. **PP-15-04:** A request by Rob Gulbrandsen for preliminary plat approval of a 61 lot single-family residential subdivision. The property is approximately 36.61 acres in size and is located at the northeast corner of Highland Boulevard and 11800 North. *Administrative. **This item will be continued to the December 8, 2015 Planning Commission meeting.***

PUBLIC HEARING ITEMS:

2. **PP-15-02:** A request by Matt Robinson with Handcrafted Homes for preliminary plat approval for an 86 unit attached single-family subdivision. The property is approximately 7.76 acres in size and is located at the northeast and southeast corners of Town Square East and Parkway East. *Administrative*

OTHER BUSINESS:

3. Report regarding updates to the Town Center Overlay District

APPROVAL OF MINUTES:

4. Approval of August 25, 2015 meeting minutes

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *December 8th, 2015* 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 policies.

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 5th day of November 2015. 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 5th day of November, 2015 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Kelsey Bradshaw, Planning Coordinator



Community Development

DATE: November 24, 2015

TO: Planning Commission

FROM: Nathan Crane, AICP
City Administrator/Community Development Director

REQUEST: Preliminary Plat approval for Blackstone a-86 unit townhome subdivision.

PARCEL SIZE: 7.76 Acres

LOCATION: Northeast and Southeast corner of Town Square East and Parkway East

APPLICANT: Matt Robinson, Handcrafted Homes

OWNER: Blackstone Townhomes Group, Inc.

BACKGROUND:

The site is designated as Mixed Use Development on the General Plan Land Use Map. The site is zoned Town Center Flex-Use District. Multi-family residential developments are permitted in this district subject to review and approval of a conditional use permit. The City Council approved the Conditional Use Permit, Site Plan and Architectural plans on September 15, 2015 subject to twenty-two stipulations (Attachments 2 and 4).

Subdivision review and approval is an administrative process.

SUMMARY OF REQUEST:

1. The applicant is requesting approval of an 86 unit attached alley loaded single family townhome development subdivision (Attachment 1). The density is 11.08 units per acre. All units are three bedroom units. The number of units per building will range from three to six. Owners will own each unit.
2. The primary ingress/egress to the project will be from Parkway East and Town Square East. Parkway East will be completed as part of this project.
3. All roads within the development are private and will be owned and maintained by a Home Owners Association (HOA). The roads include 26 feet of asphalt with two feet of flat curbing.
4. The project will be built in two phases. The first phase will be north of Parkway East and the

second phase will be south of Parkway East.

CITIZEN PARTICIPATION:

Notice of the October 15, 2015 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on October 6, 2015. One resident attended the meeting and spoke in favor of the subdivision.

Notice of the November 10, 2015 Planning Commission meeting was published in the Daily Herald on October 27, 2015. Notice of the meeting was also mailed to all property owners on October 26, 2015. No comments have been received.

ANALYSIS:

- The site is designated as Mixed Use Development on the General Plan Land Use Map. The site is zoned Town Center Flex-Use District. Multi-family residential developments are permitted in this district subject to review and approval of a conditional use permit. A conditional use permit was approved by the City Council on September 15, 2015 (Attachments 2 and 4).
- The property to the north and east is zoned Town Center Commercial Retail and is the Ridley's shopping center, Tim Tire, Arctic Circle, Ace Hardware, and an existing home. The property to the south is zoned Town Flex-Use and is planned for a City library. The property to the west is zoned Town Center Civic. The proposed use is compatible with the surrounding properties.
- The proposed density is 11.27 which is less than the maximum of 12 units per acre permitted. The number of units will not exceed what is allowed in the district.
- Public water, sewer, and storm drain lines are proposed in the private roads. The City Engineer and Public Works Department will need to approve the location of all utilities prior to final plat approval. In addition, an easement to allow access to these lines will need to be included.
- The location of water, sewer, and pressurized irrigation lines in relation to lot lines and building foundations will need to be reviewed with the civil improvement plans to ensure adequate spacing.
- Water will be dedicated as required by the Development Code prior to final plat recordation.
- The conditional use permit was approved with 1.21 acres of landscaping. The applicant states that this number was incorrect since it only included the grass areas and that the sidewalks and other areas should have been included. Section 3-4729 states:

“All areas not incorporated in the building footprint, parking area or access drives shall be landscaped. A minimum of fifteen (15%) of the project area shall be landscaped. The developer/owner shall incorporate the following landscaping design concepts and landscaping elements into each project and shall submit the following landscaping information with each project:...”

Based on Staff's literal interpretation of this section, sidewalks should not be included in the

landscape area. Rather they are included in Section 3-4731 Hardscape. Some of the landscape area has been removed due to the addition of parking stalls. If the sidewalks are removed, then the site will be short the minimum 15% (Attachment 5).

- Stipulation 21 of the conditional use permit approval states: A minimum of 19 on-site parking spaces for the north parcel and 11 on-site parking spaces for the south parcel, which is in addition to the minimum parking requirement for residential. Fifteen additional spaces were added to the north phase and 9 were added to the south phase (Attachment 6).
- Staff has prepared an analysis regarding compliance with stipulations of approval (Attachment 3). Stipulations have been carried over as needed.

RECOMMENDATION:

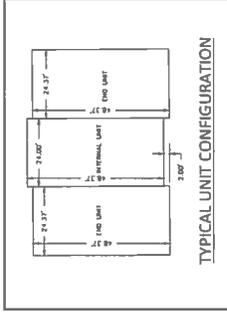
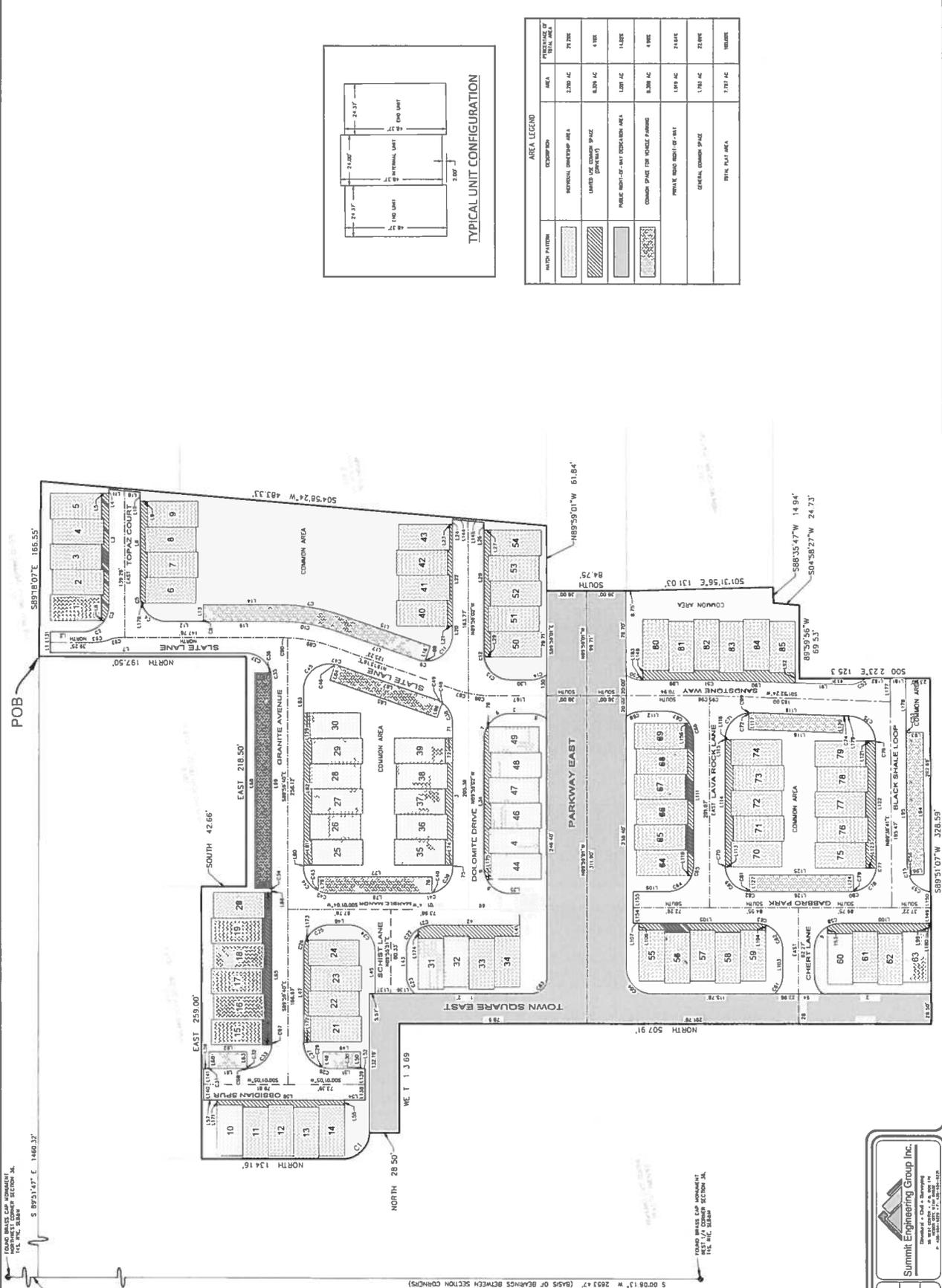
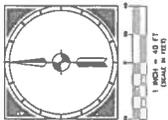
The Planning Commission should determine if the stipulations have been met, hold a public hearing, draft findings, and make a recommendation to the City Council. The Commission will also need to draft appropriate findings. If the Commission chooses to recommend approval, then the following stipulations should be included:

