NEXT

HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, September 17, 2019

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

7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann
Invocation – Council Member Tim Irwin
Pledge of Allegiance – Council Member Ed Dennis

1. UNSCHEDULED PUBLIC APPEARANCES

Time has been set aside for the public to express their ideas, concerns, and comments. (Please limit comments to three minutes per person. Please state your name and address.)

2. CONSENT ITEMS *(5 minutes)*

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

a. ACTION: Approval of Meeting Minutes

- Regular City Council Meeting August 6, 2019
- Regular City Council Meeting August 20, 2019
- Election Canvass Returns Meeting August 27, 2019

b. PUBLIC HEARING/ACTION: Amending the R-P Zoning District to Allow Reception and Event Centers as Conditional Uses ~ *CONTINUED* ~

A request from Cynthia Thorsen to amend the R-P Zoning District to allow Reception and Event Centers as Conditional Uses. (TA-19-07). The applicant is requesting that that the hearing be continued to the October 1, 2019 City Council meeting. The Council will take appropriate action.

3. PUBLIC HEARING/ACTION: APPROVAL A PLANNED DEVELOPMENT (PD) DISTRICT, APPLE CREEK, APPROXIMATELY 5.80 ACRES *(30 minutes)*

The City Council will hold a public hearing and consider a request from McKay Christensen for the approval of a Planned Development (PD) District of approximately 5.80 acres named Apple Creek. The property is located approximately at 5532 W Parkway West Drive. The planned development will include a 10,000 square feet commercial space and a maximum of 121 residential units. The City Council will take appropriate action.

4. ACTION: FINAL MASTER PLAN AND BUDGET FOR SPRING CREEK PARK

(30 minutes) continued from July 16, 2019

The City Council will consider approving the final master plan and budget for Spring Creek Park. The Council will take appropriate action.

5. ACTION/RESOLUTION: BUSINESS LICENSE FEE FOR SHORT TERM RENTALS *(15 minutes)*

The City Council will consider the adoption of a business license fee of $90.00 for Short Term Rentals. The Council will take appropriate action.

6. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

7. FUTURE MEETINGS

a. Future Meetings

- September 24, Planning Commission Meeting, 7:00 pm, City Hall
- October 1, City Council Meeting, 7:00 pm, City Hall

8. CLOSED SESSION

The Highland City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property as provided by Utah Code Annotated §52-4-205

ADJOURNMENT

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

CERTIFICATE OF POSTING

I Cindy Quick, the duly appointed City Recorder certify that the foregoing agenda was posted in three public places within Highland City limits. The agenda was also posted at the principal office of the public body, on the Utah State website (http://pmn.utah.gov) and on Highland City's website (www.highlandcity.org).

Please note the order of agenda items are subject to change in order to accommodate the needs of the City Council, staff and the public.

Posted and dated this 12th day of September, 2019

Cindy Quick, MMC
City Recorder

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

HIGHLAND CITY COUNCIL MINUTES

Tuesday, August 6, 2019

Waiting Formal Approval

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator / Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, City Recorder Cindy Quick, and Police Chief Brian Gwilliam

OTHERS: Linda Walton, Jennifer Knowles, Doug Cortney, Laura Botkin, Pam Erickson, Jon Eyring, Yun Sparks, Tony LaPray, Julie Cox, David Schwanke, Don Clealler, Brock Manning, Jeff Shaw, Laura Thomson, Samantha Kirby, Steve Collard, Lorraine Collard, Wayne Patterson, Sherrill Erickson, Dustin Schulthies, Melanie Westcott, Kim Rodela, Clyde Redford, James Sparks, Chris Brown, Tyler Jackson, Helene Pockrus, Michelle Manning, Chelsey Olsen, Troy Dyches, Trenton Mason, Lynn LeBaron, Tami LeBaron, Anne Sward Hansen, Tim Ball, Ken Knapton, Natalie Ball, John Timothy

7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann
Invocation – Linda Walton
Pledge of Allegiance – Police Chief Brian Gwilliam

The meeting was called to order by Mayor Rod Mann as a regular session at **7:03 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 Linda P. Walton and those assembled were led in the Pledge of Allegiance by Police Chief Brian Gwilliam.

1. UNSCHEDULED PUBLIC APPEARANCES

Linda Walton, resident, stated she was concerned with garbage on the road.

2. CONSENT ITEMS *(5 minutes)*

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

a. ACTION: Approval of Meeting Minutes

Regular City Council Meeting July 16, 2019

b. ACTION: Cell Tower Agreement

City Council will consider approving an American Towers Lease Extension Agreement. The Council will take appropriate action.

Council Member Kurt Ostler asked that item 2b. be pulled off the consent agenda for further discussion.

Council Member Ed Dennis MOVED to approve consent item 2a. July 16, 2019 City Council Minutes. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed.

Council Member Kurt Ostler asked for clarification regarding the lease agreement and why they wanted to renew ten years ahead of time. He said they were selling the tower lease short. City Attorney Tim Merrill said the City Council could approve or deny the agreement. They could try to negotiate better terms. This request was a continuation with an annual 4% increase.

Council Member Kurt Ostler asked if this was a first offer, to which Mr. Merrill responded in the negative. He added that the City desired to have a cash flow in lieu of a lump sum, and they settled at $75,000 for a lump sum. Council Member Kurt Ostler commented cell towers earned more than this amount. Mr. Merrill confirmed they only leased the ground and added that they could conduct a market analysis.

Council Member Brian Braithwaite stated that this was only a good deal for the cell tower and not for the City. He said they needed to have further discussion. Council Member Tim Irwin agreed. He said there were health hazards they needed to discuss.

Council Member Kurt Ostler MOVED to postpone the Cell Tower Agreement for further negotiations and hold a Closed Session in preparation. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed.

3. PUBLIC HEARING/ACTION: A FINAL PLAT AMENDMENT TO BRIARWOOD RANCHES PLAT 'A' TO INCORPORATE THE COMMON AREA INTO EACH INDIVIDUAL LOT (*10 Minutes*)

Tara Tannahill informed the City Council regarding a request by Laura Botkin for approval of a Final Plat Amendment to the Briarwood Ranches Subdivision located approximately at 6000 W 9960 N (PA-19-01). She presented the approved plat from 1986 as well as the common areas that would be incorporated. She

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noted the proper notifications were made and 100% of ownership approved of the disposal. She then presented the following staff stipulations:

1. The final plat shall be in substantial conformance with the final plat received July 16, 2019.
2. Prior to recording, the final plat shall be revised as required by the City Engineer.

Mayor Mann opened the public hearing at 7:17 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were none.

Mayor Mann closed the public hearing at 7:17 PM

Council Member Ed Dennis asked if this was private property and not typical open space, to which Ms. Tannahill confirmed that was correct.

Council Member Ed Dennis MOVED that the City Council approve Briarwood Ranches Plat 'A' Amended subject to the two stipulations recommended by staff. Council Member Kurt Ostler SECONDED the motion.

Staff stipulations
1. *The final plat shall be in substantial conformance with the final plat received July 16, 2019.*
2. *Prior to recording, the final plat shall be revised as required by the City Engineer.*

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed.

4. ACTION/ORDINANCE: SITE PLAN AND CONDITIONAL USE PERMIT FOR FLEX OFFICE BUILDINGS *(30 minutes)*

Ms. Tannahill oriented the City Council regarding a request from Andrew Patterson for approval of a site plan and conditional use permit for flex office buildings located in the Professional Office Zone south of 11251 N. Sunset Drive (SP-19-02 and CU-19-02)). The applicant was proposing a 2.13 acres access from Sunset Drive. Ms. Tannahill displayed the landscaped plan and architecture elevations and referred to Utah State Code 10-9a-507 for the conditional uses. She explained that the applicant hosted a neighborhood meeting and one neighbor attended. There were 17 written correspondence and 29 emails received that were not in favor. The Planning Commission met on June 25th and recommended denial. There were seven recommendations given by the Commission:

1) Section 3-4922 Site plan does not closely conform to Exhibit "A".
2) Section 3-4922 Architecture outline 1A address the bulk issue. Overall Architectural Outline, the bulkiness of the building needs to be addressed.
3) Section 3-4922 1B the proposed building appears to be monotonous and repetitious.
4) Section 3-4922 1G all elevations should be architecturally treated with the exemption of the back

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5) Section 3-4922 1I all the buildings are required to have public restrooms, including a men's room, women's room and a handicapped room.
6) Section 3-4902 the zone is intended to allow for professional services, not general retail or commercial.
7) Section 3-4919 the roof design cannot be a mansard or fake mansard roof.

Four stipulations from staff were recommended:

1. Development of the site shall comply with the site plan January 23, 2019 and building elevations dated May 23, 2019 except as modified by these stipulations.
2. All signage shall require a separate permit and comply with the Development Code requirements.
3. Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.
4. Final civil engineering plans shall be reviewed and approved by the Fire Marshall.

Mayor Mann opened the public hearing at 7:24 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Council Member Kurt Ostler stated he had a conflict of interest with this item. He recused himself until the decision was made.

Council Member Brian Braithwaite said they needed to identify where the applicant did not meet the code. Therefore, he requested that any public comments be specific on how the applicant did not meet the code. Council Member Tim Irwin clarified they were interested where the applicant did not meet the development code, not the general plan.

The public hearing began at 7:27 pm.

Clyde Reckord, resident, stated that he thought the Planning Commission did a good job of explaining why the application should be denied. He said it was not their job as residents to point out where the application did not meet the code, as they were not attorneys. Rather, it was the job of the Council and staff to make those determinations.

James Sparks, resident, stated that this application was not in compliance with the will of the residents. He said he and 17 people expressed their opposition. He was concerned about the traffic increase and the dangers associated with the traffic. When he built his home, he was held to the regulations of the code. He said it would not be fair if it was passed, and he would want an explanation as to why it was passed.

A resident said he had his attorney send a letter to the Council. He then reviewed the contents of the letter. He noted which portions of the code this application was not following, noting he was forced to hire an attorney to review the code. He was concerned about this application being passed without the resident's knowledge.

Samantha Kirby, resident, stated it was not fair that the residents should know the intricacies of the development code. The building did not make any logical sense in the neighborhood. She asked what the designation Flex Office meant. She noted the applicant had not changed their plan since the last time this item was presented. Finally, she was concerned the building was sharing a road with the LDS church.

Anne Sward Hansen, resident, stated she wanted her comments recorded in the minutes. She said the Planning Commission voted against this application. In addition, the developer did not want to meet with the conditions and criteria of the professional office zone. The flex use did not work in this zone, there was

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no retail or commercial use permitted. This was found in 4902 4904 4907 in the developer code. There were several other codes she cited that the application did not comply. She continued to explain this development would also cause traffic hazards. The development would also not have enough parking. She said it was clear what type development should be built in this zone.

Melanie Westcott, resident, said she lived in Country French, and she asked that the map of the area be displayed. She noted Flex Office should not be permitted. She explained the applicant had built buildings in 2003 that were not in compliance. The City needed to enforce the codes to prevent the developers building whatever they wanted.

Andrew Highland, resident, reiterated the code did not allow for this type of development. He asked if this was the only type of property in Highland, to which Mr. Nathan Crane responded in the negative. Mr. Highland said they wanted to live in a community they loved, and this type of property would be contrary to what they wanted because it would be busy on Sundays. He noted this development would also cause an increase of traffic.

Jeff Shaw, resident, noted that a gentleman during the Planning Commission said he would put his accounting firm in this development. This was not reasonable, explaining that he had worked as a CPA for years and never worked in a building like this development. He was concerned about the Council approving this item because the Planning Commission had recommended denial.

Jan Eyring, resident, said she agreed with what had been said: Flex Office should not be used in this location. She noted there was a prohibition of storage sheds due to the Highland Hideaway storage. She asked if the developer had any applicants for the office space.

Brooke Sweeney, resident of Country French, said most residents were in opposition. She speculated the one resident in favor was connected to the project. She said the code should not be changed because of the issues with the water table issues. She said this would set a bad precedent. Finally, she expressed concerns with the traffic.

Mayor Mann reminded those speaking that when Council discusses the item there would be no more public comment.

Anne Sward Hansen asked for Mr. Crane's opinion on the matter. Mayor Mann noted that Mr. Crane's opinion was provided with staff recommendations. She explained the only egress to this development would cause traffic problems.

Samantha Kirby, residents, said other states required developers to provide assistances towards schools and roads. She asked if there was anything provided for schools or roads in Utah from developers. Mayor Mann stated the developers paid impact fees.

Melanie Westcott, resident, stated Flex Office and retail space was not permitted. She noted the last meeting case studies were shared and none of these examples demonstrated when the City won. She said this was biased.

Clyde Rykert, resident, said he objected to the type of building use; the proposed building did not comply with the code.

Mayor Mann closed the public hearing at 8:03 PM.

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Council Discussion:

Mayor Mann said he researched the code regarding the type of permitted uses, and the code conflicted with itself as there was some ambiguity.

Mr. Merrill said attorneys had issues agreeing on this item, as there was ambiguity in the code that worked in the developer's favor. He explained that the language regarding compatibility allowed for this type of development. It was his opinion that there was compatibility to allow for the development.

Mr. Crane explained the table reference for permitted uses was for the Town Center Zone. In his opinion, the table was not a good argument against the development.

Council Member Brian Braithwaite explained that the code helped the City to know how to make these decisions. He said the development needed to be compatible with the master plan. He asked how much flexibility they could give the developer.

Mr. Merrill explained that the City needed to adhere to the minimum standards of the code. He said the development met all the standards of the code. Council Member Brian Braithwaite stated the City could force the developer to build what was originally designed. Mr. Merrill said this was correct but there was some flexibility to still meet the standards.

Mayor Mann asked if the Council was obligated to approve the development if it fit the conditional uses. Mr. Merrill responded in the affirmative.

Council Member Brian Braithwaite asked if they could force the developer to build the original plans. Mr. Merrill responded that he could not decide as he did not have the original plans available. Mr. Crane commented the Council could not deny the application if it met the master plan.

Council Member Brian Braithwaite asked why the developer could change the plans without the permission of the City. Mr. Crane responded that the changes were an administrative action not a legislative change. There were specific parameters which the developer could change. Council Member Brian Braithwaite said he was concerned the master plan showed two buildings not one. This was specific to the code. Mr. Merrill agreed this was an administrative action.

Council Member Scott L. Smith thanked the Patterson Construction Company and those who spoke tonight. He said he was elected to represent the people. They brought up valid concerns and it would be difficult to vote against the Planning Commission's recommendations. He concluded that the City needed to clean up the code because there was too much ambiguity.

Wayne Patterson, developer, said they were assured nothing would be built other than professional office buildings. He said there were no promises made. He was working with applicants to build newer, modern buildings. This was a request of the residents. He noted traffic would always be an issue regardless of their developers. He also noted there were no wetlands on the property.

Council Member Brian Braithwaite asked why they were proposing the change. Mr. Patterson responded a lot of people wanted the changes. Council Member Brian Braithwaite said the residents wanted what they already developed. Mr. Patterson said this change met the same intent.

Council Member Brian Braithwaite said he favored the applicant continuing with the original plans.

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Council Member Tim Irwin MOVED that the City Council approve the conditional use permit with the appropriate four stipulations and in accordance with state law and adopt the ordinance amending the site plan. There was no second to the motion.

Council Member Ed Dennis MOVED to continue the item until enough research has been done to determine whether there are items that can be substantially modified and still comply with the code. Council Member Scott L. Smith SECONDED the motion.

Council Member Brian Braithwaite asked how to compile the information and who should be responsible for this information. He said they needed to be clear what the conditions were. Mayor Mann said they needed to include in the motion to direct the Council to provide staff no later than Monday, August 12th, with specific questions the Council wanted to address.

Council Member Ed Dennis amended the motion as stated.

Council Member Ed Dennis MOVED to continue the Site Plan and Conditional Use Permit for Flex Office Buildings to allow City Council to provide staff, no later than Monday, August 12, 2019, with specific areas and questions they would like staff to address. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*No*
Council Member Kurt Ostler	*abstain*
Council Member Scott L. Smith	*Yes*

The motion passed 3:1.

5. PUBLIC HEARING/ORDINANCE: AMENDING SECTION 3-623 OF THE DEVELOPMENT CODE RELATING TO TEMPORARY USE PERMITS FOR PRODUCE STANDS (TA-19-04) *(20 minutes)*

Tara Tannahill oriented the Council regarding an amendment to Section 3-623 of the Highland City Development Code relating to Temporary Use Permits for produce stands (TA-19-04). The applicant proposed wording to allow produce stands when adjacent to arterial streets. The Planning Commission recommended approval. Staff reviewed modifications to the wording to narrow down the locations and produce stands when located on intersection arterial streets.

Mayor Mann opened the public hearing at 8:44 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Doug Cortney, resident, said he was content with the changes but wanted to limit this to produce stands. He noted there were other uses that would possibly cause problems.

Helene Pockrus, resident, said the produce stand locations were problematic. She suggested they locate off the main highway.

Mayor Mann closed the public hearing at 8:48 PM.

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The applicant said he had no problem limiting the change to produce only. They also had no issue with major wrecks on the street they operated their business.

Council Member Kurt Ostler asked if there were ever any parking issues. The applicant stated they were never too busy; it was rare if people parked across the street. Council Member Kurt Ostler asked where they paid sales tax. The applicant responded they had an exemption and paid into the general fund.

Council Member Scott L. Smith asked who owned the property. The applicant responded the property was owned by Jordan Valley Water.

Council Member Kurt Ostler said he was concerned about safety. Todd Trane said parking was allowed on SR92. He said they would address issues if there were any with parking or safety.

Council Member Tim Irwin MOVED to approve the amendment to Section 3-623 of the Highland City Development Code with the recommended changes from staff. "…AND PRODUCE STANDS WHEN LOCATED ON INTERSECTING ARTERIAL STREETS AND THE INTERSECTION OF ARTERIAL STREETS AND MINOR OR MAJOR COLLECTOR STREETS." Council Member Ed Dennis SECONDED the motion.

Council Member Brian Braithwaite said he liked the produce stands but was concerned about other uses. He suggested they reach out to residents to inquire if they wanted other uses.

Tim Irwin MOVED the Question. Council consensus was to vote on the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*No*
Council Member Scott L. Smith	*Yes*

The motion passed 4:1

6. ACTION: TRAP & EUTHANIZE OPTION FOR URBAN DEER CONTROL PROGRAM *(10 minutes)*

City Recorder Cindy Quick oriented the Council with an option to trap and euthanize deer as a removal method for the Urban Deer Control Program. Background was provided showing the program had been in effect from 2014 through 2017. In February 2018, the City Council renewed the program through the 2021 fall hunting season. In 2019 DWR no longer allowed trapping and relocation of deer. The traps could be utilized in smaller areas where using archery equipment was difficult and unsafe. This option was presented by Brian Cook the Program Administrator. If there were subdivisions with close quarters but a lot of deer still frequent it would be a great option. The cost was $75 per animal (in addition to the $2,500 per site as previously approved). They had been watching a certain area where residents had been complaining about deer.

Council Member Ed Dennis reiterated that the option could be utilized in areas where there was no fencing and the homes were close together.

Council Member Scott L. Smith asked how the deer were trapped. Brian Cook, Urban Deer Program Administrator, responded that the deer were trapped in a clover trap which was a netted mechanical trap. They had been used for seven years to relocate the deer. However, the survival rate with relocating deer had

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been less than 15%. The possibility of removing an animal with disease was not worth the cost or risk. City deer were not healthy deer. Their survival rate was only a 50% success rate.

Council Member Brian Braithwaite asked how the program ensured that animals or children were kept out of the traps. Mr. Cook responded the traps were monitored with cameras. The traps were not lethal, and it was not difficult to escape. The cost of the trap would include the monitoring and taking samples.

Council Member Scott L. Smith asked what became of the harvested meat. Mr. Cook responded it was donated to volunteers or to people on a waiting list.

Mr. Cook explained they were attempting to control the population, not remove them completely. He explained majority ruled to decide which neighborhoods they would set up the traps.

Mayor Mann opened the floor for public comments.

Pam Erickson, resident, commented she had deer problems in her yard. She asked how they could request this service.

Linda Walton, resident, shared that her father was in the mafia and then a hunter. She said she cared about the animals and was concerned about the growth of Utah County. She noted the deer problem would continue to increase. She suggested they come up with a solution.

Anne Sward Hansen, resident, said a lot of species had disappeared due to the growth of Utah County. She suggested they create foraging corridors for these animals. She said a study needed to be done because too many deer were being killed by cars. She said she was very compassionate about the animals and wanted a solution.

Council Discussion:

Council Member Brian Braithwaite said this program would be beneficial for Highland. He was forced to replace his trees and bushes every year. He wanted a rural life and enjoyed the deer, but they needed to be managed. He said the deer being hit by cars was a danger to the community.

Council Member Scott L. Smith said there needed to be an option for neighborhoods to not have this program.

Council Member Tim Irwin MOVED to include the Trap and Euthanize option as a deer removal method for the Urban Deer Control Program. Council Member Brian Braithwaite SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 5:0.

7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

a. Motocross ATV Restrictions – *City Attorney Tim Merrill*

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Tim Merrill said they needed to discuss options for addressing the nuisance of Motocross and ATV vehicles. Council Member Scott L. Smith asked what an ATV was, to which Mr. Merrill responded these were motorcycles and four wheelers.

Council Member Kurt Ostler explained the issue of people using these vehicles in their own backyard for extended periods of time. He said there was nothing to prevent the nuisance that occurred with the use of the vehicles.

Mayor Mann said there was a provision for dogs causing a nuisance but nothing for these vehicles. Council Member Tim Irwin said this was one of the hazards of living in a big lot community. Council Member Kurt Ostler said there were instances where people would not stop using the vehicles regardless of being asked to stop. Currently, the only current to prevent these incidents was to settle the issue in civil court. Council Member Ed Dennis said they should address the noise.

Mayor Mann opened the floor for public comment.

David Bradshaw, resident, said his neighbor had a motocross track. He was concerned about liability issues because the motorcyclist could land into his yard. He noted there was issues with dust exposure and fumes because of the vehicles. He said this met all the criteria of a public nuisance.

John Timothy, resident, shared a video with an audio clip to demonstrate the noise. He said the neighbor rides during inappropriate hours disturbing his family. He asked the Council to consider action on the matter.

Council Member Ed Dennis asked if this was a part of a business, to which Mr. Timothy responded in the negative. He said it was family and friends

Jennifer Knowles, resident, said she lived two houses away from the motocross track. She said she could hear and smell the vehicles when she was outside. She knew the people complaining and they were not the type of people to cause trouble with their neighbors.

Michael Bradshaw, resident, challenged the idea that something could not immediately happen. He said the police should enforce the noise ordinances as this was a public nuisance. He asked they act today. Mayor Mann said this was not an action item.

Council Member Ed Dennis asked if they had a noise ordinance. Mr. Merrill read from the City code regarding air pollution and noise nuisance. He added that he wanted to update the code because it was last updated in 1988.

Mayor Mann asked the neighbors to start keeping logs of the nuisance. This would give the City the ability to enforce the code.

8. FUTURE MEETINGS

a. Future Meetings

- August 20, City Council Meeting, 7:00 pm, City Hall
- August 27, Canvass Election Returns 6:00 pm, City Hall, Electronic Meeting
- August 27, Planning Commission Meeting, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

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Council Member Scott L. Smith MOVED to adjourn the meeting and Council Member Ed Dennis SECONDED the motion. All voted yes and the motion passed unanimously.

*The meeting adjourned at **10:08 PM**.*

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 6, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder

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HIGHLAND CITY

HIGHLAND CITY COUNCIL AGENDA

Tuesday, August 20, 2019

Waiting Formal Approval

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

PRESIDING:	Mayor Rod Mann
COUNCIL MEMBERS PRESENT:	Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith
CITY STAFF PRESENT:	City Administrator / Community Development Director Nathan Crane, Assistant City Administrator Erin Wells, Finance Director Gary LeCheminant, City Engineer Todd Trane, Planner & GIS Analyst Tara Tannahill, City Attorney Tim Merrill, and City Recorder Cindy Quick
ABSENT:	Ed Dennis
OTHERS:	Brent Oakeson, Paul Jenkin, Wesley Warren, Chelsey Olsen, Tim Ball, Doug Cortney, Ken Knapton, Sherry Kramer, Justin Greening, Kim Rodela, Brittney Bills

7:00 PM REGULAR SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – Mayor Rod Mann
Invocation – Kent Millington
Pledge of Allegiance – Mayor Rod Mann

The meeting was called to order by Mayor Rod Mann as a regular session at **7:00 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 Kent Millington and those assembled were led in the Pledge of Allegiance by Mayor Rod Mann.

1. UNSCHEDULED PUBLIC APPEARANCES

There were none.

2. PRESENTATIONS *(35 minutes)*

a. TAP AWARD – *ULGT Brent Oakeson*

Brent Oakeson with the Utah League of Government Trust presented Highland City with the Tap Award Trust Accountability Award for 2019. The trust provided insurance products for the City and they partnered with the City to reduce losses. The City had been successful in this endeavor. Mr. Oakeson presented the City with this award.

b. EVENT UPDATE – *Civic Events Manager Julie Tapusoa*

This item was continued to September 3, 2019.

