



HIGHLAND CITY

AGENDA

HIGHLAND CITY PLANNING COMMISSION

Tuesday, May 24, 2016, 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 Steve Rock
- Pledge of Allegiance – Commissioner Kurt Ostler

APPEARANCES:

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to three (3) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. **Z-16-01:** Edge Homes has requested a rezoning of property located at 9725 North 6800 West from an R1-40 to an R1-30 zone. *Legislative*
2. **Z-14-01:** Ross Wolfley has requested a rezoning of property located at 11550 N 6000 W from R1-40 to an R1-30 zone. *Legislative*
3. **Z-16-02:** Greg Nield, representing Eternal Spring, LLC, has requested a rezoning of property located at 10298 N 4800 W from R1-40 to an RP (Residential Professional) zone. *Legislative*
4. **TA-16-05:** Quick Quack Car Wash is requesting approval of a text amendment to the Commercial Retail Zone in the Development Code section 3-4351:1-d to include car wash facilities. *Legislative*
5. **PP-16-02:** Danny Wright is requesting Preliminary Plat approval of a 2-lot subdivision. The property is located at 9916 N 6800 W. *Administrative*
6. **PP-16-03:** Shawn Herring is requesting Preliminary Plat approval of a 2-lot subdivision. The property is located at 5949 W 9600 N. *Administrative*

OTHER BUSINESS:

APPROVAL OF MINUTES:

7. Approval of the April 12, 2016 meeting minutes.

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *June 28, 2016* at 7:00 pm City Council Chambers

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

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 20th day of May, 2016. 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 20th day of May, 2016 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

JoAnn Scott, Planning Coordinator



PLANNING COMMISSION AGENDA REPORT ITEM #1

DATE: May 24, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing and Ordinance - Edge Homes is requesting has requested a rezoning 19.58 acres of property located at 9725 North 6800 West from R1-40 to R1-30 zone (Z-16-01). *Legislative.*

STAFF RECOMMENDATION:

The Planning Commission should hold a public hearing, accept the findings, and recommend approval of the proposed rezoning.

BACKGROUND:

The property is 19.58 acres and is owned by Alpine School District. The General Plan land use designation for the property is “Low Density Residential.” The property is zoned R-1-40 Single Family Residential. The property was originally planned for a school. However, the School District that the site is no longer needed for a school.

A request to rezone the property from R-1-40 to R-1-20 was not approved by the City Council.

A rezoning is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to rezone the property from R-1-40 Single Family Residential to R-1-30 Single Family Residential.
2. The maximum density permitted in the R-1-30 District is 1.43. The maximum number of lots in the R-1-30 District is 28.
3. The applicant has prepared a concept plan. The plan shows 28 lots. The density is 1.43 units per acre. The minimum lot size is 20,000 square feet. 25% of the lots between 20,000 and 25,000 square feet.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on February 9, 2016. A summary of the

meeting is attached.

Notice of the February 23, 2016 Planning Commission meeting was published in the Daily Herald on January 10, 2016. Notice was also mailed to the surrounding property owners.

Notice of the Planning Commission public hearing was published in the April 27, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on March 16, 2016. Two letters have been received.

Notice of the City Council public hearing was published in the May 3, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on March 16, 2016.

Notice of the Planning Commission public hearing was published in the May 8, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on May 4, 2016. Two letters have been received. Cole Peck is requesting that utilities be stubbed to his property to the south and a concrete wall be installed. Mike and Alison Gagon are concerned about traffic on 6900 West due to only one entrance on 6800 West.

ANALYSIS:

General Plan

- The site is designation as Low Density Residential. The proposed rezoning is consistent with this designation.

Surrounding Land Uses:

- The property to the north is in Lehi and has been developed as single family homes. The property to the west is vacant and is in Lehi. The property to the east is zoned R-1-40 and is developed as large lot single family residential. The property to the south is zoned R-1-40. The property is large lot single family and a church. The proposed development is compatible with the surrounding land uses.
- Large animals are not allowed on lots less than 30,000 square feet as a result large animals will not be permitted.
- An existing irrigation ditch is located on the property. The ditch will need either to be abandoned or piped. This will be addressed with the preliminary plat approval.

Site Circulation and Utilities:

- Primary access to the site will be from 6800 West. The west half of 6800 West will be completed with this project. There are two additional local street connections to 6900 West and 1550 East in Lehi. The proposed circulation system will provide adequate access to the site.
- Utilities will be extended from 6800 West and looped through 6900 West. There is

capacity to serve this development.

- The applicant will be required to dedicate the required water shares as part of this development.

FINDINGS:

The proposed rezoning meets the following findings:

- The proposal is in substantial conformance with the General Plan.
- Adequate access and infrastructure will be provided.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public hearing, accept the findings and recommend APPROVAL of the proposed rezoning.

I move that the Planning Commission accept the findings and recommend APPROVAL of the proposed rezoning.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend denial based on the following findings:
(The Commission should draft appropriate findings.)

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Ordinance
2. Neighborhood Meeting Summary and Attendance List
3. Letters from Cole Peck and Mark and Alison Gagon
4. Concept Plan

ORDINANCE NO. 2016-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP REZONING THE 19.58 ACRES LOCATED AT 9725 NORTH 6800 WEST FROM R-1-40 TO R-1-20 AND IMPOSING CONDITIONS UPON SUCH CHANGE.

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

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

WHEREAS, the Commission held public hearing on this Ordinance on May 24, 2016; and

WHEREAS, the City Council held a public hearing on this Ordinance on June 1, 2016.

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

SECTION 1. That ± 19.58 acres of certain real property generally located at 9725 North 6800 West more particularly described and depicted on “Exhibit A”, attached and incorporated herein by reference is hereby zoned R-1-30 Residential.

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

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

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

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

PASSED AND ADOPTED by the Highland City Council, June 7, 2016.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

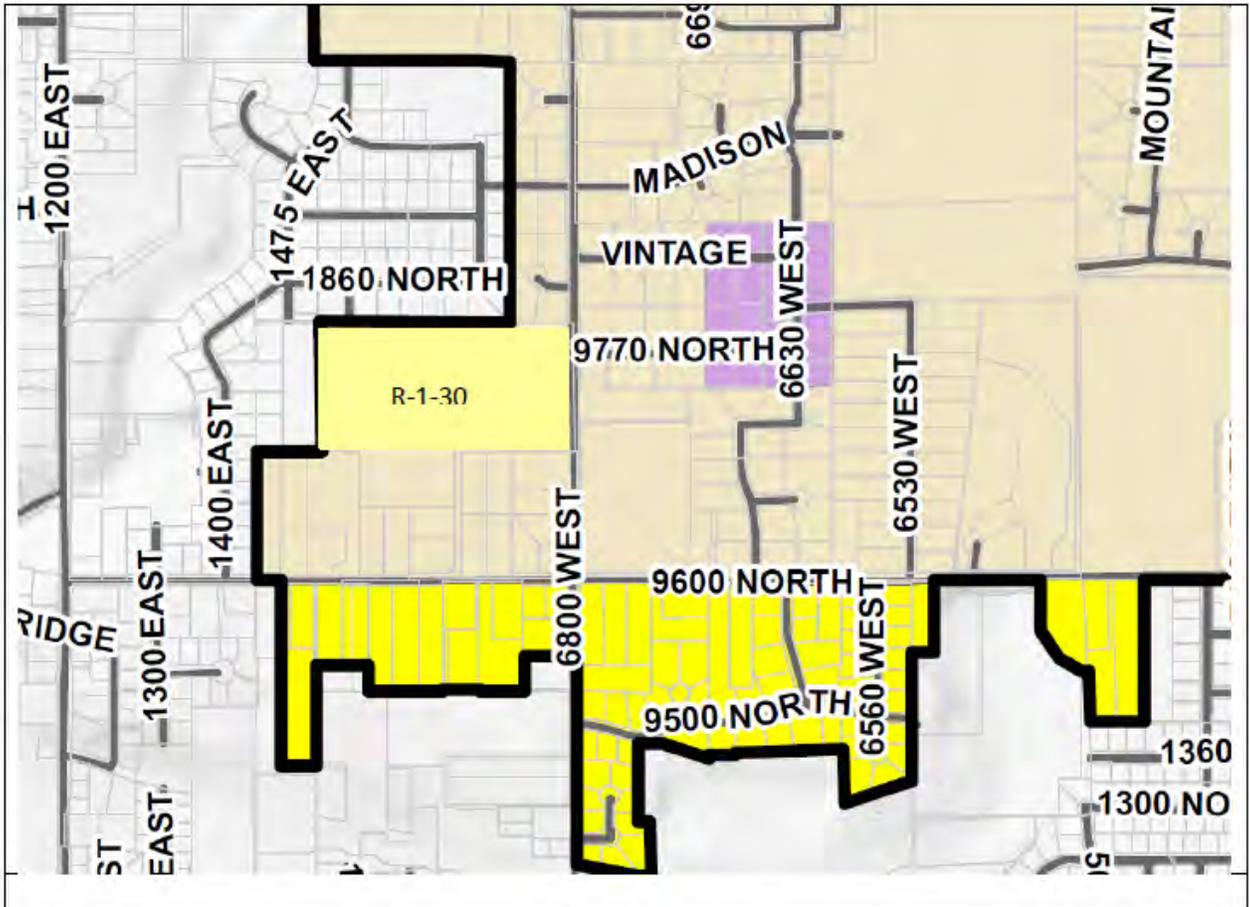
ATTEST:

Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

PROPOSED REZONING FROM R-1-40 TO R-1-30



TITLE DESCRIPTION

COMMENCING NORTH 660 FEET AND WEST 9.06 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THENCE WEST 584.94 FEET; THENCE NORTH 29.66 FEET THENCE WEST 528.89 FEET; THENCE SOUTH 00°09'45" WEST 29.66 FEET; THENCE WEST 197.02 FEET; THENCE NORTH 668.87 FEET; THENCE SOUTH 89°40'10" EAST 297.97 FEET; THENCE SOUTH 89°40'10" EAST 1003.91 FEET; THENCE SOUTH 00°47'11" EAST 661.42 TO THE POINT OF BEGINNING.

Nathan Crane

From: Cole Peck <coletpeck@gmail.com>
Sent: Friday, May 13, 2016 1:48 PM
To: Nathan Crane
Subject: Highland City

Nathan,

I received your letter about the rezoning meeting of property 9725 North 6800 West.

I have a few things to address. I do not like R-1-30 as much as an R-1-40. But if you are going to do an R-1-30, I would like to have some utilities stubbed in from my north boundary. I would also prefer to have a concrete fence like the church is giving me. I believe it will protect my rights as a property owner. Especially, since I would like to have animals on my property, which I have addressed before. Lastly, the ditch needs to be piped with access boxes put in.

Please put a copy of my letter in the boxes of all the council members.

Thank you for your time!

Sincerely,

Property Owner: Cole Peck

Nathan Crane

From: Mike and Alison Gagon <AMG_Inc@msn.com>
Sent: Monday, May 16, 2016 1:17 PM
To: Nathan Crane
Subject: Edge Homes Subdivision Concern
Attachments: Image.jpg

Nathan Crane,

Attached you will find the letter we sent to Edge Homes concerning the new development they want to build, we were under the impression the R-1-30 zone had passed when we sent it. After sending it we received the city letter from you on the next meeting that stated it hasn't. As owners of a large lot with animals rights we prefer to see the R-1-40 zoning left in place, we have concerns with this subdivision being animal friendly. Having lived in Highland for 30 years we have seen the gradual removal of large animals with such developments and being able to have large animals is the very reason we chose to live here. If our voice is not heard and you pass the R-1-30 zoning, we definitely want to see the second east entrance put back in as shown on their plan #2, it is removed from plan #3. As you know, 6900 west is not a fully developed road and we have great concerns over the amount of traffic that will be placed on this road if it is used as one of the two main entrances to this development. With the building of the chapel we have seen first hand how people are driving on it - down the center of the road, going as fast as they can from the turn off to the end of it (it is a dead end street), and the lack of room for large construction vehicles. This will continue with another development and we have seen the lack of room they need to maneuver these large vehicles first hand. We have also brought the speeding factor to the attention of the superintendent for construction of the chapel as we have children who live on this street who need to be protected. He can only address the issues with the workers, not every delivery vehicle that drives on it. So as you can see putting 50% of the traffic from a new development on this underdeveloped road is a major concern for the families who live on it.

Mike & Alison Gagon

Edge Homes

Thank you for your response and sending us the new plan. We do have some concerns with the current plan, especially with you eliminating the 2nd east entrance on 6800 west shown on your prior plan. Your south entrance which is 6900 west and runs in front of the Gagon's, the Smith's, and borders the Fietkau's property (they have no plans to sell or develop) is not a fully developed road and putting 50% of the traffic from your subdivision on this road is a great concern to us. We know how we have already been affected with the increase of traffic with the construction of the chapel. Imagine two semis or two large construction vehicles on this road, we see it often and the road is just not wide enough. We have already had increased speeding on this road. We don't see the north entrance being used much since it winds through the neighborhood going east passing a dozen+ homes and west passing two dozen+ homes. Most people always opt for the quickest route out so that puts all the usage on the east and south, the south being a much smaller road than the east. We would like to see you add that 2nd east entrance back in to relieve pressure off of 6900 west. We are ok with the R-1-30 zone but would prefer the R-1-40 as we all have larger lot sizes in our neighborhood and some of us have large animals. We definitely do not want R-1-20, too many houses and then people begin to complain about the animals who are already here. In the 30 years we have lived in Highland we have seen this gradual process of pushing animals out, they are the very reason we chose to live here. We will bring our concerns to the next planning commission meeting.

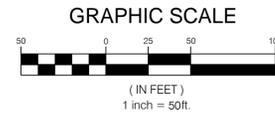
Mike & Alison Gagon

Edge Homes

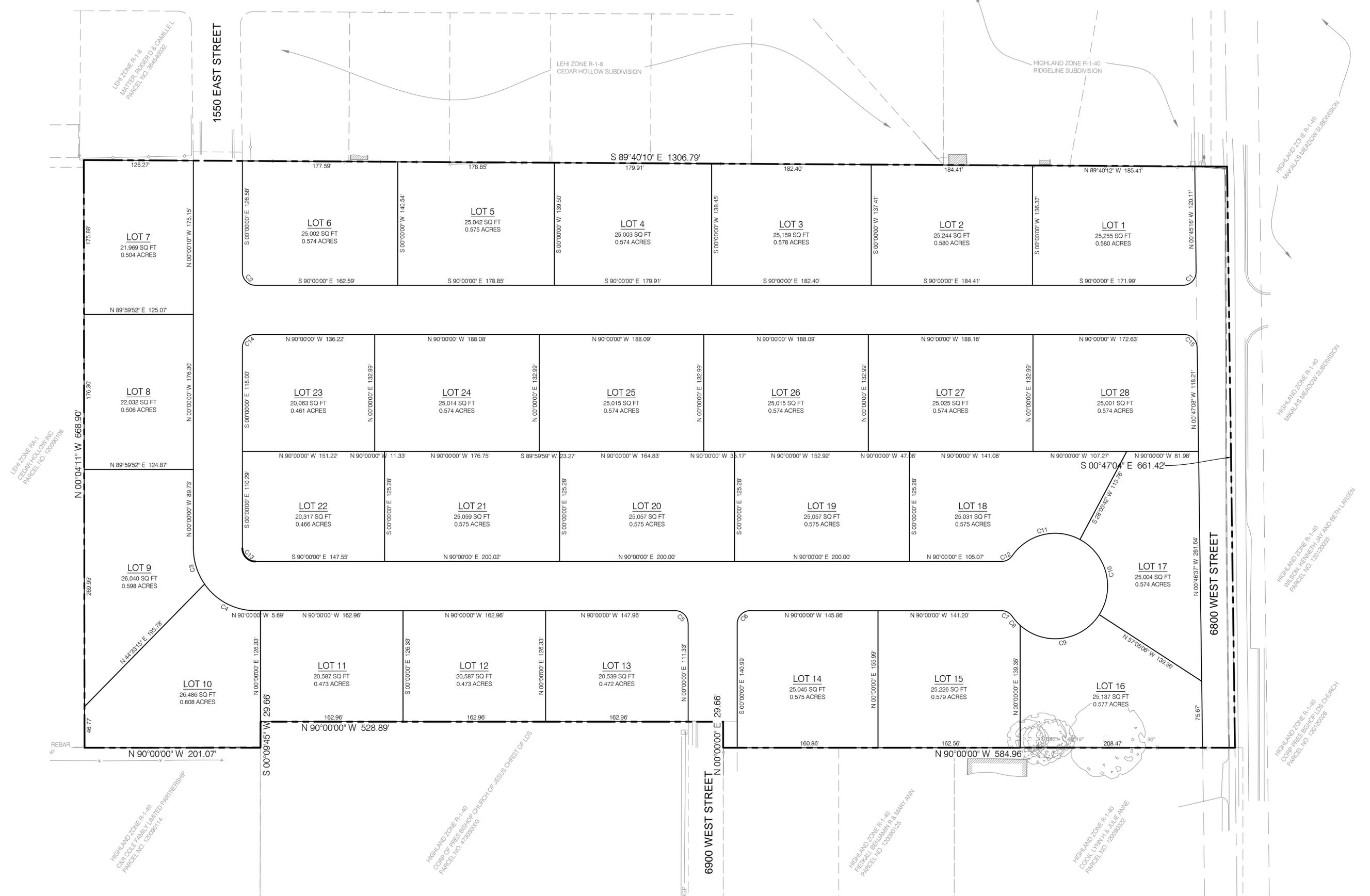
Thank you for your response and sending us the new plan. We do have some concerns with the current plan, especially with you eliminating the 2nd east entrance on 6800 west shown on your prior plan. Your south entrance which is 6900 west and runs in front of the Gagon's, the Smith's, and borders the Fietkau's property (they have no plans to sell or develop) is not a fully developed road and putting 50% of the traffic from your subdivision on this road is a great concern to us. We know how we have already been affected with the increase of traffic with the construction of the chapel. Imagine two semis or two large construction vehicles on this road, we see it often and the road is just not wide enough. We have already had increased speeding on this road. We don't see the north entrance being used much since it winds through the neighborhood going east passing a dozen+ homes and west passing two dozen+ homes. Most people always opt for the quickest route out so that puts all the usage on the east and south, the south being a much smaller road than the east. We would like to see you add that 2nd east entrance back in to relieve pressure off of 6900 west. We are ok with the R-1-30 zone but would prefer the R-1-40 as we all have larger lot sizes in our neighborhood and some of us have large animals. We definitely do not want R-1-20, too many houses and then people begin to complain about the animals who are already here. In the 30 years we have lived in Highland we have seen this gradual process of pushing animals out, they are the very reason we chose to live here. We will bring our concerns to the next planning commission meeting.