1. The final plat shall be in substantial conformance with the preliminary plat date stamped November 5, 2015.
2. Final landscape plans shall be approved prior to recording the final plat. The landscape plans shall be revised to show compliance with the Parkway East design standards located on page 17-22, and 30 of the Town Center Design Standards and Section 3-4729.8 and Section 3-4731.a.7.
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. Water shall be dedicated as required by the Development Code.
6. The property owner shall establish an irrevocable maintenance fund by the CC+R's to ensure maintenance of the private streets. In addition, all private streets shall be constructed to meet City design standards.
7. The Fire Marshall shall approve the location of all fire hydrants prior to approval of the civil construction plans.
8. A six foot concrete wall shall be installed along the property perimeter.
9. Utilities and a road stub shall be provided to the property to parcel #11:039:0010 and parcel #41:617:0007.
10. The north parcel shall be the first phase.

11. All perimeter walls, open space, and guest parking shall be completed in the first phase of development on each site.
12. A minimum of 19 on-site parking spaces for the north parcel and 11 on-site parking spaces for the south parcel, which is in addition to the minimum parking requirement for residential.
13. A minimum 15% of landscaped area shall be included. These areas shall meet the requirements of Section 3-4729 of the Highland City Development Code.
14. Potential homebuyers shall be informed by CC&R's, affidavit, and posted notice in the model home sales office of the following:
 - a. Ownership and maintenance of private streets.
 - b. Responsibility for repairing private streets after utility maintenance.
 - c. Parking restrictions for residents and visitors.
 - d. Ownership and maintenance responsibility for all common areas.
 - e. No more than four unrelated persons may live in a unit.

ATTACHMENTS:

- Attachment 1 – Preliminary Plat and Landscape Plan date stamped November 5, 2015
- Attachment 2 – Approved Site Plan
- Attachment 3 – Stipulations of Approval Analysis
- Attachment 4 – Minutes of the September 15, 2015 City Council Meeting
- Attachment 5 – Section 3-4729 Landscaping and Section 3-4731 Hardscape
- Attachment 6 – Parking Analysis



AREA LEGEND	DESCRIPTION	AREA	PERCENTAGE OF TOTAL AREA
[Pattern]	INTERNAL UNIT	2306 AC	79.2%
[Pattern]	UNITED USE COMMON SPACE (CORRIDORS)	6326 AC	19.8%
[Pattern]	PUBLIC RIGHT-OF-WAY RECREATION AREA	1201 AC	3.7%
[Pattern]	COMMON SPACE FOR VEHICLE PARKING	2306 AC	7.1%
[Pattern]	PRIVATE RIGHT-OF-WAY	1101 AC	3.4%
[Pattern]	GENERAL COMMON SPACE	1101 AC	3.4%
[Pattern]	TOTAL PLAT AREA	2917 AC	100.0%

LEGEND

- ① LANDSCAPED STREET MEDIAN
- ② ADA RAMP
- ③ ACCESS GATE IN EXTERIOR FENCING
- ④ NEW SIDEWALK
- ⑤ PAVED/PAZAZ AREA-SEE SITE PLAN DETAIL SHEET
- ⑥ COMMUNITY FACILITY AREA
- ⑦ STYPI/STREET SIGN
- ⑧ EXISTING VEHICULAR SIDEWALK TO BE UPGRADED TO A 3.0' WIDE SIDEWALK
- ⑨ WITHDRIFT FROM FENCING-SEE DETAIL SHEETS
- ⑩ FIRE ACCESS
- ⑪ LANDSCAPE PLANTER
- ⑫ CROSSWALK
- ⑬ POLE LIGHT-SEE LIGHTING SITE PLAN
- ⑭ STREET LIGHT-SEE LIGHTING SITE PLAN
- ⑮ STREET TIE AND GRATE-SEE DETAIL SHEETS
- ⑯ METE BACK-SEE DETAIL SHEETS
- ⑰ HIGH BACK CURB AND GUTTER
- ⑱ R-PAVED GUTTER (AS PRIVATE ROAD)
- ⑲ CONCRETE DRIVEWAY
- ⑳ CHILDREN'S PLAY AREA
- ㉑ DOG WASTE STATION
- ㉒ MARK BENCH
- ㉓ PAINTED CROSSWALKS
- ㉔ PEDESTRIAN-ACTIVATED CROSSING LIGHT
- ㉕ 30' UTILITY CLEARANCE FOR THE BENEFIT OF PROPERTIES TO THE EAST