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c. YOUTH COUNCIL REPORT – *Youth Council Member*

This report was continued to September 3, 2019

d. UTA TRANSIT – *UTA Trustee Board Member Kent Millington*

Kent Millington explained the legislature changed the structure of the UTA. There were now three full time Board of Trustee members responsible for the operation of the UTA. He was selected by the Governor to represent counties of Utah and Tooele. He and the other representatives wanted to report on their activities, successes and concerns.

Mr. Millington reported that they were successful instituting the Bus Rapid Transit. This ran from Orem to UVU and the BYU campus, and down to the Provo Frontrunner station. He explained it did not cost any additional money to ride this bus. This had helped the parking situations at both universities. Council Member Kurt Ostler asked if they planned on turning this bus route into a TRAX line. Mr. Millington said this was successful and they planned on expanding the routes. There was a need for additional public transportation, and there had been discussion about expanding the TRAX through Utah County. Mr. Millington explained they would consider expanding the TRAX lines once the prison property was available to develop. He noted they needed to expand the public transport, as they projected almost 2 million residents in Utah County in the next few years. There was subsequent discussion on the express routes and the TRAX expansion.

Mr. Millington noted the State had instituted a sales tax increase for transportation projects. Highland would receive the funds from this sales tax by next month. They would eventually have funds to expand the bus service. Council Member Tim Irwin suggested they consider making these services self-funding. Mr. Millington said they were discussing their options to fund these services.

3. CONSENT ITEMS *(5 minutes)*

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

a. ACTION: Approve Amended Resolution and Interlocal Agreement for the Community Development Block Grant (CDBG) Program

City Recorder Cindy Quick oriented the Council with requested amendments to the resolution and Interlocal agreement with Utah County to participate in the CDBG Program.

Council Member Scott L. Smith asked to pull the item for further discussion. He had clarifying questions regarding prohibiting excessive force. He said he did not understand what this had to do with the grants. Mr. Merrill said he would research how this related to the grants.

Council Member Brian Braithwaite said the wording of this agreement did not make him feel uncomfortable.

Council Member Brian Braithwaite MOVED to approve the amended resolution R-2019-08-A and the Interlocal agreement as listed on the consent agenda.
Council Member Kurt Ostler SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*absent*
Council Member Tim Irwin	*No*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*No*

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Mayor Rod Mann *Yes*

The motion passed 3:2.

4. PUBLIC HEARING/ORDINANCE: ADJUSTING THE COMMON BOUNDARIES BETWEEN AMERICAN FORK AND HIGHLAND CITY *(10 minutes)*

City Engineer Todd Trane oriented the Council with the ordinance to adjust the common boundaries between American Fork and Highland City. A satellite map was shown to illustrate the area for the requested change. Mr. Patterson was purchasing the property behind the Chidester home. The entire property was in Highland and there was an existing ditch that remained in Highland's boundary. This adjustment would keep the Chidester home in Highland and the rest of the property would be subdivided into American Fork. He reviewed the plat and sent comments to the City engineer.

Council Member Kurt Ostler asked if the property was currently owned by Mr. Patterson, to which Mr. Trane responded in the affirmative. Council Member Kurt Ostler recused himself from further discussion and a vote on this item.

Council Member Scott L. Smith explained that American Fork could can provide utilities better than Highland. Mr. Trane confirmed that this was correct. Council Member Scott L. Smith asked if they would pay to widen the street, to which Mr. Trane responded in the negative.

Council Member Brian Braithwaite stated that there was County property in that area. This was not an annexation and it was noted there was a piece that was unincorporated.

Mayor Mann opened the public hearing at 7:40 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

There were no comments.

Mayor Mann closed the public hearing at 7:40 PM.

Council Member Brian Braithwaite MOVED to approve the ordinance adjusting the common boundaries between American Fork and Highland City.
Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*absent*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*abstained*
Council Member Scott L. Smith	*Yes*

The motion passed 3:0.

5. ACTION: APPROVAL OF BID FOR THE RECONSTRUCTION OF THE CANTERBURY PARK CIRCLE NEIGHBORHOOD TENNIS COURT

(30 minutes)

City Administrator Nathan Crane oriented the Council with a bid by Parkin Construction of $129,685 and suggested that the Council authorize the Mayor to enter into the appropriate contract for the reconstruction

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of the Canterbury Circle Neighborhood Park Tennis Court. He reminded the Council about the state procurement process. State law governs how cities manage procurement processes. The City was allowed $189,000 for bids and anything over this amount required a public bid. The City would be required to accept lower bids.

Mr. Crane gave a brief background to the tennis court site. He noted the Council reviewed bids in June and the Staff had hired Blue Line Design. The company would provide a site survey and a geotechnical engineer. Mr. Crane noted this helped the City use its money wisely. The construction plans were subsequently displayed and reviewed. Mr. Crane explained that the fence would be replaced, as well as the slabs. The plans also included installing LED lighting and portable pickle ball nets. Mr. Crane then detailed the various amenity options available within the bids.

Mr. Crane said the Council could accept or reject the bid. The Council could also provide another direction for staff to follow. Council Member Kurt Ostler asked when this would happen. Mr. Crane stated that they anticipated it would be completed by next spring. It would cost more to finish sooner.

The Mayor opened the meeting to public comment.

Helene (no last name given), resident, asked why they planned on replacing the fence. Mr. Crane explained that the existing fence was old, and it was a better option to replace the fence. Mr. Trane added that the fence needed to be removed to make a better finish to the concrete.

Sherry Kramer, resident, said she preferred the fence be painted black. She commented that the bottom of the fence curled up allowing balls to leave the fenced area. She asked when the Mountain Ridge Park would begin construction, and Mayor Mann did not know the answer. She asked if there be timer be placed on the lights. She then requested that they wait to find out the traffic impact before installing removable nets in the pickle ball courts.

Dave Hall, resident, stated that the layout of the court was difficult to see, and noted that he had the same concerns as Ms. Kramer. He said he did not want this park to be too busy because they would not get a chance to enjoy the park. He suggested the nets not be provided to prevent a lot of traffic.

Justin Green, resident, commented that the court was not in terrible shape and he suggested the nets not be provided. He said the permanent equipment was always abused. Council Member Scott L. Smith asked how the portable nets functioned, to which Mr. Green described how they would be used.

Mayor Mann closed the public comment section.

Council Member Brian Braithwaite thanked the residents for allowing lights to remain. He was concerned with replacing the court when it still worked, and the maintenance and usefulness would be outweighed by the cost. He was not in favor of lights and the portable nets.

Council Member Scott L. Smith agreed with Council Member Braithwaite. He said this was a public park and the facilities were first come, first served. Council Member Brian Braithwaite explained that the parks with the most reservations had restrooms and parking. He then suggested the City post park rules, and Mayor Mann agreed.

Council Member Kurt Ostler said there was no rush for replacing the courts because they were in fair condition. He suggested they consider making the improvements next spring, noting that the City had the

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responsibility to save money. Mr. Trane explained there was currently limited labor to help save the City money by doing things in-house. He said he was willing to itemize but this process would take time.

Council Member Brian Braithwaite MOVED to approve the bid with Parkin Construction with the exception of the alternatives as shown and the total amount not to exceed $115,285 and authorize the Mayor to enter into the appropriate contract for the reconstruction of the Canterbury Circle Neighborhood Park Tennis Court.
Council Member Scott L. Smith SECONDED the motion.

Mr. Crane asked if the LED light upgrade was included in the motion, to which Council Member Brian Braithwaite responded in the negative. City Engineer Todd Trane said staff would research fixing the timer.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*absent*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:0.

6. ACTION: APPROVAL OF A BID FOR THE REPLACEMENT OF THE AIR CONDITIONING UNITS AT CITY HALL AND JUSTICE CENTER *(20 minutes)*

City Administrator Nathan Crane oriented the Council with the Robert's Mechanical bid of $115,876 for the replacement of the air conditioning units at City Hall and the Justice Center. He provided further background regarding the units and explained that the buildings were built in 2008. The City had paid $51,838 on heating and cooling repairs. Photos of the units were shown, and Mr. Crane explained why these units were failing prematurely. He also explained that the replacement of the units required a request for bids. The bid included two units for each building, equipment inside the building and adding ventilation to the enclosures.

Council Member Scott L. Smith asked how they would add ventilation. He noted his office building had the same air conditioning equipment and it worked for 25 years. Mr. Crane said they would put holes in the wall for ventilation. He remarked that replacing the units was a frustrating project.

Council Member Brian Braithwaite asked if there was a warranty, to Mr. Trane responded affirmatively and noted that it was for two years. Council Member Scott L. Smith said the warranty should have lasted for five years. Council Member Brian Braithwaite said it was unacceptable they could not be open for business due to these units being broken.

Council Member Kurt Ostler MOVED to approve the Roberts Mechanical bid for $115,876 for the four air conditioning systems.
Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*absent*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed 4:0.

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7. MAYOR/COUNCIL AND STAFF DISCUSSION AND COMMUNICATION ITEMS

City Administrator Nathan Crane said they could provide an update by the end of week for Spring Creek.

Mr. Trane explained they were currently finishing road projects throughout the City. He gave a brief report on the progress of each project.

Council Member Scott L. Smith stated that there were cyber-attacks happening throughout the City and he asked the City to be prepared. Mr. Merrill responded that the staff was addressing this issue. Erin Wells said they had updated their servers and were pleased with how they could back up information. Ms. Wells also explained that staff was working on the new City website. She noted half of the traffic on the site was on mobile devices, and that the new website would be compatible for these types of devices. She noted the City was moving to Everbridge software for emergency services.

Council Member Tim Irwin asked about the progress with the park priority program. Mr. Crane responded they were updating the inventory. He said they were also reviewing the safety issues and equipment.

Council Member Brian Braithwaite invited the Council to the water treatment facility on September 10th. He noted the State wanted to double its fees for sewer and there was no scientific evidence that there would be a service impact. Council Member Brian Braithwaite also congratulated the primary candidates for moving forward and thanked the individuals who removed signs.

8. FUTURE MEETINGS

a. Future Meetings

- August 27, Canvass Election Returns, 6:00 pm, City Hall, Electronic Meeting
- August 27, Planning Commission Meeting, 7:00 pm, City Hall
- September 3, City Council Meeting, 7:00 pm, City Hall
- September 10, City Council & Planning Commission Joint Meeting Moderate Income Housing Plan, 7:00 pm, City Hall

ADJOURNMENT

Mayor Rod Mann called for a motion to adjourn.

Council Member Tim Irwin MOVED to adjourn the meeting and Council Member Brian Braithwaite SECONDED the motion. All voted yes and the motion passed unanimously.

*The meeting adjourned at **8:50 PM**.*

I, Cindy Quick, City Recorder of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 20, 2019. This document constitutes the official minutes for the Highland City Council Meeting.

Cindy Quick, MMC
City Recorder

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AGENDA NEXT

HIGHLAND CITY COUNCIL MINUTES
Tuesday, August 27, 2019

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

PRESIDING: Mayor Rod Mann

COUNCIL MEMBERS PRESENT: Brian Braithwaite, Ed Dennis, Tim Irwin, Kurt Ostler, Scott L. Smith

CITY STAFF PRESENT: City Administrator / Community Development Director Nathan Crane and City Recorder Cindy Quick

OTHERS: Doug Cortney

6:00 P.M. SPECIAL SESSION *(CITY COUNCIL CHAMBERS)*

Call to Order – *Mayor Rod Mann*

The meeting was called to order by Mayor Rod Mann as a special session at **6:00 p.m.** The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting.

1. ACTION: ELECTION CANVASS RETURNS

City Recorder Cindy Quick acting as Election Official reviewed the documents provided by Utah County to certify the Election Canvass Returns from the 2019 Primary Municipal Election, including additional votes from Provisional and Timely Absentee Ballots.

Documents provided were as follows:

- Highland City Official Certification of the 2019 Primary Municipal Election - August 13, 2019
  - Candidates who received the most votes were in bold font: Doug Cortney, Timothy A. Ball, Brittney P. Bills, Kim Rodela, Kenneth S Knapton, III and Wayne Knoll Tanaka have been nominated for the General Election in November.
- Highland City Statement of Votes Cast
  - Per Precinct and Candidate
- Election Summary Report - for each precinct
  - More detailed report
- Provisional Ballot Statistics
  - Provided by Utah County

Election Official Cindy Quick stated that her review of the information provided, appeared to match previous preliminary results with a slightly higher count. She suggested the Council, acting as Board of Canvassers, certify the results.

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Board of Canvass Chair Rod Mann called for a motion.

Board Member Tim Irwin MOVED to approve and certify the Election Canvass Returns from the 2019 Primary Municipal Election held on August 13, 2019.
Board Member Ed Dennis SECONDED the motion.

The vote was recorded as follows:

Board Member Brian Braithwaite	*Yes*
Board Member Ed Dennis	*Yes*
Board Member Tim Irwin	*Yes*
Board Member Kurt Ostler	*Yes*
Board Member Scott L. Smith	*Yes*
Board of Canvass Chair Rod Mann	*Yes*

The motion passed unanimously.

ADJOURNMENT

Board of Canvass Chair Rod Mann called for a motion to adjourn.

Board Member Scott L. Smith MOVED to adjourn the meeting and Board Member Kurt Ostler SECONDED the motion. All voted yes and the motion passed unanimously.

*The meeting adjourned at **6:06 PM**.*

I, Cindy Quick, City Recorder/Election Official of Highland City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 27, 2019. This document constitutes the official minutes for the Highland City Board of Canvassers Meeting.

Cindy Quick, MMC
City Recorder/Election Official

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AGENDA

NEXT

HIGHLAND CITY

CITY COUNCIL AGENDA REPORT
ITEM #2b

DATE: September 12, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Tara Tannahill, Planner/GIS Analyst
SUBJECT: **PUBLIC HEARING/ACTION**: Continuance of TA-19-07

The Applicant is requesting that the above referenced agenda item be continued to the October 1, 2019 City Council meeting to allow additional time to address concerns raised by the Planning Commission.

Since this item has been advertised for a public hearing, the Council will need to inform the public that the hearing will take place on October 1, 2019 and formally continue the item to that meeting.

PROPOSED MOTION:
I move that the City Council continue item TA-19-04 to the October 1, 2019 City Council meeting.

AGENDA

NEXT

CITY COUNCIL AGENDA REPORT
ITEM #3

DATE: September 17, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Tara Tannahill
Planner and GIS Analyst

SUBJECT: **PUBLIC HEARING AND ORDINANCE** – McKay Christensen is requesting rezoning to allow residential and non-residential mixed use development under the Planned Development (PD) District. The property is approximately 5.8 acres and is located approximately at 10786 N 5320 W (PD-19-03). *Legislative*

STAFF RECOMMENDATION:

The City Council should hold a public hearing, accept the findings, and approve or deny the applicants request.

BACKGROUND:

The property is approximately 5.84 acres and located at 10786 N 5320 W. The applicant is creating a mixed use development with 121 residential units and a 10,000 square foot commercial space.

The property is designated as mixed-use development on the General Plan Land Use Map. The current zoning is under the Town Center Overlay zone. The two districts under the Town Center Overlay zone are Town Center Commercial Retail District, along Alpine Highway, and Town Center Flex-use District.

PD Districts are allowed under Article 5 of the Development Code. PD Districts follow the rezone approval process.

The adoption of a Planned Development (PD) District is a *legislative* process.

SUMMARY OF THE REQUEST:

1. The applicant is requesting approval of rezoning to allow a mixed use development under the Planned Development (PD) District.
2. The request is to zone approximately 5.84 acres to a PD District to allow for 10,200 square feet commercial space and 121 residential units. The applicant has submitted a PD District plan and narrative.

3. Access to the site will be from Alpine Highway, 10700 North, and an access easement from Ace Hardware to the East of the property. The applicant will need to receive approval from UDOT for access onto Alpine Highway.
4. There will be three entry monument signs on the property. There will be one Commercial monument sign on Alpine Highway and there will be two entry monument signs for the residential districts on 10700 North.
5. Utilities will connect to the utilities on the perimeter of the site.
6. A traffic study has been provided for the site.
7. A circulation plan has been provided for the proposed site.
8. There will be 300 parking stalls for the whole development.
9. The HOA will maintain all the greenspace, community amenities, private roads, and the monument signs.
10. Project Density by District:

District	No. of Units	Acres	Units/Acre
Loft Homes	87	3.68	23.66
Townhome	27	1.38	19.57
Twin Home	8	.78	10.26
Total	121	5.84	20.72

Commercial District:

1. The commercial district will be on approximately 3.7 acres and located on the south side of the property along Alpine Highway.
2. The commercial building will have 10,200 square feet of commercial space and be on the bottom floor of the three story building.
3. If any commercial space is vacant after 18 months of completion of construction, the space may be converted to residential units at a density of 2 units per 1,000 square feet of commercial space. This would add another 20 units to the project and increase the maximum number of units to 141 and the overall density to 24.14 units per acre.
4. Access to the site will be from Alpine Highway and a shared access easement with Ace Hardware to the east. The concept plan is demonstrating one access point along Alpine Highway. The applicant will need approval from UDOT for this access point.
5. Generally, the proposed commercial uses are similar to the C-1 Zone. No tenants have been selected for the commercial flex pod as of yet. The proposed permitted uses include:
    a. Accessory uses which are customary and incidental to the principal use of the property.
    b. Apparel, new and used
    c. Antiques, crafts, and collectible sales
    d. Art galleries and art studios
    e. Bakeries, retail only

f. Education learning centers (i.e. Sullivan Learning Center)
g. Financial institutions, excluding non-charted financial institutions
h. Fitness center
i. Indoor recreational facilities
j. Laundry, cleaning, and dry cleaning establishments
k. Personal services such as barber, beauty shops, copy shops, mail shops, tanning salons, shoe repair, and tailor shops
l. Professional, administrative, business, and medical offices
m. Restaurants, excluding drive thru
n. Retail sales of new merchandise
o. Repair services for small appliances, bicycles, watches, musical instruments, and similar items.
p. Sporting goods equipment rental, sales, and service
q. Residential, multifamily attached, mixed-use, live-work, nightly rental *(different compared to the C-1 Zone)*

Conditional Use:

a. Fitness Center

The following uses shall be prohibited in the commercial zone:

a. Thrift stores
b. Pawn Shops
c. Sexually oriented businesses
d. Any use not expressly permitted above, unless approved by the City Council.

6. The development of the commercial district is anticipated on being the first and second phase of the site.

7. Building Setbacks:

Front Setback	IBC Standards
Rear Setback	IBC Standards
Side Setback	IBC Standards
Corner Side Setback	IBC Standards

*IBC= International Building Code

8. Maximum building height is 45 feet. City Council also has the ability to approve a building in excess of 45 feet up to 50 feet. This process will be an administrative approval process.

9. Parking Requirement:

Service	Parking Stalls
Restaurant Space	4.0 per 1,000 square feet
All other uses	3.5 per 1,000 square feet
Total Parking Stalls:	**66**

10. Landscaping has been demonstrated on the conceptual plan around the perimeter of the commercial district and along Alpine Highway.

11. The PD District requires 10% of the net developable area to be commercial recreation areas. The applicant is demonstrating 43% or 8,141 square feet. The commercial district amenities are commercial patio space with landscaping on the perimeter of the patio. Seating, landscaped and hardscape plaza areas are permitted for the recreation areas.
12. Architecture standards have been established for the commercial district.
13. A lighting plan has been provided demonstrating the lighting facing downwards.
14. If any commercial space is vacant 18 months' after completion of construction of the commercial space, the space be transitioned to residential with a maximum density of 2 units per 1,000 square feet. Any density in excess of 10 units must be approved by the City Council.

Residential District:

1. The residential district will have three distinct housing types. The goal of offering different housing types is to provide residents of the community with various options for housing sizes, style, and price.
2. The maximum number of residential units for the whole development is 121 residential units.
3. The greenspace around the residential units will be community open space and maintained by the HOA.
4. The PD District requires 20% of the net developable area to have a recreation area for the residential district. Currently, the develop is demonstrating 45% of the net developable area or 64,745 square feet as residential recreational area.
5. Recreation area in the Apple Creek development demonstrates a courtyard with 4 BBQ and Fire Pit trellis areas, swimming pool, 2,000 square foot clubhouse on the second level of the loft building, 1,500 square foot outdoor deck on the third level of the loft building, and community greenspace around the buildings.
6. Parking Requirement:

Mixed Use / Loft District	1.25 stalls for one-bedroom units and 2 stalls for two-bedroom units.
Townhome and Twin-home District	2 stalls per unit
Visitor Parking	.25 stalls per unit, 2 stalls per driveway, and additional parking available in the commercial district parking.

7. Architecture standards have been established and pertain to both the residential and commercial districts. The architecture standard is designated as Modern Farmhouse. Building materials, colors, window treatment, exterior door treatment, and roofing standards have been established.

Mixed Use / Loft Homes:

1. The mixed use district includes 87 loft-style apartments. It is above the commercial space.
2. The maximum density permitted in the loft homes is 23.7 dwelling units per acre.

Acreage	No. of Units	Density (Units/Acre)
3.68	87	23.66

3. The minimum unit size is 450 square feet and there is no maximum unit size. There will be 57 one bedroom units and 30 two bedroom units.
4. The building height is 45 feet but the City Council can approve a building in excess of 45 feet with a maximum height of 50 feet. The building will include 10,200 square feet of commercial on the bottom with residential units and two additional stories of residential units above the first floor.
5. The Mixed Use / Loft Homes are anticipated on being built in phase one and two.

<u>Townhome District:</u>

1. Townhome lots are linear groupings from two to eight units. Rear and front loaded townhomes are allowed in this district. Each home will have a garage.
2. Townhomes are located on the west side of the property along Town Center Drive. The townhome lots are anticipated to be in phase one, two, and three.
3. The maximum density permitted in the townhome lots is 18.8 dwelling units per acre.

Acreage	No. of Units	Density (Units/Acre)
1.38	27	19.57

4. Setbacks:

Front Setback	5 feet
Side Setback	10 feet between attached units
Rear Setback	None
Corner Setback	5 feet

5. The building height maximum is 40 Feet.
6. The minimum lot size is 1,500 square feet.

<u>Twin-home Residential:</u>

1. Twin-homes lots are linear groupings of two units with a shared wall. Twin-homes will be rear loaded and have a garage.
2. Twin-homes will be located along 10700 North.
3. The twin-home district is anticipated to be in phase one through four.
4. The maximum density permitted in the twin-home lots is 10.3 dwelling units per acre.

Acreage	No. of Units	Density (Units/Acre)

.78	8	10.26

5. Setbacks:

Front Setback	10 Feet
Side Setback	10 Feet between each twin-home unit
Rear Setback	None
Corner Setback	5’

6. The building height maximum is 40 Feet.
7. The minimum lot size is 2,800 square feet.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on July 9, 2019. Three residents attended the meeting.

Notice of the Planning Commission meeting was published in the Daily Herald on August 11, 2019 and posted on the state website August 8, 2019. Notification of the public hearing associated with this meeting was mailed to all property owners within 500 feet and additional subdivisions near the proposed site on August 12, 2019. Two written correspondence has been received concerned about the project.

Notice of the City Council meeting was published in the Daily Herald September 1, 2019, posted on the state website August 29, 2019, and notification of the public hearing was mailed to all property owners within 500 feet of the proposed site on August 29, 2019.

ANALYSIS:

Surrounding Uses

- The General Plan designation for this property is mixed use development. The property to the north is Highland Vista Subdivision and Ace Hardware, to the west is vacant land owned by Highland City and the Lone Peak Police station, to the south is Town Center Meadows Park, and to the east is Utah Community Credit Union and Alpine Highway. The proposed development is in conformance with the General Plan and compatible with the surrounding uses.

Site Access

- Access to the commercial district will be from Alpine Highway. Access to the residential district will be from Alpine Highway, 10700 N, and a shared access easement with Ace Hardware to the east.

Open space/Recreation Area

- The proposed development meets the recreational area requirements for the PD District for the commercial district and residential district.

- The applicant is proposing a community clubhouse, outdoor patio, swimming pool, BBQ/fire pits, and the open space around the buildings to be community green

space. All the landscaping and amenities will be maintained by the HOA.

- The commercial district is demonstrating outdoor patio seating for the pedestrians to utilize.

Architectural Design and Theme

- The proposed PD masterplan provided architectural standards. The architectural standards will follow modern farmhouse style.

- Section 4-713 Architecture Design of the development code for the Town Center Overlay zone requires the "multi-user buildings to appear as separate buildings with different architectural styles for each leasable ground floor space along the building front." The current proposed project deviates from the development code with this requirement.

- Section 4-713 Architecture Design of the development code doesn't list modern farmhouse as an architecture style for the Town Center Overlay Zone. The proposed project deviates from the development code for this.