Mike & Alison Gagon

HIGHLAND SUBDIVISION CONCEPT



NORTH



NO.	DATE	DESCRIPTION
1	04/26/2016	CONCEPT

PROJECT NO. PRO294

BENCHMARK ENGINEERING & LAND SURVEYING
9783 SOUTH STATE STREET SUITE # 100
SANDY, UTAH 84080 (801) 562-7162
www.benchmarkcivil.com

EDGE HOMES
HIGHLAND, UTAH



PLANNING COMMISSION AGENDA REPORT ITEM #2

DATE: May 24, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing and Ordinance- Ross Wolfley is requesting the rezoning of 7.25 acres from an R-1-40 to R-1-30 upon annexation. Property is located at approximately 11550 North 6000 West.

STAFF RECOMMENDATION:

The Planning Commission should hold a public hearing, debate the issue and make a recommendation to the City Council.

BACKGROUND:

The property is 7.25 acres and is owned by Vitrail LLC. The site is currently located in Utah County and the applicant has applied for annexation.

The property is not included in the General Plan Land Use Map. The property is included in the Highland City Annexation Plan that was adopted in 2007.

I request to rezone the property to R-1-20 was withdrawn by the applicant at the City Council meeting.

A rezoning amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting to zone 7.25 acres R-1-30 Single Family Residential upon annexation.
2. The maximum density permitted in the R-1-30 District is 1.37. The maximum number of lots is 10.
3. The applicant has prepared a concept plan. The plan shows 9 lots. The density is 1.24 units per acre. The minimum lot size is 20,000 square feet. Lot 5 does not meet the minimum lot width of 120 feet at the 30 foot setback line. The setback is met at the 50 foot setback line.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on February 10, 2016. A summary of the meeting is attached.

Notice of the Planning Commission meeting was published in the Daily Herald on January 10, 2016. Notice of the Planning Commission public hearing was also sent to all property owners within 500 feet of the proposed development. One letter of opposition has been received from Kevin Birrell, the property owner to the east (Attachment 6) for the following reasons:

- The proposed street should be stubbed to the east as required.
- All other homes in the area were built using the R-1-40 District.
- They would request R-1-20 or better zoning upon annexation.
- Conflict between small and large lots as it relates to animal rights and farming activities.

Notice of the City Council meeting was published in the Daily Herald in the March 20, 2016 edition of the Daily Herald. Notice was also mailed to all residents within 500' of the subject property on March 21, 2016. No additional comments were received.

Notice of the Planning Commission public hearing was published in the May 8, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on May 4, 2016. No comments have been received.

ANALYSIS:

General Plan

- The site is designation as Low Density Residential. The proposed rezoning is consistent with this designation.

Surrounding Land Uses:

- The property to the north and west is zoned R-1-40 and has been developed as single family homes. The property to the east is currently in Utah County and is currently a farm. Much of the property has been designated for annexation by Highland City. The property to the south is zoned R-1-40 and has been developed as single family homes within a Planned Unit Development. The proposed is compatible with the surrounding uses.
- Large animals are not allowed on lots less than 30,000 square feet.

Site Circulation and Utilities:

- Access to the site will be via a cul-de-sac from 6000 West. The cul-de-sac does not exceed 600 feet. The east half of 6000 West will be completed with this project.
- Utilities will be extended from 6000 West. There is capacity to serve this development.
- There is a 5,000 square foot detention basin that is proposed to be own and maintained by the City. The detention basin only serves this development.
- The applicant will be required to dedicate the required water shares as part of this development.

Waivers

- The proposed concept plan meets the requirements of the R-1-30 District and the street length with the exception of the lot width as previously discussed.
- The applicant is also requesting that a connection to the property to the east not be required. The Development Code does require roads to be extended to the boundary of the subdivision unless it is prevented by physical conditions or in the opinion of the Planning Commission the extension is not desirable for the most advantageous future development of adjacent tracts. The City Engineer believes that an extension should be provided unless not requested by the property owner to the east.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public hearing, determine if a connection should be required, determine if a waiver should be granted for the lot width, draft findings and make a recommendation to the City Council.

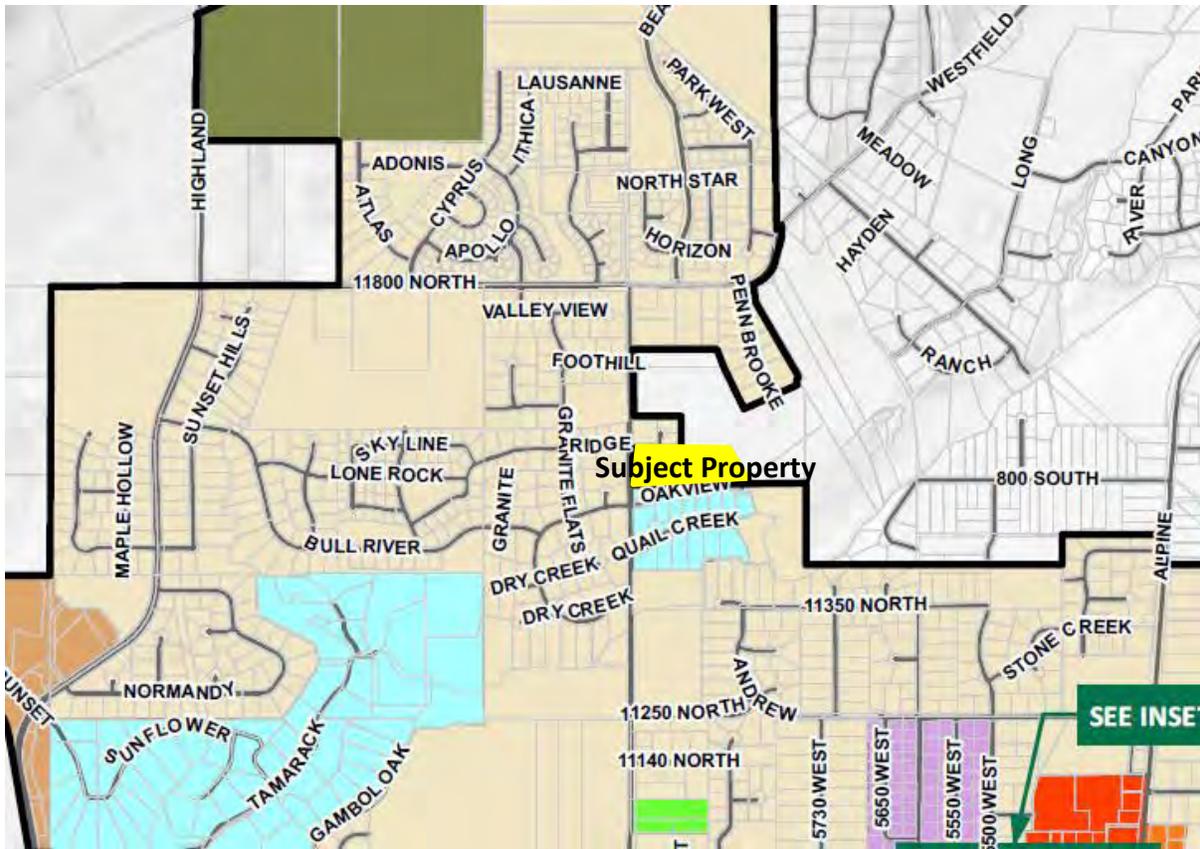
FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Proposed Rezoning
2. Neighborhood Meeting Summary and Attendance List
3. Waiver Request Summary
4. Letter of Opposition from Kevin Birrell dated February 15, 2016
5. Draft Ordinance
6. Concept Plan

PROPOSED REZONING – R-1-40 to R-1-30



LEGEND			
	Professional Office		Residential Professional
	C-1		PD
	CR		Public Utility
	Town Center Overlay		R-1-20
	R-1-20 (Non Conforming)		R-1-40
	R-1-40 (Conditional Use)		Agriculture

15 February 2016

Community Development Department Staff
Highland City

Re: Gable Ridges Development Neighborhood Notification Meeting held 10 February 2016

Dear Staff:

In accordance with Neighborhood Notification Meeting / Public Participation Process requirements, the Neighborhood Notification Meeting was held for the Gable Ridges Development rezoning on 10 February 2016, in the Multi-Purpose Room at the Highland City Hall.

The following is a report summarizing the issues addressed during the meeting. Additionally, attached hereto is a copy of the list of attendees.

Issues:

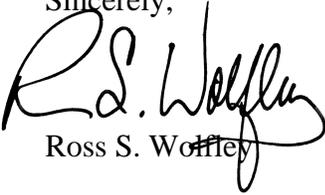
1. Will the City allow the cul-de-sac to be extended to 760'?
2. The two Oakview residents in attendance preferred to see the property be zoned R-1-40 in order to keep their property value as high as possible. However, they agreed that Oakview continues to disallow the back half of the Gable Ridge property to be accessed through their private road to make this a viable option for the project.
3. Kevin Birrell, neighboring property owner, wants a road connection through Gable Ridges to the east for his property. Tom explained that he had already given a significant piece of property to Birrell in their boundary line adjustments. Birrell stated that he had given up property to other neighboring land owners as well, though not to Tom.
4. Questioned whether the owners had considered creating only eight lots instead of 12. Owners explained that economically that simply didn't make economic sense. They would lose money at that reduced amount. And, the market doesn't bear charging more for the larger lots to make up the difference.
5. Ed Gifford explained that many previous development concepts had been looked at but weren't viable because of the topography, inability to access the back property through Oakview, etc.
6. Ed also explained the water runoff issues and the need to create detention storage on Lot 1.
7. Discussion centered primarily on whether the owner could charge more for larger lots instead of less for smaller lots. Ed and the owners pointed out that because the lots are not very deep, the make larger lots the frontage would be very excessive, decreasing their perceived value. Even at 20,000 sq foot lots, the lots have more road frontage than the Oakview lots. And, the neighboring lot to the north and

those to the west, are closer in size to the proposed Gable Ridge R-1-20 lots than R-1-40 lots.

8. All in attendance expressed their appreciation for the letter that was sent out and the openness of the owners to include them in this process.

Submitted this 15th day of February 2016.

Sincerely,



Ross S. Worley

WAIVER SUMMARY

Applicable Section	Requirement	Request
Development Code Section 5.8-105.4.b	Proposed streets, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.	Not require a stub street and not require two points of independent access for streets longer than 600'.
Development Code Section 5.8-105.4.c	Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With Planning Commission approval, any dead-end street longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed 600 feet in length. Any street exceeding 600 feet shall have at least two points of independent access.	Allow a 760' cul-de-sac and not require two points of independent access for streets longer than 600'.
Development Code Section 5.8-105.4.e	Excessively long and straight connecting local residential streets, conducive to high speed traffic, shall be prohibited according to the Planning Commission's judgment.	Allow a 760' long straight street.
Development Code Section 5.8-105.4.g	Cul-de-sacs shall not exceed 600 feet in length and shall have a minimum terminal radius of 50 feet. Driveways, mailboxes, fire hydrants, or any other obstruction to the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow.	Allow a 760' cul-de-sac.
Design Criteria for Public Improvements Section 2.05 Street Design	The cul-de-sac shall be limited to a maximum length of six hundred feet (600') as measured from the intersection centerline to the center of the cul-de-sac. Cul-de-sacs shall have a minimum radius of fifty feet (50'). Cul-de-sac returns shall have a twenty-four foot (24') radius at TBC. Downhill cul-de-sacs are strongly discouraged and may only be allowed if it can be demonstrated that surface drainage will be controlled in a manner acceptable by the City Engineer and approved by City Council.	Allow a 760' cul-de-sac and a downhill cul-de-sac.
Development Code Section 5-9-101.1	Standards for design, construction specifications, inspection of street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of storm drainage and flood control facilities shall be prepared by the City Engineer. Standards for	Waivers from the Design Standards.

	water distribution and sewage disposal facilities shall be prepared by the Water Company and City Sewer Division and similar standards for fire hydrants by the Fire Department. All such standards and amendments thereto, which are under the control of the City, shall be submitted to the Zoning Administrator and adopted by the City Council before becoming effective. All subdividers shall comply with the standards established by such departments and agencies.	
Development Code Section 5-9-102.1	The subdivider shall improve, or agree to improve all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not be commenced until improvement plans and profiles have been approved by the City Engineer and, if applicable, a bond agreement has been executed between the subdivider and the City.	The applicant is requesting to not have to install the park strip and sidewalk on the south portion of 11580 North.
Standard Engineering Practice – See requirements for maximum lengths of streets, etc.	Water line looping.	A 760' dead end water line.

Kevin A. Birrell
(Dry Creek Farms & Birrell Farms)
4193 N Red Maple Court
Lehi, UT 84043

(801) 362-6465 Cellular

February 15, 2016

Nathan Crane
Community Development Director
Highland City Hall
5400 W Civic Ctr. Dr.
Highland, UT 84003

Via: In Person delivery

To Whom it may concern:

I own and operate Birrell and Dry Creek Farms, LLC's that are the adjoining property's of the entire East Boundary and a major section of the North Boundary of the property located at 11540 N 6000 W, Highland, Utah that is requesting rezoning and will request Plat approval. It is my understanding that the subject property is requesting a change to R-1-20 from R-1-40. I am surprised that I was not notified of the zoning request change by official letter from Highland City.

I feel that several items must be taken into consideration.

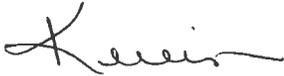
1. The proposed development's street needs to dead end at my property similar to the dead end access from Pennbrooke Ave. Long Drive currently has a dead end at the Mendenhall Bros Realty property for future development. This would allow future development and a connection to Long Drive and Pennbrooke Ave from 6000 W once my property develops. This is the best alternative for those connections since Oak View Drive is a PUD with no access to the east, and Ridge Road (11580 N) dead street ending at the Burrows and Swalberg homes to the North. A statement similar to the one below exists on the Katelyn's Cove and Waterford Estates subdivision approvals.
 - "That the Developer shall be responsible to install of the improvements with this development to the east property line so these improvements may be connected if and when development to the east occurs".
2. All of the other homes in the area were built using R-1-40.

3. Dry Creek Farms and Birrell Farms would want similar (R-1-20) or better zoning in the future if we choose to annex the balance of the property into Highland City. A portion of Dry Creek Farms is already in Highland City as well as Alpine City limits, with the majority in Utah County.

 4. The plat needs to be stamped similarly to Waterford Estates and Katelyn Cove.
“Property Owners adjacent to this subdivision have existing large animal rights which may include horses, cows, and goats. These rights are protected by both the Municipal and Development Codes of Highland City. There are noises, smells and other events associated with these animals that can occur all hours throughout the day and night, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property”
- In addition, the following should be inserted into the protected rights **“Irrigation water is distributed by wheel lines (airborne), and could be distributed using a pivot system (airborne) in the future and with the prevailing winds to the South & Southeast, significant drifting will occur. All Farming and haying operations can occur all hours throughout the day and night.”**

I appreciate your consideration.

Regards,



Kevin A. Birrell
Dry Creek Farms, LLC
Birrell Farms, LLC
11706 N 6000 W
Highland, Utah 84003

ORDINANCE NO. 2016.**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE OFFICIAL ZONE MAP OF HIGHLAND CITY FOR APPROXIMATELY 7.25 ACRES OF LAND GENERALLY LOCATED 11550 NORTH 6000 WEST AS SHOWN IN FILENAME (Z-15-01), ZONING SUCH PROPERTY TO R-1-20 RESIDENTIAL AND IMPOSING CONDITIONS UPON SUCH CHANGE.

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

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

WHEREAS, the Commission held public hearing on this Ordinance on May 24, 2016; and

WHEREAS, the City Council held a public hearing on this Ordinance on June 7, 2016.

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

SECTION 1. That ± 7.25 acres of certain real property generally located at 11550 North 6000 West more particularly described and depicted on “Exhibit A”, attached and incorporated herein by reference is hereby zoned R-1-20 Residential subject to the following conditions:

1. The maximum number of lots shall not exceed **twelve**.
2. The proposed subdivision shall meet all requirements of the Development Code, including but limited the length of street and two points of access.