JURISDICTION

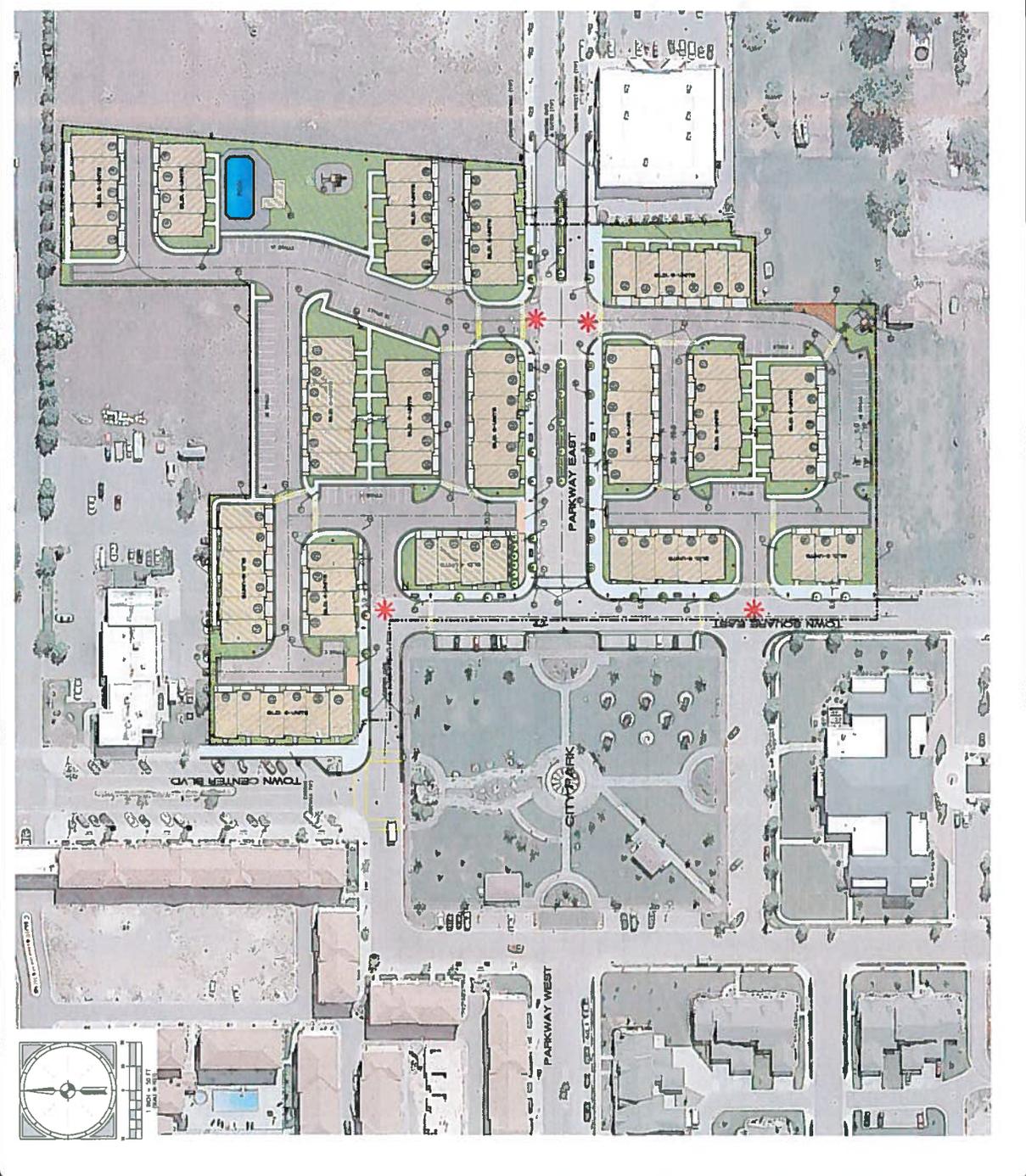
LOCAL JURISDICTION	HOUSING CITY	AREA	% of Total
TOWN CENTER PARKING ZONE	TOWN CENTER FUTURE USE	7.76 ACRES	100%
		2.45 ACRES (107,134 SF)	37%
		1.23 ACRES (53,793 SF)	15.6%
		1.9 ACRES (82,704 SF)	23%

PARKING TABULATIONS

TOTAL UNITS	172 GARAGE
705 TOTAL ON SITE	93 TOTALS
(189 SPACES/UNIT)	(18 SPACES/UNIT)

ACCESSIBILITY

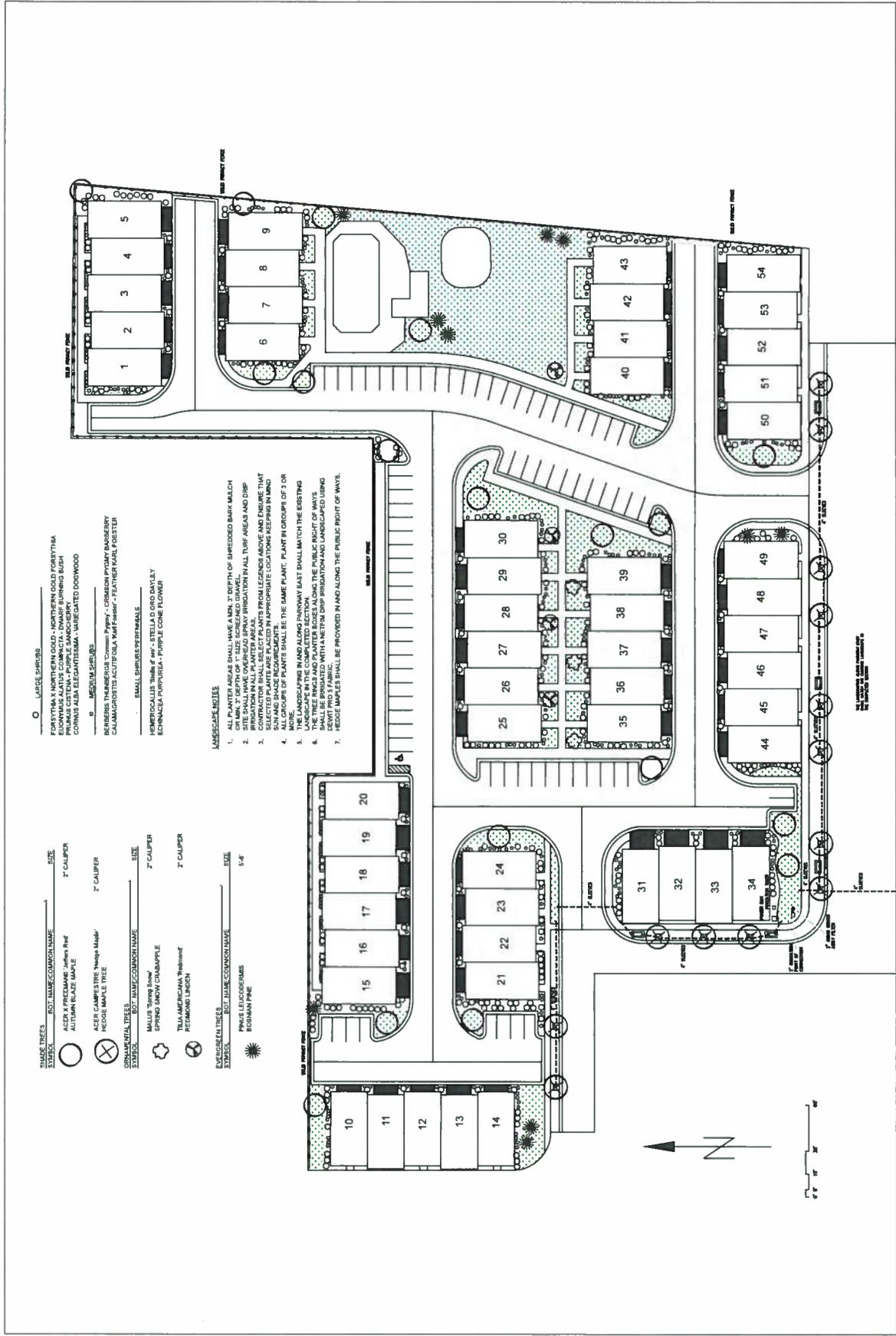
ALL UNITS TO OFFER ELEVATORS FOR HANDICAPPED ACCESS
 * Project access point: full access



- LARGE SHRUBS**
- FORSYTHIA X NORTHERN GOLD - NORTHERN GOLD FORSYTHIA
 - BONIBUS ALATUS COMPACTA - DWARF BURNING BUSH
 - SPYRACER - SPYRACER
 - CORNUS ALBA ELEGANTISSIMA - VASE GATED DOGWOOD
- MEDIUM SHRUBS**
- BERBERIS THUNBERGII 'Compacta' - CRIMSON PUCKER HARBERRY
 - CALAMAGROSTIS ACUTICOLA 'Wolf Pasture' - FEATHER GRASS
- SMALL SHRUBS PERENNIALS**
- HEMEROCALLIS 'Stella d'oro' - STELLA D'ORO DAYLILY
 - ECHINACEA PURPUREA - PURPLE CONE FLOWER

- SHADE TREES**
- ACER X FREEMANS 'Jubel Red' - 2" CALIPER
 - AUTUMN BLAZE MAPLE - 2" CALIPER
 - ACER GLABER 'Sango Maple' - 2" CALIPER
 - RED BARK MAPLE TREE - 2" CALIPER
- ORNAMENTAL TREES**
- MALUS 'Sango Snow' - 2" CALIPER
 - SPRING SNOW CHERRY - 2" CALIPER
 - TRILLI AMERICANA 'Redwood' - 2" CALIPER
 - REDWOOD LINDEN - 2" CALIPER
- PERENNIAL TREES**
- PHILAEA COCCINEA - 5'-4"
 - BOHANNAN PINE

- LANDSCAPE NOTES**
- ALL PLANTING AREAS SHALL HAVE A MIN. 1" DEPTH OF SHEDEDGED BARK MULCH OR MIN. 2" DEPTH OF 1" SIZE SCREENED GRAVEL.
 - SITE SHALL HAVE OVERLAP DRIP IRRIGATION IN ALL TURF AREAS AND DRIP SELECTED PLANTS FROM LEGEND ABOVE AND ENSURE THAT ALL GROUPS OF PLANTS ARE PLACED IN APPROPRIATE LOCATIONS KEEPING IN MIND THE LANDSCAPING IN AND ALONG DRIVEWAY EAST SHALL MATCH THE EXISTING LANDSCAPE IN THE COMPLETED SECTION.
 - ALL PLANTS SHALL BE THE SAME PLANT. PLANT IN GROUPS OF 3 OR MORE SHALL BE PROVIDED WITH A DRIP IRRIGATION AND LANDSCAPED USING PERENNIALS.
 - PERENNIALS SHALL BE PROVIDED IN AND ALONG THE PUBLIC RIGHT OF WAY.