Utilities

- Utilities will connect to the utilities on the perimeter of the site. The larger mixed use building will require a looped system and sprinklers for fire flow.

- The utility master plan will need to be updated and redrawn by an engineer. A stipulation has been created for this.

Parking and Circulation

- The applicant has parking standards for both the residential district and commercial district. Parking standards also include guest parking stalls.

- The site will provide 234 residential parking stalls, which includes 35 parking stalls for visitor parking. The commercial district is demonstrating 69 parking stalls with 26 of those as flex parking for commercial and visitor parking. The total available parking for the proposed project is 300.

- The applicant completed a traffic study for the site. The traffic study indicated that a light would not be needed on 10700 north and Alpine Highway because the project is anticipated to create 1,288 daily trips which would utilize 7.8% of Alpine Highways road capacity.

- The private road is 28 feet and 24 feet. The road will be maintained by the HOA. The Fire Marshall is requesting the private road to be 28 feet for Fire Safety reasons.

- Section 3-4726 of the Development Code for Parking:

Use	**Development Code for TCO**	**Apple Creek**

Retail (Stalls / 1,000 Sq. Ft)	4.0 (40 stalls)	4.0 for Restaurant or 3.50 for All Other Uses (69 stalls)
Residential (Stalls / Unit)	3.0 (363 stalls)	1.25 one-bedroom unit, 2 for two-bedroom units, 2 for townhomes and twin-homes, and .25 visitor parking stalls per unit. (234 stalls)
Total Stalls	403	300

*TCO= Town Center Overlay

The proposed number of spaces is 103 spaces less than what is required by the Development Code. Parking has been an issue with the existing residential development particularly in the winter.

Utah Department of Transportation (UDOT)

- Utah Department of Transportation (UDOT) confirmed that are no current plans signalize the 10700 North and Alpine Highway intersection. UDOT would like to work with the City to develop an access plan for Alpine Highway.

- UDOT confirmed that the median can be modified or removed to accommodate full access with sufficient northbound storage.

- The applicant will need to verify access on Alpine Highway with UDOT. A stipulation has been created for this.

Landscaping

- A landscape concept plan was provided for the whole development. The landscaping will be maintained by the HOA.

- On Alpine Highway there is already a current 29-foot parkway detail.

- The landscaping will include a combination of sod, trees, shrubs, and flowers.

Building Height

- Section 3-4713 of the development code for building height says the Town Center Commercial Retail district has a maximum height of 40 feet and all the other town center districts have a maximum height of 50 feet. The applicant is proposing 45 feet for the loft/mixed use building height.

- The applicant is proposing that the City Council may administratively approve a building height increase of up to 5' for the mixed use building. This allows the mixed use building to have a maximum height of 50 feet.

- The applicant is proposing 40 feet maximum height for the townhomes and twin-homes. The mixed use development has a 45 feet maximum height. Highland Vista's maximum height is 36'11" and Toscana is 36'.

Density

- Section 3-4704 of the Development Code has a maximum density of 229 residential units for the site and a maximum of 12 units per acre for any given development.

- Density for surrounding residential uses:

	Toscana	Highland Vista	Apple Creek
Acres	8.02	7.77	5.84
Residential Units	139	80	121
Units / Acre	17.34	10.3	20.72

- If any commercial space is vacant after 18 months of completion of construction, the space may be converted to residential units at a density of 2 units per 1,000 square feet of commercial space. This would add another 20 units to the project and increase the maximum number of units to 141 and the overall density to 24.14 units per acre.

General

- Section 3-612 of the Development Code: For all nonresidential development that abuts a residential district will need to provide a 6-foot theme wall. A fence concept plan was provided for the development that demonstrated a 6-foot trex composite or aluminum fence. The development code requires precast concrete, concrete, masonry block, brick, stone or a similar solid, durable, equal or better quality material. The Planning Commission should discuss if this type of fencing is adequate.

- The Land Use Vision under the general plan says "Completion of the Highland Town Center as a mixed-use place, with commercial uses located at ground level and residential uses above. This will provide a wider range of housing options and improve access to moderate-income housing." The proposed development meets the general plans vision.

DISCUSSION ITEMS:

The following items should be considered by the Council as they discuss this project:

- Is the overall density of 21 units per acre appropriate for this location? The proposed density exceeds the maximum of 12 units per acre in the Town Center.
- Should the commercial district be allowed to transition to residential if vacant after 18 months? This would add another 20 units to the project and increase the maximum number of units to 141 and the overall density to 24.14 units per acre.
- Should the building height be allowed to be increased to 50 feet? This is 14 feet higher than any existing development.
- Is the proposed amount of parking sufficient for the development? The proposed number of parking spaces is 103 less than what is required by the Development Code. Parking is an issue in the Town Center particularly in the winter.
- If a fitness center is approved, is the current parking standards sufficient for the use?

- Are the setbacks for the twin home and townhome district sufficient for the proposed site?
- Do the proposed architectural and development standards represent the quality desired for Highland?
- Will the proposed development standards ensure that the represented product will be constructed if approved? If not, what standards need to be added?
- If UDOT doesn't grant access on Alpine Highway, will there be enough access points for the proposed development? Will the site have adequate access to ensure commercial space is successful?
- Should they be allowed to do a nightly rental outside of Highland City's short term rental regulation?

REQUIRED FINDINGS:

The following findings are required for a PD District to be approved:

1. The proposed PD is consistent with the General Plan;
2. That there are or will be adequate public facilities, including but not limited to: transportation, water, wastewater, and public safety facilities, etc.
3. The proposed PD will result in compatible land use relationships and acceptable land use with existing and planned land use in the area; and;
4. The development standards of the proposed PD are consistent with or exceed the desired quality of development for the area.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on August 27, 2019. There were several comments from the public concerned about traffic, lighting, and noise. The commission voted 5 to 2 to recommend approval of the Planned Development (PD) District subject to the following stipulations:

1. Development shall comply with the Apple Creek Plan and Narrative date stamped August 19, 2019 except as modified by these stipulations:
2. All public improvements shall be installed as required by the City Engineer and City Fire Marshall.
3. The civil construction plans shall meet all requirements as determined by the City Engineer.
4. Access approval from UDOT shall be required prior to approval of a site plan or preliminary plat.
5. The private road needs to be 28 feet in width as requested by the City Fire Marshall.
6. There shall be a minimum of 10,200 commercial space.

RECOMMENDATION AND PROPOSED MOTION:

The City Council should hold a public hearing and determine whether or not to approve the proposal.

If approved, staff recommends adding the below stipulations:

7. The nightly rental is subject to Ordinance 0-2019-14 for Short Term Rentals.
8. Any conversion of commercial square footage to residential units requires legislative approval by the City Council.
9. The first phase of the project shall be the Mixed Use Loft Building including the club house and pool. No permits for the townhomes shall be issued until the building is at least 70% complete as determined by the Building Official.

I move that the City Council accept the findings and **ADOPT** the ordinance approving Application PD-19-03, a request for a Planned Development (PD) district, subject to the 6 stipulations recommended by the Planning Commission and staff.

I move that the City Council **DENY** case PD-19-03, a request for a Planned Development (PD) District approval for McKay Christensen based on the following findings: (The Council will need to draft appropriate findings.)

FISCAL IMPACT:

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

ATTACHMENTS:

1. Vicinity Map
2. General Plan and Current Zoning Map
3. Citizen Communication
4. PD Development Agreement and Narrative
5. Minutes from Neighborhood Meeting
6. Minutes from August 27, 2019 Planning Commission Meeting

ATTACHMENT 1:



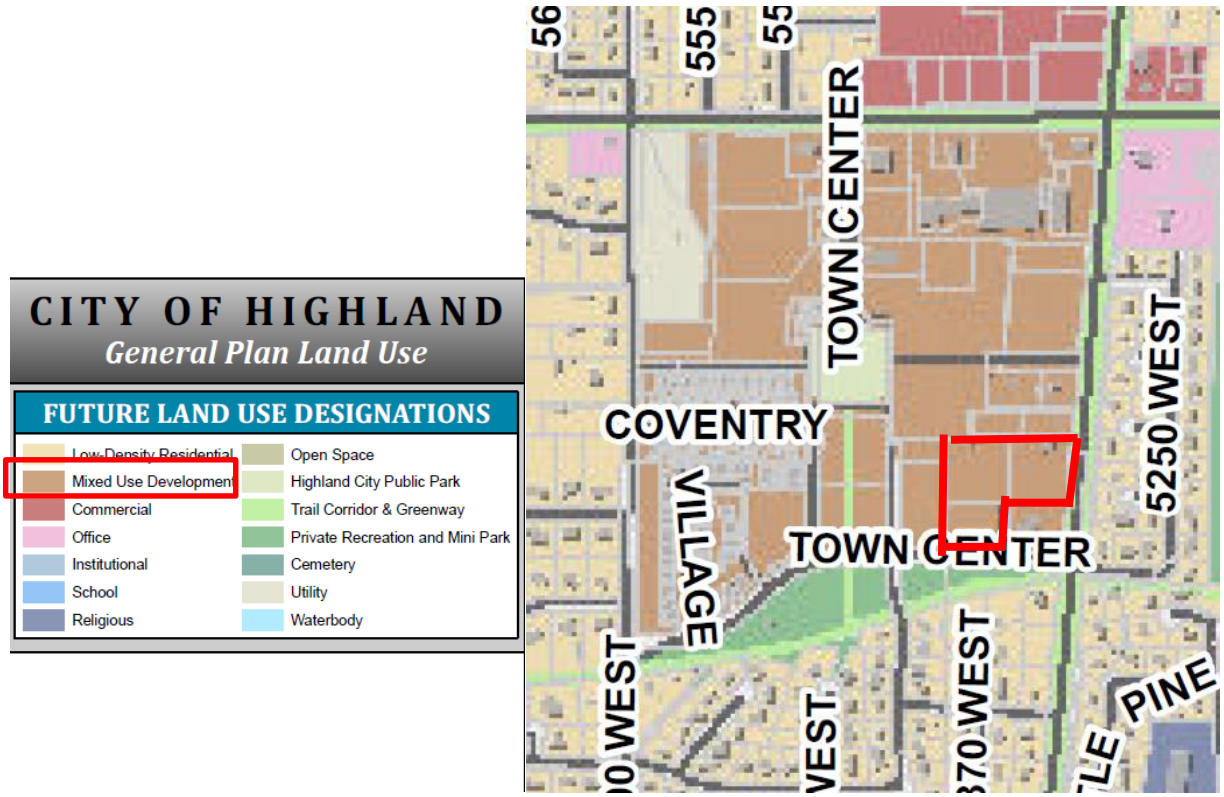
Utah County Parcel Map

This cadastral map is generated from Utah County Recorder data. It is for reference only and no liability is assumed for any inaccuracies, incorect data or variations with an actual survey

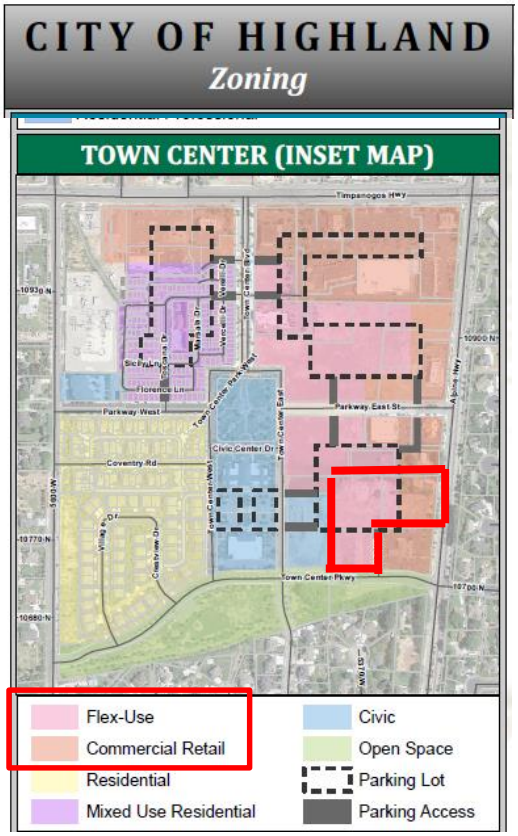
Date: 7/9/2019

N

ATTACHMENT 2:
General Plan Land Use



Zoning



Attachment 3:

Date: August 22, 2019

Subject: Email Correspondence

Email from Sara McGill dated July 9, 2019:

Dear Planning Commission -

We are residents living at 5282 West 10800 North, east of the UCCU, in the Cornerstone sub-division. We would like to give our input as a proximate resident that we should stay the course with what we believe was recommended previously (when a proposal for mixed use was presented a few years ago - by this same company?). Please delay development of this piece of land until the town homes that are currently being constructed (Blackstone?) is completed and sold and we see the residential/traffic impact. That road, the Alpine Highway, is so hard coming out of our neighborhood year round, but especially when school is in. We are so delayed in in the mornings and evenings. It is not unusual to have to wait at length to turn left. We are very very concerned about this. Will they install a light? A roundabout? Would they pay for a 7' pre-cast privacy fence along our Cornerstone sub-division for the increase in headlights at night and noise increase? (I know they won't but our city owned dilapidated fence concerns us)

We really wish Highland could find some other wonderful use for that land besides multi-unit dense housing. We wish we could "share the wealth" of dense housing/businesses with other areas of Highland instead of packing them into the central area that is already a traffic problem.

Thank you for listening. I am out of town or we would attend the meeting tonight. We appreciate your service and want to keep Highland growing in a way that benefits current residents as well as future needs.

Respectfully-

Johnny & Sara McGill

Email from Dan Stratton on 8/14/19:

I attended the neighborhood meeting a few weeks ago on the Apple Creek Lofts development proposal. I live directly across Alpine Highway from this proposed development and would like to pass along my concerns for your consideration.

The top deck of the main building (page 36 of 115 and 60 of 115 of https://www.highlandcity.org/AgendaCenter/ViewFile/Agenda/_05282019-445) represents a potential noise concern. Under 3-4521 of the Development code (https://highland.municipalcodeonline.com/book?type=development#name=3-4521_Nuisances) noise may not exceed 45 d.b.a. during nighttime operations. Please ask the developer how they will be able to get residents to comply with this requirement once built. I will admit my main concern is my (and my neighbors) bedroom window is on a direct line with this 3rd story gathering place. Given the height of this outdoor patio, I fear noise generated from normal activity of the target client (single young professional) will carry long distances and could cause trouble with this city ordinance. I would ask the planning commission work with the developer to adequately plan for this situation.

I am also curious as to what is meant by the term “nightly rental” as indicated in units 156, 167 & 158 of first floor plan (page 34 of 115). Is this intended as an Airbnb? I am unfamiliar with this turn. Please make sure the usage of this space is within guidelines for the city development.

Thank you,

Dan Stratton

5278 W 10740 N

APPLE CREEK

PLANNED DEVELOPMENT



RECEIVED
By Tara Tannahill at 1:30 pm, Aug 19, 2019

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PROJECT INTRODUCTION

Project Description

The Apple Creek Planned Development ("Apple Creek") is an approximately 5.8 acre (see exhibit A - Legal Description) mixed-use development located within the Town Center Overlay Zone ("TCO"). Apple Creek consists of a maximum of 121 residential units and maximum 10,200 square feet of commercial space.

TCO Land Use Map & Zoning Designation

The current zoning designation for Apple Creek is Town Center Commercial Zoning and Town Center Flex Zoning (see Exhibit B - TCO Land Use Map and Zoning Designation).

The Town Center Overlay was established in 1999 with the expressed purpose of creating a "City Center" - an environment rich in amenities, high-density urban housing, and a vibrant lifestyle powered by retail shops. In furtherance of that vision, the City of Highland developed the Highland City Police station, a fire station, a splash pad, a park, and the Highland City Hall all within TCO in an effort to invigorate the Town Center. However, none of the existing high-density developments within the TCO have captured the original intent of the TCO Zone…until now.

The developers of Apple Creek have developed some of the most prominent master-planned communities in the state, including Highland City's own Beacon Hills - a several hundred acre master-planned community that includes the Twin Bridges subdivision and over 300 single family lots with high-end custom homes, generous amounts open space, and a dedicated 22 acre city park. The Developers are also Highland City residents who are invested in the community and want to see the Town Center developed with the same level of commitment they displayed in developing Beacon Hills and Twin Bridges. To that end, Apple Creek includes 10,000 sf of commercial space and over 7,000 sf of patio space, specifically designed with restaurants in mind. The architectural style is "modern farmhouse" consistent with Highland's rich Americana Heritage. Special care has been taken in addressing how the project is experienced, specifically on Town Center Drive (10700) and SR 74, ensuring the face of the development looks outward with high-level architecture and quality finishes.

In an effort to ensure that Apple Creek is developed in a manner consistent with the original intent of the TCO, the following outlines in detail how that vision will come to life.

SITE & LOCATION



MASTER PLAN



APPLE CREEK LOFTS	
PROJECT DATA	
SITE BOUNDARY	5.8 ACRES
HOUSING	
LOFTS BUILDING	87
TOWNHOMES - TYPE 1	15
TOWNHOMES - TYPE 2	11
TWINHOMES	8
TOTAL	121
COMMERCIAL	
LOFT BUILDING	10,200

Apple Creek Master Plan Goals:
The goal of the Apple Creek Master Planned Development is to provide a vibrant mixed-use environment with commercial and a variety of housing types. To accomplish this goal, Apple Creek is divided into the following three districts:

- The Mixed-Use District (87 loft-style apartment and 10,200 sf of ground floor commercial).
- The Townhome District (26 townhomes)
- The Twin-home District (8 twin-homes)

Apple Creek Home Owners Association ("APHOA"):
All residents within the Apple Creek will be subject to the Apple Creek Home Owners Association (APHOA). The APHOA will maintain all onsite amenities and open space. The members of the APHOA will be bound to abide by the APHOA rules and regulations. Residents will be assessed monthly dues and will be subject to the bylaws of the APHOA. The APHOA bylaws and enforcement will be based on the approved Apple Creek Planned Development. The APHOA will maintain all roads and monuments within Apple Creek.

Architectural Guidelines:
The following architectural guidelines will apply (see Exhibit C - Design Examples):

- Architectural Style: Modern Farmhouse
- Building Materials: Stone, brick or masonry, stucco, Hardie board (fiber cement composite siding or similar), timber, eifis, tile (accent material only), metal (accent material only), concrete (accent material only)
- Colors: Limited to soft shades typical of modern farmhouse and generally consistent with colors shown in the design examples
- Windows: Wood, metal, wood clad, or vinyl.
- Exterior doors: Finished in an approved color to match the trim or to mildly contrast the trim and siding.
- Roof: Roof pitches between 4:12 and 12:12. Flat and parapet walls for modern/contemporary application

Infrastructure & Utilities:
The Apple Creek PD is bordered by two prominent roads: Town Center Drive (10700) to the south and SR 74 to the east. All public utilities sufficient for the development of Apple Creek are stubbed to the site. All on site improvements will be performed by the developer and will follow, conceptual, the Utility Plan contained herein. Apple Creek will connect to the Highland City culinary water and secondary water lines stubbed to the Property.

Development Code:
Further detail regarding the Apple Creek development standards are outlined herein. The requirements of the Development Code, as amended, shall apply except where explicitly stated otherwise herein by this PD.

DENSITY

Density Background:

From 1999 to 2017, the Town Center Overlay was allocated a total of 342 residential units. The Toscana development ultimately resulted in 144 units and the Blackstone development resulted in 80 residential units, leaving 118 residential units to be developed in Apple Creek. However, in 2017, the Highland City Council voted to remove all residential from the Town Center Overlay Zone. This de facto rezone removed the 118 residential units from Apple Creek, adversely affecting the Property at the exclusion of all other properties within the Town Center Overlay.

Unit Per Acre ("UPA") Background:

The Town Center Mixed Use Residential Zone (TCMUR), which is located within the Town Center Overlay, currently allows for 22.7 upa. The Toscana development, located within the TCMUR, was approved for a density of 22.7 upa. However, Toscana ultimately elected, at its discretion, to develop only 144 units, or 18.7 upa.

Apple Creek Density

The maximum overall density for Apple Creek is 121 units as shown in the Density Table. Each District has a maximum number of units that may be developed within the District as shown in the Density Table. However, District boundaries may be adjusted to accommodate different lot layouts and densities, provided that the overall number of units in each District shall not increase by more than 15% from what is now shown in the Density Table.

The maximum allowable ground floor commercial space is 10,200 sq ft. If any commercial space located within the Mixed Use District is vacant 18 months after completion of construction of the commercial space, the commercial space may be transitioned, at the election of the developer, to residential with a maximum density of 2 units per every 1,000 sq ft of commercial space. Any density in excess of 10 units must be approved by the Highland City Council

DENSITY TABLE



DENSITY TABLE			
	UNITS	ACRES	UPA
MIXED USE DISTRICT	87	3.68	23.66
TOWNHOME DISTRICT	27	1.38	19.57
TWIN HOME DISTRICT	8	0.78	10.26
TOTAL	121	5.84	20.73

PARKING

Parking Requirements:

Mixed Use District - Commercial Parking: Commercial parking is calculated as 4 stalls per 1,000 square feet of net leasable area of "restaurant" space, and 3.5 stalls per 1,000 square foot of net leasable area for all other commercial uses described in the Mixed-Use District Permitted Uses Table (see Exhibit D - Mixed Use District Permitted Uses Table).

Mixed Use District - Residential Parking: Private parking for residential uses within the Mixed-Use District is calculated as a minimum of 1.25 stalls for every one-bedroom unit and 2 stalls for every 2-bedroom unit.

Townhome and Twin-home District: Private parking for the Twin-home and Townhome Districts is calculated as a minimum of 2 stalls per every Twin-home and Townhome unit. Private parking is allowed in garages or private designated parking stalls.

Apple Creek Visitor Parking: Visitor parking stalls within Apple Creek is calculate as a minimum of .25 stalls per every unit (or one stall per every four units within Apple Creek). Driveways in the Twin-home and Townhome Districts may be counted toward the visitor parking requirement if the driveway is a minimum of 18' in depth. Parking stalls designated as "flex parking stalls" in the Parking Table may be used as commercial parking and also used to fulfill the total visitor parking requirement for the Apple Creek PD.



PARKING TABLE			
MIXED USE DISTRICT			
TYPE	STALLS PER	UNITS	TOTAL STALLS
APTS 1 BED	1.25	57	71
APTS 2 BED	2	30	60
SUBTOTAL			131
REQUIRED COMMERCIAL	3.5-4	10,000	40
FLEX PARKING (COMM & VISITOR)	0.30	87	26
SUBTOTAL			197
TOWN & TWIN DISTRICT			
TOWNHOME UNIT	2	26	52
TWIN HOME UNIT	2	8	16
VISITOR	1.03	34	35
TOTAL VISITOR	0.50	121	61
TOTAL SITE	2.48	121	300

NOTE:
1. The Code requires 35-40 commercial stalls. There are a total of 66 stalls provided in the commercial parking. The additional 26-31 "flex" stalls provided may be used for visitor/ commercial parking.
2. All 66 commercial stalls may be used for visitor parking while retail is closed on Sundays
3. All 66 commercial stalls may be used for visitor parking in the "off hours" when commercial is closed - (9pm-10am).
4. Although not included in the visitor parking calculation, additional visitor parking is available curbside along Town Center Parkway consistent with the on street parking permitted on West Parkway East (in front of Norton Performance and Ace Hardware).

MIXED-USE DISTRICT

MIXED-USE DISTRICT



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MIXED-USE DISTRICT:

The Apple Creek Mixed-Use District consists of a maximum of 87 loft-style apartments and 10,000 sf of commercial space on approx. 3.667 acres.

GOAL: The goal of the Mixed Use District is to provide (a) a true commercial experience currently unavailable in the Town Center, and (b) housing with the ease and convenience of living with immediate access to ground floor commercial and a variety of in-house amenities. The commercial space is oriented toward SR 74, where visibility and exposure to traffic counts are high. The loft apartments are also located on SR 74 and within the Mixed-Use District as a buffer from the noise and proximity to SR 74 and busy commercial activity.

Mixed-Use Commercial:

- Commercial space will be a maximum of 10,200 sf

Permitted Uses: (see Exhibit D - Mixed-Use District Permitted Uses Table).

Prohibited Uses: The following uses shall be prohibited in the Mixed-Use District:

- Thrift stores
- Pawn shops
- Sexually oriented businesses

Conditional Uses:

- Fitness Center

Unit Size:

Residential units within the Mixed-Use District range in size from 450-750 sf for a 1 bedroom unit and 750-1100 sf for 2 bedroom unit (see Exhibit E - Sample 1 bedroom unit). Although sizes of individual units may vary, the minimum unit size is 450 sf. There is no maximum unit size.

Access:

The Mixed-Use District proposes three access points: two right-in/right-out access points off of SR 74 (subject to UDOT approval) and one full access point off of 10700.