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

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

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

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

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

PASSED AND ADOPTED by the Highland City Council, June 7, 2016.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

Jody Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rodd Mann	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit A

Boundary Description

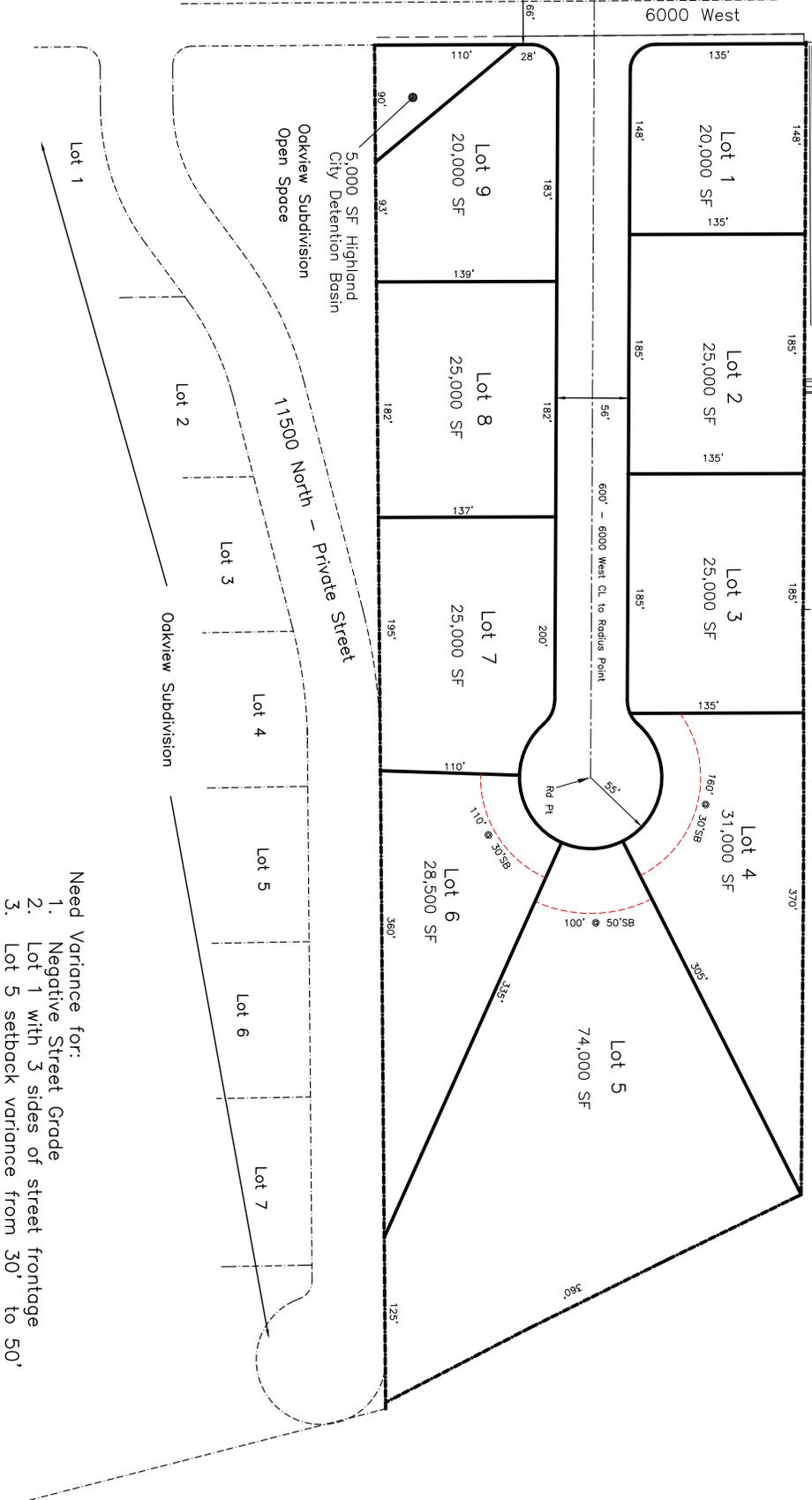
Commencing at a point located N 0°16'03" W along the 1/4 section line 2153.45' and East 33.014' from the South 1/4 Corner of Section 24, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence as follows:

N 0°16'02" W 333.307' along Highland City Boundary
S 89°42'31" E 434.777' along Highland City Boundary
N 89°42'31" E 109.709' along a fence line
S 89°50'46" E 107.671 feet along a fence line
S 89°34'30" E 234.691' along a fence line
S 25°57'23" E 118.052' along a fence line
S 26°24'56" E 118.348' along a fence line
S 24°44'34" E 119.895' along a fence line
S 89°32' W 1039.815' along Highland City Boundary to the POB
Area = 7.2483 Acres
Basis of bearing is N 0°16'03" W along the 1/4 section line

R-1-30 Concept A2.2 - 9 Lots



Gross Property Area 7.25 acres
 Density 1.24 lots/acre
 Cul-de-sac depth at 600'



- Need Variance for:
1. Negative Street Grade
 2. Lot 1 with 3 sides of street frontage
 3. Lot 5 setback variance from 30' to 50'



PLANNING COMMISSION AGENDA REPORT ITEM #3

DATE: May 24, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing and Ordinance – A request by Greg Nield, to rezone 0.70 acres from R-1-40 (single family residential) to RP (residential professional) for property located at 10322 North 4800 West (File#: Z-16-02) *Legislative*.

STAFF RECOMMENDATION:

The Planning Commission should hold a public hearing and determine if the proposed rezoning for 0.70 acres from R-1-40 to RP located at 10322 North 4800 West: 1) Is consistent with the purpose of the General Plan; 2) Will or will not adversely affect the community; and 3) Will or will not result in compatible land use relationships.

BACKGROUND:

The site is designated as Mixed Use on the General Plan Land Use Map. The site is zoned R-1-40 (Single Family Residential).

A request to rezone the property was denied by the Council in 2013 (Attachment 6).

A rezoning is a legislative process.

SUMMARY OF THE REQUEST:

1. The request is to zone approximately 0.70 acres from R-1-40 (Single Family Residential) to RP (Residential Professional) to allow an 8,000 square foot, two story office building.
2. The RP District allows Community Uses, Financial Institutions, Medicare Facilities, Professional Offices, Single Family Homes, Private Educational Institutions, Preschools, and Day Cares. All uses in the RP District require a conditional use permit.
3. Development standards in the RP District include:
 - Front Setback: 80 feet unless all parking is provided in the rear of the building in which case it is 35 feet.
 - Side Setback: 10 feet unless abutting a residential district in which case it is 25

feet.

- Rear Setback: 10 feet unless abutting a residential district in which case it is 20 feet.
- Building Height: 30 feet.

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

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on February 9, 2016. A summary of the meeting is attached.

Notice of the Planning Commission public hearing was published in the May 8, 2016 edition of the Daily Herald and mailed to all property owners within 500 feet on May 4, 2016. No comments have been received.

ANALYSIS:

General Plan

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

Compatibility with Surrounding Land Uses

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

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public hearing and determine if the proposed rezoning for 0.70 acres from R-1-40 to RP located at 10322 North 4800 West: 1) Is consistent with the purpose of the General Plan; 2) Will or will not adversely affect the community; and 3) Will or will not result in compatible land use relationships.

I move that the Planning Commission recommend **APPROVAL** the ordinance rezoning 0.70 acres from R-1-40 to RP based on the following findings: (The Commission should draft appropriate findings. The Commission may also include appropriate conditions.)

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

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

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Attachment 1 - Ordinance
2. Attachment 2 - General Plan Land Use Map and Zoning Map
3. Attachment 3 - Aerial
4. Attachment 4 - Neighborhood Meeting Summaries
5. Attachment 5 - Proposed Site Plan (8.5 x 11)
6. Attachment 6 - Minutes of the February 18, 2014 City Council Meeting

ATTACHMENT 1

ORDINANCE NO. 2016-**

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

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

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

WHEREAS, the Commission held public hearing on this Ordinance on October 29, 2013 and January 28, 2014; and

WHEREAS, the City Council held a public hearing on this Ordinance on February 18, 2014.

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

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

1. XXXX

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

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

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

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

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

PASSED AND ADOPTED by the Highland City Council, June 7, 2016.

HIGHLAND CITY, UTAH

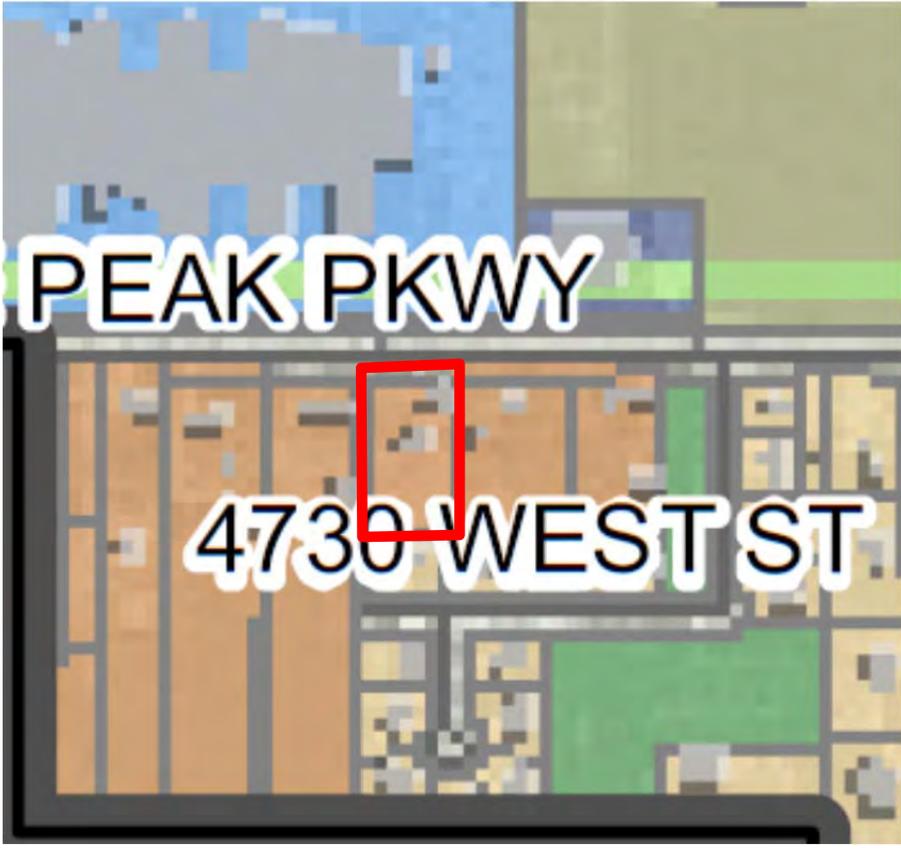
Mark Thompson, Mayor

ATTEST:

Jody Bates, City Recorder

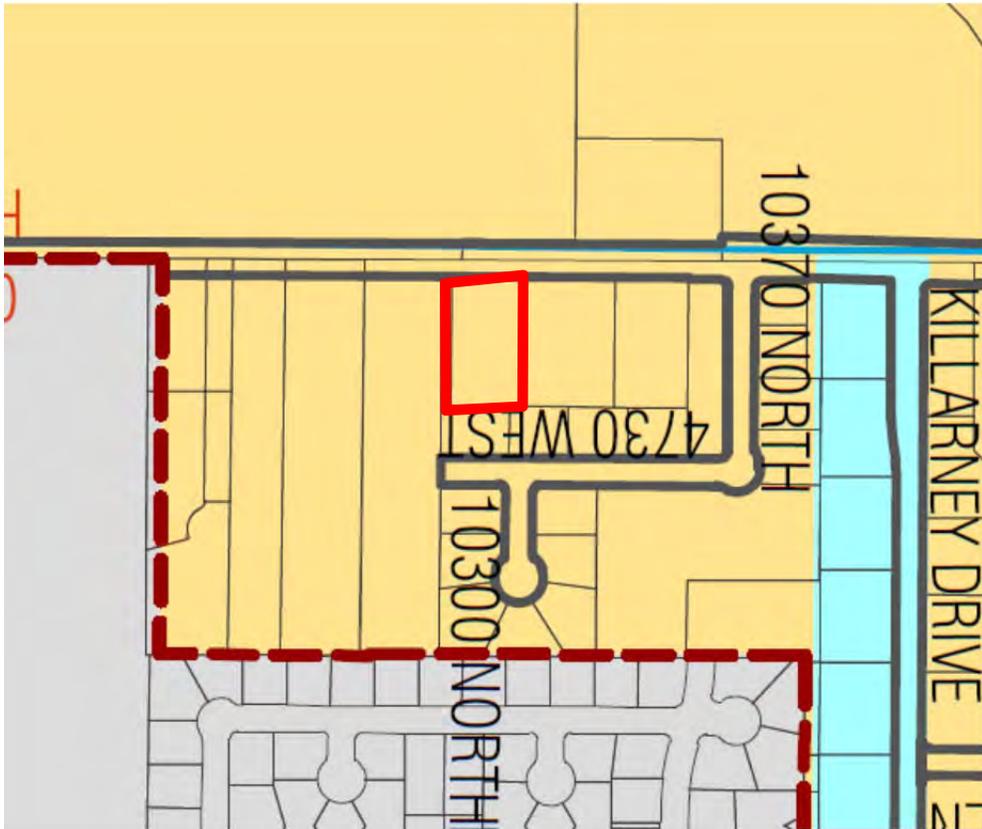
COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

General Plan Land Use Map



Land Use: Mixed Use

Zoning Map



Zoning: R-1-40 (Residential)



Aerial

JoAnn Scott

From: Greg Nield <greg@ashfordutah.com>
Sent: Monday, May 16, 2016 10:29 PM
To: JoAnn Scott
Subject: Neighborhood Meeting Notes

JoAnn,

Here is a list of those that attending the meeting last week on Wednesday at 6:30 p.m...

Greg Nield (applicant)
Ed Gifford (civil engineer)
Gary & Maria Wright
Dave & Rebecca Kaylor
Ryan Ollerton
Tori Gagon
Brett Burns

Notes from items discussed:

Neighbors asked what zoning we were applying for. We explained that we are applying for the RP zone. What does it allow? Ed Gifford read the city code to them and what it allows.

They looked at the elevation that we showed a couple years and we explained that we have the same architecture design in mind.

What is the size? 2-story 8,000 SF compared to the previous 2-story 10,000 SF building.

Tori Gagon had concerns about the drainage because her home sits lower than our site. Ed Gifford was able to explain to her how he designed the drainage (as an update, her realtor called me today and told me she is fine with what he explained to her).

Someone asked what the building height would be. We said it would be 30' or under which is what the RP code allows. Gary asked where would the A/C condensing units be located? We don't know, but we're happy to have the mechanical engineer work with us and Gary on that.

What type of wall would we put around the property? The code requires that we have an 8' wall along the east and south of the property. Some asked if the city wanted us to do wrought iron. We're happy to do whatever the city feels is best.

Where would the dumpster location be? It would be in the center of the property (middle of the parking lot) to be far enough from the neighbors to meet code and far enough from the main road to meet code as well.

We showed two optional site plans A and B. It seemed to be a consensus to have the option B with the parking on the West side of the building. Tori said she was concerned about car lights shining into her home. We explained that with an 8' wall, she wouldn't have any issues with that and she is eventually going to be selling to someone that will develop her property as well.

They asked the hours of operation. We explained that the businesses that we've been in touch with would typically work 8-5pm (Chiropractor and Home Health & Hospice). Whatever the city code allows.

We told them when the next city meeting would be for the PC meeting on Tuesday May 24th at 7:00 p.m.

Greg

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, February 18, 2014

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

PRESENT: Mayor Mark Thompson, Conducting
Councilmember Brian Braithwaite
Councilmember Rod Mann
Councilmember Dennis LeBaron
Councilmember Jessie Schoenfeld

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
JoD'Ann Bates, Executive Secretary/ Recorder
Nathan Crane, Community Development Director
Gary LeCheminant, Finance Director
Tim Merrill, City Attorney
Shannon Garlick, Secretary

EXCUSED: Councilmember Tim Irwin

OTHERS: Tori Gagon, Marianne Stephenson, Richard Henderson, Brandon Henderson, Joshua Yamada, Drake Phillips, Ben Stephenson, Hunter Deuel, Gary Wright, Marialisa Wright, Lori Bird, David Clegg, Bruce Randall, Mark Ward, Dawson, Austin Hadlock, Calvin Huish, Brevin Bland, Rylan Vankomen, Richard Vankomen, Rebekah Kaylor, Ryan Ollerton, Cori Ollerton, Brady Brammer, Bryson Jex, Mason Bergman, Tanner Wright, Weston Bergman, James Johansen, Donna Jex, Rustin Oster, Greg Neild, David Rees.

The meeting was called to order by Mayor Mark Thompson as a regular session at 7:01 p.m. 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 Jessie Schoenfeld and those assembled were led in the Pledge of Allegiance by Greg Phillips, a scout.

SUMMARY

#	Description	Pass/Fail
1.	Approval of Meeting Minutes for City Council Regular Session 2/4/2014	P

2.	Motion: Ratifications of Re-Appointment and Appointment of Planning Commission Members	P
3.	Ordinance: Amending Municipal Code regarding Culinary Water Service	P
4.	Proclamation: Non-Traditional Student Week	P
5.	Public Hearing/Ordinance: Amend Development Code for R-P Zone Setbacks	P
6.	Public Hearing/Ordinance: Request Re-Zone R-1-40 to RP Zone	F
7.	Motion: Conditional Use Permit for two-story office building	F
8.	Ordinance: Amend Municipal Code for Surplus Property	P
9.	Resolution: Amending the Building Use Policy for City Hall and Community Center	P

DETAILED MINUTES

APPEARANCES:

David Clegg, resident of Highland, stated they are working on a plan to build a home on the Robinson property. He stated the 30 feet of frontage required along the Alpine Highway seems excessive. He stated the Council agreed it was a little excessive and cost a lot for the City to maintain. He mentioned the American Fork Retention Pond across the street only has 14 feet of frontage. He stated he understands they need to put in the sidewalk and landscaping, but proposed the Council classify it as a transition area and hold them to the same frontage requirement as the retention pond.

CITY COUNCIL / MAYOR ITEMS:

Jessie Schoenfeld questioned when the Committee appointments will be assigned.

Mayor Thompson stated the Planning Commission appointments were on the agenda that night, and there were a couple other appointments that are close to being done.

Dennis LeBaron thanked the staff on their preparation for the budget work session. He suggested scheduling another work session and trying to limit that meeting to three hours.

Brian Braithwaite stated he found the budget work session to be valuable as well. He stated it would be important for the Council to have some time with Gary LeCheminant and the rest of staff prior to the budget meetings. He stated there are a lot of deer in his backyard that ate his bushes, so he understands those with deer problems.

CONSENT:

MOTION: Approval of Meeting Minutes for City Council Work Session and Regular Session – February 4, 2014.

MOTION: Ratifications of the Re-Appointment and Appointment of Planning Commissioners – Re-Appointment of Sherry Carruth and Appointment of Brady Brammer.

ORDINANCE: Amending Highland City Municipal Code Section 13.30.150, 13.60.050, and adding 13.06.070 – Culinary Water Service.

PROCLAMATION: Non-Traditional Student Week – Governor Herbert’s Education Excellence Initiative.

MOTION: Jessie Schoenfeld moved the City Council to approve the consent items on the agenda.