SEE LEGEND FOR TREE SYMBOLS

Blackstone Stipulation Conditional Use Permit Stipulation Analysis

- 1) The site plan shall conform to the site plan and elevations dated August 10, 2015, except as modified by these stipulations.

Analysis: Included in this review.

- 2) The location of water and sewer lines in relation to lot lines and building foundations shall be reviewed by the Engineering Department and Building Division with the civil improvement plans to ensure adequate spacing and appropriate locations.

Analysis: This will be evaluated with the civil plan approval and prior to final plat approval.

- 3) Potential homebuyers shall be informed by CC&R's, affidavit, and posted notice in the model home sales office of the following:
 - a. Ownership and maintenance of private streets.
 - b. Responsibility for repairing private streets after utility maintenance.
 - c. Parking restrictions for residents and visitors.
 - d. Ownership and maintenance responsibility for all common areas.
 - e. No more than four unrelated persons may live in a unit.

Analysis: CC&R's will need to be submitted prior to final plat recordation for verification.

- 4) The property owner shall establish an irrevocable maintenance fund by the CC&R's to ensure maintenance of the private streets. In addition, all private streets shall be constructed to meet City design standards.

Analysis: CC&R's will need to be submitted prior to final plat recordation for verification.

- 5) A note shall be added to the Final Plat and the Covenants, Conditions, and Restrictions stating the Homeowner's Association shall be responsible for the maintenance of all private streets.

Analysis: A note has been included.

- 6) The civil construction drawings shall meet all requirements as determined by the Town Engineer.

Analysis: This will be evaluated with the civil plan approval and prior to final plat approval.

- 7) The final landscape plans shall be reviewed and approved prior to issuance of a building permit.

Analysis: This will be evaluated with the civil plan approval and prior to final plat approval.

- 8) A comprehensive sign plan addressing private drive signage, building addressing and permanent directional signage shall be submitted and approved prior to preliminary plat approval. All signs shall be uniform in theme and appearance.

Analysis: Plan has been submitted.

- 9) The Fire Marshall shall approve the location of all fire hydrants prior to approval of the civil construction plans.

Analysis: This will be evaluated with the civil plan approval and prior to final plat approval.

- 10) Parking shall be prohibited on all private roads and enforced by the Home Owners Association.

Analysis: No action needed.

- 11) A six foot concrete wall shall be installed along the property perimeter.

Analysis: A note on the landscape plan has been provided for a solid privacy fence. However no detail has been provided. A stipulation has been included to address this issue.

- 12) No building permits shall be issued until the 10400 North sewer line has been completed.

Analysis: No action needed.

- 13) The access to the shopping center service drive shall be removed and the area redesigned to meet all emergency access and subdivision requirements.

Analysis: The area has been redesigned as needed.

- 14) Utilities and a road stub shall be provided to the property to parcel #11:039:0010 and parcel #41:617:0007.

Analysis: This will be evaluated with the civil plan approval and prior to final plat approval.

- 15) A minimum 449 square foot basement shall be provided for each unit.

Analysis: This will be evaluated with the building permit.

16) All garbage cans shall be stored inside the garage. This shall be enforced by the HOA.

Analysis: No action needed.

17) The north parcel shall be the first phase.

Analysis: Stipulation included with the preliminary plat.

18) All perimeter walls, open space, and guest parking shall be completed in the first phase of development on each site.

Analysis: Stipulation included with the preliminary plat.

19) A minimum driveway throat distance of twenty feet shall be provided for all entrances.

Analysis: Unable to verify due to scale issues on landscape plan. Stipulation included with the preliminary plat.

20) A revised landscape plan shall be submitted with the preliminary plat application.

Analysis: No action needed.

21) A minimum of 19 on-site parking spaces for the north parcel and 11 on-site parking spaces for the south parcel, which is in addition to the minimum parking requirement for residential.

Analysis: 15 additional spaces were added to the north phase and 9 were added to the south phase.

22) A note will also be included on the final plat that will identify adjacent businesses, thereby clarifying the expectations that the homeowner should have in living next to commercial entities.

Analysis: Note has been provided.

ATTACHMENT 4

Excerpt of the September 15, 2015 City Council Meeting

PRESENT: Mayor Mark S. Thompson, conducting
Councilmember Brian Braithwaite
Councilmember Dennis LeBaron
Councilmember Tim Irwin
Councilmember Jessie Schoenfeld
Councilmember Rod Mann

MOTION: Conditional Use Permit, Site Plan and Architectural Approval for an 86 Unit Multi-Family Townhome Development in the Town Center Flex Use Zoning District – Blackstone

Background: Tim Alders is requesting a conditional use permit for an 86 unit multi-family development located at the northeast corner of Town Square East and Parkway East. The site is 7.76 acres in size and is owned by Frank and Maria Carlone. The site is designated as Mixed Use Development on the General Plan Land Use Map. The site is zoned Town Center Flex-Use District. Multi-family residential developments are permitted in this district subject to review and approval of a conditional use permit. A maximum of 342 units are permitted in the Town Center Flex-Use District. A project cannot exceed 12 units per acre. Toscana was approved for 200 units, leaving 142 units. If this project is approved, 56 units will remain.

Nathan Crane presented the staff report, focusing primarily on the changes that been made to the proposal. The applicant has added seven additional parking spaces, which will mostly be on the north side of the development. An added stipulation is that a minimum of 19 on-site parking spaces for the north parcel and 11 on-site parking spaces for the south parcel shall be added. Those spaces should be located within a close proximity of units adjacent to the street. These stipulations were added because if they will be used for businesses, then they should be located near the businesses. The site plan was reviewed and discussed, and Nathan Crane explained how the number of parking spaces was determined. A comprehensive list of stipulations was also included in the staff report.

Brian Braithwaite made reference to Lily Kohler's earlier remarks, and suggested that all known noises and smells related to nearby businesses be indicated on the final plat. He mentioned that plats located to agricultural land could serve as an example of how to draft something similar for this purpose.