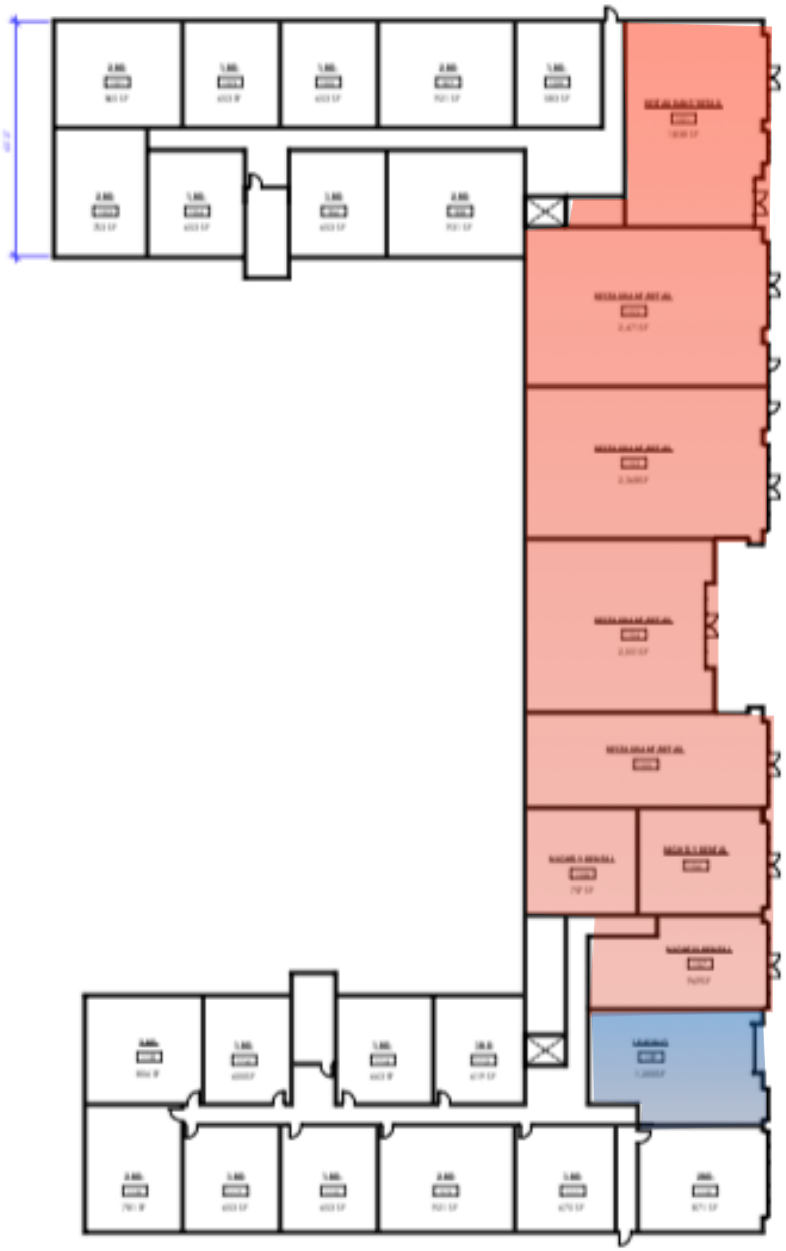
Building Height: *(see Exhibit H - Mixed-Use Bulk & Intensity Requirements)*

Building Height: Three Stories (45' in height). City council shall have administrative authority to approve buildings in excess of 45' in height based on the floor to ceiling heights per floor of the buildings, but in no case shall the buildings be in excess of three stories or 50'.

MIXED-USE DISTRICT

CONCEPTUAL FLOOR PLANS & ELEVATIONS


COPPER KETTLE
CHOM



LEVEL 01 PLAN

Lobby/Leasing

RETAIL & RESTAURANT AREA CALCULATIONS

Room Number	Name	Area
151	RESTAURANT/RETAIL	1,838 SF
152	RESTAURANT/RETAIL	2,471 SF
153	RESTAURANT/RETAIL	2,368 SF
154	RESTAURANT/RETAIL	2,051 SF
155	RESTAURANT/RETAIL	1,471 SF
		10,200 SF

Note: demising walls within the commercial may vary to accommodate individual tenants needs

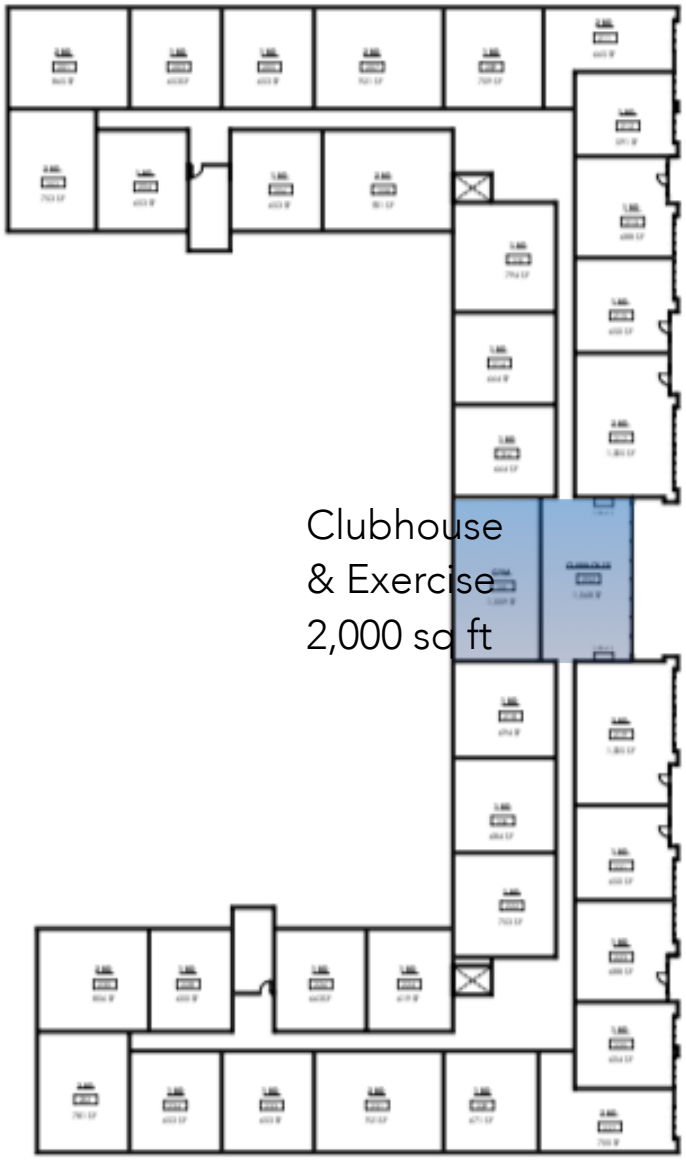
LOFTS BLDG	1 BEDROOM	2 BEDROOM
FIRST	11	8
SECOND	23	11
THIRD	23	11
TOTAL UNITS	57	30
PERCENTAGE	66%	34%

Note: unit mix (ratio of 1 bedroom to 2 bedroom units) may vary depending on market conditions.

NORTH

LEVEL 1 - COMMERCIAL & RESIDENTIAL

LOFTS BLDG	1 BEDROOM	2 BEDROOM
FIRST	11	8
SECOND	23	11
THIRD	23	11
TOTAL UNITS	57	30
PERCENTAGE	66%	34%

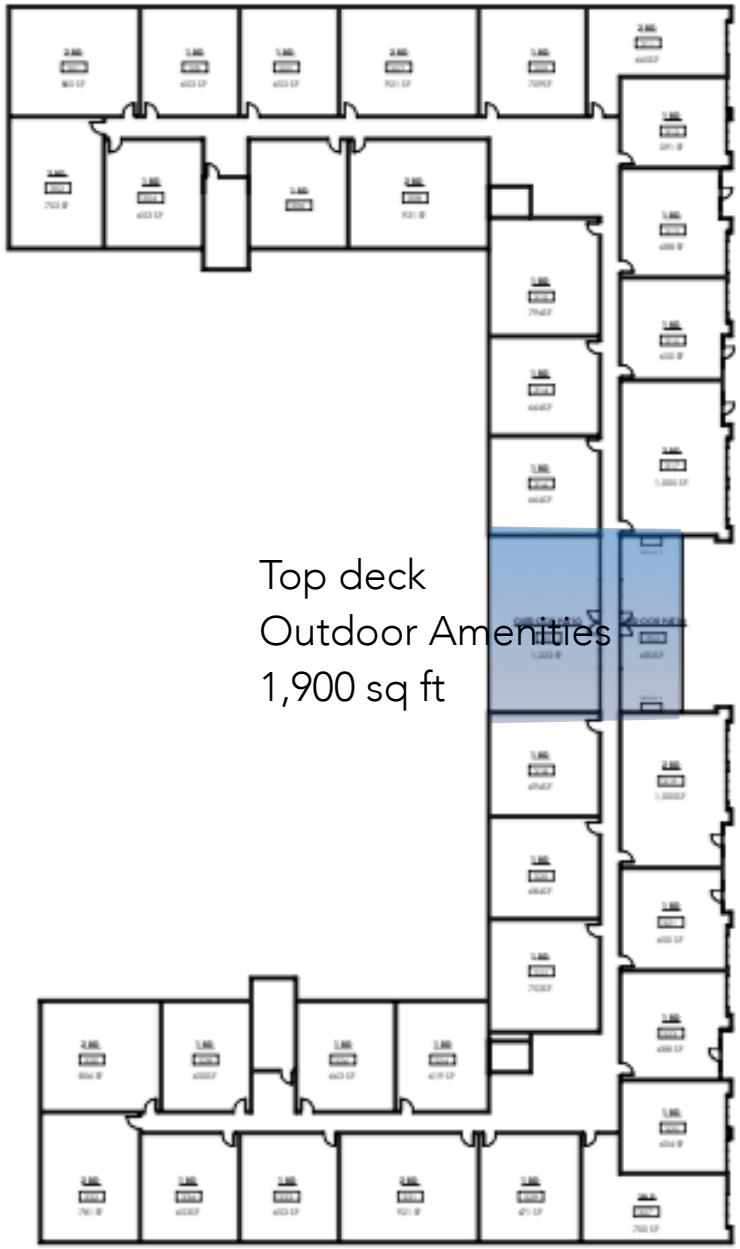


LEVEL 02 PLAN

NORTH

LEVEL 2 - RESIDENTIAL & 2,000 SF CLUBHOUSE

LOFTS BLDG	1 BEDROOM	2 BEDROOM
FIRST	11	8
SECOND	23	11
THIRD	23	11
TOTAL UNITS	57	30
PERCENTAGE	66%	34%



THIRD LEVEL FLOOR PLAN

LEVEL 3 - RESIDENTIAL & 1,900 SF OUTDOOR DECK


APPLE CREEK
SIGNAGE
SIGNAGE
SIGNAGE
PICCOLO
COPPER KETTLE


APPLE CREEK
COPPER KETTLE
SIGNAGE
SIGNAGE

TOWNHOME DISTRICT

TOWNHOME DISTRICT



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TOWNHOME DISTRICT:

The Apple Creek Townhome District consists of 26 townhomes on approx. 1.38 acres.

Goals:

The goal of the Townhome District is to provide well designed townhome product that, among other things, addresses the western boundary of the Townhome District. Special care will be taken to ensure the architectural design is consistent with the Apple Creek theme and provides a quality facade to interface with the City Parcel to the west.

Permitted Uses:

Attached townhomes. Townhomes consist of multi-family units with shared walls. Town homes can come in linear groupings of anywhere from two units to eight units. Rear and front loaded townhomes shall be allowed in the community. Each unit has its own garage, and front entrance. Each Townhome may have a basement and other permitted uses within the R 1-40 zone of the Highland City Development Code.

Building Height:

Three stories (not to exceed 40' in height). No step back to vertical facade of the buildings shall be required.

Road Width & Cross Section:

Road widths within the Townhome District are 28' wide measured from top back of curb to top back of curb with 24' of asphalt (see Exhibit F - Road Cross Section)

Location & Setbacks (see Exhibit G- Townhome and Twin-home Homesite):

Front set-back: 5' minimum from property line
Side set-back: 5' minimum from property line and 10' between each grouping of attached townhome units
Rear set-back: none

Yard:

Yards may be located on the front, side, or rear of the units.

Perimeter Walls & Fences:

In the Townhome District an open, rural, natural seating is preferred, encouraging connectivity within Apple Creek and to the western property to boundary. Perimeter and internal fencing will be installed consistent with the attached fencing plan.

TOWNHOME DISTRICT

CONCEPTUAL ELEVATIONS



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Preliminary - subject to change



TWIN-HOME DISTRICT

TWIN - HOME DISTRICT



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TWIN-HOME DISTRICT:

The Apple Creek Twin-home District consists of 8 twin homes fronting 10700 on .78 acres.

Goals:

The goal of the Twin-home District is to provide a beautiful face of the project fronting Town Center Drive (10700), while transitioning to lower density, two-story buildings, blending Apple Creek to the more suburban-style cottages and villages developments to the west. Special care will be taken to ensure the architectural design is consistent with the Apple Creek theme and provides a quality facade to Town Center Drive (10700).

Permitted Uses:

Attached twin-homes. Twin-homes can come in linear groupings of two units with shared walls. Twin-homes are rear loaded. Each unit has its own garage, and front entrance. Each Twin-home may have a basement and other permitted uses within the R 1-40 zone of the Highland City Development Code.

Building Height:

Two stories (not to exceed 40’ in height). No step back to vertical facade of the buildings shall be required.

Location and Setbacks (see Exhibit G - Townhome and Twin-Home Homesite)*:*

- Front set-back: 10’ minimum
- Side set-back: 5’ minimum from property line and 10' feet between each twin-home unit
- Rear set-back: none

Road Width:

Road widths within the Townhome District are 28’ wide measured from top back of curb to top back of curb with 24’ of asphalt (see Exhibit F - Road Cross Section)

Yard:

Yards may be located on the front, side, or rear of the units.

Perimeter Walls & Fences:

In the Townhome District an open, rural, natural seating is preferred, encouraging connectivity within Apple Creek and to the western property to boundary. Perimeter and internal fencing will be installed consistent with the attached fencing plan.



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Preliminary - sub


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1073
aeurbia
architects and engineers



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chitects and engineers



SIDE-YARD COURTYARD / FIRE PIT

OPEN SPACE

Open Space Narrative

Residential:

For the residential developments, 20% open space of the net developable area shall be provided. The net developable area does not include public or private road right-of-way. Open space is defined as public and private open areas that can be used to congregate, play, recreate, or exercise. Open space areas may include but are not limited to parks, tot lots, contiguous grass areas over 5,000 square feet in size, trail corridors (including trails along roadways), the parkway landscape buffer along SR 74, which shall be measured from the back of curb, swimming pools, indoor and outdoor club house space, outdoor deck/gathering areas in the Mixed-Use District, commercial patio space over and above the required 10% commercial open space, and front yard corridors in the Townhome and Twin-home Districts. The residential 20% open space requirement must be met for the overall residential net area and any open spaces within one district can count towards meeting the total 20% requirement. Any area not included in the front-yard or side-yard as depicted in the Homesite Exhibit will be considered open space and will be maintained by the HOA. Open space landscaping will be a combination of sod and trees, with shrubs and flowers planted in select locations.

Commercial:

For the commercial developments, 10% open space of the net developable area is required. The net developable area does not include public or private road right-of-way. Commercial open space is defined as any and all landscaped or hard-scape area within the commercial development. This also includes landscaping around the perimeter of buildings, parking islands, and along adjacent street buffers outside of the public or private right-of-way.

Amenities:

Outdoor amenities will include a pool, jacuzzi, and 4 bbq areas with fire-pits and trellis.

Indoor amenities will include a 2,000 sq. ft. clubhouse and 1,500 sq. ft. outdoor deck

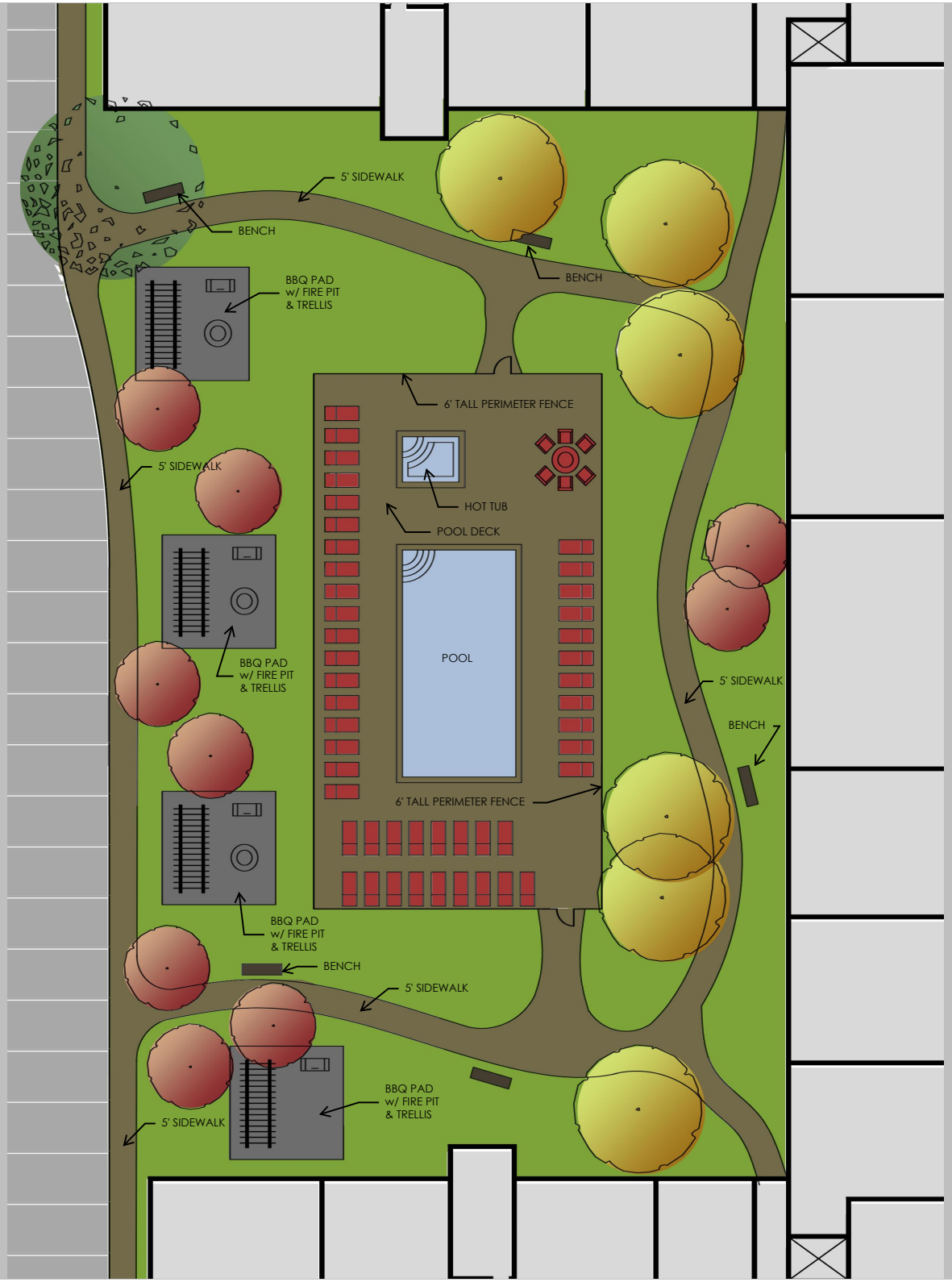
OPENSPACE

Note: open space provided will meet 20% residential and 10% commercial requirements



OPENSPACE TABLE		
TOTAL PROPERTY BOUNDARY	253,660	100%
TOTAL NET DEVELOPABLE AREA	164,574	66%
TOTAL DRIVEWAYS & PARKING	88,086	34%%
COMMERCIAL NET DEVELOPABLE AREA	19,143	
10% OPEN SPACE REQUIRED	1,914	
OPEN SPACE PROVIDED	8,141	43%
RESIDENTIAL NET DEVELOPABLE AREA	145,431	
20% OPEN SPACE REQUIRED	29,086	
OPEN SPACE PROVIDED	64,745	45%
OUTDOOR OPEN SPACE	60,345	
INTERIOR OPEN SPACE/AMENITY	4,400	

POOL & COURTYARD



Note: Outdoor amenities include a pool, jacuzzi, and four bbq areas with with fire pit and trellis

LEVEL 2: CLUBHOUSE - 2,000 sq. ft.



LEVEL 3: OUTDOOR DECK - 1,900 sq ft



COMMERCIAL OPEN SPACE/OUTDOOR PATIO



MISCELLANEOUS

MONUMENTS & SIGNAGE



Note: Signage shall comply with the requirements of the Highland Municipal Code, except as provided for in this section and in the exhibits. Internally illuminated cabinet wall signs are conditionally permitted, except shall be permitted to display a logo or individual alphanumeric characters.