**Dennis LeBaron seconded the motion.
Unanimous vote, motion carried.**

ACTION ITEMS:

PUBLIC HEARING/ORDINANCE: Amendment to the Highland City Development Code Article 4.5 R-P Zone – Building Setbacks, Trash Enclosure locations, and Screen Walls.

CONFLICT OF INTEREST: Dennis LeBaron disclosed that his wife works for the applicant Greg Neild and recused himself from participating in the discussion and voting on the Action Items: Amendment to the Highland City Development Code Article 4.5 R-P Zone, Request to Re-Zone 0.70 Acres from R-1-40 to R-P, and Request for a Conditional Use Permit for a 9,602 square foot two-story Office Building.

BACKGROUND: Nathan Crane stated this is a proposal to build a 9,602 square foot two-story office building which is the next step in the Ashford project. He stated in order to accommodate the two-story office building the City Council needs to do three things; make an amendment to the Development Code, do a Re-Zoning, and issue a Conditional Use Permit. He stated the applicant is proposing a Residential-Professional District and one of the requirements for that zone is if parking is not located behind the building, they must have an 80 foot minimum front yard setback. He mentioned that was done to encourage parking behind the building. He stated they can decrease the front yard setback to 30 feet, moving the applicant closer to 4800 West, if they increase the rear yard setback between the building and existing residential. He stated the side yard setback required is 25 feet, and the applicant is proposing a change to 10 feet. He stated it can be reduced to 10 feet if the City has permission from the adjacent property owner. He explained the R-P Zone requires the location of a Trash Enclosure to be 100 feet from the rear. He stated the proposal is to change the distance for the dumpster to 30 feet, but the Planning Commission is recommending 70 feet. He mentioned the trash enclosure may not be located between the street frontage and the building in the existing standards. He stated the other requirement is an 8 foot fence next to any residential properties. He mentioned the R-1-40/Assisted Living Overlay Zone only requires a 6 foot fence which is why the applicant is requesting the requirement be changed to 6 feet on the east side, and then having wrought iron

fencing next to the trail on the south side. He stated the amendment to the fencing requirements would allow the Planning Commission to consider an alternative if the City has written approval from the adjacent property owners.

He stated whenever there is a transitional area between homes and non-residential development compatibility becomes an issue. He stated they have tried to involve property owners from the east and south in the decision process. He stated the Planning Commission held a Public Hearing on October 29, 2013 for the amendment to the Development Code and had several residents speak in opposition to the project. He stated the primary concerns were that it was two-story building and the impact it would have on their quality of life and the salability of their homes in the future. He explained whatever they do needs to be consistent with the General Plan and the purpose of the Development Code and have a positive impact on the community. He stated the General Plan designates the site as mixed use, which encourages residential and non-residential development. He stated the Planning Commission held a Public Hearing in October and January and recommended approval for the re-zoning subject to letters from the owners on the east and south. He explained the property owner on the south indicated they are not in support of the setback reduction and the property owner on the east indicated they are, but both are concerned with the location of the trash enclosure. He mentioned the site plan meets the parking requirements. He stated the building is located approximately 88 feet from the adjacent residential land and the building height is 29'6". He stated the residents do not support a two-story building, but would support a one-story building. He stated the Planning Commission recommended approval subject to six stipulations, and staff is requesting the stipulation that the plan addresses the letters from the east and south property owners.

**** Mayor Mark Thompson opened the Public Hearing at 7:27 p.m. ****

Cori Ollerton, resident of Highland, stated she resides in Lot 7 directly behind the one-story Phase 2 Ashford building. She stated their goal is to limit the mass amount of structures that back up to residential areas. She stated Phase 1 was 80 feet away from her home and she felt that although the level of privacy was not as high as they would like, there was a level of privacy. She stated with Phase 2 there is now a building less than 30 feet away from their property line, which is closer than most homes. She stated the requested building in Phase 3 will not be as close, but it is a mass structure on a smaller lot. She explained this facility is a great asset for Highland City and is a beautiful building, but it has a mass impact on the surrounding residents. She mentioned there have been many adjustments made for this project already, and the parking was not in their backyards during Phase 1, but now is with Phase 2 and will continue with Phase 3. She mentioned there will not be substantial a tree barrier for 20 years. She stated their request is not to forgo the zone change, because it will be very beneficial to the community, but due to the fact that these buildings back up to a residential area, a two-story building is too much.

Ryan Ollerton, resident of Highland, stated Phase 1 was successful, but Phase 2 was a failure from the neighbor standpoint. He stated they did not fully understand the impact until the building was built. He explained the intent for the Overlay Zone is to be a buffer and to mitigate the impact a new building would have on existing residents. He stated the gain of the business was at the detriment of the adjacent homes. He stated in order to accommodate the structure; the City required a third acre to be purchased, which is now inseparably connected to the project. He

stated the first two phases had to have approval from the Council to maximize their land use, and now they are again attempting to maximum the land use. He stated even if the two-story building meets the Code of an R-P Zone, the Council should include the stipulation that the building be only one-story and 20 feet high, because of the overall impact of the project. He stated they are in support of pushing the building toward 4800 West and having the trash enclosure no closer than 70 feet. He stated they are not opposed to a visible fence on the south side, but expressed his concern that their understanding was Phase 2 required a masonry fence on the north side, and now the applicant may not be required to do so. He explained they would also feel comfortable if the Council decided to deny the request and allow the applicant to finish the parking lot and landscaping for Phase 2, but not allow another structure.

Gary Wright, resident of Highland, stated he lives in Lot 8 directly to the east of the project. He expressed his concern that having a masonry fence will create a graffiti corridor, because there is heavy traffic there for high school students. He stated having a wrought iron fence would make more sense and whether it is six or eight feet should not make that big of a difference. He stated he is in support of the two-story building. He encouraged the Council to amend the Code to allow the dumpster to be between the building and the street on the west side rather than the east side. He stated the dumpster would be smelly and noisy, but his big concern is that it's an issue of safety having the dump truck navigate the parking lot in the back, rather than having the dumpster at the front. He stated he would be in favor of having the building closer to his house to accommodate the trash enclosure on the west side. He stated he does not believe the office building will have any additional impact on his appraisal value, because there is already an Assisted Living Center on the property.

Tori Gagon, resident of Highland, stated she owns the adjacent property to the south of the Ashford Center and the building is closer to her property than anyone else's. She mentioned their properties are zoned for mixed use. She expressed her concern that the change to a 10 foot setback would force her to have a 25 foot setback when her property is developed. She explained she is willing to consent to the 10 foot setback, as long as she has in writing from the City that she only needs a 10 foot setback for future development of her property. She mentioned it would be a key selling point for her property. She explained her house was built 28 years ago when there were not all of these stipulations, so her home is approximately 10 feet away from her property line, so the close proximity of the building does concern her. She stated she does not want to stop the progression if certain conditions can be made for her property in the future. She explained when the Wildrose Subdivision was built, there was an agreement for a 6 foot chain link fence to be put down both sides of the pathway, and it was never done. She stated she would like the dumpster on the east side, because her home is on the south. She explained the majority of the time the wind blows from the north, so she is not only concerned with the smell, but the dumpster blew open leaving trash along her fence. She stated Greg Neild stated he would have it cleaned up, but she is concerned it will be a continual issue.

Rebekah Kaylor, resident of Highland, stated she lives directly behind the two-story Assisted Living Center. She explained because of where the Crossing Signal for the high school is located; the only legal way for their kids to get to the school requires them to take the sidewalk or path and most of them take the path. She asked the Council to keep the safety of the children in mind as they discuss the walls that will be built along that path. She stated the biggest impact

from the two-story Assisted Living Center is the lack of a suitable wall to at least cover the first level. She stated the lights from the first story shine directly into her home, especially her bedroom at night. She stated the buildings are very close to the homes, but if there was a suitable wall, they might be able to feel some level of privacy. She stated the wall is required to be a minimum of eight feet, but her property is four feet higher than the Ashford property. She mentioned she would be able to climb over the wall, which does not make her feel very secure. She stated she would prefer to see a solid fence on the north, because that is where their children cross to catch the bus regularly. She explained her concern is not with the residents of the Living Center, but is concerned that workers and family members may have perpetrated crimes. She stated she would have greater peace of mind knowing there is a solid wall.

Greg Neild, Developer of the Ashford Assisted Living Center, stated the office building has always been a part of the site plan. He explained instead of having it go length wise from north to south, it was changed to go east to west to prevent blocking the view. He stated there were concerns that the building was too close, which is why they are attempting to push it closer to 4800 West. He explained they do not mind having the dumpster on either end, but it was shown on the east side, because that's where the SCALO Zone allowed it when the Assisted Living Center was approved.

Discussion ensued regarding the possible locations for the dumpster.

Greg Neild stated Section 3-4506 of the Code reads, "...side setback area shall be a minimum of ten feet, including canopies and overhangs, except where a side property line abuts a Residential District, in which case it needs to be 25 feet." He stated because the land is mixed use, the surrounding land will eventually be commercial. He explained Tori Gagon's concern that she will not be able to have a 10 foot setback will be void, because both properties will have commercial use. He stated if both properties have a 10 foot setback along with the 20 feet for the pathway that the City owns, there will be a total of 40 feet.

Rod Mann questioned regarding the requirement for the eight foot fencing. He questioned if the fencing behind the Ashford Center would not change.

Greg Neild replied they would be willing to do an eight foot fence if that's what the City wants and are okay with whatever type of fence the City would like. He explained the fencing behind the Ashford Center is a 6 foot masonry wall running north and south. He stated they got in writing from the Wright's that they are okay with a six foot fence. He stated they are happy to abide by whatever is required.

Brian Braithwaite stated there was an additional piece of property that was purchased and questioned what the purpose was for that purchase.

Greg Neild stated when they approached the City, there were disagreements as to what the Code required, so they went with the most stringent option, therefore, in order to accommodate the Assisted Living Center they needed the additional property. He explained it is now separated so it is a two lot subdivision, and the second lot can stand on its own. He stated they had an office building planned for just over 10,000 square feet, but the Planning Commission did not support

the idea of having a cross easement for the parking. He stated they decreased the size of the office building to allow the property to stand-alone.

Rod Mann questioned if it is correct that both Greg Neild and Tori Gagon could have a 10 foot setback if her property becomes commercial.

Nathan Crane replied it depends on what zoning is applied to her property. He stated if it is mixed use, it may or may not be a 10 foot setback.

Discussion ensued regarding the parking for the property.

Nathan Crane stated the parking is sufficient so each property may stand-alone.

Rebekah Kaylor stated the residents have a concern with parking becoming an issue in their neighborhood. She stated when their neighborhood was created, the City put out signs letting the high school students know they were not allowed to park there and suggested if there were parking issues, the City again place signs in the neighborhood.

Mayor Thompson stated they would deal with those complaints as they arise.

Rod Mann questioned if the parking issue would be enforced like it is in the neighborhood behind the Pointe. He stated signs are posted in that neighborhood and questioned what happens when cars park there.

Rebekah Kaylor stated when they had issues with the high school parking; they put up signs and the police issued citations for a couple of days and then no longer had any problems.

Chief Brian Gwilliam stated they issued citations in the Wildrose subdivision a couple of years back, and it cleared up the problem. He explained they issued citations in the neighborhood behind the Pointe as well and have not had a problem since.

**** Mayor Mark Thompson closed the Public Hearing at 8:13 p.m. ****

Brian Braithwaite stated there was a statement made that there is a change in requirement for the fence on the north side and questioned why that is.

Nathan Crane stated they currently have a bond for a masonry fence and it will be installed this spring.

Brian Braithwaite stated they do not know what kind of zones the surrounding properties will be; they could be commercial, but they could also be residential. He questioned what the impact would be if the setback remained 25 feet.

Nathan Crane replied the decision is at the discretion of the Council to try to accommodate the developer and solicit input from the property on the south. He explained the other factor is that there is a City trail directly south, so the Council needs to decide how close they want a building

to the trail. He stated if the setback remained 25 feet, the building would not fit on the site. He explained the building would have to move north into the parking lot, so they would need an extra 42 feet to accommodate parking on the back.

Rod Mann stated if the applicant is just planning on putting grass in the 10 foot setback than there is no barrier between the south facing property and the building. He questioned if the City currently has graffiti problems on fences in Highland.

Matt Shipp replied the City has graffiti problems on under crossings, but not currently on fences.

Rebekah Kaylor stated there was a drug problem by the Wal-Mart in the area, so it raised the concern that a long narrow pathway lined with a long dark wall, may create the perfect area for untoward behavior. She stated a couple of years ago her now thirteen year old son was coming down the path and had a bad feeling, she was out on the sidewalk and there was a man sitting on a motorcycle at the end of the path, who left. She stated one of the homes in her neighborhood was broken into, so there is easy access right there. She explained previous to this discussion she was in favor of a masonry fence, because she believed it gave more security, but she does not know what the right answer is. She suggested maybe adding lighting along the fence.

Chief Brian Gwilliam stated they do not service Cedar Hills where the Wal-Mart is located, but they do have a school resource officer that does deal with those kids that get suspended because of tobacco or drug use.

Tori Gagon stated there have always been issues with the pathway. She explained she would not be in favor of adding lighting, because her home is right there. She stated there are not many kids that take the path, but she would like to feel secure. She stated she does not matter what kind of fence is put in, but she believes the taller the fence the better. She stated she wanted a fence along the length of her property, like what was originally agreed to because she has animals and is concerned about her safety.

Tim Merrill stated that majority of misdemeanor drug cases he prosecutes involve a vehicle. He explained not maybe people are brazen enough to do drugs out in the open.

Mayor Thompson questioned if the trail holds a water line.

Matt Shipp stated he does not believe so, but it has a sewer line which is very deep. He explained if the City needs to do maintenance on the line, they need a wide corridor.

Discussion ensued regarding the possible locations for the dumpster on the property.

Greg Neild stated the trash is going to be picked up three times a week.

Brian Braithwaite stated there is going to be significantly more garbage refuse coming out of the facility, which means it is highly likely for there to be a worse smell.

Jessie Schoenfeld clarified the dumpster is currently 70 feet away from the residents. She questioned if the trail is 20 feet, if that is enough space to do maintenance on the sewer line if needed.

Matt Shipp stated 20 is the minimum amount of space needed for maintenance.

Brian Braithwaite stated Phase 1 did not have a large negative impact on the residents, but Phase 2 had a significantly higher negative impact than he expected. He stated Greg Neild put a lot of effort into mitigating that, but it is still significantly more impactful. He explained he is having a hard time reconciling that impact while accommodating another project in the same area. He stated the project is good for the community, but harsh for the neighbors, and if he would've known the impact earlier, he probably would have changed something. He stated putting a two-story building 10 feet from the property line would barely fit and there is not an appropriate place for the trash enclosure. He stated he is not in favor of putting the dumpster in the back by the residents. He stated he is not in favor of making these adjustments at this point in time.

Jessie Schoenfeld stated she agrees with Brian Braithwaite. She explained she did not understand how big the building would be and the impact this project would have on the adjacent properties. She stated she believes there are too many things that have to change to accommodate the structure at this time.

Rod Mann stated they would have residence support if they could keep the roofline at 20 feet. He stated as it stands it would be difficult to make these accommodations, given the scope of the project. He stated he has been to the Ashford Living Center and it is very nice, but he has also been in the neighbors' yards and seen the impact of the buildings.

Tim Merrill stated these are not just exceptions for this property, but an amendment to the Development Code. He stated he understands that these are accommodations for this site, but the Council needs to decide if they would like to make these changes to the Code going forward for all of Highland.

Mayor Thompson stated this brings to light that if they have issues here, they will continue to have issues in other areas. He stated what they have done previously is the appropriate thing to do and those distances were set for a reason.

Greg Neild stated this property is shown in the Master Plan as mixed use, so it will eventually be commercial. He stated they chose the Residential-Professional Zone and an office building because it will be the least impactful of the zones. He stated a single story building would have to have higher traffic to be justified. He stated there is not going to be a direct building across the whole site and the dumpster meets the SCALO Zone where it is currently located. He stated he has two businesses, a Home, Health, and Hospice and a Chiropractor Office, interested in the office space. He stated this is a great buffer and a wonderful asset to the City. He stated if Tori Gagon's property becomes commercial or R-P, than her setback could be 10 feet and they would be meeting the code.

Brian Braithwaite stated there is no guarantee that her property will become commercial. He stated her property could be developed into an apartment or condo complex and still be zoned residential, so the setback would still be 25 feet.

Greg Neild questioned why there has to be a change in the Code for the whole City, as opposed to a variance for this one location.

Tim Merrill stated if they are unable to meet the requirements for the Zone, it would have to be denied, and then the applicant could appeal to the Appeal Authority. He stated if he is denied by the Appeal Authority, he could appeal to the District Court. He explained the City Council is legislative, so they do not have the ability to perform an administrative function and apply a variance for an individual.

Gary Wright suggested having a solid wall four feet up, and then wrought iron the rest of the way up to solve the fencing issue.

Ryan Ollerton stated they could do a one-story office building with the Home, Health, and Hospice and Chiropractor tenants which are not high traffic and would require less parking stalls. He stated a two-story building is too massive and has too large of an impact. He stated a one-story two tenant office building could fit on the property, compliment what is already there, and have a significantly lower impact.

MOTION: Rod Mann moved the City Council to *accept* the amendment to Article 4.5 R-P Zone Section 3-4506.1 to allow the Planning Commission to reduce the front yard setback to 30 feet if the reduction will increase the rear yard setback between the building and residential, *deny* the amendment to Section 3-4506.3 to allow the reduction of the side setback from 25 feet to 10 feet with written approval from the adjacent property owner, *deny* the amendment to Section 3-4508.5.c to allow an alternate wall design with approval from the nearest property owner, and *deny* the amendment to Section 3-4515.d to reduce the refuse collection area from 100 feet to 30 feet.

Jessie Schoenfeld seconded the motion.

Those Voting Aye: Brian Braithwaite, Rod Mann, Jessie Schoenfeld

Motion carried.