Bruce Baird stated that he will be representing the applicant. He explained that development is not a contractual between a landowner and a City. The Utah Supreme Court has indicated that the development of private property is a sacred right. Bruce argued that the applicant is

complying with the law, thereby granting him a right to approval. The General Plan is advisory in the fact that the zoning Code implements the General Plan, which means that the issue of the appropriate use has been settled beyond any doubt. Bruce continued that they would be happy to add a note to the plat indicating that there are adjacent businesses. He explained that while it would have been nice to have the Kohler easement, it is not needed for their project. Approval of the Conditional Use Permit (CUP) is an administrative decision. Bruce continued to explain that a CUP can only be denied if a reasonably anticipated detrimental effects, if any, of a proposed CUP cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards. Bruce argued that his client has resolved more than all of the legitimate concerns, and reasonably mitigated any anticipated detrimental effects in compliance with all applicable City standards. Bruce addressed several of the conditions that are listed in the staff report. He explained that there is nothing in Highland City's Code that allows them to require a perimeter around the site. He stated that he has not received justification from the City on the required wall despite several requests. While Mr. Alder's is willing to install a wall between the portion of the project and the area where there are horses. However, the purpose of this zone is to allow an open area with open circulation, and the perimeter wall would defeat that purpose. Secondly, Bruce argued that there is no legitimate basis for the condition regarding phasing. Third, there is no reason why the City should require completion of a sewer line prior to issuance of a building permit. Fourth, there is no basis in the City's Code for a required minimum basement size. Fifth, Bruce addressed the parking requirements as they were relayed to his client last night. Bruce explained that there are some members of the City Council who are so adverse to this project, that they would authorize a trade of 12 acres of City park land for this site, noting that his client received a phone call today on the matter. The 12 acres of park land would carry a zoning that would make it financially unusable, and therefore wouldn't be a fair trade. Bruce concluded that this project complies 100% with the law, as well as with the additional conditions indicated in the staff report. He stated that this project requires the Council's affirmative vote, and noted that it will be a welcome addition to the City.

Nathan Crane explained that there is a provision in the Town Center design standards that requires opaque masonry walls to be used to separate commercial uses from residential uses. He indicated that staff sent the applicant a copy of the Commercial Retail Office Residential Town Center Overlay Zone Design Standards, which contains a reference to this specific requirement. Phasing has been added as a condition due to reasons related to open space and parking. Nathan explained that they did not receive a time line from the applicant in terms of construction, and so in its absence they added the condition that the sewer line must be completed prior to issuance of a building permit. A plat cannot be signed if there is no way of providing a utility service. Lastly, the minimum basement size was a reflection of what the applicant agreed to, so staff's purpose in adding it as a condition is to hold the applicant to what he agreed and stated to the Council. There was further review and discussion of the site plan.

Brian Braithwaite explained that one of his key findings in discussing this issue with several attorneys is understanding that the Development Code takes precedence over the General

Plan. The Code is supposed to define in detail what the General Plan is supposed to accomplish. Furthermore, the Code is supposed to help residents who buy a piece of property to understand the rules that they live within. In this situation, Highland has a plan that speaks really well with what is wanted as a City. However, the City did not align their development Code in a way that met the needs of the General Plan, and the General Plan is not specific enough to override the Code. As elected officials, they have a responsibility of honoring the rights of private property. Brian spoke to other points that have been previously discussed throughout the meeting. He remarked that while the applicant provides a good product, he does not believe that it is a good fit for the location, and that it was not planned in partnership with the community.

Dennis LeBaron agreed with his remarks.

MOTION: Jessie Schoenfeld moved that the Council approve a Conditional Use Permit, Site Plan and Architectural Approval for an 86 Unit Multi-Family Townhome Development in the Town Center Flex Use Zoning District, with the stipulations listed in the staff report, including a minimum of 19 on-site parking spaces for the north parcel and 11 on-site parking spaces for the south parcel, which is in addition to the minimum parking requirement for residential. Language will also be included on the final plat that will identify adjacent businesses, thereby clarifying the expectations that the homeowner should have in living next to commercial entities.

The stipulations included in the staff report are as follows:

- 1) The site plan shall conform to the site plan and elevations dated August 10, 2015, except as modified by these stipulations.
- 2) The location of water and sewer lines in relation to lot lines and building foundations shall be reviewed by the Engineering Department and Building Division with the civil improvement plans to ensure adequate spacing and appropriate locations.
- 3) Potential homebuyers shall be informed by CC&R's, affidavit, and posted notice in the model home sales office of the following:
 - a. Ownership and maintenance of private streets.
 - b. Responsibility for repairing private streets after utility maintenance.
 - c. Parking restrictions for residents and visitors.
 - d. Ownership and maintenance responsibility for all common areas.
 - e. No more than four unrelated persons may live in a unit.
- 4) The property owner shall establish an irrevocable maintenance fund by the CC+R's to ensure maintenance of the private streets. In addition, all private streets shall be constructed to meet Town design standards.
- 5) A note shall be added to the Final Plat and the Covenants, Conditions, and Restrictions stating the Homeowner's Association shall be responsible for the maintenance of all private streets.

- 6) The civil construction drawings shall meet all requirements as determined by the Town Engineer.
- 7) The final landscape plans shall be reviewed and approved prior to issuance of a building permit.
- 8) A comprehensive sign plan addressing private drive signage, building addressing and permanent directional signage shall be submitted and approved prior to preliminary plat approval. All signs shall be uniform in theme and appearance.
- 9) The Fire Marshall shall approve the location of all fire hydrants prior to approval of the civil construction plans.
- 10) Parking shall be prohibited on all private roads and enforced by the Home Owners Association.
- 11) A six foot concrete wall shall be installed along the property perimeter.
- 12) No building permits shall be issued until the 10400 North sewer line has been completed.
- 13) The access to the shopping center service drive shall be removed and the area redesigned to meet all emergency access and subdivision requirements.
- 14) Utilities and a road stub shall be provided to the property to parcel #11:039:0010 and parcel #41:617:0007.
- 15) A minimum 449 square foot basement shall be provided for each unit.
- 16) All garbage cans shall be stored inside the garage. This shall be enforced by the HOA.
- 17) The north parcel shall be the first phase.
- 18) All perimeter walls, open space, and guest parking shall be completed in the first phase of development on each site.
- 19) A minimum driveway throat distance of twenty feet shall be provided for all entrances.
- 20) A revised landscape plan shall be submitted with the preliminary plat application.

Dennis LeBaron seconded the motion.

Those voting "Aye": Rod Mann, Jessie Schoenfeld, Tim Irwin, Dennis LeBaron, Brian Braithwaite.

Those voting "Nay": None.

Motion carried.

SECTION 3-4729 LANDSCAPING AND SECTION 3-4731 HARDSCAPE

3-4729: Landscaping. All areas not incorporated in the building footprint, parking area or access drives shall be landscaped. A minimum of fifteen (15%) of the project area shall be landscaped. The developer/owner shall incorporate the following landscaping design concepts and landscaping elements into each project and shall submit the following landscaping information with each project:

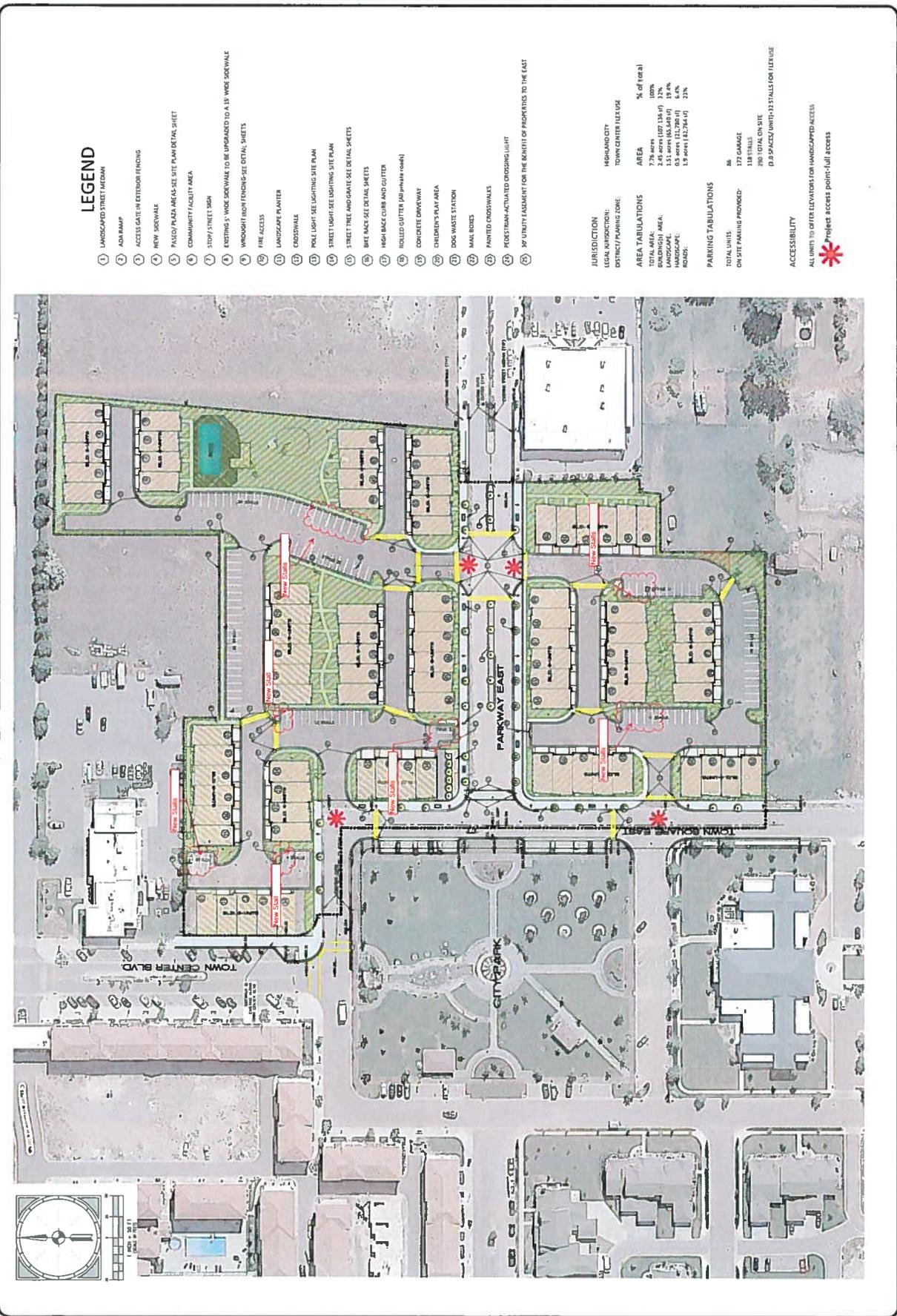
- (1) **Quality:** Landscaping shall enhance the overall visual appearance of the development.
- (2) **Trees:** Minimum caliper for all trees shall be one-half inches (1 1/2") and minimum shrub size shall be one gallon and shall be consistent with the tree variety as approved for each location.
- (3) **Irrigation:** All landscaping shall have an automatic irrigation system.
- (4) **Installation:** All required landscaping shall be properly installed, irrigated, and maintained prior to use inauguration or occupancy.
- (5) **Maintenance:** Maintenance of approved landscaping shall consist of regular watering, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.
- (6) **Front Setback Areas:** Landscaping in these areas shall consist of an effective combination of street trees, trees, ground cover, annual and perennial flower beds, turf grass and shrubbery.
- (7) **Non-Parking Areas:** All unpaved areas not utilized for parking, sidewalks, plazas or paseo hardscape shall be landscaped consistent with 3-4729(6).
 - (a) **Paseos.** A minimum of thirty percent (30%) of the area within a paseo shall be landscaped with a variety of landscaping materials (as required herein).
 - (b) **Plazas.** A minimum of ten percent (10%) of the area within a plaza shall be landscaped with a variety of landscaping, however a minimum of 50% of the plaza area shall be covered by tree canopy (as required herein).
- (8) **Rights-of-Way** Properties along designated right-of-ways are required to install landscaping improvements as defined in the Commercial Design Standards.
 - (a) Properties along Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street shall include tree grates with street trees a minimum of 30 feet apart adjacent to the street curb except at locations where street lights are located.
 - (b) Properties along Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street shall include concrete planters between the trees and street lights as follows:
 - (i) Planters shall include area for perennial and annual plants; and
 - (ii) Planters shall incorporate 50% evergreen into the landscaping design; and
 - (iii) Planters shall be constructed to allow seating; and
 - (iv) Planters shall be constructed with the same materials and colors within the Town Center Zone.
- (9) **Parkway Detail:** If any property is adjacent to SR-92 or SR-74, the property owner/developer shall install the parkway detail per Highland specifications.
- (10) **Landscaped Medians:** All owners/developers adjacent to SR-92, SR-74, Town Center Boulevard/Drive, Parkway East or Parkway West shall be responsible for their portion of landscaped medians within the center of those rights-of-way.
- (11) **At Intersections:** Landscaping along all streets and boundaries shall be limited to a height of not more than three (3) feet within the area required for minimum sight distance as specified in the AASHTO Policy on Geometric Design for the following intersections.
 - (a) A vehicular trafficway or driveway and a street;
 - (b) A vehicular trafficway or driveway and a sidewalk;
 - (c) Two or more vehicular traffic ways, driveways, or streets.
- (12) **Parking Areas:** Parking area landscaping design requirements are defined herein.

3-4730: Landscaping Maintenance. Landscaping shall be maintained in proper order and good living condition by each owner/developer according to an approved landscaping plan associated with each

development. Businesses within the Town Center may enter into an agreement with a third party for the purpose of maintenance.

3-4731: Hardscape. Hardscape should be used in coordination with architecture and landscaping to provide a link between the street edge and individual developments and shall conform to the Commercial Design Standards. Attention to Hardscape details can create visual unity by relating different developments to a unifying theme. In addition, proper hardscaping can improve pedestrian safety and movement, and the visual enjoyment of public areas.

- (1) Each project shall include hardscape improvements. Hardscape improvements shall include: pavers, concrete planter boxes, masonry trash receptacles, pedestrian benches, bicycle racks, plazas, paseos, fountains, outdoor eating areas, and sculptures. Hardscape shall not include; colored or stamped concrete, asphalt, parking areas. Hardscape elements shall be consistent throughout the Town Center. A detailed plan of Hardscape design shall accompany landscape plans.
 - (a) **Hardscape Elements.** Each project shall include a minimum of two (2) hardscape elements and shall incorporate a minimum hardscape area equal to 5% of the entire property. Certain hardscape improvements are required by any development as follows:
 - (i) **Medians and Planters.** Properties along Parkway East, Parkway West, Town Center Boulevard, Town Square Street East, Town Square Street West or Town Square Park Street may use the designated 10 foot sidewalk when calculating the 5% requirement, however landscaped medians shall be provided by the developer/owner as defined herein.
 - (ii) **Landscape Planters.** Properties along Parkway East, Parkway West, Town Center Boulevard, Town Square Street East, Town Square Street West or Town Square Park Street may use the designated 10 foot sidewalk when calculating the 15% landscaping requirement, however landscaping planters shall be provided by the developer/owner as defined herein.
 - (iii) **Pedestrian Elements.** Pedestrian elements such as planters, benches, bike racks and decorative garbage cans may be required depending on location and use as determined at the time of site plan approval.
 - (iv) **Plazas.** It is encouraged that the developer/owner improve areas between building side setbacks along Town Center Boulevard, Parkway East, Parkway West, and Town Square Park East as plazas to provide gathering places for pedestrian interaction and to minimize maintenance.
 - A. Plazas shall be considered as five percent (5%) of the required landscaping.
 - (v) **Paseos.** Areas between building side setbacks along Town Center Boulevard, Parkway East, Parkway West and Town Square Park East that have not been developed as plazas or access drives shall be improved as paseos to keep these areas accessible and clean. A minimum of 30% of the area within a paseo shall be landscaped.
 - (vi) **Pavers.** Pavers are required along the building front connecting adjacent buildings.
 - (vii) **Focal Point.** Each project shall provide at least one feature including but not limited to water feature, statue, sculpture, specimen tree, or other similar aesthetic feature.