3’ x 8’ Concrete, stucco, or fiber cement sign

Raised metal letters with backlighting

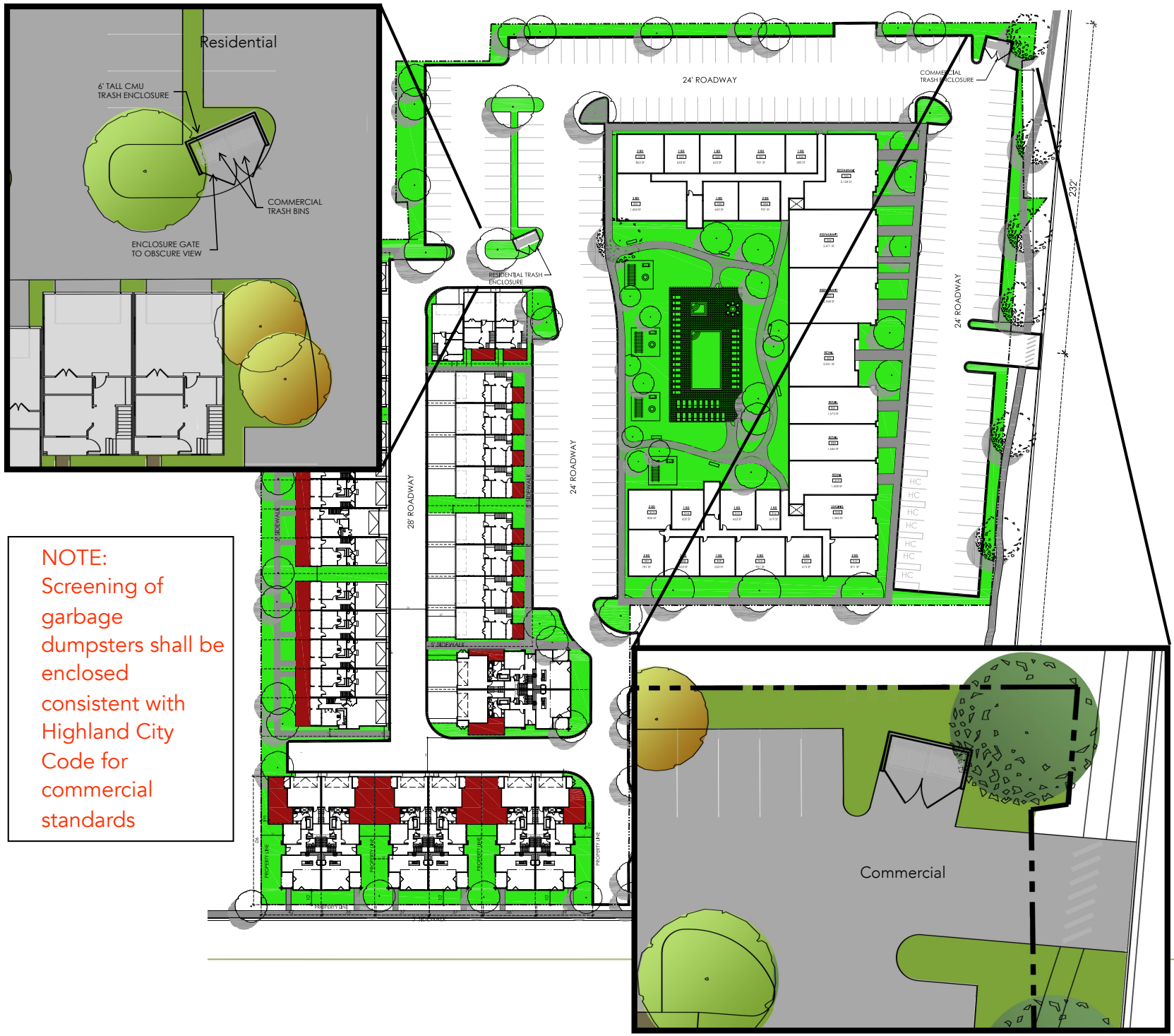
4” Metal trim detail

4” x 8” brick veneer on base and column

Conceptual Entry Monument



TRASH & DUMPSTERS

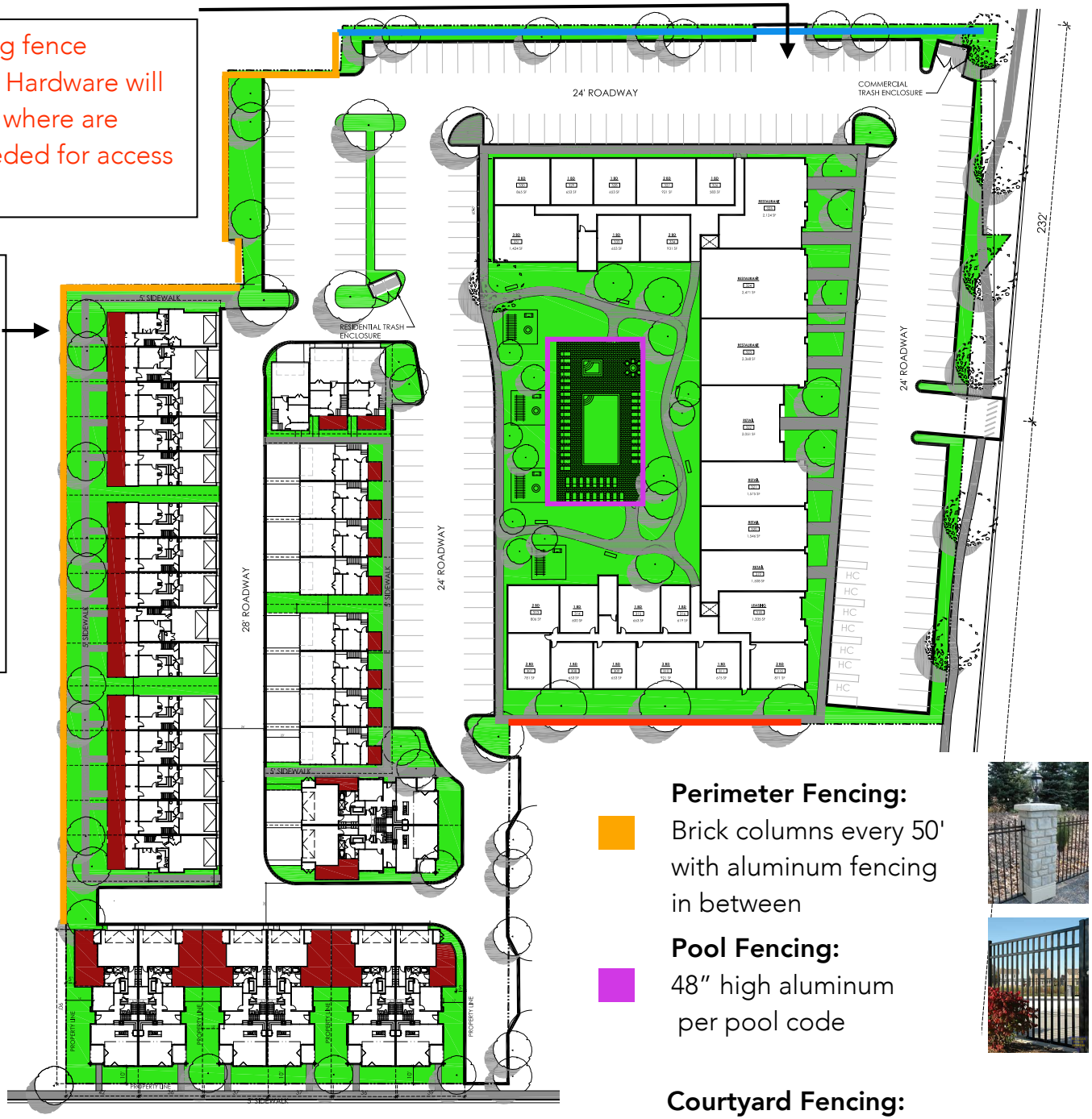


NOTE:
Screening of garbage dumpsters shall be enclosed consistent with Highland City Code for commercial standards

FENCING PLAN

Note 1: Existing fence bordering Ace Hardware will remain except where are opening is needed for access easement.

Note 2: Perimeter fencing will be placed on property line bordering the City Parcel with periodic openings for pedestrian connectivity.

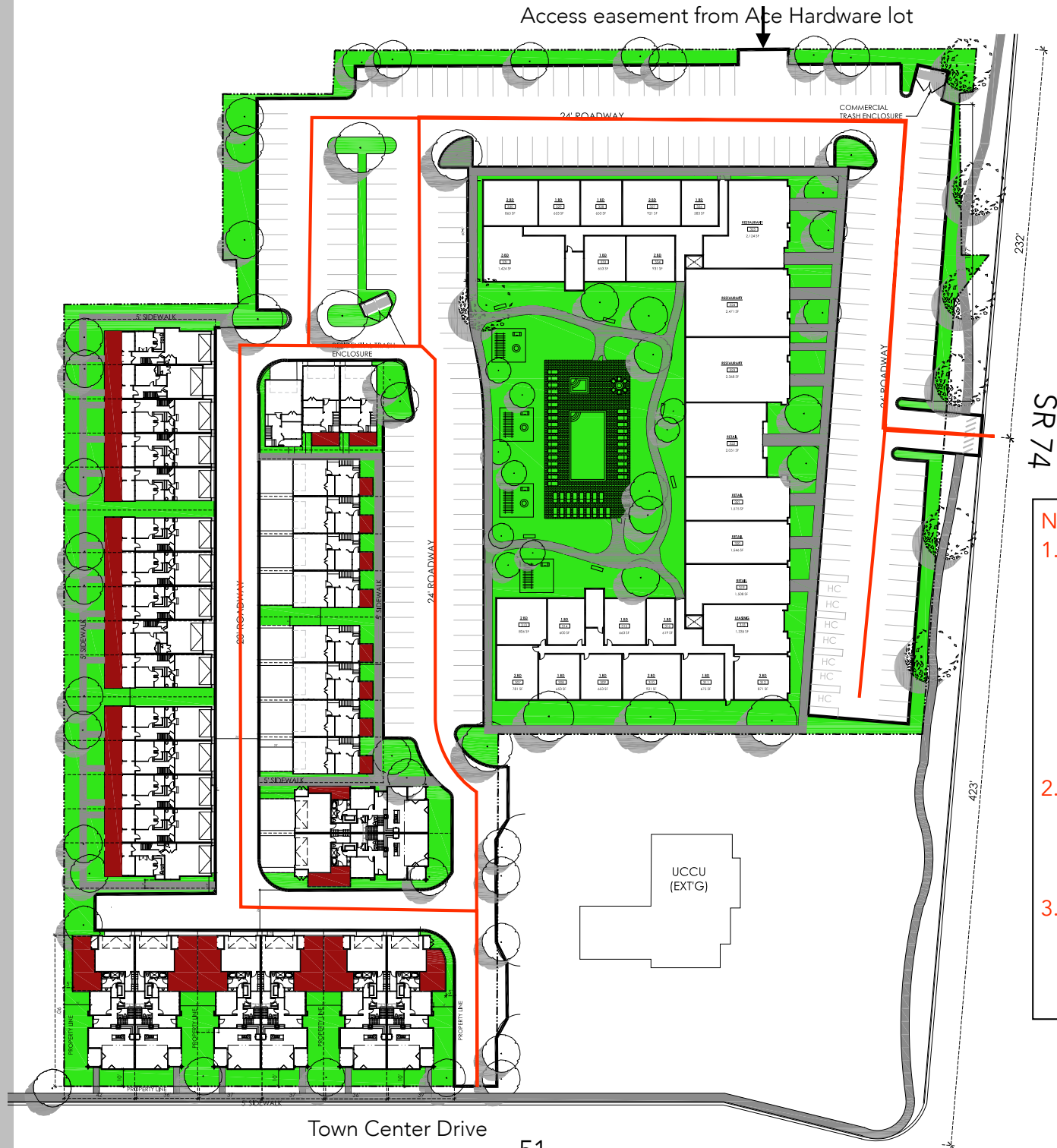


Perimeter Fencing:
Brick columns every 50' with aluminum fencing in between

Pool Fencing:
48" high aluminum per pool code

Courtyard Fencing:
Combination of Brick and aluminum

CIRCULATION PLAN



NOTE:

1. The circulation plan contemplates "right in/right out" access from Alpine Hwy. Exact location of an access point(s) is subject to UDOT approval.
2. Circulation plan accounts for access by emergency vehicles
3. Permitted drive aisle and road widths shown in Exhibit E.

UTILITY PLAN



Water Value

Exist water line

8" water line

Exist sewer line

8" sewer line

Exist Sewer Ma

Storm Sump:

Exist storm drain

PI Valve

Existing PI Line

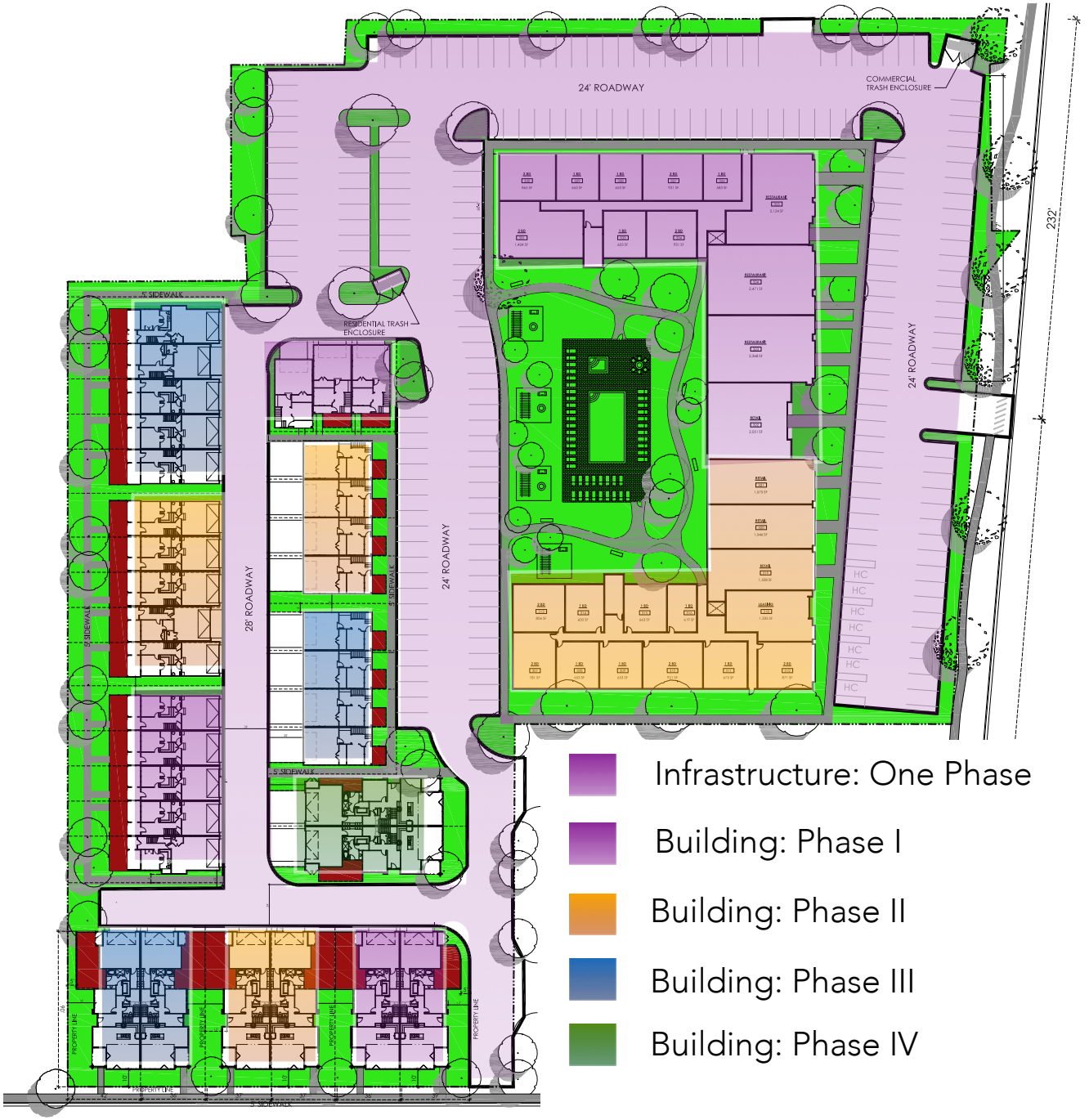
PI Line

Exist electrical

Exist Fire Hydran

Proposed fire h

PHASING PLAN



COMPATIBILITY

Compatibility

All of the districts within Apple Creek are designed with careful attention to the streetscape and surrounding property (see corresponding compatibility map). With this in mind, all of the buildings within Apple Creek are designed to face outward toward major thoroughfares (10700 and SR 74) revealing beautifully designed architecture, rather than fences and backs of buildings.

Mixed Use District

Apple Creek commercial space and high-density residential apartments are purposefully located fronting SR 74. The commercial requires high traffic counts and visibility provided by the roughly 15,000 cars per day on SR 74. The high-density residential provides a buffer separating the townhomes and twin-homes from the noise and business of the commercial activity. Residents of the apartments relish a more vibrant lifestyle with walkability and proximity to commercial activity.

Townhome District

The townhomes along the west boundary of Apple Creek face outward toward the property owned by Highland City. It is possible the townhome units on the westerly boundary may not be seen at all depending on how City parcel is developed. Nevertheless, the townhomes are designed with the intention of integrating with the City Parcel to the west.

Twin-home District

The Twin-home District at Apple Creek faces out toward Town Center Drive (10700) - a less trafficked road than SR 74. Town Center Drive leads to the heart of the Town Center, but also connects to the lower density two-story attached Cottages and Villages developments.

The Twin-homes at Apple Creek are designed to be a lower density, two-story product, visually connecting the experience along Town Center Drive to the Cottages and the Villages.

COMPATIBILITY MAP





COMMERCIAL LIGHTING PLAN

1. Limited Lumins on retail signs
2. Down facing sconces to reduce light pollution
3. Recessed cans under awnings
4. Bollard lighting at entry to parking

NOTE: LIGHTS ARE TO BE FULLY SHIELDED. 'SAG' LIGHTING NOT ALLOWED. LIGHTS NOT TO EXCEED 1 FOOT CANDLE AT PROPERTY LINE

JUSTIFICATION & MITIGATION

Justification & Mitigation

The Town Center Overlay was established in 1999 with the expressed purpose of creating a "City Center" - an environment rich in amenities, high-density urban housing, and a vibrant lifestyle powered by retail shops. In furtherance of that vision, the City of Highland developed the Highland City Police station, a fire station, a splash pad, a park, and the Highland City Hall all within TCO in an effort to invigorate the Town Center. However, since the time there have been two major developments within the Town Center. None of the existing developments within the TCO have captured the original intent of the TCO Zone…until now.

Commercial Space

There is not another mixed-use development within the Town Center that offers ANY viable commercial space. See examples below:







By Contrast, Apple Creek includes a minimum of 10,000 sf of commercial and approximately 7,000 sf of outdoor patio space.







Architectural Design & Streetscape on Town Center Drive & SR 74

Apple Creek also is designed with careful attention to how the project is seen from major thoroughfares bordering the property. As a result, Apple Creek is designed so the buildings along major thoroughfares and adjacent properties are facing outward, revealing the most detailed architecture to engage the community. Additionally, the product types within Apple Creek transition from higher-density along SR 74 to lower-density on Town Center Drive in an attempt to blend with the lower-density housing south and west of Apple Creek.

SR 74

The Mixed Use District has a vibrant active atmosphere matching the activity along SR 74, while also providing a rich architectural design with a strong retail base and upper floors with windows and balconies overlooking the busy commercial below.

Town Center Drive (10700)

Twin-homes are designed to look like a BIG HOUSE, with one entry facing the street and the other entry on the side of the unit, giving the impression each twin-home is one large single-family home.

Below are current streetscape examples in the TCO:







By Contrast…the following images reflect the conceptual design of the product types within the Mixed-Use and Twin-home Districts, fronting the only two thoroughfares bordering Apple Creek (SR 74 & Town Center Drive).



FRONTING SR 74



FRONTING TOWN CENTER DRIVE (10700)

EXHIBIT A
LEGAL
DESCRIPTIONS

EXHIBIT B -LEGAL DESCRIPTIONS

Parcel 1:

EXHIBIT "A"

Commencing at a point on the West line of Utah Highway 74, which point is 1885.75 feet East, more or less, along the section line from the West Quarter corner of Section 36, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence North 100.38 feet along the Westerly line of said Highway right-of-way; thence West 219.99 feet; thence South 100 feet; thence East 211.24 feet, more or less, to a fence and the point of beginning.

Parcel 2:

Commencing East along the section line 1885.75 feet, more or less, to the West line of Highway 74; thence North 100.38 feet along the Westerly line of said Highway right of way; thence West 219.99 feet to the point of beginning from the West Quarter corner; Section 36, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence West 219.99 feet; thence South 100 feet; thence East 219.99 feet; thence North 100 feet to the point of beginning.

Parcel 3:

Commencing at a point which is West 1194.23 feet and North .38 feet from the center of Section 36, Township 4 South, Range 1 East, Salt Lake Base and Meridian, which point is the Southwest corner of property owned by Willard L. Spykes and Lujeanne Spykes; thence South 27.459 feet; thence North 89°51'07" East 124.169 feet; thence South 89°45'43" East 96.25 feet; thence North 89°43'16" East 199.36 feet; thence North 37°39'07" East 33.076 feet to the South line of Spykes; thence North 89°54'04" West 219.99 feet; thence West 219.99 feet to the point of beginning.

Parcel 4:

Beginning North 0°08'13" East 100.00 feet along the section line and East 1511.28 feet from the West Quarter corner of Section 36, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence North 4°58'27" East 25.10 feet; thence East 381.44 feet; thence South 4 °58'27" West 25.10 feet along the Westerly line of Alpine Highway; thence West 381.44 feet to the point of beginning.

Parcel 1:

EXHIBIT "A"

Lot 1, HIGHLAND TOWNE CENTER BUSINESS PARK - AMENDED PLAT B SUBDIVISION, according to the official plat thereof on file in the office of the recorder, Utah County, Utah.

Parcel 2:

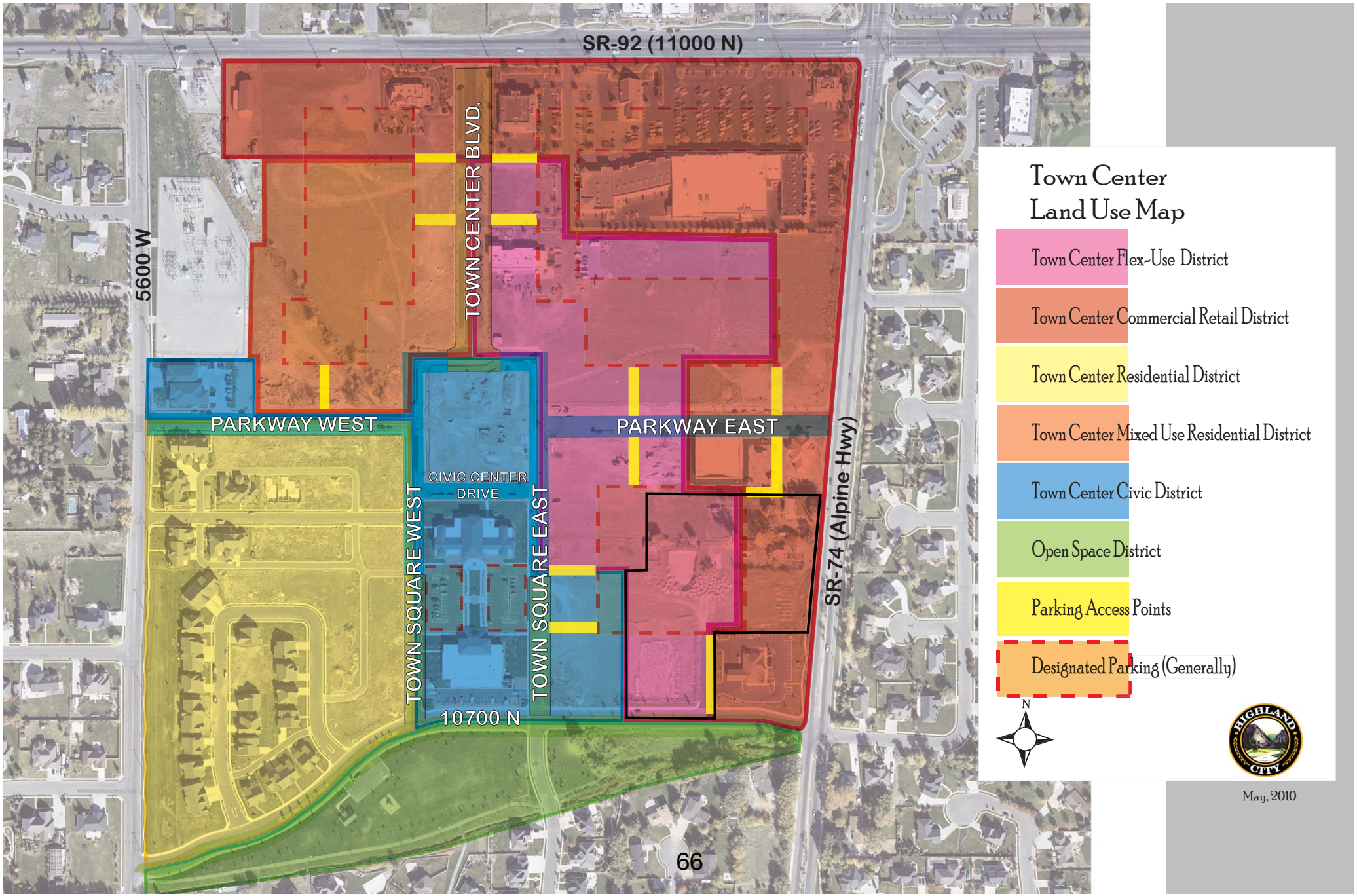
Lot 4, HIGHLAND TOWNE CENTER BUSINESS PARK - AMENDED PLAT B SUBDIVISION, according to the official plat thereof on file in the office of the recorder, Utah County, Utah.

Parcel 3:

Lot 3, HIGHLAND TOWNE CENTER BUSINESS PARK SUBDIVISION, according to the official plat thereof on file in the office of the Utah County Recorder.