PUBLIC HEARING/ORDINANCE: Request to Re-Zone 0.70 Acres from R-1-40 to R-P – Ashford Assisted Living Center.

**** Mayor Mark Thompson opened the Public Hearing at 9:10 p.m. ****

**** Hearing no comments, Mayor Mark Thompson closed the Public Hearing at 9:10 p.m. ****

Rod Mann questioned if there are any restrictions on the geography or the height of the building.

Nathan Crane replied the site coverage is 25% and can be increased to 35% subject to recommendation by the Planning Commission and/or approval by the City Council. He stated the building height can be a maximum of 30 feet. He stated four parking spaces are required for every 1,000 square feet.

Brian Braithwaite clarified this action is just re-zoning the property to the R-P Zone without making changes to the requirements for the R-P Zone.

Nathan Crane replied yes, this would just re-zone the property, but approving this request would allow a two-story building up to a 30 feet tall as long as it meets setbacks. He suggested the City Council wait to see a project that can meet the standards before re-zoning the property.

MOTION: Brian Braithwaite moved the City Council to *deny* the proposal to Re-Zone 0.70 Acres from R-1-40 to R-P – Ashford Assisted Living Center, until the applicant can bring forward a plan that will match the current zoning requirements.

Rod Mann seconded the motion.

Those Voting Aye: Jessie Schoenfeld, Brian Braithwaite, Rod Mann

Motion carried.

MOTION: Request for a Conditional Use Permit for a 9,602 square foot, two-story Office Building – Ashford Assisted Living.

No action required at this time.

**** Mayor Mark Thompson called for a recess at 9:16 p.m., meeting reconvened at 9:31 p.m. ****

ORDINANCE: Amending Highland City Municipal Code 2.44 – Surplus Property.

BACKGROUND: Jody Bates stated with the change in the surplus of open space, staff began looking at the Surplus Property Ordinance and is now proposing two changes. She stated a number of years ago, a Councilmember requested staff include notification in the City newsletter for surplus property, which was approved and became part of the Ordinance. She stated staff is proposing to take that requirement out, because the City newsletter only goes out once a month. She explained they have to wait for the newsletter to go out, which makes it difficult to get the disposal of open space through in a timely manner. She stated they already advertise the disposal of surplus property in the newspaper, have a Public Hearing, and can now place the information on the website, so they are meeting the State public notification requirements. She stated per State Code the City need to add the *Utah Public Notice Website* information on the website.

Rod Mann recommended having the Surplus Property as a “Notify Me” option, so people interested in the issue would be automatically notified.

Aaron Palmer stated staff could put together a PDF document for the Surplus Property that's proposed and send it out as a "Notify Me" option.

Brian Braithwaite questioned how often the property needs to be disposed of quickly.

Jody Bates stated they are not concerned with doing it extremely quickly, but the biggest issue is the open space property. She stated if they need to wait every month, and then as it is stated in the Ordinance before, they need to have it done seven days prior to the disposition. She stated if they would like to do the disposition at the end of the month, the newsletter has already gone out so they would need to wait another month to put it in the next newsletter.

Brian Braithwaite stated he believes this is something that the City sees months in advance, so there should be no reason why it wouldn't be included in the newsletter in time. He stated the more visibility the City gives to the residents the better.

Nathan Crane stated sometimes he only has a month or two months leeway to get information to the Council. He stated the staff will do what the Council asks, but not having it in the newsletter would mean one less timeframe to worry about. He stated if the issues need to be noticed up in the newsletter, then most surplus issues would have to be placed in the second Council meeting of the month so residents have time to read it.

Brian Braithwaite stated he would be okay with excluding open space, because most residents do not care about that, but they may care about other surplus property. He stated if the staff would like consistency, he would rather stick with having the information in the newsletter.

Jody Bates stated the number of newsletters going out is diminishing.

Rod Mann stated a lot of residents do not read the newsletter, so if there is the "Notify Me" option on the website, than those who do care about the surplus property can be notified. He suggested having the "Notify Me" option promoted in the newsletter, so those residents can be automatically notified each time rather than having to read it in the newsletter.

Jody Bates stated regardless of if the Council would like to remove the notification from the newsletter; they still need to update the Municipal Code to add the *Utah Public Notice Website* information to the website per State Code.

Brian Braithwaite suggested having a statement on the newsletter stating any notification, including surplus property, can be found at a specific location on the website.

Mayor Thompson stated the biggest issue right now is that if it is not noticed in the newsletter the Council cannot take action.

Rod Mann stated he does not believe it needs to be placed in the Ordinance that a statement will be placed in the newsletter each month, but that it should just be a matter of policy.

Jody Bates stated she will have the statement placed in the newsletter each month.

MOTION: Dennis LeBaron moved the City Council to approve the amendment to the Highland City Municipal Code 2.44 – Surplus Property as written.

**Brian Braithwaite seconded the motion.
Unanimous vote, motion carried.**

RESOLUTION: Amending Building Use Policy – Highland City Hall and Highland Community Center.

BACKGROUND: Jody Bates stated it is an update and housekeeping issue. She stated there were some things in the Building Use Policy the City was not doing anyway and some things that needed to be added.

Jessie Schoenfeld moved the City Council to amend the Building Use Policy – Highland City Hall and Highland Community Center as presented.

Dennis LeBaron seconded the motion.

Mayor Thompson expressed his concern for taking a deposit if there is not someone to check everyone in and out of the building. He stated he has been in the building when the previous people had not properly cleaned it up, and does not want the next users to lose their deposit or be in charge of cleaning up after other people.

Jody Bates stated Emily Gillingwater checks each key in and out and tries to get down to the Community Center as often as she can. She stated Emily Gillingwater usually gets a hold of the following user and asks how the building was when they went in, along with giving a check off list each user has to sign. She stated they just have to hope people are being honest, because there is no way to check the building after every use. She stated they changed the time use for the City Hall to 9:00 p.m. on weekdays and 6:00 p.m. on Saturdays, because that is when the library leaves the building. She stated they did not want to have issues if people are left in the City Hall after hours.

Brian Braithwaite clarified that most people do not request the City Hall after 9:00 p.m. on weekdays and 6:00 p.m. on Saturdays.

**Those Voting Aye: Brian Braithwaite, Dennis LeBaron, Jessie Schoenfeld.
Those Voting Nye: Rod Mann**

COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:

- Open Space Setbacks – Nathan Crane, Community Development Director

BACKGROUND: Nathan Crane stated he wanted to follow up with the Council on the email regarding the summary of the Haskett situation and find out what direction the Council would like staff to take.

Rod Mann stated he is not in favor of changing the Ordinance to revise the setbacks, because once it's changed, the Ordinance is changed for everyone and the City does not know what the unintended consequences will be.

Dennis LeBaron and Jessie Schoenfeld agreed they are not in favor of changing the Ordinance.

Mayor Thompson questioned if there were exceptions made for properties in the subdivision.

Nathan Crane stated there are nine corner lots in this subdivision and two of the lots that are closer in setbacks with no explanation. He stated when the Haskett home was built, an exception was already given to them to allow them to extend into the rear yard. He stated then there was a reduction in setbacks for the open space subdivisions, so the home is no longer an exception.

Rod Mann clarified they appealed to the Appeal Authority and were denied the appeal.

Dennis LeBaron questioned if a date will be set for the next Budget Work Session.

Aaron Palmer stated he will send an email to the Council within the next few days giving a couple dates in March, so the Council may choose what works best for them.

Rod Mann suggested holding a fifteen minute team building activity at the Work Session, which would teach an object lesson and help the Council and staff get to know one another better.

Brian Braithwaite stated he would be in favor of the exercise.

Rod Mann stated gave the heads up that he saves his marked up minutes in the Dropbox with a "Rod". He stated staff and Council are welcome to look at those edits and annotations as well.

ADJOURNMENT

MOTION: Rod Mann moved to adjourn.

**Jessie Schoenfeld seconded the motion.
Unanimous vote, motion carried.**

Meeting adjourned at 9:58 p.m.




JoD'Ann Bates, City Recorder

Date Approved: March 4, 2014



PLANNING COMMISSION AGENDA REPORT ITEM #4

DATE: May 24, 2016

TO: Planning Commission

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

SUBJECT: Public Hearing and Ordinance – A request by Quick Quack Car Wash (QQUA Investments, LLC and Dallas Haken, agent) to amend Article 4.35 CR Commercial Retail Zone, Section 3-4351 Permitted Uses, adding car washes as a permitted use and adding Section 3-4377 Car Wash Standards to establish standards for the development of car wash facilities (TA-16-05). *Legislative*

STAFF RECOMMENDATION:

The Planning Commission should a public hearing debate the request, draft findings, and provide a recommendation to the City Council.

BACKGROUND:

The CR zone a commercial for Highland City and is currently only established in one location within the city, at the northwest corner 11000 North and Alpine City. The CR – Commercial Retail zone is intended to “establish a standard for commercial development and maintenance which:

- (a) Establishes strict standards for buffering, protection against noise and air pollution thereby minimizing undue hardships on adjacent residences and land uses.
- (b) Promotes the overall safety, functionality, and visual attractiveness of commercial buildings, accompanying substructures, and surrounding landscape
- (c) Promotes the ability of the commercial entities to succeed.
- (d) Promotes the successful completion of the project
- (e) Promotes quality architecture
- (f) Allows some flexibility of architecture to encourage creativity of design.”

Permitted uses establish the range of acceptable and compatible land uses that are allowed within specific geographies. Uses that are not listed are prohibited from being located established with the zone.

Quick Quack Car Wash is seeking to establish a car wash at 5452 West 11000 North and car washes are not a permitted use. Therefore, they have made

application to amend the permitted use list to include car washes. In addition to providing concept drawings, they have also illustrated their standards for water conservation and noise reduction.

A development code amendment is a legislative process.

SUMMARY OF THE REQUEST:

1. The applicant has proposed an amendment that adds car wash as a permitted use in the CR zone.
2. If the Planning Commission wishes to recommend car wash as a permitted use to the CR zone, staff has prepared additional guidelines for the development of car washes in the CR zone.

CITIZEN PARTICIPATION:

Notice of the Planning Commission public hearing was published in the May 8, 2016 edition of the Daily Herald. Staff has met with the adjacent property owner. They are opposed to the project due to light, noise, traffic, etc.

ANALYSIS:

- Car washes have been identified by other communities to have potential negative externalities that may become problematic if not sufficiently addressed. Staff surveyed several communities with car wash standards and found that the following were common additional standards imposed on car washes meant to address these issues:
 - Additional **setbacks** from residential development or zones.
 - Specific **vehicular stacking/queuing** standards.
 - A reference to existing municipal **noise** limitations.
 - A reference to existing municipal **landscaping** requirements.
- Other standards include:
 - Required **screening** adjacent to residential development or zones.
 - **Design compatibility** with residential or adjacent commercial development.
 - Limitations on the **hours of operation**.
 - **Definitions** distinguishing stacking/queuing areas from service areas.
- Other standards were unique or were represented in a minority of sampled codes. These other standards and a summary of all the surveyed standards are included in Attachment 2.

- Many communities have identified detriments that may occur with the establishment of commercial car wash operations and have devised development regulations to mitigate those effects, especially on adjacent residential property. These regulations lessen but do not eliminate the impact.

Conclusion

- The Planning Commission must determine if a car wash is compatible adjacent to residential uses due to adverse impacts of light, noise, traffic, etc. The standards included within are designed to mitigate these impacts. They will not eliminate them.
- Staff believes that high intense car washes will have an adverse impact on the existing residential uses. While these impacts can be lessened they cannot be eliminated.

RECOMMENDATION:

The Planning Commission hold a public hearing, debate the issue and provide the Council with a recommendation. The Commission should determine if the request: 1) Is consistent with the purpose of the General Plan; 2) Will or will not adversely affect the community; and 3) Will or will not result in compatible land use relationships.

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Ordinance
2. Overview of Car Wash Standards Adopted by Other Communities
3. Quick Quack Concept Plan

ORDINANCE NO. 2016.**

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING
HIGHLAND CITY DEVELOPMENT CODE TO AMEND ARTICLE 4.35 CR –
COMMERCIAL RETAIL ZONE, SECTION 3-4351 PERMITTED USES, AND
ADDING SECTION 3-4377 CAR WASH STANDARDS**

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

WHEREAS, the Commission held a public hearing on this Ordinance on May 24, 2016; and

WHEREAS, the City Council held a public hearing on this Ordinance on June 7, 2016.

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

SECTION 1. That the Highland City Development Code Article 4.35 CR – Commercial Retail Zone, Section 3-4351 Permitted Uses, and adopting Section 3-4377 Car Wash Standards is hereby amended and adopted as in "Exhibit A."

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

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

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

PASSED AND ADOPTED by the Highland City Council, June 7, 2016.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Ed Dennis	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

....
3-4351: Permitted Uses. As noted in the following sections, the only uses allowed within the C-R Zone are as follows:

(1) Main level retail is permitted as follows:

....
(j) Car washes subject to specific additional requirements as outlined in 3-4377.

....
3-4377: Car Wash Standards. In addition to all other requirements of this Title, Car Washes shall be required to abide by the following standards:

- (1) Setback of Facility: In addition to any other setback standard required by Section 3-4356, the primary car wash service area shall be setback a minimum of thirty (30) feet from any existing residential property boundary. Accessory facilities areas, such as window washing, air compressor, and vacuum cleaning stations are not required to meet this standard.
- (2) Queuing of Vehicles: A minimum of one-hundred fifty (150) feet for a single stacking lane or eighty (80) feet per lane when there is more than one stacking lane, is required for all car wash service areas. A stacking lane is measured between the stacking lane entrance and the service area. A stacking lane is not required for accessory facilities where vehicles do not routinely stack, such as window washing, air compressor, and vacuum cleaning stations.
 - (a) Stacking Lane Design and Layout. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation. No part of a required stacking lane may encroach into the right-of-way. Stacking lanes may be curvilinear. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.
- (3) Noise: No carwash facility may exceed the noise limitations required by 8.16.100 Highland City Code. There shall be no outdoor loudspeakers or public address systems allowed at car wash facilities.
- (4) Landscaping: Landscaping shall be required per Section 3-4361. Additionally, the following standards shall be adhered to:
 - (a) A minimum of ten (10) feet of landscaping shall be provided between existing residential property lines and all service areas or stacking lanes.
 - (b) Within landscaping areas adjacent to existing residential property lines, trees that mature to twenty-five (25) feet in height or higher, shall be planted at twenty (20) foot intervals. The selected trees shall be of a broadleaf deciduous variety that's crown has a diameter of at least fifteen (15) feet upon maturity. The purpose of this section is to reduce the noise of service areas and reduce emissions of vehicles onto adjacent residential properties.
- (5) Screening: A minimum eight (8) foot sight-obscuring masonry wall shall be erected along all adjacent residential property lines. The purpose of this provision is to reduce visual and noise impacts of car wash service and stacking areas.

- (6) Water Recycling: Recycling of water used for vehicle washing shall be maximized. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal guidelines/standards and must be approved by Highland City Engineer.
- (7) Definitions: These terms shall mean the following when used in this section:
 - (a) Service Area: The service area is where the service occurs.
 - (b) Stacking Lanes: The space occupied by vehicles queuing for the service to be provided.

Car Wash Standards

Survey of Eight Municipalities

Matthew J. Taylor, AICP

Limited Survey of Municipal Car Wash Standards

- Eight cities were identified with car wash, or drive-through facility standards. Other cities were surveyed but were found to not address this situation directly.
- The most common categories of standards that cities adopted include:
 - Additional **setbacks** from residential development or zones.
 - Specific **vehicular stacking/queuing** standards.
 - A reference to existing municipal **noise** limitations.
 - A reference to existing municipal **landscaping** requirements.
- Frequently included standards include:
 - Required **screening** for adjacent residential development or zones.
 - **Design compatibility** with residential or adjacent commercial development.
 - Limitations on the **hours of operation**.
 - **Definitions** distinguishing stacking/queuing areas from service areas.
- Other standards were unique or were represented in a minority of sampled codes. These other standards and a summary of all the surveyed standards are included in Appendix “A”.

Review of Common Standards Against Quick Quack Car Wash Site Plan

1. **Setbacks:** The sampled ordinances had a maximum 50’ setback from residential areas. This site plan would comply with that standard.
2. **Vehicle Stacking/Queuing:** The proposed plan has more than adequate stacking/queuing areas when compared to the sampled ordinances.
3. **Noise:** The car wash is set as far away from residential as possible while maintaining the required setbacks along 110000 North (Timpanogos Highway). This is positive as it would limit the the audible noise generated by the car wash on adjacent north and west residential properties. Highland’s noise ordinance in Section 8.16.100 of the city code has no objective noise standard, although it does contain time-of-day standards. If the City is interested in adopting specific standards for car washes, it is recommended that the noise ordinance be amended to include objective measurable decibel limitations, or that specific noise standards be adopted to the car wash standards. Provo City provides an example of specific decibel standards for various times of day and types of noise (see [Provo City Code 9.06](#)).

4. **Landscaping:** The site plan includes a 10-12' landscape buffer (meeting the minimum standard in HDC 3-4312: Landscaping) between the project and adjacent residential property. It is recommended that any existing commercial/residential transition landscaping standards be applied to this development. If a car wash specific ordinance is developed, it may be appropriate to also require the planting of trees in landscaping adjacent to residential areas. Trees will further act as a noise buffer for the adjacent residential properties during the spring/summer/fall months.
5. **Screening:** The plan does not call out for additional wall or fence screening along adjacent residential properties. This may be an appropriate consideration in the development of a car wash ordinance.
6. **Recycled Water:** Inglewood, CA has adopted standards for recycling of water. Since Quick Quack Car Wash is proposing this as part of their plan, it would be an easy time to adopt these standards that could apply to any future car washes should they be proposed.

Recommendations

Adopt an ordinance that addresses the setbacks, vehicle stacking/queuing, noise, landscaping, screening, and possibly recycling of water. The applicant's proposed site plan would meet the most stringent of the sampled ordinances. It is recommended that an ordinance be prepared that facilitates the proposed car wash facility with some minor amendments to landscaping and screening.