LEGEND

- 1 LANDSCAPED STREET FACILITY
- 2 ADA RAMP
- 3 ACCESS GATE IN EXTERIOR FENCING
- 4 NEW SIDEWALK
- 5 PAVED PLAZA AREAS-SEE SITE PLAN DETAIL SHEET
- 6 COMMUNITY FACILITY AREA
- 7 SIGN / STREET SIGN
- 8 EXISTING 5' WIDE SIDEWALK TO BE UPGRADED TO A 15' WIDE SIDEWALK
- 9 WITHOUT HIGH FENCING-SEE DETAIL SHEETS
- 10 FIRE ACCESS
- 11 LANDSCAPE PLANTER
- 12 CROSSWALK
- 13 POLE LIGHT SEE LIGHTING SITE PLAN
- 14 STREET LIGHT SEE LIGHTING SITE PLAN
- 15 STREET TREE AND GRATE SEE DETAIL SHEETS
- 16 MET BACK SEE DETAIL SHEETS
- 17 HIGH BACK CURB AND GUTTER
- 18 ROLLED GUTTER (FOR PAVEMENT ROADS)
- 19 CONCRETE DRIVEWAY
- 20 CHILDREN'S PLAY AREA
- 21 DOG WASTE STATION
- 22 MAIL BOXES
- 23 PAINTED CROSSWALKS
- 24 PHOTO-EYE ACTIVATED CROSSING LIGHT
- 25 15' UTILITY EASEMENT FOR THE BENEFIT OF PROPERTIES TO THE EAST

JURISDICTION: HIGHLAND CITY
 LEGAL JURISDICTION: TOWN CENTER FLEX USE

DISTRICT / PLANNING ZONE:

AREA TABULATIONS	AREA	% of Total
TOTAL AREA:	7.78 acres	100%
IMPROVEMENT AREA:	1.48 acres (191,136 SF)	19%
LANDSCAPE:	0.5 acres (67,260 SF)	8.6%
ROADS:	1.5 acres (212,764 SF)	23%

PARKING TABULATIONS

TOTAL UNITS:	86
ON SITE PARKING PROVIDED:	172 GARAGE
ON SITE TOTAL ON SITE:	258 STALLS
OFF SITE TOTAL ON SITE:	0.9 SPACES (WITH 21 STALLS FOR FLEX USE)

ACCESSIBILITY

ALL UNITS TO OFFER ELEVATORS FOR HANDICAPPED ACCESS

Project access point-full access *

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Highland City Planning Commission August 25, 2015

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:12 PM on August 25, 2015. An invocation was offered by Commissioner Brammer and those assembled were led in the Pledge of Allegiance by Chairman Kemp.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Brady Brammer
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Tim Heyrend
Commissioner: Steve Rock
Commissioner (Alternate): Steve Nielsen

EXCUSED: Commissioner: Scott Temby

STAFF PRESENT: City Administrator/Community Dev. Director: Nathan Crane
Public Works Superintendent: Justin Arduhn
Planning Coordinator: Kelsey Bradshaw
Planning Commission Secretary: Heather White

OTHERS: See attendance list

PUBLIC APPEARANCES

Chairman Kemp asked for public comment. None were offered.

PUBLIC HEARING ITEMS

CU-15-03

A request by Lafe Harris with BDH Architects for the approval of a conditional use permit for a LDS Church meetinghouse. The property is approximately 3.59 acres in size and is located at 9681 North 6900 West.

Chairman Kemp opened the public hearing by consent at 7:13 PM.

Upon request, Mr. Crane reviewed the details for the LDS Church meetinghouse conditional use permit application. He talked about the size of the meeting house and pavilion, the density designation of the area, site plan, and landscape plan.

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1
2 Chairman Kemp asked for public comment.

3
4 Resident Mike Gagon voiced concern regarding an inadequate number of parking stalls. He said
5 his biggest concern was being able to get in and out of his driveway. Mr. Crane explained that
6 the applicant would provide 219 parking stalls. Lafe Harris, applicant, said a typical meeting
7 house had about 220 parking stalls and that they did not allow or account for parking on streets.

8
9 Resident Shonnie Smith voiced concern regarding the dead end. She thought the road would go
10 through when the meeting house was built.

11
12 Resident Alison Gagon explained that if cars parked on the road, there was one lane of traffic
13 with no emergency turnout. She submitted pictures of the road and explained that if cars were
14 parked on the road, it would be difficult for them to access their driveway while pulling their
15 horse trailer. She said the road was 30 feet wide.

16
17 Gary Cooper voiced concern about the four-foot elevation for the sewer line. He talked about his
18 house on 6800 East and how he could not connect to the sewer line because it was 26 inches too
19 high. He was worried the same thing would happen in this location. Chairman Kemp said the
20 Highland engineer would need to address the issue.

21
22 Mr. Harris explained that the road height was due to the drainage ditch. He said the ditch had a
23 covert that ran under the road and that it was at the height required by the city and by the
24 irrigation company. Referring to parking, Mr. Harris explained that in 2006 the LDS Church did
25 a nationwide study. He reviewed the findings from the study and said the proposed building was
26 a larger site and had more parking than normal. He was amenable to the idea of painting the curb
27 or posting no parking signs on the street. Commissioner Neilsen questioned the accuracy of the
28 study due to the higher attendance rates in the area. Mr. Harris explained that meeting houses
29 built in Utah generally had more parking. He said the LDS Church planned for higher attendance
30 rates in Utah County versus other areas.

31
32 Commissioner Day asked about a fence to create a buffer. Mr. Harris explained that a precast
33 concrete fence would be on the north, south and west sides.

34
35 Commissioner Neilsen asked about the issue with the sewer. Mr. Crane explained that the sewer
36 was reviewed by the city engineer. He said the applicant would connect to an existing sewer line
37 and the burden to fix something that might be an issue in the future would not normally be
38 placed on a current applicant. The Planning Commission discussed Mr. Cooper's concerns. It
39 was suggested that Mr. Cooper meet with the city engineer to discuss his concerns. Mr. Harris
40 invited Mr. Cooper to their 9:00 AM meeting tomorrow with the city engineer.

41
42 Chairman Kemp asked for additional comments. Hearing none, he closed the public hearing by
43 consent at 7:36 PM and called for a motion.

44

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1 **MOTION:** Commissioner Heyrend moved that the Planning Commission accept the findings
2 and recommend approval of the Conditional Use Permit for the Cedar Hollow 6, 8 LDS
3 Meetinghouse, subject to the following four stipulations, and with the addition of "No Parking"
4 signs posted on the east side directly across the street from the Church and that city staff review
5 the road height:

- 6 1. The final site plan shall be in substantial conformance with the site plan dated July 13,
7 2015.
- 8 2. Final civil engineering plan to be reviewed and approved by the City Engineer.
- 9 3. Final landscape plans to be approved prior to issuance of a building permit.
- 10 4. All required public improvements shall be installed as per City Engineer's approval.

11 Commissioner Rock seconded the motion. Commission Chair Kemp and Commissioner
12 Brammer, Commissioner Carruth, Commissioner Day, Commissioner Heyrend, and
13 Commissioner Rock were in favor. Commissioner Nielsen was opposed. The motion carried with
14 one opposed.

15
16
17 **PP-15-03**

18 *A request by Millhaven Construction, LLC. for preliminary plat approval of an 11 lot*
19 *subdivision called The Flats at Fox Hollow. The property is approximately 9.80 acres*
20 *and is located at 9600 N and 5560 W.*

21
22 Chairman Kemp opened the public hearing by consent at 7:40 PM and asked Mr. Crane to
23 present the information for the application.

24
25 Mr. Crane reviewed the details for the preliminary plat application. He talked about the location,
26 density, and lot size. He said they were looking into the possibility of having the curb and gutter
27 installed along 9600 North as part of the subdivision.

28
29 Upon request, Jeremy Ackley addressed the Planning Commission. He thought it was a great
30 project for Highland. He said they would be willing to build the homes, but would sell some of
31 the lots to other builders.

32
33 Chairman Kemp asked for public comment. None was given. He closed the public hearing by
34 consent at 7:43 PM and asked for a motion.