EXHIBIT B
TCO LAND-USE TABLE
&
ZONING
DESIGNATION

TCO LAND USE MAP



MIXED-USE ZONING DESIGNATION

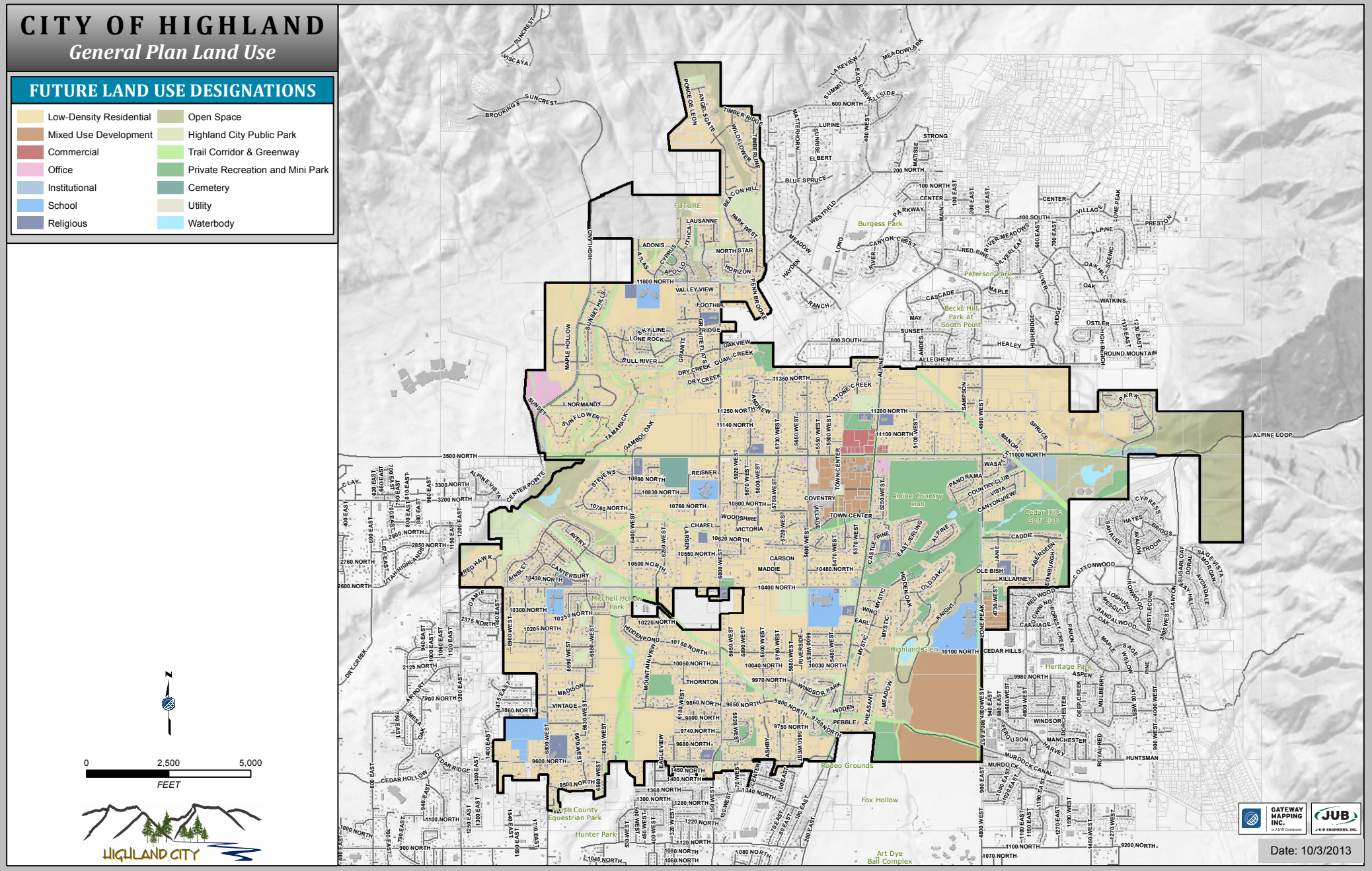
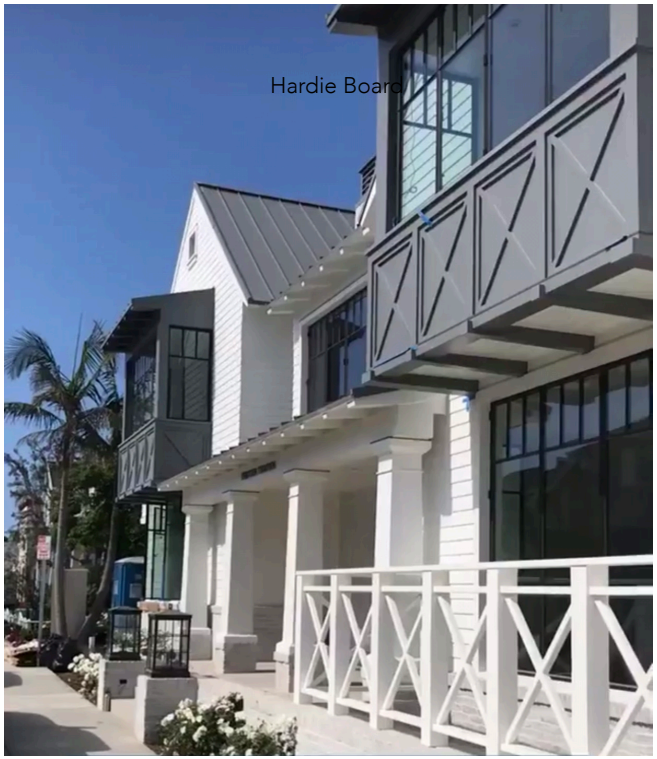


EXHIBIT C
DESIGN
EXAMPLES


Brick
SEVEN FIFTEEN


Metal Awnings
SEVEN FIFTEEN


Stucco
Stone
THREE SIXTEEN


Hardie Board


Stucco


Hardie Siding

TWIN-HOME MATERIAL EXAMPLES



POTENTIAL COLOR PACKAGE



WHITE BRICK - WHITE HARDIE BOARD & STUCCO

POTENTIAL COLOR PACKAGE



GREY BRICK - WHITE HARDIE BOARD & STUCCO

POTENTIAL COLOR PACKAGE



WHITE BRICK - GREY HARDIE BOARD & STUCCO

TOWNHOME MATERIAL EXAMPLES



MIXED-USE MATERIAL EXAMPLES



EXHIBIT - D
MIXED-USE DISTRICT
PERMITTED USES TABLE

MIXED-USE DISTRICT PERMITTED USES TABLE
ACCESSORY USES WHICH ARE CUSTOMARY AND INCIDENTAL TO THE PRINCIPAL USE OF THE PROPERTY
APPAREL, NEW AND USED
ANTIQUES, CRAFTS, AND COLLECTIBLE SALES
ART GALLERIES AND ART STUDIOS
BAKERIES - RETAIL AND WHOLESALE AND MANUFACTURING NOT TO EXCEED 50% OF GROSS LEASABLE AREA
EDUCATION LEARNING CENTERS (I.E. SYLVAN LEARNING CENTER)
FINANCIAL INSTITUTIONS
FOOD INCLUING GROCERY AND C-STORE
INDOOR RECREATIONAL FACILITIES
LAUNDRY, CLEANING, AND DRY CLEANING ESTABLISHMENTS
PERSONAL SERVICES SUCH AS BARBER, BEAUTY SHOPS, COPY SHOPS, MAIL SHOPS, TANNING SALONS, SHOE REPAIR, TAILOR SHOP, AND HEALTH SPAS
PROFESSIONAL, ADMINISTRATIVE, BUSINESS, AND MEDICAL OFFICES
RESIDENTIAL, MULTIFAMILY ATTACHED, MIXED-USE, LIVE-WORK, NIGHTLY RENTAL
RESTAURANTS, INCLUDING DRIVE THROUGH RESTAURANTS
RETAIL SALES OF NEW MERCHANDISE
REPAIR SERVICES SUCH AS, BUT NOT LIMITED TO SMALL APPLIANCES, BICYCLES, WATCHES, MUSICAL INSTRUMENTS, AND SIMILAR ITEMS
SPORTING GOODS EQUIPMENT RENTAL, SALES, AND SERVICE.

EXHIBIT E
SAMPLE 1-BED UNIT

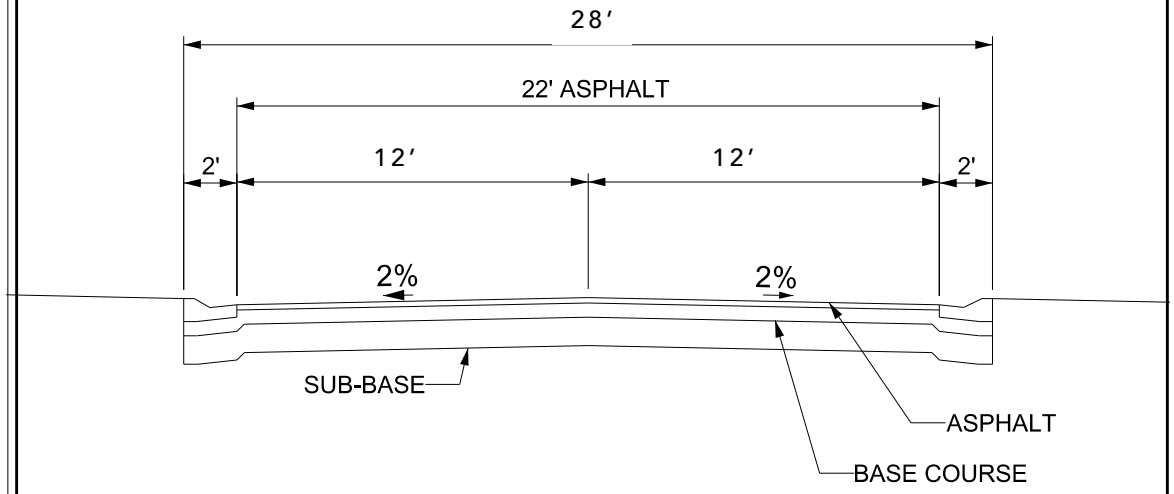
1 BED UNIT



UNIT PLANS	
1 BED	2 BED
450-750	750-1100



EXHIBIT - F
ROAD CROSS SECTION



MW BROWN ENGINEERING, INC
Office: (801) 377-1790 Fax: (801) 377-1789
578 East 770 North, Orem UT 84097

Title:

Location: PLEASANT GROVE, UTAH

Drawing Name: TOWNHOME PRIVATE DR DETAIL

PROJECT NO. 2018.091

1

EXHIBIT - G
TOWNHOME & TWIN-HOME HOMESITE



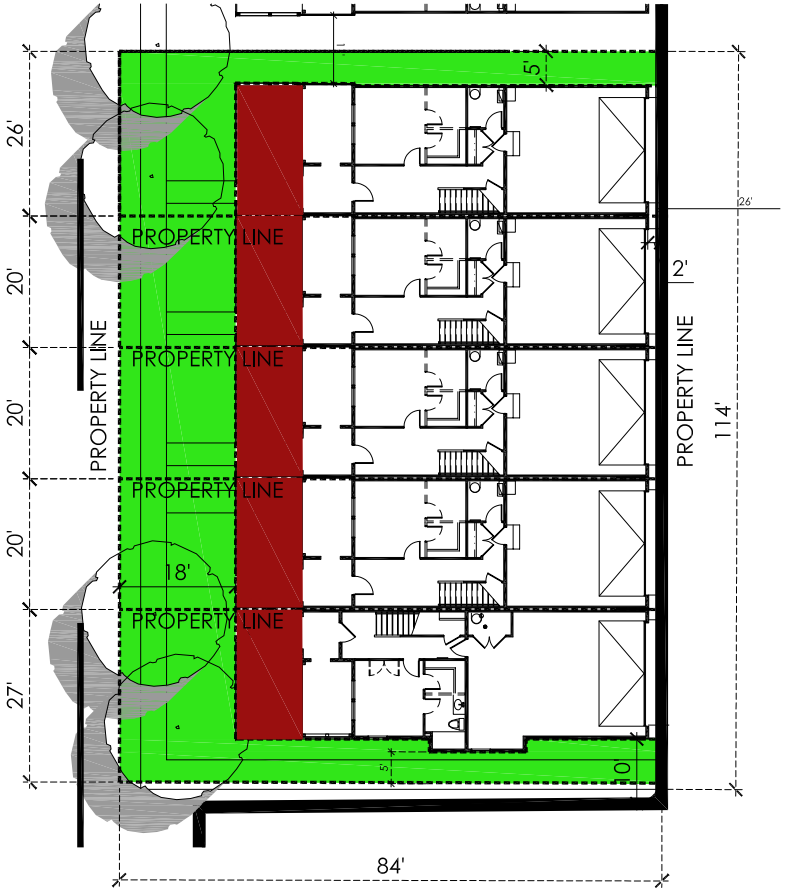
= OPEN SPACE MAINTAINED BY HOA

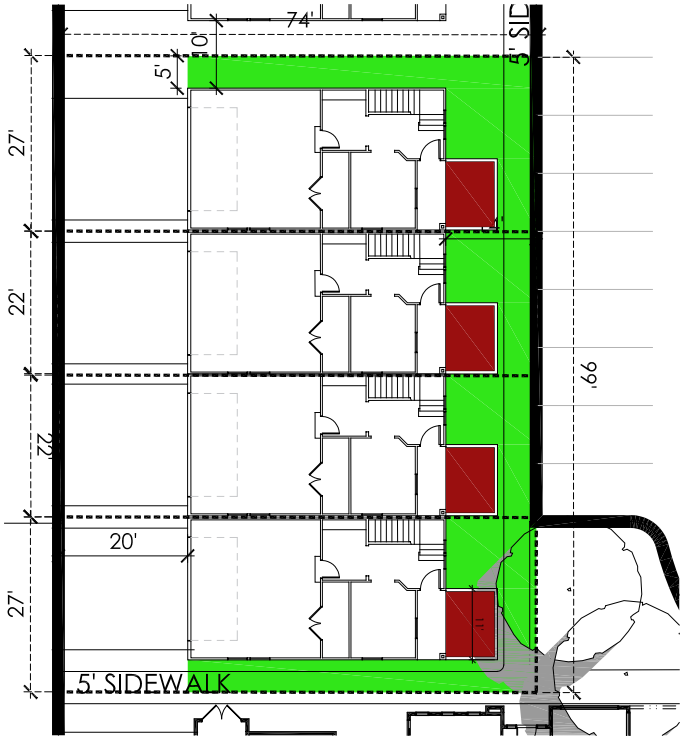
= COURTYARD TO BE MAINTAINED BY OWNER

215 SURFACE PARKING STALLS
20 TOWNHOME STALLS
235 TOTAL

aeurbia
architects and engineers

TOWNHOME HOMESITE EXAMPLE

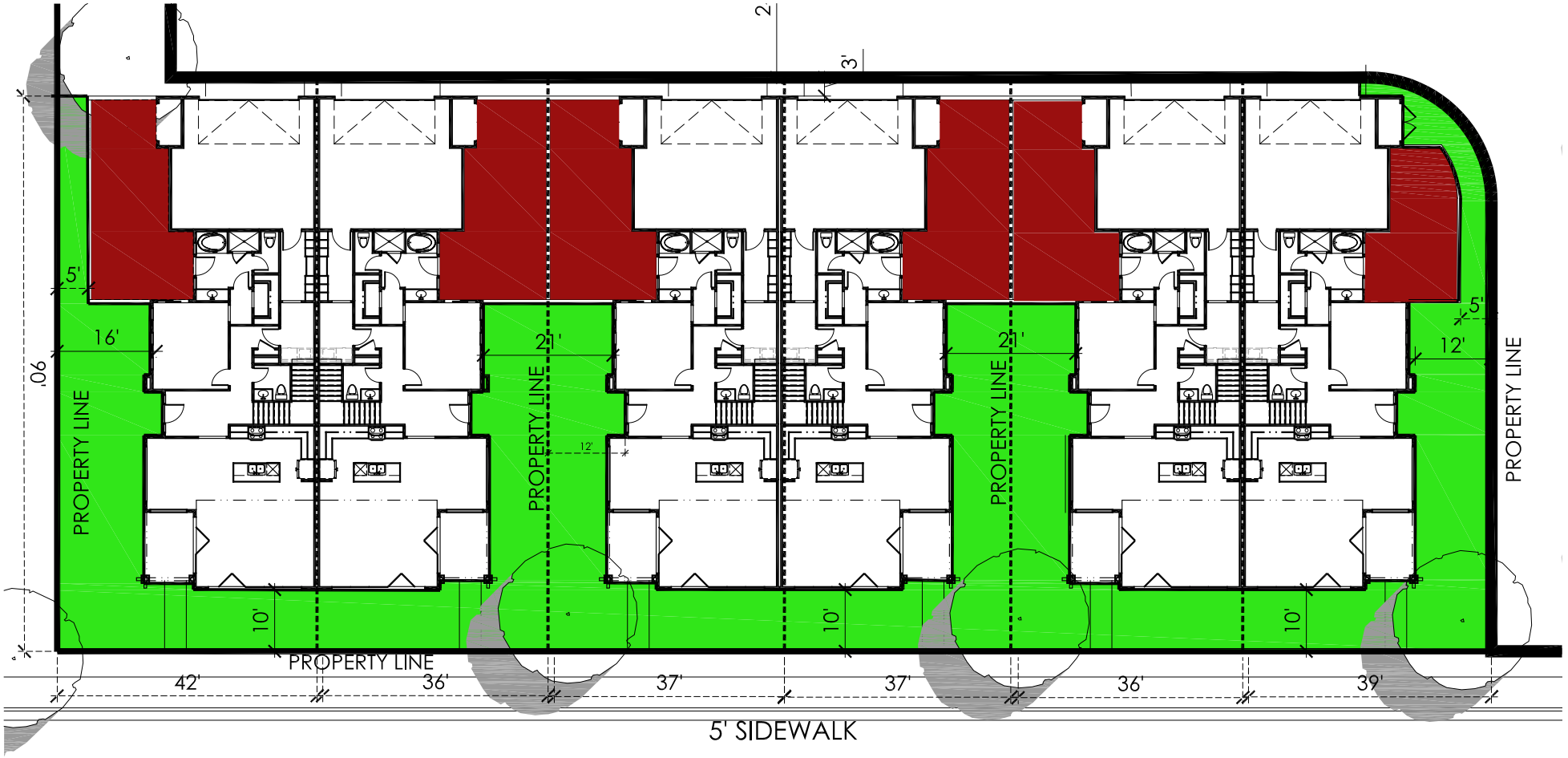




= OPEN SPACE MAINTAINED BY HOA

= COURTYARD TO BE MAINTAINED BY OWNER

TWINHOME HOMESITE EXAMPLE



= OPEN SPACE MAINTAINED BY HOA

= COURTYARD TO BE MAINTAINED BY OWNER

EXHIBIT - H
MIXED-USE & TOWNHOME/TWIN-HOME BULK & INTENSITY REQUIREMENTS

MIXED-USE BULK & INTENSITY REQUIREMENTS

MIN LOT AREA	NO MINIMUM REQUIREMENT
MIN LOT WIDTH/FRONTAGE	NO MINIMUM REQUIREMENT
MIN FRONT YARD & CORNER YARD	NO MINIMUM REQUIREMENT
MIN REAR YARD	AS ALLOWED BY IBC AND MUST RECOGNIZE ANY EASEMENTS
MIN SIDE YARD	AS ALLOWED BY IBC AND MUST RECOGNIZE ANY EASEMENTS
MIN LIVING AREA PER RESIDENTIAL UNIT	450 SQ FT
MAX BUILDING HEIGHT OCCUPIED STRUCTURE*	45’ (CITY COUNCIL MAY HAVE THE ABILITY TO APPROVE BUILDINGS IN EXCESS OF 45’ IN HEIGHT, BUT IN NO CASE WILL BUILDINGS BE HIGHER THAN THREE STORIES AND 50’
MAX DWELLING UNITS IN THE MIXED USE DISTRICT	THE MAXIMUM OVERALL RESIDENTIAL DENSITY FOR THE MIXED-USE DISTRICT IS 87 UNITS AS SHOWN IN THE DENSITY TABLE. HOWEVER, DISTRICT BOUNDARIES MAY BE ADJUSTED TO ACCOMMODATE DIFFERENT LAYOUTS AND DENSITIES, PROVIDED THAT THE OVERALL NUMBER OF UNITS IN EACH DISTRICT SHALL NOT INCREASE BY MORE THAN 15% FROM WHAT IS NOW SHOWN THE DENSITY TABLE
MIN OPEN SPACE REQUIREMENT	10% OF NET DEVELOPABLE AREA AS DEFINED IN THE OPEN SPACE SECTION OF THIS DOCUMENT

*MEASURED FROM HIGHEST POINT ON THE TOP BACK OF CURB ALONG THE LOT FRONTAGE)

TOWNHOME & TWIN-HOME BULK & INTENSITY REQUIREMENTS

	TOWNHOME DISTRICT	TWIN-HOME DISTRICT
MIN LOT SIZE	1,500 SQ FT	2,800 SQ FT
MIN LOT WIDTH	20’	35’
MIN FRONT YARD	5’	10’
MIN REAR YARD (INTERIOR LOTS)	NA	NA
MIN REAR YARD (CORNER LOTS)	NA	NA
MIN SIDE YARD (INTERIOR LOTS)	NA	5’
MIN SIDE YARD (CORNER LOTS)	5’	5’
HEIGHT*	THREE STORIES - NOT TO EXCEED 40’ IN HEIGHT	TWO STORIES - NOT TO EXCEED 40’ IN HEIGHT

*MEASURED FROM HIGHEST POINT ON THE TOP BACK OF CURB ALONG THE LOT FRONTAGE)

EXHIBIT - I
TRAFFIC STUDY

June 11, 2019

TRANSPORTATION ENGINEERING

RE: Apple Creek Site – Highland, UT - Trip Generation Memo

The proposed Apple Creek is a proposed mixed use development including 113 residential units and 10,200 sf of retail which is planned along 10700 North and SR 74 in Highland, UT. Figure 1 shows an aerial and Figure 2 shows the proposed site.



Figure 1: Aerial of 10700 North / SR 74

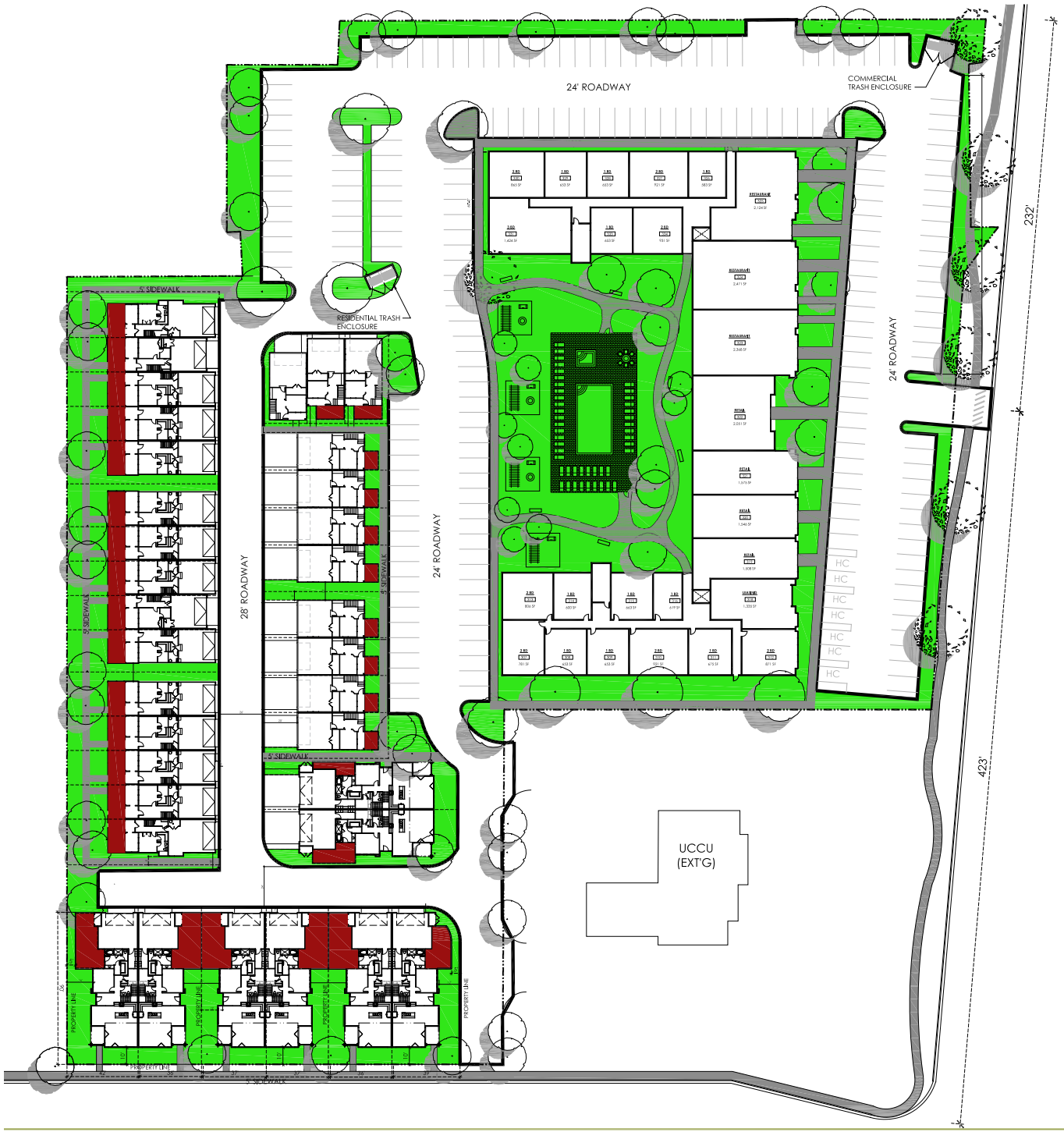


Figure 2 - Proposed Site Plan

Traffic generated by a site is based on the number of units or square footage of the building and then equating into projected traffic using the trip rate from the Institute of Transportation Engineers (ITE) Trip generation manual, 10th Edition. The 121 residential units are projected to generate 58 AM trips, 71 PM trips and 903 daily trips. The 10,200 sf of retail is projected to generate 10 AM, 39 PM and 385 daily trips. Combined, the site is projected to generate 68 AM, 110 PM and 1,288 daily trips. These projections are shown in Table 1.

Table 1: Trip Generation Projections

			Trip Rate			Trips		
ITE 10th Ed	Size	Land Use	AM	PM	Daily	AM	PM	Daily
Multifamily	113	220	0.5	0.56	7.32	52	63	827
SFH	8	210	0.74	0.99	9.44	6	8	76
Retail	10.200	820	0.94	3.81	37.75	10	39	385
Total						**68**	**110**	**1288**

The current zoning would allow for commercial or office space. For the 5.8 acres, the developer has estimated that this could be 58,000 sf of commercial space or up to 125,000 sf of office space. Table 2 indicates that the office space would generate 1,218 daily trips and 145 AM and 144 PM peak period trips. The retail would generate 2,190 daily trips and 55 AM and 221 PM peak period trips. This indicates that the proposed zoning will generate similar or less traffic than the current zoning would allow.