Car Wash Standards - Survey of Municipal Codes

Municipality	Setbacks	Screening	Vehicle Stacking/Queuing	Landscaping	Water Recycling	Air Quality	Noise	Design	Size Limitation
Inglewood, CA	25' - R.O.W. 25' - Residential zone 25' - Developed property	5' min, 6' max - Masonry Wall 3' within sight triangle - 18'	Not to interfere with internal circulation. No queuing in ROW.	- Per city code. Also, preservation of existing trees required in ROW.	Max ability required.	Exhaust vents may not face residential. Appropriate control systems.	Abide city noise ordinance. No outdoor loudspeakers.	"Aesthetically compatible"	25' - Height 20' - Width 50' - Depth
Portland, OR*	5' - Stacking and Service Areas from lot lines and ROW		Not to interfere with internal circulation. No queuing in ROW. Minimum 80' for primary facilities. Not accessory facilities (window washing, air compressor, and vacuum cleaning stations).	Setback areas per city code.			Must abide city noise ordinance.		
Baltimore, MD	50' - Residential for Roll-over and full-service 100' - Residential for self-service 50' from nearest exit drive		Not to interfere with internal circulation. No queuing in ROW. -Roll-over car wash: 9 spaces - Full-service: 19 - Self-service: 4, + 2 for each additional bay - More for vacuums	Street - 10' Residential - 15' Per other city codes				Rear and side materials facing residential shall be consistent with front.	
Concord, CA* Also car wash specific		Prevent headlight glare and to minimize visibility of vehicles from adjacent streets, parking lots, and neighboring uses	4 stacking spaces per pull-through rack; 1 stacking space per self-service manual wash bay Must exit directly onto ROW or integrated site circulation and merged with min driveway aisles. Drive lanes to be clearly delineated.	Per city code			Loudspeakers not to be audible from adjacent residential properties.		

St. Petersburg, FL	20' - interior and rear property lines	Wall enclosure across from residential. 6' decorative masonry or vinyl fence against residential	Must exit directly onto ROW or integrated site circulation and merged with min driveway aisles. Drive lanes to be clearly delineated.	5' along residential per city code		Must minimize pollutants	No audible noise.		
Salt Lake City, UT*			Not to interfere with internal circulation. No queuing in ROW. 120' min stacking lane. 60' min for double stacking lane Not accessory facilities (window washing, air compressor, and vacuum cleaning stations). Drive lanes to be clearly delineated.			Idle-free signs required.	Per city code		
Taylorsville, UT	50' from residential		Vacuums etc not to interfere with internal circulation						
Provo, UT	"Wash bays shall be as far from adjoining residences as possible taking into account the overall design, layout and predominant traffic patterns of the area"	6' decorative brick or block wall adjoining residential.		Per city code			Per city code.	"compatible with adjoining residential properties."	

Comment [1]: Get standards for automotive service station

Appendix 'A' - Research - Standards

*Addresses all drive-through facilities, not car wash specific.
These are all good standards for various reasons,.

Quick Quack Car Wash

Municipality	Manual Labor / Outside Labor	Definitions	Driveway Location Standards	Documentation on Max Hourly Production of Vehicles	Tunnel location / Vacuum Locations	Lane Width	Hours of Operation when next to residential	Pedestrian walkways	Min Lot Size
Inglewood, CA	Prohibited								
Portland, OR*		Stacking Lanes: The space occupied for vehicles queuing for the service to be provided. Service Area: The area where the service occurs.	Driveways and stacking lanes to be 50' from ROW intersection						
Baltimore, MD					Tunnel not to face residential, unless across the street.				
Concord, CA*		Stacking Lanes: The space occupied for vehicles queuing for the service to be provided. Service Area: The area where the service occurs.				12'	7-10pm	Not to intersect drive-through aisles	
St. Petersburg, FL	No outside detailing				Vacuums not to be adjacent residential		Closed 8pm to 8am		10'000 ft2, 100 ft wide
Taylorsville, UT									
Provo, UT		Stacking lane for two cars shall be provided on-site per wash bay. Stacking lanes per vacuum bay at full-service attendant washes.					All closed but one between 11pm and 7am		20'000 ft2

Research - Car Wash Standards

*Addresses all drive-through facilities, not car wash specific.

These are all good standards for various reasons. Rather than be tempted to adopt variations of all of them, it is recommended that you identify what problems are of real concern and focus on acceptable standards to address them.



Proposed Car Wash Site 5452 W 11000 Highland, UT Opening February 2017

3 minutes fast & no waiting! Quick Quack is a growing chain of exterior-only, soft cloth car washes in California, Texas, Colorado and Utah. We take pride in being environmentally friendly by conserving & recycling water. Quick Quack's reclaim system uses as little as twelve gallons of fresh water per car and the environmentally friendly shampoos are biodegradable and non-corrosive. Quick Quack does not use any of the acids or other corrosive materials that touchless car washes employ. Besides being more environmentally friendly than traditional commercial car washes, Quick Quack wants to pull people out of their driveway. A person washing their own car in their driveway uses 50-150 gallons of fresh water. That water mixes with harmful soaps that go down the storm drains that lead to streams and rivers. Many communities have banned driveway car washing not just because of the wasted water, but because of the phosphates and other harmful soaps and chemicals going into fresh water systems. Quick Quack is a proud member of Water Savers, a car wash industry program dedicated to raising awareness for water conservation and environmentally friendly practices at professional car washes. ***DontDriveDirty.com***

- QUICK QUACK ONCE AGAIN NAMED ONE OF THE TOP 50 CARWASHES IN THE COUNTRY
- QUICK QUACK VOTED "BEST CAR WASH" IN SACRAMENTO, COLORADO SPRINGS & AMARILLO

1. Hours of operation:

- a. 7am - 7pm during normal business hours
- b. 7am - 9pm during summer hours
- c. Monday - Saturday

2. **Water Usage:** The water is reclaimed from the tunnel. The water is pumped back into tunnel and through the equipment again to be re-used. On average we are discharging about 12 gallons of water per vehicle back into the sewer system that has been clarified.
3. **How long does it take to get a car wash?** Unlike carwashes typically found at gas stations, Quick Quack Car Wash uses a conveyor that keeps cars moving even if there are a few cars in line. The entire wash cycle lasts no longer than **THREE MINUTES** and since there is no waiting for the car in front of you to finish, you will rarely spend more than **five minutes** from the time you pull in to when you are back on your way.
4. **Company Values:** Why do Quick Quack team members wear ties? Cleanliness is one of our company values and we believe that this extends beyond just a clean car. We feel that our facilities and team members should also represent the highest standards of appearance. Unlike full service car washes or other automotive service centers where employees might be more hands-on, our team members are primarily cashiers and customer service professionals who greet customers with a friendly smile and clean appearance. Quick Quack Car Wash's state-of-the-art car wash equipment does the heavy lifting and the "dirty work". Our signature duck ties have become an important part of our brand image that the majority of our customers appreciate and have come to expect and love. The Core Values of the Company are: Be FAST, Be CLEAN, Be HONEST, Be CONSISTENT, Be ACCOUNTABLE, Become a LEADER, Work as a TEAM, Show RESPECT, WORK hard, Have FUN!

5. **Traffic and Parking:** At any given time, there are two or three employees on site; they have their own parking stalls including one accessible stall apart from the customer vacuum stalls. We are an express wash and our desired site size for each location is +/- 1 acre. We are really a convenience stop for most of our customers; they are expecting to be in and out quickly. The pictures of the wash attached, 612-West Sacramento, sees about 20K+ cars per month. It only has two order lanes and it also fronts a major street in West Sacramento. We do not see the cars backing up into the street because of our process once on the lot. The unlimited customers will be able to drive up to the third lane, and the system will recognize what wash plan they have, and it will let them right into the wash as soon as they are recognized. With three lanes, we have the opportunity to stack 5 cars in each lane with this layout. Based on our experience with other Quick Quack sites, and the improved efficiencies that will be installed on this site, we should have no issues handling the volume of cars expected at this location.
6. **Noise Vacuums:** The 40HP producer that we will be using averages from 70-74dB measured at 10 feet (not in an enclosure). With a 6' enclosure around the unit, it reduces the dB level.
7. **Noise Blowers:** The approximate median level of the blowers that we intend to use is at 67dB measured 20' from the tunnel exit. This will vary from time to time as equipment turns on and off, that is why it is a median. The highest dB level measured at 20 feet was 86dB. The normal level of a conversation measured at 5'-10' is between 60-70dB. Because the drying cycle represents a small portion of the overall wash, the dryers are anticipated to operate for no more than 30 minutes during any given hour. The calculated hourly L_{eq} (Equivalent sound level) given 30 minute dryer cycle the usage would be 67 dB measured at 20' directly facing the exit of the car wash, 0 degrees off-axis, and the blower was measured to generate a noise level of 86 dB L_{max} at 25 feet. The measured equipment noise level at the Sunrise location (where the study was completed) is comparable to the proposed equipment at the project site (86 dB L_{max} at 20 feet). Noise level measurements were also conducted at off-axis positions in order to quantify the noise level reduction provided by the building structure. Specifically, measurements were conducted at positions 45 and 90 degrees relative to the façade of the car wash exit, both at a reference distance of 25 feet. At 45 degrees off-axis, the blowers generated a noise level of 78dB L_{max} . At 90 degrees off-axis, the blowers generated a noise level of 70 dB L_{max} . This represents a noise level reduction of 16 dB due to the intervening building structure. The calculated Hourly L_{eq} given 30 minute usage of the dryer cycle at the exit would be 67 dB at a reference distance of 20 feet.

See Attachments.

1. **Rendering 1**
2. **Rendering 2**
3. **612 West Sacramento Picture**
4. **Proposed Site Plan with Noise Info**





Quick Quack
CAR WASH

645

LEFT LANE
Quick Lane
• New Customers
• Cash, Credit & Coupons

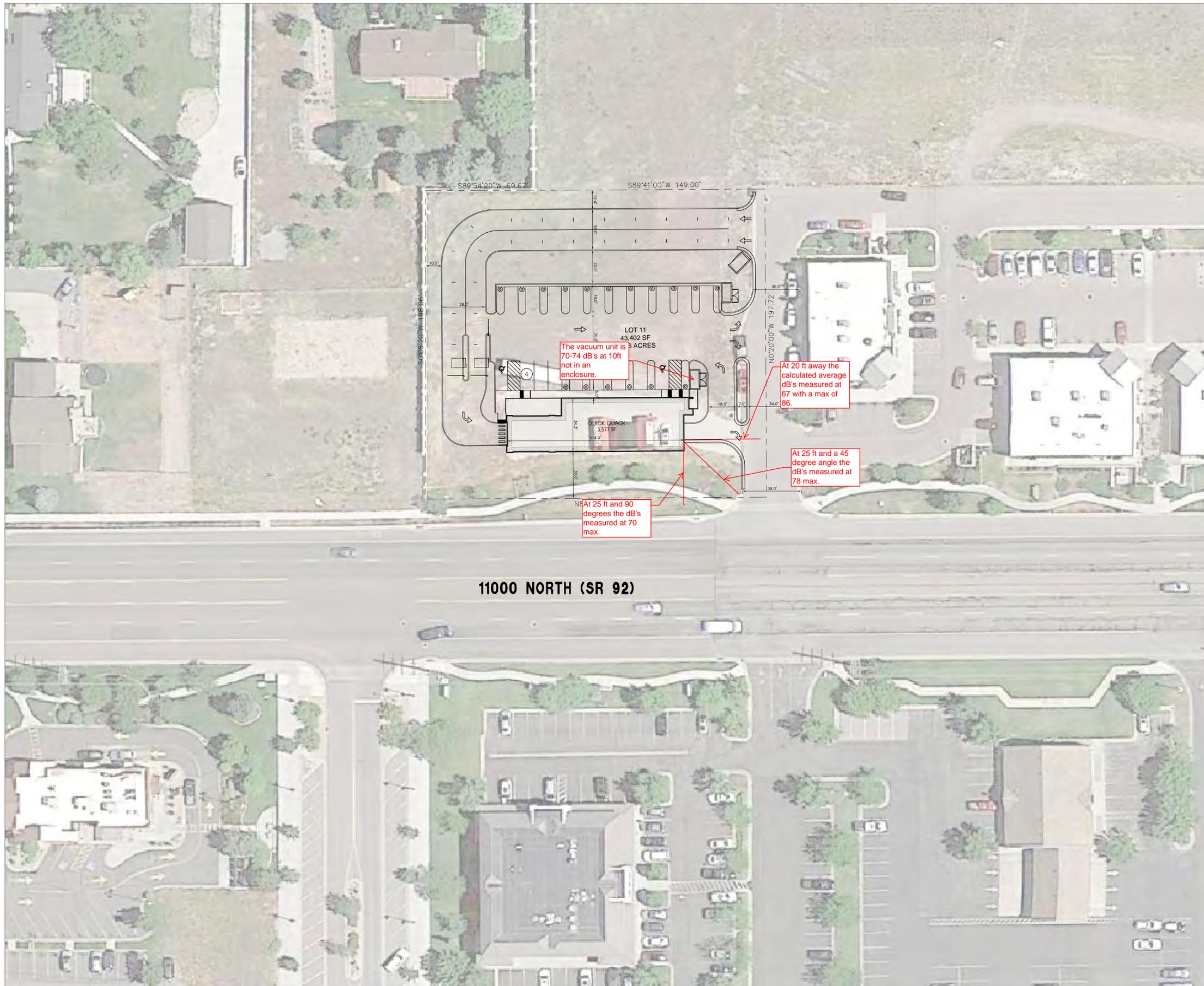


RIGHT LANE
Quicker Lane
• Lucky Duck/Protect Wash
• Unlimited Members Only

Protect
Shine
Clean
Basic



Date: April 12, 2016 7:02 PM User: MCDUGALD, BRANDON
 Path: K:\SLC_CIVIL\0935562004_QUICK QUACK HIGHLAND-HIGHLAND-SP1.DWG
 This document, together with the concepts and designs presented herein, is an instrument of service. It is intended only for the specific purpose and client for which it was prepared. Basis of and proper reliance of this document without written authorization by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



SITE STATISTICS	
PARCEL #	41-690-0011
SITE ADDRESS	5452 WEST 11000 NORTH HIGHLAND, UTAH
QQ SITE AREA	± 0.99 ACRES
EXISTING ZONING	CR
EXISTING USE	VACANT (PREVIOUSLY AGRICULTURAL)
PROPOSED USE	AUTOMATIC CAR WASH (TEXT AMENDMENT REQ'D)
BUILDING AREA	± 3,577 S.F.
BUILDING SETBACKS	CR ZONE
FRONT	0 FEET
SIDE	30 FEET (ADJACENT TO RESIDENTIAL)
REAR	30 FEET (ADJACENT TO RESIDENTIAL)
LANDSCAPE SETBACKS	
FRONT	15 FEET
SIDE	10 FEET
REAR	10 FEET
PARKING	4 SPACES/1,000 SF SALES FLOOR
REQUIRED	2 STALL +/-
PROVIDED	3 STALLS

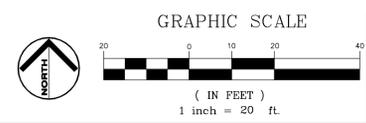
LEGEND	
	PROPERTY LINE
	EXISTING IMPROVEMENTS
	PROPOSED IMPROVEMENTS
	PROPOSED A.C. PAVEMENT
	PROPOSED CONCRETE PAVEMENT

DATE	DESCRIPTION
12/07/15	ORIGINAL PREPARATION

Kimley»Horn
 215 South State Street
 Salt Lake City, UT 84111
 Tel. No. (385) 212-3176

PRELIMINARY SITE PLAN
QUICK QUACK
 HIGHLAND, UTAH

DRAWN BY:	BDM	04/12/2016
DESIGNED BY:	BDM	04/12/2016
CHECKED BY:	BDM	04/12/2016
PROJECT No.:	0935562004	SCALE: AS SHOWN



CALL BEFORE YOU DIG. IT'S FREE AND IT'S THE LAW.

BLUE STAKES OF UTAH
 Utility Marking Center, Inc.
 1-800-662-4111
 www.bluestakes.org

811
 Know what's below.
 Call before you dig.

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

SHEET
SP1-2



PLANNING COMMISSION AGENDA REPORT ITEM #5

DATE: May 24, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing – A request by Danny Wright for Preliminary Plat approval of a two-lot subdivision located at 9916 N 6800 W (FP-16-05).
Administrative

STAFF RECOMMENDATION:

The Planning Commission should a public hearing, accept the findings and recommend approval of the subdivision subject to the stipulations recommended in the staff report.

BACKGROUND:

The property is designated as Low Density Residential on the General Plan Land Use Map. The property is zoned R-1-40 (Single Family Residential). The R-1-20 District allows one home per 40,000 square feet. The minimum lot width is 130 feet. The property is 2.05 acres in size and is owned by Danny Wright and Echo Development, LLC.

Preliminary plat approval is an administrative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of a two lot single family residential subdivision. Lot one is 32,485 square feet and lot two is 40,493 square feet. The existing home on lot one will remain and a new home will be built on lot 2.
2. Access to the site will be from Madison Avenue and 6800 West.

CITIZEN PARTICIPATION:

Notice of the May 5, 2016 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on April 20, 2016. No one attended the meeting.

Notice of the May 24, 2016 Planning Commission meeting was published in the Daily Herald on May 8, 2016. Notice of the meeting was also mailed to all property owners on May 4, 2016. No comments have been received.

ANALYSIS:

- The property is designated as low density residential on the General Plan Land Use Map. The subdivision is consistent with the General Plan.
- The property to the north, south, east and west is existing single family residential. The proposed subdivision is compatible with the surrounding land uses. The existing home will meet all required setbacks.
- Utilities will be extended from Madison Avenue.
- Water shares will be dedicated as required by the Development Code prior to final plat recordation.

FINDINGS:

The proposed plat meets the following findings with stipulations:

- It is in conformance with the General Plan, the R-1-40 District and the Highland City Development Code.