35
36 **MOTION:** Commissioner Rock moved that the Planning Commission accept the findings and
37 recommend approval of the preliminary plat for Plat "A", the Flats at Fox Hollow, subject to the
38 following five stipulations recommended by staff:

- 39 1. The final plat shall be in substantial conformance with the preliminary plat dated July 20,
40 2015.
- 41 2. Final civil engineering plans to be reviewed and approved by the City Engineer.
- 42 3. Prospective homebuyers shall be informed by an affidavit of the proximity of agricultural
43 uses.

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- 1 4. Written approval from the American Fork Irrigation District regarding the piping and
2 relocation of the ditch shall be provided prior to approval of the final civil construction
3 plans.
- 4 5. All required public improvements shall be installed as per City Engineer's approval.

5 Commissioner Brammer seconded the motion. All present were in favor. The motion carried.
6
7

8 CU-15-04

9 *A request by City Council for the approval of a conditional use permit for a Salt Storage*
10 *Building. The property is approximately 2.46 acres and is located at the northwest corner*
11 *of SR-92 and North Park Dr.*
12

13 Chairman Kemp opened the public hearing by consent at 7:45 PM and asked Mr. Crane to
14 present the information regarding the application.
15

16 Mr. Crane reviewed the details of the conditional use permit for a salt storage building. He
17 reviewed the density of the area, the zoning, and the size and construction of the proposed
18 building. He said the primary use would be during snow storms. He said the application was an
19 effort to meet EPA regulations. He talked about the parking and bus drop-off. He said staff
20 considered the nature of the use and did not believe there would be a significant impact to the
21 school bus drop-off.
22

23 Highland Public Works Superintendent Justin Arduhn said the wall height of the proposed
24 facility would be 10 feet on three sides with a metal roof. He said the gates would be locked
25 unless it was being used. The Planning Commission asked about the construction of the proposed
26 facility and the closest neighbors. Chairman Kemp asked for public comment.
27

28 Resident Hyeyoung Thompson talked about the students who road the busses, the situation with
29 the cars dropping off kids, and the number of busses. She explained that there was a lot of traffic
30 between 7:10 AM and 7:50 AM and the only place for the cars was the gravel pit area. She said
31 there was a lot of traffic again at 8:15 AM. Ms. Thompson explained that the busses stopped in
32 the right merging lane of SR-92 requiring the children, ages 5 - 18, to walk to the street while
33 traffic was stopped both ways. She was worried about the trucks going to the proposed facility.
34 She added that it would be dark in the winter during the early morning bus routes. She thought
35 the proposed facility put the children at risk and felt there needed to be additional consideration.
36 She thought there was no way a salt storage facility and 150-160 children accessing busses at the
37 same time during a snow storm could coexist. She was afraid that the kids would not pay
38 attention to the trucks in the dark during the winter.
39

40 Resident Gina Brown said they were told the busses could not go up the hill because the grade
41 was too steep and the curve was too sharp. She talked about the history of the bus stop area and
42 said the parking lot was put in because the city thought it was unsafe to drop kids off along Park
43 Drive with the truck traffic. She talked about the constant stream of traffic during commute hours
44 and strongly suggested that other options were considered. Ms. Brown also talked about the

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1 location as an entrance for a tourist site. She thought the area should be made to look as
2 attractive as possible and maybe become an area that could generate revenue.

3
4 Commissioner Brammer wondered if there was any way to have access from SR-92 rather than
5 Park Drive. He wondered if the city had plans to do a parkway strip and if it could be built now.
6 Mr. Crane said the city would need to ask UDOT (Utah Department of Transportation) if they
7 would allow another access off of SR-92. He explained that the improvements to SR-92 would
8 be built when the road was widened. He said the park strip could be built now if they could
9 determine where the future curb was and if they had the funds to do it.

10
11 The Planning Commission discussed other areas for the salt storage building including the area
12 marked for the future expansion of the pressurized irrigation pond.

13
14 Mr. Arduhn mentioned that trucks had been using the area for a number of years. He said talked
15 about the limited use in past years, the use of the proposed facility, and said the storage building
16 would allow the city to get the salt earlier in the year. He said other than snow storms, the
17 building would not be touched; it would only be a salt storage.

18
19 Commissioner Heyrend wondered if a lane could be established on SR-92 that would allow kids
20 to be dropped off and pickup safely at the bus stop. Mr. Crane did not know. He talked about the
21 cross section at other areas of SR-92.

22
23 Commissioner Brammer wondered if the city was being held to the same standard that a typical
24 developer would be held to. Mr. Crane said the city was, but explained that in this case, the
25 improvements were phased and delayed. Commissioner Brammer pointed out that the phasing or
26 the delay was not included in the application. He asked about the aesthetics of the building. Mr.
27 Crane said the Planning Commissioner could recommend improvements.

28
29 Discussion ensued regarding alternative locations for the salt storage building and the school bus
30 stop.

31
32 Resident Nicki Brammer voiced concern with protecting the children. She said there was a
33 historical issue and that the road was not built correctly. She thought everyone needed to
34 compromise in order to keep children safe.

35
36 Chairman Kemp closed the public hearing by consent at 8:21 PM and asked for additional
37 discussion or questions.

38
39 Discussion continued regarding the salt storage building, the bus stop, traffic, and kids' safety.
40 The Commissioners agreed that there was an issue with the school bus stop and that a solution
41 was needed that worked for all parties. They understood that the parking lot was needed for the
42 parents to drop off kids for the bus stop. Commissioner Neilsen suggested that the city hire an
43 engineer to work with ASD (Alpine School District) to create a site plan for the area.

44 Commissioner Heyrend suggested building improvements on SR-92 in order to create a safer
45 area for the kids. Commissioner Brammer voiced concerns with safety, lack of improvements,

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1 and aesthetics. He pointed out that there were no plans for fencing around the area and no known
2 safety protocols. He was uncomfortable without additional safety mechanisms and procedures
3 for the area. Commissioner Brammer quoted the Highland Development Code Section 5-9-102
4 and Section 5-9-104 concerning developer responsibilities for improvements and was concerned
5 that on the major artery to the only tourist attraction in the city, some kind of improvement to the
6 aesthetics of the area was not required. He said it was concerning to have the salt storage
7 building without pavement or other improvements that could add a buffer and safety for the kids.
8 Referring to the aesthetics of the building, Commissioner Brammer thought the bricks of the
9 public works building could be matched and could look better than the proposed concrete.
10 Commissioner Day suggested constructing the building on the west side of the property and
11 obtain access from SR-92.
12

13 **MOTION:** Commissioner Brammer moved that the Planning Commission recommend that the
14 Storage Building identified as CU-15-04 be modified to incorporate additional safety procedures
15 relative to the school bus situation in the area as well as the public improvements required by
16 Chapters 5-9 of the Highland Development Code, to address the aesthetics to match the public
17 works building directly to the East, and to study if an access off of SR-92 could be obtained.
18 Commissioner Rock seconded the motion. All present were in favor. The motion carried.
19
20

21 **OTHER BUSINESS**

22 None.
23
24

25 **APPROVAL OF MINUTES**

26
27 Commissioner Nielsen was excused at 8:42 PM.
28

29 **MOTION:** Commissioner Rock moved to approve the minutes from July 14, 2015 as written.
30 Commissioner Day seconded the motion. All present were in favor. The motion carried.
31

32 Referring to the minutes from July 28, 2015, Commissioner Heyrend asked that Line 5 on Page 5
33 be changed to "Commissioner Heyrend said he generally liked the R-1-20 District but would like
34 to see it master planned."
35

36 **MOTION:** Commissioner Brammer moved to approve the minutes from July 28, 2015 subject
37 to the requested amendment. Commissioner Carruth seconded the motion. All present were in
38 favor. The motion carried.
39
40

41 **PLANNING STAFF REPORT**

42 None.
43
44

45 **COMMISSION COMMENTS AND SUGGESTIONS**

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1 None.

2

3

4 **ADJOURNMENT**

5

6 **MOTION:** Commissioner Day moved to adjourn the meeting. Commissioner Heyrend seconded
7 the motion. All present were in favor. The motion carried.

8

9 The meeting was adjourned at 8:44 PM.

10

11