Table 2: Other Land Use Trip Generation Projections

			Trip Rate			Trips		
ITE 10th Ed	Size	Land Use	AM	PM	Daily	AM	PM	Daily
Office	125.000	710	1.16	1.15	9.74	145	144	1218
Retail	58.000	820	0.94	3.81	37.75	55	221	2190

The traffic will access the site via accesses onto SR 74 and onto 10700 North. According to UDOT's Traffic on Utah Highways (2017), SR 74 carries 15,000 average daily trips (ADT). SR 74 is a 3-lane arterial facility in this area and has an estimated capacity of 16,500 ADT. This indicates that the proposed site would utilize approximately 7.8% of the roadway capacity if all the traffic is directed to SR 74.

The traffic from the site that will utilize the 10700 North / SR 74 Intersection will primarily be traffic associated to the south. Travel to the other directions will likely utilize the other proposed accesses to the site. Prior traffic studies in the area indicated that approximately 30% of the traffic will travel to the south. This represents an increase of between 20 and 33 vehicles per hour associated with these movements. Since there is not projected to be a significant increase in eastbound left turns at 10700 North, it is unlikely that this development will contribute to the need for a traffic signal at 10700 North and SR 74.

Parking
The parking demand is based on the following ratios based residential unit type and number of bedrooms.

Residential Parking Demand:

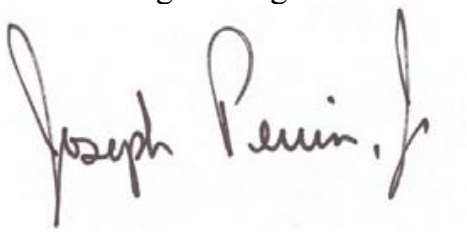
- 57 - 1 bedroom units 550 sf (1.25 parking stalls per unit = 71.25 stalls)
- 30 - 2 bedroom units 750-1000 sf (2 parking stalls per unit = 60 stalls)
- 26 town homes (2 parking stalls per unit = 52 stalls)
- 8 twin homes (2 parking stalls per unit = 16 stalls)
- Visitor Stalls: (0.25 stalls per unit = 30 stalls)

Total Residential Stalls Provided: 230 stalls

The 10,200 sf of retail will need to include its own parking stalls but this could be part of a shared parking analysis between the residential and commercial which may have a reduction in overall site parking demand. The total site is proposing 299 parking stalls indicating that 69 spaces are available for the retail spaces. This is 6.76 spaces per 1,000 sf of retail.

Please contact me with any questions.

Sincerely,
A-Trans Engineering



Joseph Perrin, PhD, PE, PTOE
Principal

END

Apple Creek
Neighborhood Meeting Minutes
July 15, 2019

6:00pm-6:30pm

Presenter Reps: McKay Christensen, Willard Spykes, Stephen Christensen

Public Attendees: Dan Stratton, Reagan Wn,

McKay Christensen welcomed Dan and Reagan to the meeting and then presented the Apple Creek PD application.

At the end of the presentation, Dan expressed that he is in favor of the development, but actually preferred the previous, more dense, Apple Creek application. Dan then suggested that if there are two “right-in right-out” exits from the Apple Creek commercial on to SR 74, the cars who desire to go northbound may be inclined to make a U-turn around the median at the 10700, which could add to traffic congestion at that location.

McKay expressed that there is a an easement connecting the Apple Creek commercial parking lot to the Ace Hardware parking lot. The Ace Hardware parking lot exits out to SR 74 at a location where there is a full service left turn onto SR 74. This would be more intuitive and an easier exit for cars that desire to go northbound. McKay also expressed that according to the traffic study done by Atrans, SR 74 has a capacity of roughly 15,000 cars per day and that the Apple Creek Development uses about 7% of that capacity.

Reagan shared that he is an owner of the property located adjacent to Apple Creek. He expressed support for the development and is interested in knowing how the properties relate to each other.

DRAFT

Highland City Planning Commission
August 27, 2019

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:05 PM on August 27, 2019. An invocation was offered by Commissioner Jones and those assembled were led in the Pledge of Allegiance by Commissioner Ball.

PRESENT:	Commissioner: Christopher Kemp
	Commissioner: Jerry Abbott
	Commissioner: Tim Ball
	Commissioner: Brittney Bills
	Commissioner: Ron Campbell
	Commissioner: Claude Jones
	Commission Alternate: Audrey Wright
EXCUSED:	Commissioner: Sherry Carruth
STAFF PRESENT:	Community Development Director: Nathan Crane
	Planner: Tara Tannahill
	Planning Coordinator: JoAnn Scott
	Planning Commission Secretary: Heather White
OTHERS:	*See attached attendance lists*

TRAINING

Members of the Planning Commission were given instructions on how to use the electronic voting system.

PUBLIC APPEARANCES

Commissioner Kemp asked for public comment. None was offered.

PUBLIC HEARING ITEMS

1. TA-19-07
   A request by Cynthia Thorsen to amend the RP Zoning District to allow Reception and Event Centers as a Conditional Use.

Commissioner Kemp opened the public hearing at 7:07 PM.

Ms. Tannahill reviewed the details of the application. She said according to staff analysis, reception centers had different parking needs compared to what was currently seen in the RP (residential professional) zone. She encouraged the commissioners to discuss parking requirements as defined in Section 3-509.2. Commissioner Kemp mentioned that parking was the main concern.

Applicant Cynthia Thorsen said that she hoped to put a facility that would run events inside the lower portion of the Elevated Dentistry building. She said there were 50 parking stalls. She explained that the dentist office was not open on Friday or Saturday and she could work with the them to accommodate parking for daytime events. Ms. Thorsen said she had a lot of experience with large events and was experienced with large and small groups. She said shuttling had always been an option and something they did a lot of the time. She said she had experience containing people and utilizing spaces that were provided. She wasn't sure but thought the maximum occupancy for the interior space was 200-250 people. She said she would never have two events at the same time so anyone renting the space would have access to both inside and outside, weather permitting. Ms. Thorsen explained that some events might be during the time the dentist was working. She said it depended on the needs of the event and that they could transport from other locations so parking was not needed. She explained that the dentist owned the building and that she hoped to be his tenant. Ms. Thorsen said they did not have other locations where they operated. She said she had affiliations with most venues in the state. She had been doing this for about 20 years and had clients come to her to customize events. She said parking needs were very dependent on the needs of the event. The portion of the building that she was interested in was 2,500 square feet.

Commissioner Abbott asked if the building had other vacant space. Ms. Thorsen thought there was one other area that was currently vacant. Commissioner Abbott pointed out that if all three spaces were being used, it would be under parked.

Commissioner Kemp asked for public comment. Hearing none, he asked for additional discussion.

Commissioner Abbott thought the benefit with the RP zone was that businesses were closed on weekends. He pointed out that the change might introduce parties and events right by residential areas during weekends. The Planning Commission discussed other areas in which the amendment might affect. They discussed parking requirements that would be appropriate for potential uses. They were concerned that there would not be enough space if all tenets needed parking at the same time. They talked about potential hours of operation.

Commissioner Kemp wondered why Ms. Thorsen was interested in this location. He voiced concern with potentially loud music bothering residents in the evenings. She explained that smaller locations like this were difficult to find and were frequently booked out early. She said the smaller space allowed her to bring in her own venders. She talked about the beauty of the surrounding area. She said it might not be the right venue for evening parties with loud music. She explained that the building had a huge parking lot which would be a noise buffer for neighbors. She said some neighbors thought the lights were a safety measure. She talked about

the wall and thought it would also be a noise buffer. Ms. Thorsen explained that the space was not currently finished and that she did not plan on adding a kitchen.

Commissioner Bills was concerned with specific home owners and remembered how they were concerned with noise when the dentist office was approved. She understood the difficulty in finding space like this, but thought her responsibility was to the Highland residents. She explained that she would need to see what the benefit was to Highland and residents.

Commissioner Wright was concerned about changing the code without knowing how it might affect other locations in the RP zoning district.

Commissioner Abbott agreed and said a reception center was a higher parking use that might affect areas that were already developed. He didn't see a use for changing the code unless a parking lot could be upgraded.

Commissioner Campbell talked about standards that were generally used to calculate parking for reception centers; per person or per square feet. He said parking worked for this location based on those calculations, but they couldn't know if it worked for other locations in the RP zone.

Commissioner Kemp asked Mr. Crane his thoughts on the matter. Mr. Crane said the commissioners made good observations. He said parking enforcement was a challenge in this situation. He said reception centers in general, not necessarily this application, had large parking demands. He said staff had many of the same concerns as the commissioners unless parking was addressed adequately.

Commissioner Kemp thought the venue would be good in Highland and hoped something could be worked out maybe at a different location. Commissioner Campbell wondered if there were any provisions that could be created having to do with shuttling people after a specific number of dedicated stalls were used. Mr. Crane said enforcement would become problematic.

Ms. Thorsen explained that being able to be local was a benefit to the city. She said most people wanted to stay close to their home and neighborhood. She mentioned that she ran the Sandy City parade for about 10 tears with 65,000 people. She worked closely with law enforcement and that it was possible to create an event while containing people. Commissioner Kemp said the concern was with the other areas in the RP zone if the code were changed.

MOTION: Commissioner Campbell moved to deny TA-19-07; Request for a Text Amendment for Permitted Use, based on the following findings:

1. Problems associated with parking
2. Hours of operation that might not coincide with the expectancy of a residential buffer zone

Commissioner Wright seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Ball, Commissioner Bills, Commissioner Campbell, Commissioner Jones, and Commissioner Wright were in favor. None were opposed. The motion carried. (Commissioner

Abbott voted in favor of the motion, but the results of electronic voting were incorrect and showed that he was opposed.)

Alison Larson, Dr. Larson's wife, said they talked to the property owner of the adjacent vacant lot. She wondered if the vacant lot could be used for additional parking. Commissioner Kemp said staff needed to see if something could work with the parking. He wanted to talk to neighbors about potential lights and noise during weekends. The planning commission talked about other options and ways to make the use fit this location. They talked about parking and the need for a buffer zone to residential areas. They agreed that more information was needed.

Commissioner Kemp closed the public hearing at 7:47 PM.

2. PC-19-03
   McKay Christensen is requesting approval of a Planned Development (PD) District of approximately 5.80 acres named Apple Creek. The property is located approximately at 5532 W Parkway West Dr. The planned development will include a 10,200 square foot commercial space and a maximum of 121 residential units.

Commissioner Kemp opened the public hearing at 7:48 PM.

Ms. Tannahill reviewed the details of the PD application and pointed out that the developer proposed 20.72 units per acre. She reviewed the parking plan, landscaping plan, amenities, commercial space, and height requirements. She pointed out that the council had the ability to approve a building height of up to 50 feet. Ms. Tannahill reviewed the details of the residential units and said it would be modern farmhouse style architecture. She noted that access for the commercial district would be from Alpine Highway and a shared access with Ace Hardware. Access for the residential district would be from Alpine Highway, 10700 N, and a share access with Ace Hardware. She reported that a traffic study indicated that a light would not be needed on 10700 North and Alpine Highway because the project was anticipated to utilize 7.8% of Alpine Highway's road capacity. For general reference, she reviewed density, parking, and building heights of surrounding developments. She mentioned that Apple Creek proposed 300 parking stalls and a density of 20.72 where the town center district requirement was 403 parking stalls and the development code defined 12 units per acre.

McKay Christensen, representing Apple Creek LLC, said they planned to partner with Holmes Homes. He reviewed the history of the application. He mentioned that the proposed development was similar to the previous application except that it was now a PD district. He said Apple Creek made all 38 recommended changes from city staff.

Commissioner Campbell wondered who made the decision about the light. He said traffic was already a problem and wondered how there could not be a light on 10700 N. Commissioner Kemp said the traffic at the intersection had always been a concern.

Mr. Christensen mentioned that he met with UDOT (Utah Department of Transportation) and that Apple Creek commissioned the traffic study. He said the property was currently zoned

commercial and if they only did commercial development it was estimated that the number of trips per day would double compared to the estimated trips per day from the proposed development. UDOT representatives told him they were in favor of one access point on Alpine Highway and that the signalized intersection would not happen because there was no room for it and UDOT would have to purchase property. He explained that the traffic study indicated that the development would increase traffic on SR 74 (Alpine Hwy) by only 7% and did not warrant a traffic light. He said the entrance and exit to the commercial area would not be using that intersection. Commissioner Kemp asked who controlled the road. Mr. Crane explained that any access or improvements to Alpine Highway would have to go through the UDOT access permit process. Approval was needed from UDOT before anything was constructed.

Commissioner Kemp asked for public comment.

Resident Sara Begill thought the proposed plan had not changed much from what was previously proposed. She voiced concern with current lighting issues and talked about the proposed height of the project. She said traffic was already a problem even though Highland Vista wasn't finished. She thought high density should be spread out to other areas in Highland. She said the lighting came straight into her neighborhood. She said the proposed development would be a huge impact on her neighborhood. She pointed out that the proposed building would be 10 feet higher than the Toscana development.

Resident Amber Gardner did not want high density in the area. She thought a 7% increase in traffic was a lot. She talked about traffic and having no choice but to turn right out of the neighborhood at 7:30 AM. She mentioned that the trees and median were traffic hazards. She was not opposed to town houses, but concerned with having the light, high density, and commercial all together.

Resident Michelle Ririe agreed with previous statements. She acknowledged that it was zoned for high density but thought it didn't have to be so high. She said it was impossible to turn left out of their neighborhood and had a hard time believing that the traffic wouldn't have much of an impact. She and her husband were opposed to the proposed development. She said the trees and median made visibility terrible.

Resident Wesley Warren read from the General Plan that high density, commercial, and mixed use were encouraged in the town center district. He thought high density in the town center would invigorate the area. He thought it was a good opportunity to make the area more walkable. Mr. Warren said it was important to keep the town center consistent and walkable and thought it would encourage less traffic. He thought less traffic could be encouraged in other ways.

Resident Kay Therman said traffic was horrible. She talked about city officials wanting a rural community and thought that that idea was going away. She was opposed to the development.

Resident Bryce Ririe talked about moving into Highland and seeing plans for big parks in the town center area with a more rural location.

Mr. Christensen addressed some of the comments. He explained the lighting plan with shielded low voltage lights on the main level and no commercial lighting on levels 2 or 3. He pointed out that neighboring backyards were barely within 500 feet of the building and that lighting was pushed back from the road. He explained that the property was zoned town center commercial for 20 years and that it was created for the express purpose of high-density housing and commercial use. He talked about the median, how UDOT did not like it, how it was hard to maintain, and how it reduced visibility. He said Apple Creek would be willing to pull out the median in order to make a center turn lane. Mr. Crane said the city would need to refer to UDOT and the city engineer regarding the median. Mr. Christensen continued and compared the proposed density with the Toscana development. He explained that the footprint of one of his units was much smaller than those in Toscana. He said the unit per acre number was deceiving. He explained that his building was smaller, and the visual impact was much lower. Regarding building height, Mr. Christensen explained that the commercial units would have 16-foot ceilings. He pointed out that 43% of the site was open space. He thought the development would raise the value of existing home. He talked about possible uses that were currently permitted, including gas stations and car dealerships, but thought their proposed development was better. He talked about the amenities.

Commissioner Jones wondered how many people would be in the development if all units were occupied and he wondered if all the buildings would be 50 feet tall. Mr. Christensen explained the demographics for each residential product. He said it was difficult to estimate because family size was unknown. He explained that only the building with commercial use might need to go higher than 45 feet due to building requirements.

Commissioner Wright wondered if the units were owned or rented. Mr. Christensen explained that the apartment section would be rented, all the others were for sale, with a small fraction of units that might be nightly rentals. He said the entire property would be managed by an HOA.

Commissioner Abbott talked about his relative living in a similar development and said parking was very restricted. He pointed out that even though parking was less than what was required, it was very controlled. Mr. Christensen agreed that parking was restricted. He reviewed the parking plan. Commissioner Abbott talked about what could be constructed on the property and thought this was a good plan. He had concerns with the parking and building height and thought they were mitigated well.

Commissioner Bills voiced concern with traffic. She talked about how the development and the upper deck would affect residents across the street. Mr. Christensen reviewed the ingress and egress. He thought traffic from the development using Alpine Highway would only be southbound traffic. He talked about the two sides of the deck and said the east side was a 500-ft passive deck with fire pits and lounge chairs.

Commissioner Campbell was concerned with traffic and impact to neighbors, but his overall role was to look at what was best for Highland. He considered other uses that could be developed on the property and thought this seemed to be the best use. He said he would love to do something about a traffic light but did not have the authority. He saw the proposed development as the least restrictive and least impactful compared to what might be developed.

Commissioner Wright thought concerns were addressed and thought the proposed development would be better than what was currently on the property. She said the open space was addressed, commercial would probably be there anyway, and she appreciated the buffer for residents. She thought the plan would have minimal impact to existing residents compared to something else. She was very concerned with traffic and didn't think the use or plan was ideal for traffic, however, she thought requirements were met.

Commissioner Kemp asked Mr. Christensen to consider berms in the landscaping plan so car lights were not shining directly into backyards. He recommended taking out the median. He talked about traffic issues and sympathized with residential impacts. He thought the proposed plan was well thought out and that it would be good for the town center area. He thought it was a unique development that would encourage people to walk to the town center.

Resident Willard Spikes talked about his frustration over the years with his property within the town center district. Steven Christensen explained that property was purchased from Mr. Spikes and Martha Braithwaite. He said their property was incorporated into the plan and that most of the things Mr. Spikes mentioned had been incorporated. He said Mr. Spikes and Ms. Braithwaite were taken into consideration. He talked about traffic release points on the town center plan and said there were many different ways for traffic to go.

Commissioner Kemp closed the public hearing at 9:08 PM and called for a motion.

MOTION: Commissioner Abbott moved that the planning commission recommend approval of the PD Zoning District with the following six stipulations as recommended by staff:

1. Development shall comply with the Apple Creek Plan and Narrative date stamped August 19, 2019 except as modified by these stipulations.
2. All public improvements shall be installed as required by the City Engineer and City Fire Marshall.
3. The civil constriction plans shall meet all requirements as determined by the City Engineer.
4. Access approval for UDOT shall be required prior to approval of a site plan or preliminary plat.
5. The private road needs to be 28 feet in width as requested by the City Fire Marshall.
6. There shall be a minimum of 10,200 square feet of commercial space.

Commissioner Jones seconded the motion. Commissioner Kemp, Commissioner Abbott, Commissioner Campbell, Commissioner Jones, and Commissioner Wright were in favor. Commissioner Ball and Commissioner Bills were opposed. The motion carried with two opposed.

Commissioner Campbell asked that the Council seriously consider the removal of the median.

DISCUSSION ITEMS

3. Review and discussion of current and conditional permitted uses.

Ms. Tannahill said staff was recommending that a Table of Uses be created and implemented. Mr. Crane asked the commissioners to go through the list of uses marking out uses that were not wanted as well as adding uses that they did want. He asked the commissioners to return feedback to staff by the end of next week.

4. Review and discussion of Article 3 Appeal Authority

Mr. Crane explained that the city attorney and appeal hearing officer had concerns the last time there was an appeal. Staff was updating the language to be consistent with changes to the State Code.

APPROVAL OF MINUTES

MOTION: Commissioner Campbell moved to continue the approval of minutes from July 9, 2019 to the next meeting. Commissioner Abbott seconded the motion. All were in favor. None opposed. The motion carried unanimously.

ADJOURNMENT

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

The meeting was adjourned at 9:17 PM.

CITY COUNCIL AGENDA REPORT ITEM #4

DATE: September 17, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Nathan Crane, AICP
City Administrator/Community Development Director
SUBJECT: **ACTION** – Approval of the Final Master Plan and Budget for Spring Creek Park. *Administrative*

STAFF RECOMMENDATION:

City Council should approve the final master plan and budget for Spring Creek Park.

PRIOR REVIEW:

The City Council discussed this item at the July 16, 2019 City Council meeting and directed staff to have redesign the park with a budget of $375,000. The Council also instructed that Council member meet with Neighborhood Representative Kelly Sobotka to discuss the revised design.

The park was redesigned as instructed by the Council to meet the $375,000 budget. Councilmember Ostler met with Mr. Sobotka on August 19th. Based on this meeting the plan was revised to include:

- The addition of a pavilion large enough for four picnic tables.
- Amenities were located within 150 feet of the street.
- The grass area to allow for more game type activities. This area has been impacted by the need to shorten the walkway.
- The addition of a pad for two pickle ball courts that will be funded separately.
- The cost of the playset has been reduced to $30,000 from $50,000 to accommodate the size of the pavilion. The $50,000 is what we typically spend on playset and staff would be concerned with a smaller playset.
- Removal of the perimeter fence.

Subsequent to the Council meeting, it was determined with the Council consent to have Millhaven continue to be the contractor for the project under the agreement that there are three formal bids and the City choose the contractor.

BACKGROUND:

In October of 2007, Highland City acquired 12 acres of property located at 10029 N 6300

W from Alpine School District. At that time, it was the City's intent to develop this property as a park. Unfortunately, due to budget constraints, traffic, type of park, and access to the park for that neighborhood the park was not developed.

The proceeds from selling this property would be used for the development of the Mountain Ridge Park property. The Mountain Ridge Park property is located on 10400 North, west of the Junior High and is approximately 17 acres in size. The proposed future development of Spring Creek will include a 2.32-acre park and 10 single-family building lots.

A purchase contract with Millhaven Homes for the property was approved by the Council in January of 2019. The price was $1,915,000 minus the cost of the park. The Council approved a Conditional Use Permit for the park on April 2, 2019. The final plat for the subdivision was approved on June 18, 2019. The City closed on the property on August 13, 2019. $375,000 has been included in a cash bond for the construction of the park. The subdivision is currently under construction.

The City received $1,540,000 upon closing. Use of the funds is restricted to park expenditures due to the property being purchased with proceeds from the park bond.

NEXT STEPS:

The following generally outlines the next steps in the review and approval for the park.

- Council approval of the master plan and budget
- Preparation, review, and approval of the construction plans
- Bid solicitation
- Council approval of bid/contractor
- Construction begins

Specifically, the next step in the process is to finalize the master plan and solicitation process. To do this the Council will need to determine the following:

- What is the base amenities of the park?
- What are the optional amenities?
- Who does the Council want to prepare the construction plans?
- How does the Council want to solicit the three bids for the park? Millhaven will need to be involved in the solicitation and election of the contractor since they are responsible for the construction of the park.

FISCAL IMPACT:

The fiscal impact will be determined at the time the construction contract is approved by the Council. As mentioned above, the City is holding a $375,000 cash bond from Millhaven.