RECOMMENDATION AND PROPOSED MOTION:

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

1. The final plat shall be in substantial conformance with the preliminary plat date stamped May 19, 2016.
2. All required right-of-way dedications and public improvements shall be dedicated/installed as required the Community Development Director/City Engineer.
3. The civil construction plans shall meet all requirements as determined by the Community Development Director/City Engineer.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case FP-16-06 a request for approval of a two lot subdivision subject to the four stipulations recommended by staff.

ALTERNATIVE MOTION:

I move that the Planning Commission deny the proposed final plat subject to the following findings: (The Commission should draft appropriate findings).

FISCAL IMPACT:

This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

1. Proposed Plat



PLANNING COMMISSION AGENDA REPORT ITEM #6

DATE: May 24, 2016
TO: Planning Commission
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: Public Hearing – A request by Shawn Herring for Preliminary Plat approval of a two lot subdivision located at 5949 West 9600 North (FP-16-05). *Administrative*

STAFF RECOMMENDATION:

The Planning Commission should a public hearing, accept the findings and recommend approval of the subdivision subject to the stipulations recommended in the staff report.

BACKGROUND:

The property is designated as Low Density Residential on the General Plan Land Use Map. The property is zoned R-1-20 (Single Family Residential). The R-1-20 District allows one home per 20,000 square feet. The minimum lot width is 115 feet. The property is one acre in size and is owned by Benjamin Gaines.

Preliminary plat approval is an administrative process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of a two lot single family residential subdivision. Lot one is 20,706 square feet and lot two is 20,318 square feet. The existing home on lot one will remain and a new home will be built on lot 2. The existing garage and shed will be removed.
2. Access to the site will be from 9600 North and 5910 West. 5910 West is owned by American Fork City.

CITIZEN PARTICIPATION:

Notice of the May 5, 2016 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on April 20, 2016. No one attended the meeting.

Notice of the May 24, 2016 Planning Commission meeting was published in the Daily Herald on May 8, 2016. Notice of the meeting was also mailed to all property owners on May 4, 2016. No comments have been received.

ANALYSIS:

- The property is designated as low density residential on the General Plan Land Use Map. The subdivision is consistent with the General Plan.
- The property to the north, south, east and west is existing single family residential. The proposed subdivision is compatible with the surrounding land uses. The existing home will meet all required setbacks.
- Utilities will be extended from 9600 North through a private utility easement across lot one to lot two. A utility marker will be placed at the curb identifying this easement.
- The plat includes the appropriate right-of-way dedication for 9600 North. An additional 2' right-of-way dedication will be provided along 5910 West so that the property line is behind the sidewalk.
- Water shares will be dedicated as required by the Development Code prior to final plat recordation.

FINDINGS:

The proposed plat meets the following findings with stipulations:

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

RECOMMENDATION AND PROPOSED MOTION:

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

1. The final plat shall be in substantial conformance with the preliminary plat date stamped May 19, 2016.
2. A utility marker shall be used to identify the private utility easement.
3. All required right-of-way dedications and public improvements shall be dedicated/installed as required the Community Development Director/City Engineer.
4. The civil construction plans shall meet all requirements as determined by the Community Development Director/City Engineer.

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

case FP-16-05 a request for approval of a two lot subdivision subject to the four stipulations recommended by staff.

ALTERNATIVE MOTION:

I move that the Planning Commission deny the proposed final plat subject to the following findings: (The Commission should draft appropriate findings).

FISCAL IMPACT:

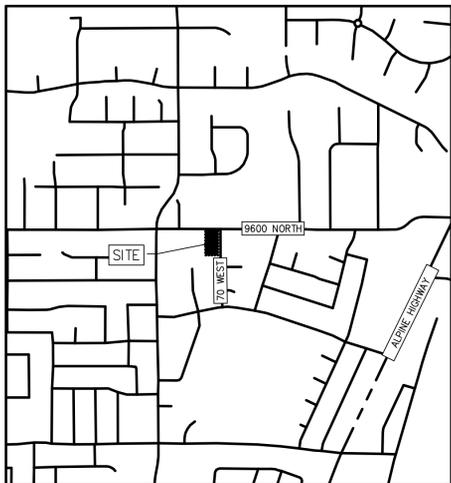
This action will not have a financial impact on this fiscal year's budget expenditures.

ATTACHMENTS:

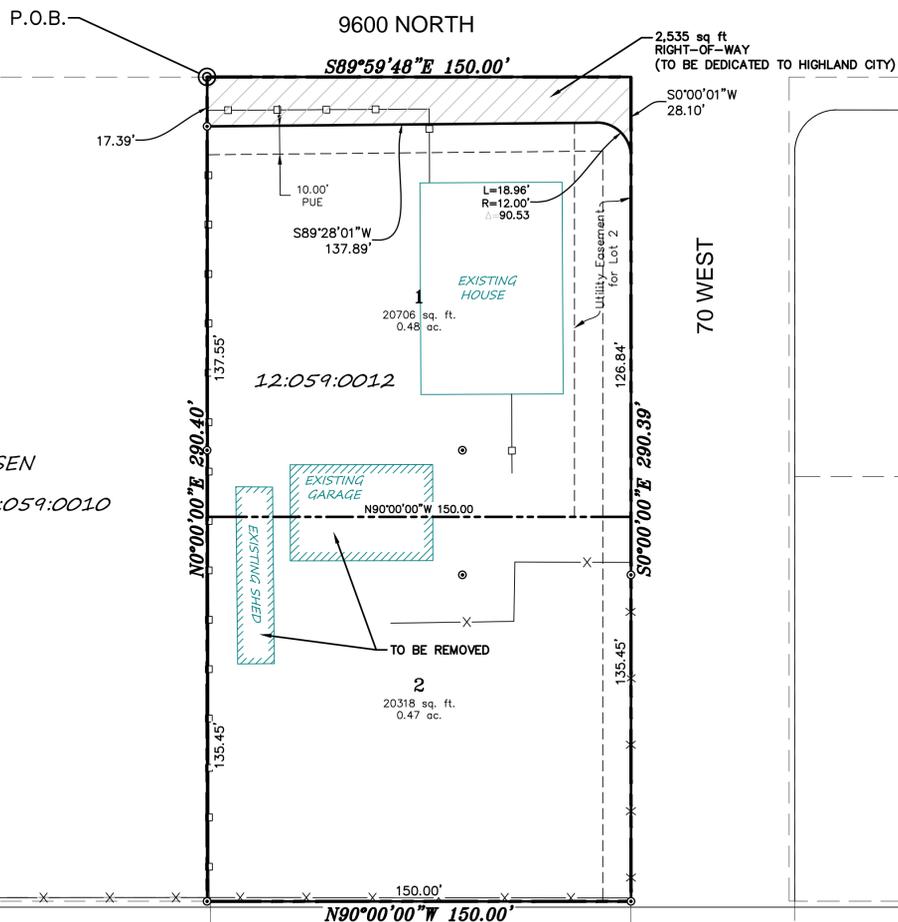
1. Proposed Plat

GAINES LOT SPLIT RESIDENTIAL SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION
11, TOWNSHIP 5 SOUTH
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
Highland, Utah County, Utah



VICINITY MAP



LEGEND

- ⊕ FOUND SECTION COR. AS NOTED
- ⊙ SET 5/8" IRON PIN TO BE SET AT ALL LOT CORNERS
- ⊗ FOUND CLASS I STREET MONUMENT
- ⊛ SET STREET MONUMENT
- PROPERTY BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- LOT LINE
- SECTION LINE
- PUBLIC UTILITY EASEMENT
- △ CALCULATED POINT (NOT SET)

OLSEN
12.059.0010

COATES FARM
SUBDIVISION

JJ MISSION ESTATES
SUBDIVISION

NOTES:

1. ⊕ ... TYPE II MONUMENT (ALUMINUM CAP AND REBAR) TO BE SET.
2. #5 REBAR & CAP TO BE SET AT ALL LOT CORNERS. NAIL AND BRASS WASHER TO BE SET IN TOP OF CURB @ PROJECTION OF SIDE LOT LINES.
3. XXXXX ... PROPOSED RESIDENTIAL ADDRESS
4. ZONING CLASSIFICATION: FC
5. THE BASIS OF BEARING FOR THIS PLAT IS AS STATED IN THE SURVEYOR'S CERTIFICATE. THE BASIS OF BEARING FOR THE OVERALL SUMMIT RIDGE PROJECT IS N0°05'18"W ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER TO THE EAST 1/4 CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN. PLEASE REFERENCE A SURVEY PLAN PREPARED BY THIS OFFICE AND FILED WITH THE UTAH COUNTY SURVEYOR (#01-114) FOR MEASURED SURVEY TIES BETWEEN SECTIONAL MONUMENTATION WITHIN THE SCOPE OF THIS PROJECT THAT WERE HELD FOR ALL LEGAL DESCRIPTIONS, PLATS AND DEDICATIONS. RECORD UTAH COUNTY NAD83 BEARINGS AND DISTANCES ALONG SAID SECTION LINES ARE SHOWN FOR REFERENCE ONLY.
6. (XXXX S.F.) AREA IN PARENTHESIS DENOTES BUILDABLE AREA

Utilities Approval

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the Public Utility Easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove all structures within the PUE at the owner's expense, or the utility may remove such structures at the owner's expense. At no time any permanent structures be placed within the PUE or any other obstructions with interferes with the use of the PUE with out the prior written approval of the utilities with facilities in the PUE.

Rocky Mtn Power _____
CentraCom _____
Century Link _____

PROJECT ENGINEER & SURVEYOR
REGION ENGINEERING & SURVEYING
1776 NORTH STATE STREET #110
OREM, UTAH 84057
PH - 801.376.2245

PROJECT DEVELOPER
GAINES
9600 NORTH 70 WEST
HIGHLAND, UT

AREA BREAKDOWN	
TOTAL PLAT ACREAGE	1.00 ACRES
TOTAL LOT ACREAGE	41798 S.F.
TOTAL ACREAGE IN STREETS	1762 S.F.
TOTAL ACREAGE IN OPEN SPACE	0.0 ACRES
AVERAGE LOT SIZE	20,000 S.F.
NUMBER OF LOTS	2
ZONE R-1-20	

QUESTAR ACCEPTANCE

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT OF WAY DEPARTMENT AT 1-800-886-8888.

APPROVED THIS _____ DAY OF _____, 20__

QUESTAR GAS COMPANY

BY- _____

TITLE- _____

Surveyor's Certificate

I, ROBBIN J. MULLEN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 368356 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF SAID TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS IS TRUE AND CORRECT.

Boundary Description

Tax ID# 12-059-0012
WD Entry # 55517-2014

Commencing East 310.12 feet from the North Quarter Corner of Section 11, Township 5 South, Range 1 East, Salt Lake Base and Meridian, Utah County, Utah, to a Point of Beginning; Thence East 150.00 feet; Thence South 290.40 feet; Thence West 150.00 feet; Thence North 290.40 feet to the Point of Beginning.

DATE _____ SURVEYOR (See Seal Below)

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREBY AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREBY FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS
DAY OF _____, A.D. 20__

LIMITED COMPANY ACKNOWLEDGEMENT

STATE OF UTAH _____
COUNTY OF UTAH S.S.
ON THIS _____ DAY OF _____, A.D. 20__ PERSONALLY APPEARED BEFORE ME _____ THE SIGNER OF THE FOREGOING INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT (S)HE IS THE _____ OF _____ A LIMITED COMPANY, AND IS AUTHORIZED TO EXECUTE THE FOREGOING AGREEMENT IN ITS BEHALF AND THAT HE OR SHE EXECUTED IT IN SUCH CAPACITY.

MY COMMISSION EXPIRES _____ A NOTARY PUBLIC COMMISSIONED IN UTAH

NOTARY ADDRESS _____ PRINTED FULL NAME OF NOTARY _____

ACCEPTANCE BY LEGISLATIVE BODY

THE _____ COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20__

APPROVED BY CITY MANAGER _____ APPROVED BY CITY ATTORNEY _____

COMMUNITY DEVELOPMENT DIRECTOR

ENGINEER (See Seal Below) _____ CLERK-RECORDER (See Seal Below) _____

GAINES LOT SPLIT

UTAH COUNTY, UTAH

SCALE: 1" = 60 FEET

SURVEYOR'S SEAL PROFESSIONAL LAND SURVEYOR No. 368356 ROBBIN J. MULLEN STATE OF UTAH	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	COUNTY-RECORDER SEAL
--	--------------------	---------------------------	----------------------

This form approved by Utah County and the municipalities therein.

DRAFT

Highland City Planning Commission April 12, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:02 PM on April 12, 2016. An invocation was offered by Commissioner Campbell and those assembled were led in the Pledge of Allegiance by Commissioner Carruth.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Ron Campbell
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Kurt Ostler
Commissioner: Steve Rock

EXCUSED: Commissioner: Brady Brammer

STAFF PRESENT: Community Development Director: Nathan Crane
Planning Coordinator: JoAnn Scott
Planning Commission Secretary: Heather White

OTHERS: *See attached Attendance List*

PUBLIC APPEARANCES

Commission Chair Kemp asked for public comment. None was offered.

WITHDRAWALS AND CONTINUANCES

None

PUBLIC HEARING ITEMS

1. GP-16-01

Edge Homes is requesting an amendment to the Land Use designation of the General Plan from 'School' to 'Single Family Residential'. Property is located at 9725 North 6800 West.

Commission Chair Kemp opened the public hearing by consent at 7:04 PM. Mr. Crane reviewed the request for an amendment to the General Plan. Chair Kemp asked for public comment.

DRAFT

1 Resident Mardell Cheney wondered if there was an updated plat map. He said that approving the
2 request would block out the property on the north and box him in so he would not be able to
3 subdivide in the future. He suggested that Gary Cooper continue the road from Lehi.

4 Commissioner Ostler wondered if Edge Homes talked to him about their development. Mr.
5 Cheney said they had not. He said his property was not adjacent to the proposed development.

6
7 Lehi Resident Terry Jasper said he lived within 100 feet of the proposed development. He voiced
8 concern that none of the neighbors seemed to know anything about the development. He said
9 Edge Homes sent a letter and left off almost all the information. He thought attendance was low
10 at this meeting because they did not know if it was something that they should be concerned
11 about. He thought Edge Homes should have advertised the plat map. Mr. Jasper said he was not
12 necessarily opposed to the project. He was concerned about his animal rights and thought there
13 should be CCR's. He was able to review the amended plat and thought that neighbors had a right
14 to know what was going on. Mr. Crane explained that the letter Mr. Jasper referred to was
15 probably a notice sent out by the city. He explained that it was only for the zoning change and
16 that it included contact information if public wanted to know more. He mentioned that a
17 neighborhood meeting was recently held.

18
19 Lehi Resident Gary Cooper talked about the masonry construction of the homes in the area. He
20 said R-1-40 was the plan for the subject property and he saw no reason to change it. He thought
21 the school was not that bad of an option. He talked about keeping the quality of homes in
22 Highland and how the developer would not commit to restrictive covenants for the development.
23 He thought keeping the quality of homes meant keeping big homes.

24
25 Commission Chair Kemp asked for additional comment. Hearing none, he closed the public
26 hearing by consent at 7:24 PM and asked for additional comments from the Commissioners.

27
28 Commissioner Campbell thought the amendment made sense since the school was not planning
29 on building anything at that location.

30
31 **MOTION:** Commissioner Campbell moved that the Planning Commission approve Business
32 Item GP-16-01 and recommend that the amendment to the Land Use designation of the General
33 Plan from 'School' to 'Single Family Residential' R-1-40 Zone be made. Commissioner Ostler
34 seconded the motion. Commission Chair Kemp and Commissioners Campbell, Carruth, Day,
35 Ostler, and Rock were in favor. None were opposed. The motion carried with one absent.

36
37
38 **2. Z-16-01**
39 *Edge Homes has requested a rezoning of property located at 9725 North 6800 West from*
40 *an R-1-40 to an R-1-20 zone.*

41
42 Commission Chair Kemp opened the public hearing by consent at 7:26 PM.

43
44 Mr. Crane explained the difference between the R-1-40 and R-1-20 zones. He reviewed the
45 actions from the last meeting to continue the public hearing, the details of the application, and

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1 permitted densities within each zone. Mr. Crane reviewed the revised concept plan. He talked
2 about the results of the neighborhood meeting and notices. He talked about potential complaints
3 from resident with smaller lots regarding those lots with animal rights. He discussed the
4 infrastructure study and said that Highland would be able to accommodate more approvals of the
5 R-1-20 zone. He discussed the residents' general desires for large lot development. He said the
6 R-1-20 zone was not designated to be an everyday district.

7
8 Resident Ed Gifford thought there was a misstatement of fact. He reviewed the units per acre for
9 each zone, taking into account the acreage discounts to allow for streets. He thought 1.6 lots per
10 acre was the maximum density permitted under the current ordinance within the R-1-20 zone.

11
12 Resident Mardell Cheney voiced concern that no notice had been sent out regarding the proposed
13 change from R-1-40 to R-1-20. When asked about the proposed amendment, Mr. Cheney said
14 the proposed plat was better, but he preferred that it be kept R-1-40.

15
16 Resident Scott Austin talked about a neighbor with six acres who wanted to subdivide in the
17 past. The neighbor was required to use the low density and had to leave because he couldn't
18 make it work financially. Mr. Austin said he would rather see a school than the proposed
19 development. He wanted to see the R-1-40 remain for the animal rights. After having reviewed
20 the revised plat, Mr. Austin said he did not think it was a better layout because houses would not
21 be any further away from property that might have animals. He talked about putting in a road on
22 the back side of existing property.

23
24 After having a chance to review the amended plat, Lehi Resident Gary Cooper said he saw a lot
25 of problems with it. He thought in people in the future would not want animal right and there
26 would be no way to subdivide some of the proposed lots. He suggested that the property be
27 subdivided so that smaller lots could be divided in the future.

28
29 Curtis Leavitt with Edge Homes gave an overview of the proposed development. He talked about
30 Section 3-4201 (1)(a) of the Development Code and reviewed how they tried to create a buffer
31 between higher and lower densities. He quoted Section 3-4201(1)(d) and talked about animal
32 rights. He discussed the buffer with the 1 acre lots on the south boundary and tried to minimize
33 the concerns with animal rights. Mr. Leavitt explained that they did not have 30,000 square foot
34 lots because he did not want to allow 3 animals on the property. He mentioned that they were
35 asking for seven additional lots in the R-1-20 zone rather than the maximum density of 42 lots.

36
37 Jaran Nicholls with Edge Homes explained that they would put in the improvements on the right
38 side of the road near the Larson property, as requested by Highland City, and be reimbursed by
39 the city. Mr. Crane said the Council still had to approve the suggestion. He reviewed the
40 improvements that might be done. Mr. Nicholls felt confident that they met the requirements for
41 the R-1-20 zone. He said they were creating a transition within their own site and sacrificing lot
42 count. He said they would do what they could in mitigating drainage issues.

43
44 Chair Kemp wondered if they had played with the layout for R-1-30. Mr. Nicholls said they felt
45 that a 20,000 square foot lot would not allow for animals. He talked more about their transitions

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1 between higher and lower density. He said they planned to build larger homes and they intended
2 to meet the requirements of the city. He said they would have CCR's.

3
4 Commissioner Ostler asked about the upkeep on the wider lots and if they had thought about lots
5 being .6 or .7 acres on the south part of the middle section. Mr. Nicholls explained that upkeep
6 would be an HOA (homeowners association) issue. He said the size of the home would not be
7 restricted by the .5 acre lot size. He said the proposed plat provided the best transition. He said
8 the homes probably would not look different from the 1 acre to .5 acre lots. Mr. Nicholls said
9 they would have CCR's for the subdivision and that they thought it was import for the homes to
10 match others in the area. He said their homes would add to Highland's reputation.

11
12 Commissioner Rock wondered if there would be a possible problem with animals being too close
13 to the homes on the south on the wide lots. Mr. Nicholls said the homeowner would have to
14 decide if it was an issue. He thought there would be enough room and pointed out that a majority
15 of the southern boarder was the church. He said Mr. Cole Peck indicated that he wanted to install
16 a shop on his property.

17
18 Commission Chair Kemp asked for additional public comment.

19
20 Mr. Mike Gagon pointed out that the roads were different than the first concept plan, but thought
21 the revised plat was better. He talked about owning a wide lot in the past and liked having horses
22 on both sides. He said the R-1-40 zone was why many people came to Highland and wanted to
23 see the property remain R-1-40.

24
25 Commissioner Day wondered if there was anything that would restrict someone from spitting the
26 larger lots in the future if the subdivision was changed to the R-1-20 zone. Mr. Crane explained
27 that they would be permitted to do so as long as they met the zoning requirements.

28
29 Mr. Leavitt talked about his meeting with Cole Peck as per the Commission's recommendation
30 from the last meeting. He said Mr. Peck did not like the option of stubbing a road at his property.
31 Regarding the zoning, he said Edge Homes had no problem entering into a development
32 agreement that would bind the developer to the concept plan. The commissioners discussed
33 whether or not it would keep residents from subdividing lots in the future and voiced concern
34 regarding the possibility of having smaller lots.

35
36 Mr. Cole Peck said that Edge Homes did talk with him about the lot on the southwest corner and
37 the possibility of a stub road. He confirmed that he did not want the road because he did not want
38 a road through his property. He said he would rather have a road along his boundary to create a
39 buffer as long as property was taken from everyone to create the road. He talked about the LDS
40 Church lot line discrepancy and asked that it be addressed. He wanted to have more acreage, a
41 shop, animals, and did not want to have conflicts with neighbors. He was not against .5 acre lots,
42 but thought there needed to be a road as a buffer. He thought the 1 acre lots were not very deep.
43 Mr. Peck said he talked to Edge Homes about having a private access with utilities between the
44 corner two lots.

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1 Mr. Cooper talked about the issues with the church boundary and not having a road along the
2 boundary. He said the plan was always to have a road along the church boundary.

3
4 Mr. Jasper thought the subdivision should remain in the R-1-40 zone. He said he received his
5 letter, but thought something should be sent to the neighbors that was more clear about what was
6 going on with the property.

7
8 Mr. Nicholls clarified lot depths on some of the lots. He said the Church property did protrude
9 and that they used surveyed data. He pointed out that the property line was not straight and did
10 not make sense to put a road in along the south. He said they were not aware that there was a
11 road intended along the south.

12
13 Mr. Gagon asked about the irrigation ditch. Mr. Nicholls said he met with the Mayor Thompson
14 who recommended piping the section of ditch and reach out to the three homeowners to see what
15 it would take to install a sprinkling system. He said the Mayor was in favor of abandoning the
16 ditch if the property owners were open to it and Edge Homes would help them financially get
17 sprinkler systems and irrigation systems to their property. Otherwise, Edge Homes would be fine
18 with piping it and leaving it as it was.

19
20 Commission Chair Kemp closed the public hearing by consent at 8:27 PM and asked for
21 additional discussion.

22
23 Commissioner Day liked the notion of the buffer, but was concerned that larger lots could be
24 subdivided if it was zoned R-1-20. He talked about having a buffer with Lots 1 and 2 with the
25 Highland lots on the north. He talked about having a buffer on the Lehi side, but thought leaving
26 the property in the R-1-40 zone would be better.

27
28 Commissioner Rock worried about the wide narrow lots on the south. He wondered if there
29 would be complaints if houses were too close to animals.

30
31 Commissioner Campbell talked about the role of the Planning Commission. He thought the
32 proposed project met the requirement of why the R-1-20 zone was created and said he was in
33 support of the project.

34
35 Commissioner Carruth said she was in favor of the R-1-40 zone. She appreciated the efforts
36 made in creating the buffers, but was in favor of keeping the property R-1-40.

37
38 Commissioner Ostler made reference to the Highland Development Code and the buffer zone.
39 He was in favor of the development because of the intent of the developer. He would prefer
40 having an R-1-30 zone.

41
42 **MOTION:** Commissioner Day moved that the Edge Homes property remain in the R-1-40 zone.
43 Commissioner Rock seconded the motion. Commissioner Day, Commissioner Carruth and
44 Commissioner Rock were in favor. Commission Chair Kemp, Commissioner Campbell, and
45 Commissioner Ostler were opposed. The motion failed with one absent.

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2
3 **3. PP-16-01**

4 *Request by Perry Homes for a Preliminary Plat approval of 28.862 acres named Beacon*
5 *Hills The Highlands Plat 'G'. The property is generally located at approximately 12500*
6 *North 6100 West. The request for Preliminary Plat will include 56 traditional single*
7 *family lots.*

8
9 Mr. Crane reviewed the history of the property and mentioned that there was a development
10 agreement for the property. He said the developer had complied with the open space
11 requirements, but that the Trail Master Plan was revised by the city. Mr. Crane explained that the
12 trail within the proposed subdivision was removed in accordance with the city effort to not have
13 isolated parcels.

14
15 Dan Reeve with Perry Homes said there was no departure from the originally approved
16 preliminary plat other than the removal of the trail. He acknowledged public concerns with
17 increased traffic and pointed out that the traffic was contemplated in the original traffic study.

18
19 Commission Chair Kemp opened the public hearing by consent at 8:47 PM.

20
21 Resident Ty Shumway said he was worried about traffic. He said there were a lot of cars going
22 way too fast down the street. He said he had three younger brothers and was concerned about
23 them crossing the street. He thought the proposed subdivision would double the amount of cars
24 on Lighthouse Drive. He encouraged the Planning Commission and City Council to add a road
25 parallel to Lighthouse Drive connecting at Beacon Hill Drive and thought no homes should be
26 built until the road was finished.

27
28 Resident Jeff Conley talked about an incident with someone driving over his curb and into his
29 front yard. He thought it was probably an isolated incident, but was indicative of some of the
30 concerns of the neighborhood. He talked about a petition with 33 signatures of individuals
31 concerned about traffic and wanted the infrastructure to support it. He talked about the additional
32 road mentioned by Mr. Shumway. He said the safety and infrastructure was a concern for many
33 of his neighbors.

34
35 Resident Sam Roundy said traffic was crazy on Lighthouse Drive. He said something needed to
36 be done to help alleviate traffic or enforce traffic speeds. He did not think additional homes
37 should be built until it was taken care of.

38
39 Resident Sarah Riding pointed out that the road had a steep pitch. She said it was easy to
40 accelerate and was not safe for children or other drivers. She voiced concern with construction
41 traffic. She was disappointed about the removal of the trail.

42
43 Resident Ryan Barclay pointed out that the proposed subdivision had smaller lots. He talked
44 about the houses in the area and said the proposed subdivision would add a 130% increase in
45 lots. He thought there needed to be consideration for the type of community they wanted; safe

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1 for kids and larger lots. He acknowledged past approvals, but thought the significant increase in
2 traffic needed to be considered. He thought homeowners would see a decrease in property
3 values.

4
5 Resident Mark Marshall thought the burden was being put on residents to have the other outlet
6 put in. He understood it was County property, but said that the plan was always to have another
7 outlet. He thought additional building needed to wait until the other road was constructed. He
8 suggested the use of solar speed signs to help control traffic. He talked about the incident
9 mentioned by Mr. Conley and said it looked like a distracted driver going about 45 mph when he
10 hit the trees. He talked about the safety of the kids.

11
12 Resident Matt Seal said he was a licensed professional engineer and traffic was his specialty. He
13 estimated that the proposed subdivision would generate about 500 additional trips per day. He
14 suggested mitigating speed through the area by using flashing signs or signaling the
15 intersection. He mentioned that the current speed limit was 25 mph. The use of islands was also
16 suggested for mitigating speed.

17
18 Resident Ethan Shumway wanted to stress the importance of the safety component. He said the
19 development would bring a significant increase to traffic traveling on Lighthouse Drive. He
20 explained that he had four small children and purchased their house with the understanding that
21 there would be another road. He was concerned that the Commission might approve a large
22 development without ensuring there was a safe route to and from the development. He talked
23 about the concerns he has when his kids are outside and cars are on the road. He said it was rare
24 to find vehicles traveling slower than 35 mph. Mr. Shumway encouraged putting mitigating
25 factors in place, although he was concerned about the increased number of vehicles. He talked
26 about the possible delay of the project until an additional road was built.

27
28 Commission Chair Kemp asked for additional public comment. Hearing none, he closed the
29 public hearing by consent at 9:07 PM. He asked for additional comments or questions.

30
31 Commissioner Ostler mentioned that he drove on Lighthouse Drive and noticed that it was a
32 wider road. He wondered if the wider road was causing additional traffic speeds. Mr. Reeve said
33 wider right-of-ways for traffic demand were typically contemplated when roads were approved.
34 He said the speeding was an existing problem with Beacon Hill residents and thought the issue
35 needed to be raised internally with the residents.

36
37 Commissioner Ostler wondered if Perry Homes had talked to property owners about installing
38 the additional road. Mr. Reeve said they talked with some of the property owners. He explained
39 that the future road to the south was not originally part of the Beacon Hill Master Development.
40 He said they would love to install it at a future date if possible.

41
42 The Planning Commission discussed the possibility of having Perry Homes contribute to
43 installing solar speed signs. Mr. Crane explained that the subdivision and development
44 agreement had already been approved in 2002. He said Beacon Hill Drive was larger because it
45 was a collector road. He explained that off-site improvements could not be required from the

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1 developer. Mr. Reeve offered to split the cost of solar speed signs. He said traffic was an existing
2 issue, but their subdivision might contribute to it. Mr. Crane mentioned that he could meet with
3 the Council to try to get solar speed signs approved and also work with the police chief to try to
4 increase law enforcement in the area. The Commission discussed the reasons for eliminating the
5 trail and open space requirements that the developer was not responsible for any more.
6 Commission Chair Kemp suggested that the developer fund the solar speed signs because they
7 did not have to install the trail. Mr. Reeve thought it was a fair trade.

8
9 Commission Chair Kemp asked for additional questions. Hearing none, he called for a motion.

10
11 **MOTION:** Commissioner Ostler moved to recommend approval of the subdivision by Perry
12 Homes subject to the following five stipulations:

- 13 1. The final plat shall be in substantial conformance with the preliminary plat dated July 20,
14 2015.
- 15 2. Final civil engineering plans to be reviewed and approved by the City Engineer.
- 16 3. Written approval from the Metropolitan Water District of Salt Lake and Sandy shall be
17 provided prior to approval of the final plat.
- 18 4. All required public improvements shall be installed as per City Engineer's approval.
- 19 5. Two solar speed signs shall be included.

20 Commissioner Campbell seconded the motion. Commission Chair Kemp and Commissioners
21 Carruth, Campbell, Day, Ostler, and Rock were in favor. None were opposed. The motion
22 carried with one absent.

23
24 Ethan Shumway wondered if there could be a timeline placed on the installation of the signs.
25 Commissioner Kemp encouraged Mr. Shumway to make his suggestion in the Town Council
26 meeting.

27
28
29 **5. TA-16-04**

30 *A request by the Highland City Council to amend the Development Code by creating an*
31 *R-1-30 zoning district.*

32
33 Commission Chair Kemp opened the public hearing by consent at 9:30 PM.

34
35 Mr. Crane reviewed the history of the request and explained that the R-1-30 district was
36 proposed to be a density driven district. He pointed out the suggested lot sizes, lot width, and
37 setbacks.

38
39 Commission Chair Kemp wondered what impact it would have on the city. Mr. Crane said he
40 had not done a detailed study on it yet, but infrastructure would be fine.

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1 The Planning Commission considered the number of lots to allow in the R-1-30 district. They
2 considered what Highland residents might want. Discussion ensued.

3
4 Mayor Thompson explained the reasons for the proposed amendment. He said the city was
5 currently allowing huge homes on smaller lots which reduced the open feel of the city. He also
6 talked about future subdividing from R-1-40 to R-1-20 and how it was a little more difficult to
7 subdivide lots in the R-1-30 district.

8
9 Resident Ed Gifford recommended that Section 11 of the proposed ordinance allow 1.4 units per
10 acre in the R-1-30 district. He thought the proposed language was too restrictive and talked about
11 acreage required for roads. He suggested the following language:

- 12 1. "The maximum density is determined by dividing the gross parcel acreage by 30,000
13 square feet and rounded to the nearest whole number."
- 14 2. "75% of the lots can be as small as 25,000 square feet and 25% of the lots can be as small
15 as 20,000 square feet."

16 Mr. Gifford believed that his recommendation would create subdivisions more consistent with
17 1.4 lots per acre.

18
19 Mr. Crane talked about if there was a demand for an R-1-30 district. He talked about two
20 subdivisions that had 30,000 square foot lots and said they were sold very quickly. The Planning
21 Commission talked about the preference of Highland residents, the history of development in the
22 city, home prices, and open space. They considered various details of the R-1-30 Zone.

23
24 **MOTION:** Commissioner Ostler moved to recommend the creation of the R-1-30 Zone with
25 30,000 square foot lot subdivisions, permitting 25% of lots to be between 20,000 - 25,000 square
26 feet, 15-foot side setbacks with 30-foot minimum between houses, 120-foot minimum frontage
27 width, 120-foot minimum depth, number of lots shall be calculated by dividing the total number
28 of acreage by 30,000 square feet, and the R-1-30 Zone should be considered a transition zone.
29 Councilmember Campbell seconded the motion. Commission Chair Kemp, Commissioner
30 Campbell, Commissioner Carruth, Commissioner Day, Commissioner Ostler, and Commissioner
31 Rock were in favor. None were opposed. The motion carried with one absent.

32
33
34 **4. TA-16-03**

35 *A request by the Highland City Mayor to amend Section 3-2110 and 3-4709 of the*
36 *Development Code to increase the side yard setback and square footage requirement for*
37 *accessory buildings.*

38
39 Chair Kemp opened the public hearing by consent at 10:21 PM.

40
41 Mr. Crane explained that the proposed changes were made to decrease the size of accessory
42 buildings.

43
44 Mayor Thompson talked about a corner house with an accessory building that greatly reduced
45 the clear vision for traffic.

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1
2 Mr. Crane agree with Mayor Thompson and thought corner side yard setbacks for accessory
3 buildings needed to be increased.

4
5 The Commission discussed setbacks and driveway lengths.

6
7 **MOTION:** Commissioner Ostler moved to recommend that all accessory buildings comply with
8 the following setbacks on corner lots, as defined in Exhibit A:

9 "All accessory buildings shall be set back from the front property line a minimum of 30
10 feet or consistent with the primary dwelling, whichever is less. An accessory building
11 shall be set back from the rear property line a minimum of 10 feet. All accessory
12 buildings shall be set back from the side property line a minimum of 25 feet. All
13 accessory building shall be set back a minimum amount of 25 feet from the side lot line
14 which abuts a street or 25 feet from the Parkway Detail. All accessory buildings shall be
15 placed no closer than 6 feet from the main building. Said 6 feet shall be measured to the
16 closest part of the structures including any roof overhang."

17 Commissioner Rock seconded the motion. Commission Chair Kemp, Commissioner Campbell,
18 Commissioner Carruth, Commissioner Day, Commissioner Ostler, and Commissioner Rock were
19 in favor. None were opposed. The motion carried with one absent.

20 21 22 **APPROVAL OF MINUTES**

23
24 6. Approval of the January 26, 2016 meeting minutes

25
26 **MOTION:** Commissioner Ostler moved to accept the minutes from the January 26, 2016
27 Planning Commission meeting. Commissioner Carruth seconded the motion. All present were in
28 favor. None were opposed. The motion carried with one absent.

29
30
31 7. Approval of the February 23, 2016 meeting minutes

32
33 **MOTION:** Commissioner Ostler moved to approve the minutes from the February 23, 2016
34 Planning Commission meeting. Commissioner Carruth seconded the motion. All present were in
35 favor. None were opposed. The motion carried with one absent.

36 37 38 **PLANNING STAFF REPORT**

39 None.

40 41 42 **COMMISSION COMMENTS AND SUGGESTIONS**

43 None.

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ADJOURNMENT

MOTION: Commissioner Day moved to adjourn the meeting. Commissioner Carruth seconded the motion. All present were in favor. The motion carried.

The meeting was adjourned at 10:32 PM.