ATTACHMENTS:

1. Illustrative Park History
2. Excerpt of Council Minutes Discussing Spring Creek
3. Current Park Master Plan

ATTACHMENT #1

Illustrative Spring Creek Park Design History

HIGHLAND CITY

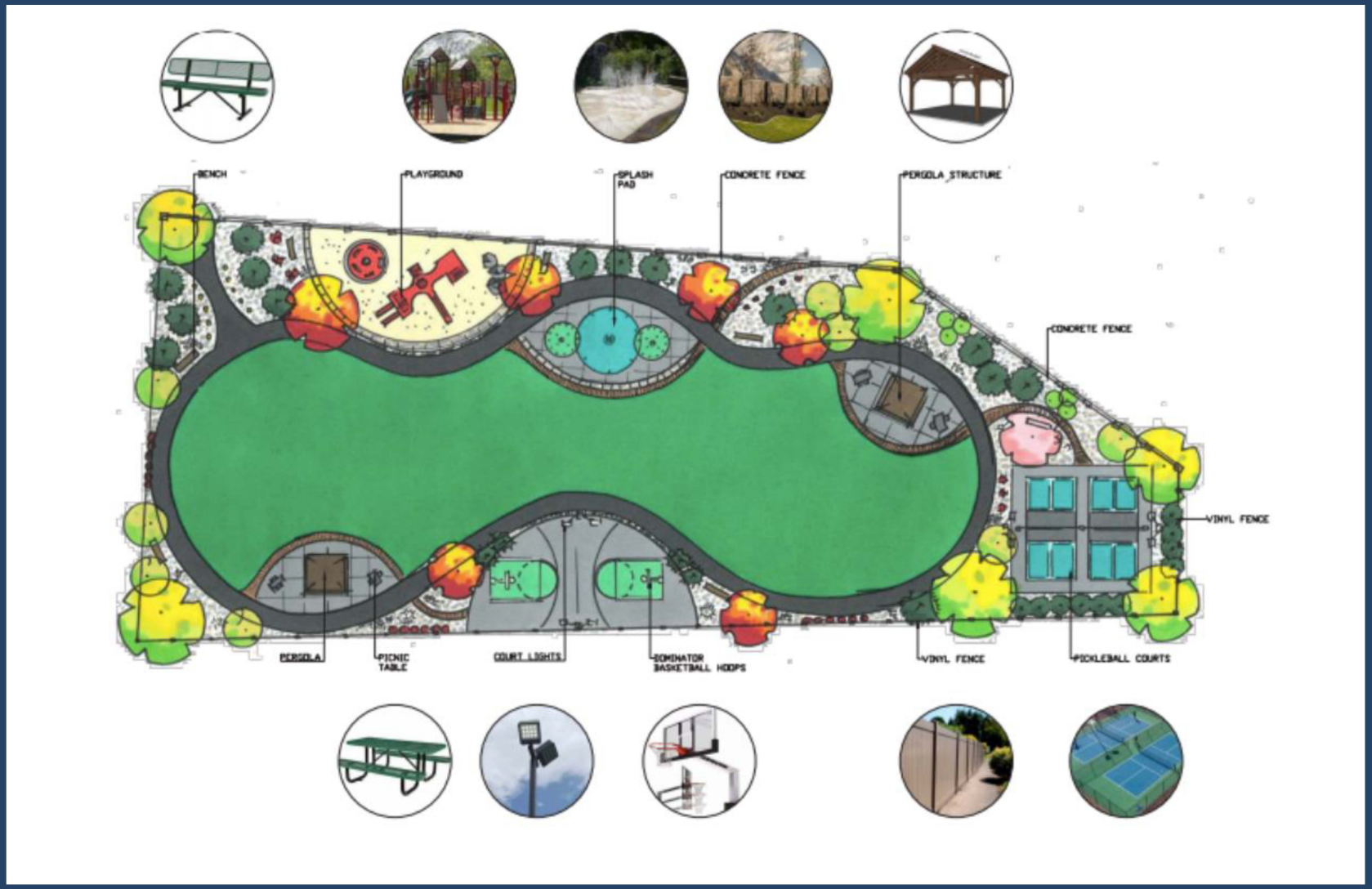
Concept Plan Neighborhood Mtg. Presented Nov. 1, 2018



Concept Plan
Presented November 13, 2018



$748,000 Park Design Presented January 22, 2019



$748,000 Major Amenities Presented January 22, 2019

- 2 – 20’ x 20’ Timber Pavilions
- Sports Court
- Splash Pad
- Playground
- 4 Picnic Tables
- 6 Benches
- Fencing (Vinyl and Precast Concrete)
- 56 trees
- 450 plants/shrubs
- 7,560 lineal feet of 8’ asphalt walkway
- Lighting for path, trees, and benches

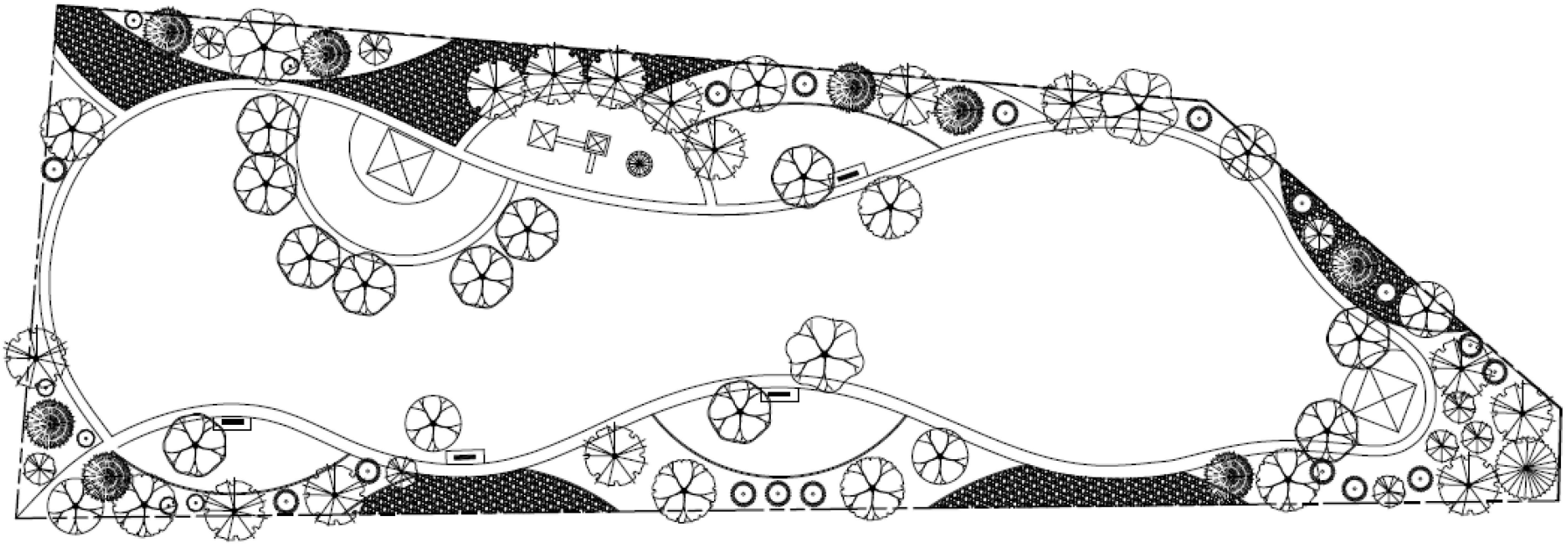
$556,000 Park Design Presented



$556,000 Major Amenities Presented April 2, 2019

- 2 – 20’ x 20’ Timber Pavilions - $50,000
  - With power
- Playground - $30,000
  - Swing Set
  - Playset
  - Pre-cast sitting concrete wall by playground
- 4 Picnic Tables
- 4 benches
- Fencing:
  - 6’ High Vinyl
  - 6’ High Precast Concrete
- Flower Beds: 2-4” Cobblestone/ 4” crushed rock
- 77 trees
- 125 plants/shrubs
- 7,200 lineal feet of 4’ concrete walkway
- Lighting for path, trees, and benches

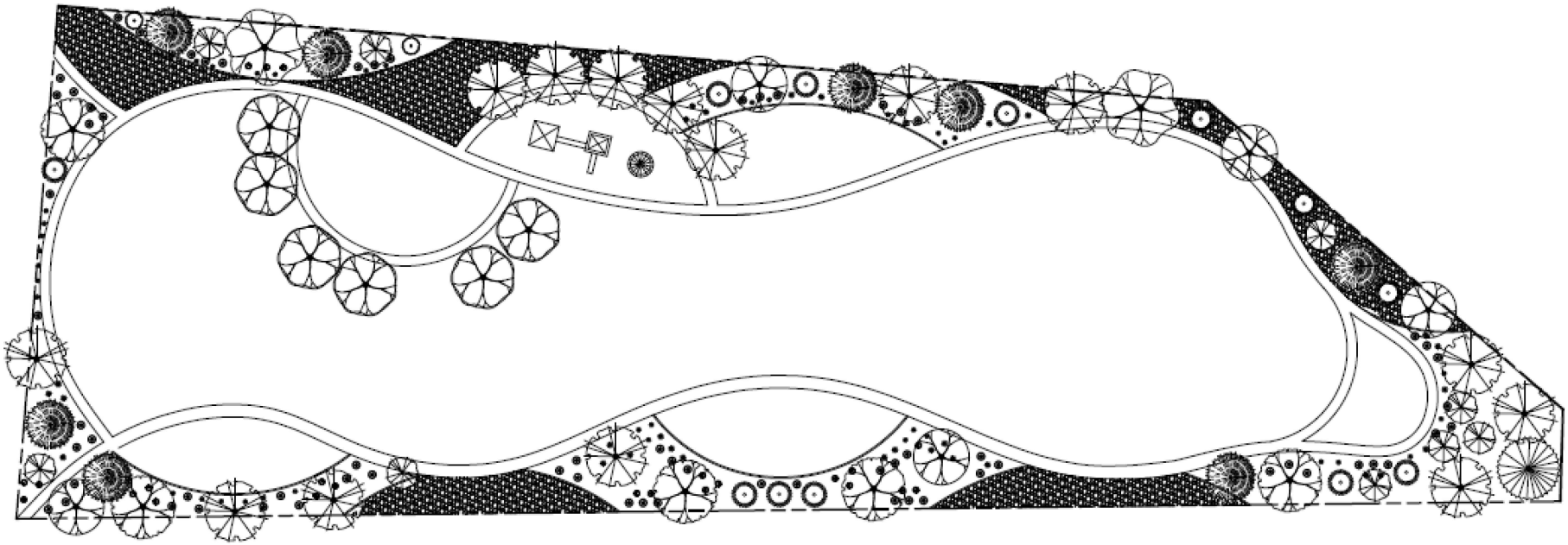
$500,000 Park Design Presented July 16, 2019



$500,000 Major Amenities Presented July 16, 2019

- 2 – 30’ x 28’ Powder Coated Pavilions - $48,000
  - With power
- Playground - $50,000
- 8 Picnic Tables
- 6 benches
- 6’ Vinyl Fencing
- Flower Beds: 2-4” Cobblestone/ 4” crushed rock
- 77 trees
- 125 plants/shrubs
- 7,200 lineal feet of 4’ concrete walkway
- 2 Trash Receptacles

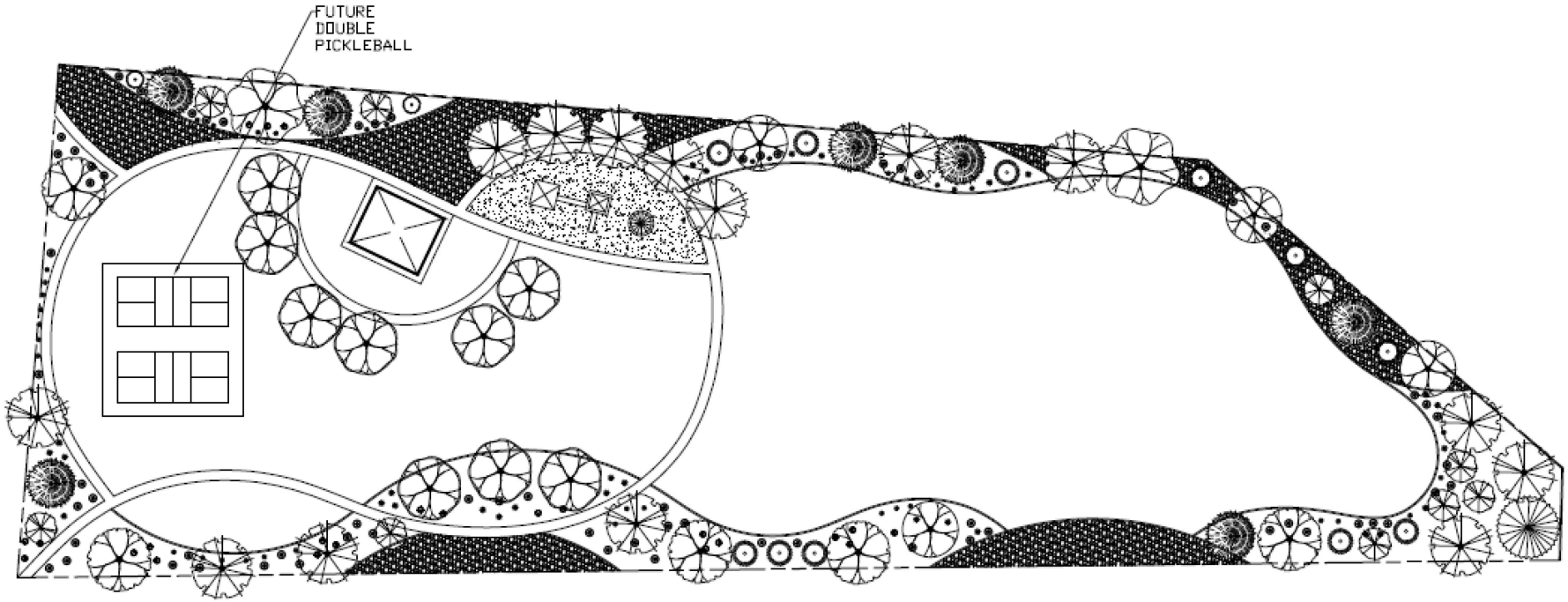
$375,000 First Redesign



$375,000 First Redesign Major Amenities

- Playground - $50,000
- 6’ Vinyl Fencing
- Flower beds: 2” Crushed Rock & 4” shredded Bark
- 65 trees
- 160 plants/shrubs
- 7,200 lineal feet of 4’ concrete walkway

$375,000 Current Park Design



$375,000 Current Park Design Major Amenities

- 1 – 25’ x 30’ Metal Pavilion - $35,000
- Playground - $30,000
- 4 Picnic Tables
- Flower beds: 2” Crushed Rock & 4” shredded Bark
- 65 trees
- 160 plants/shrubs
- 4,070 lineal feet of 4’ concrete walkway

High Level Comparison

Amenity	$556,000	$500,000	$375,000	$375,000 w/ $30,000 Park
Pavilion	$52,500: (2) 20' X 20' Timber Pavilion w/ Power	$48,000: (2) 20' X 20' Powder Coated Pavilion w/ Power	None	$35,000: (1) 25' X 30' Metal Pavilion
Playground	$30,000: Swing set, playset, and sitting wall	$50,000 Playset	$50,000 Playset	$30,000 Playset
Picinic Tables	8	2	None	4
Benches	4	6	None	None
Fencing	Vinyl and Pre-cast Concrete	Vinyl	Vinyl	None
Flower Bed	2-4" Cobblestone Blend / 4" Crushed Rock Accents in beds	2-4" Cobblestone Blend / 4" Crushed Rock Accents in beds	2" Crushed Rock / 4" shredded bark	2" Crushed Rock / 4" shredded bark
Trees	77	77	65	65
Plants/Shrubs	125	125	160	160
Concrete Walkway	7,200 Linear Feet	7200 Linear Feet	7200 Linear Feet	4070 Linear Feet
Lighting	Pavilion, path, trees, and benches	Pavilion	None	None
Misc.		2 Trash Receptacles		

ATTACHMENT #2

SUMMARY OF COUNCIL MINUTES REGARDING SPRING CREEK PARK

November 13, 2018 City Council Meeting

4. PUBLIC HEARING/RESOULTION: DISPOSAL OF 12 ACRES OF CITY OWNED PROPERTY

City Council will hold a public hearing and consider the disposal of 12 acres of property located approximately at 10029 N 6300 W. The Council will take appropriate action.

City Administrator Nathan Crane presented the staff report regarding a request to dispose of 12 acres of City-owned property at the address listed above, and the funds from that sale would be used to develop the Mountain Ridge park. He presented a map of the subject property and identified the 12 acres. Originally, the Spring Creek park was purchased and designated as an athletic complex, but it was undeveloped because access was poor, and it was surrounded by residential. Staff felt that this property would be better used as a neighborhood park. Regarding the Mountain Ridge Park, the City had an opportunity to partner with donors to construct the park with pickleball courts. Staff held a neighborhood meeting a few weeks ago and a concept plan was presented. The next step in the process would be for the Council to declare the property surplus and put the project out for bids, but this did not bind the City to dispose of the property. If the bids received were insufficient, the City would not have to accept them.

Council Member Scott L. Smith pointed out an error in the second paragraph of the Resolution, and City Administrator Nathan Crane said that this language should be removed.

Mayor Mann opened the public hearing at 8:25 PM and called for any citizens who would like to speak on the item to come to the podium and state their name for the record.

Citizen Comments:

Kelly Sabotka, a resident, thanked the City Council for coming to this compromise to sell some land to develop a park. His concern was that the Spring Creek park would be completed after the residential portion of the development was done. He would like to see the park completed by the City, and to hold them responsible for maintenance.

Council Member Brian Braithwaite explained that the park would go in after the subdivision was recorded. City Engineer Todd Trane said that the park was tied to the first phase of development, and the bond for the rest of the development would not be released until the park was complete. Mayor Mann noted that the park would be built by the developer, not the City.

Mr. Sabotka expressed concerns with the narrowness of Spring Creek park and said that it would feel very constrained if all of the neighbors chose to put up fences along three sides of the park. He was worried that the park would be unsafe if the neighbors didn't have eyes on it. Council Member Brian Braithwaite said that his biggest concerns were not with safety, but with traffic.

After some discussion, Council Member Scott L. Smith said staff had done a great job with this and they would continue to work with the neighborhood to create a park that suits everyone.

Heather Schow, a resident, asked if it was appropriate to put on record the size of the lots. Mayor Mann said the property was zoned R-1-40. City Administrator Nathan Crane said the purchase agreement would include a concept from the developer, so the City would know exactly what they were getting. It may be possible to put the lot sizes on the title. Ms. Schow said she would like the zoning and the specifics of the park to be included in the title. She said the neighbors would also like some guarantee that the park would include two picnic tables, a gazebo, a walking path, and a small playground. She was also concerned with the safety of the park.

The Council discussed possible safety measures, including lighting, lattice fencing, and updating the fencing ordinance.

Mayor Mann closed the public hearing at 8:49 PM

Council Member Brian Braithwaite MOVED to adopt resolution R-2018-24 a resolution of Highland City designating City property for disposal defined as the Spring Creek property generally located at 10029 N 6300 W and with the resolution eliminating the second WHEREAS paragraph.
Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed.

January 22, 2019 City Council Meeting

4. ACTION: APPROVE A REAL ESTATE PURCHASE CONTRACT WITH MILLHAVEN DEVELOPMENT LLC

City Administrator Nathan Crane explained that the Council authorized the disposal of 12 acres of property for development and staff solicited bids. They received two bids and staff was proposing to contract with Millhaven Development, LLC for that development. The property was located at approximately 10029 North 6300 West. The property was originally purchased for a park, so the proceeds of the sale would be used for capital park projects throughout the City. He briefly reviewed the two bids received.

Council Member Scott L. Smith asked if the cost of the park would be on top of the amount proposed by Millhaven. City Administrator Nathan Crane explained that the cost of the small two-acre park was not included in the overall bid, so that would be deducted from their overall purchase cost.

City Administrator Nathan Crane said that staff was recommending additional language in Section 5.1 of the contract to read, "this does not waive any impact fee, connection fee, or other fee charged at the time of building permit".

The Council and staff had a discussion regarding water shares associated with the property. City Administrator Nathan Crane said that either offer would have had the City providing water shares. City Engineer Todd Trane explained that they had advertised the bid stating that they had water allocated to the property. There were 36 acre feet allocated to the property, with the Highland Conservancy shares being enclosed shares. He questioned whether the shares were part of the appraisal or not.

Council Member Scott L. Smith was concerned that both bids came in under the appraisal. City Administrator Nathan Crane said that they were not buying all 12 acres. They were proposing to purchase 9.6 acres for $1.9 million. The appraisal came in at $2.4 million for the 12 acres.

NOTE: Library Director Donna Cardon left the meeting at 9:47 p.m.

City Engineer Todd Trane said that the appraisal was essentially $200,000 per acre. Millhaven was proposing about $197,000 per acre. The Council felt that it was important for the information to be in the minutes so that the public understood what the property was selling for.

Council Member Tim Irwin was supportive of the sale, but he had heard many concerns from residents in Beacon Hills as to how that money would be allocated to other parks. Council Member Smith said that some of these funds could be used to finish Beacon Hills Park. Council Member Irwin said that the Beacon Hills park was well used, but there were things that still needed to be done to finish it.

Tyrell Gray, with Millhaven Development, LLC, said that the property allowed for 12 lots, but they were working on a design with 11 lots or fewer. That would reduce the need for water, and it would be a more fitting product for the area. In the development agreement, they would ensure that the park was built before the homes were completed. He noted that they did not have access to the appraisal for the property, but they gave a fair market offer.

Kristen Bradshaw, a resident, was opposed to the sale of the park property. She felt that one of the biggest problems in Highland was that there were all these parks and trails that were not being maintained because of the cost of upkeep. The City was proposing to use the funds from this sale to build a tournament-sized pickleball facility, which she was concerned they would not be able to maintain. She felt that the City was not being fiscally responsible.

Ed Kilgore, a resident, said that there was an open ditch at the east end of the subject property, and he hoped that it would be covered. He liked the presentation from Millhaven, and he appreciated that the park would be built first, prior to the homes being completed.

Council Member Brian Braithwaite said that part of the struggle in buying anything was that they could not guarantee what the price would be. He was not involved with the original purchase of the park, but it was clear now that a large park was not appropriate in this location. He felt that they were making the best of a bad situation. He clarified that they would not be going into debt to build the park. The intent of the pickleball portion was that it would pay for its own maintenance.

Council Member Scott L. Smith commented on the City's efforts to have less debt.

Council Member Brian Braithwaite MOVED that the City Council approve the real estate purchase contract for the 9.6 acres with Millhaven Development, LLC for an amount of $1,915,000 and that this purchase does not waive any impact fee, connection fee, or other fee charged at the time of the building permit. Also, in Section 5.1 that the City agrees to provide all necessary culinary and pressurized dedication of water shares or rights.

Council Member Kurt Ostler asked if they needed to establish a timeframe for the park. City Attorney Tim Merrill suggested a twelve-month timeframe. He also suggested including wording in Section 4.0 – Settlement and Closing to establish that. He suggested including an additional sentence that stated: Settlement and closing shall occur within one year of this agreement being executed or it shall automatically terminate.

Council Member Tim Irwin SECONDED the motion.

Council Member Ed Dennis questioned the twelve-month window, feeling that it was too lengthy. Mr. Gray said that he intended to build this year.

Tim Irwin MOVED the QUESTION

Council Member Brian Braithwaite MOVED that the City Council approve the real estate purchase contract for the 9.6 acres with Millhaven Development, LLC for an amount of $1,915,000 and that the purchase does not waive any impact fee, connection fee, or other fee

charged at the time of the building permit. Also in Section 5.1 that the City agrees to provide all necessary culinary and pressurized dedication of water shares or rights. And that an additional sentence be included in section 4.0 Settlement and Closing after the sentence, 'close within 30 days, or on a date upon which Buyer and Seller agree in writing. Settlement and closing shall occur within one year of this agreement being executed or it shall automatically terminate.

Council Member Tim Irwin SECONDED the motion.

The vote was recorded as follows:

Council Member Brian Braithwaite	*Yes*
Council Member Ed Dennis	*Yes*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*Yes*

The motion passed.

April 2, 2019 City Council Meeting

3. ACTION: CONDITIONAL USE PERMIT FOR SPRING CREEK PARK

Planner Tara Tannahill presented a request from Highland City for a conditional use permit for 2.32 acres of park located at approximately 10029 N 6300 W. She gave a background of the property and stated that Millhaven Development had submitted a preliminary plat for the park. The plat showed a six-foot masonry fence along the properties in the Spring Creek subdivision that abut the park. The entrance to the park would be from Mountain View Drive with a walking path entrance between Lots 7 and 8 of the Spring Creek subdivision.

Council Member Brian Braithwaite said that some residents already had access to the property through their existing fences. It should be clarified as to whether those accesses will remain. Council Member Ed Dennis thought that the neighbors should have the option to have a gate access to the park. City Administrator Nathan Crane said that residents did nOt see the City as a good neighbor, so he recommended staying with the masonry fencing.

Council Member Kurt Ostler asked if the City was able to give their input on the park design, and City Administrator Nathan Crane said that there had been an open house a few months ago. Some residents came and spoke to the Planning Commission as well, and the comments were positive.

Council Member Kurt Ostler said that it looked like a nice park, but it might be too decorative. Council Member Ed Dennis agreed and said that he favored more grass and less gravel. Council Member Tim Irwin was concerned about conserving water. They suggested fewer flower beds and the use of rubber instead of gravel.

Council Member Brian Braithwaite asked staff to send a copy of the park design to the neighborhood representative.

Mayor Mann allowed time for public comment.

Deanne Dixon, a resident, said that the tree that were planned next to the fence line would eventually grow very large and obstruct the residents' views. She would prefer to have those trees toward the interior of the park to provide shade for those playing in the park.

Council Member Tim Irwin MOVED that the City Council accept the findings and recommend approval of the conditional use permit subject to the stipulations recommended by the Planning Commission
Council Member Scott L. Smith SECONDED the motion.

1. *The final plat shall be in substantial conformance with the concept plan and plat received March 14, 2019.*
2. *All signage shall require a separate permit and comply with the development code.*

3. *Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.*

Council Member Brian Braithwaite asked to amend the motion to remove the first stipulation, because the word "substantial" was in the eye of the beholder. Council Member Kurt Ostler seconded the amendment. Council Member Tim Irwin accepted the amendment.

Council Member Tim Irwin MOVED to recommend approval of the conditional use permit with Planning Commission stipulations 2 and 3.
Council Member Scott L. Smith SECONDED the motion.

2. *All signage shall require a separate permit and comply with the development code.*
3. *Final civil engineering plans shall be reviewed and approved by the City Engineer. The site shall meet all requirements of the City Engineer.*

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis Yes
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes
The motion passed.

July 16, 2019 City Council Meeting

5. ACTION: FINAL MASTER PLAN AND BUDGET FOR SPRING CREEK PARK *(10 minutes)*

City Administrator Nathan Crane oriented the City Council with the final master plan and budget for Spring Creek Park. A layout was shown and an overview was provided, as follows:

- Key Elements:
  - Playground
  - Turf Play Areas
  - 2 Pavilions w/picnic tables
- Power
  - Walking Path
  - Benches
- Budget: $499,797.50
- Plan was to build first

Mr. Crane explained that the biggest difference was the elimination of the swing set and rocky materials.

Mayor Mann opened the floor for public comments.

Kelly Sobotka said he had received the layout and that he was concerned for the neighborhood. He said they had given up a lot for this park and the neighborhood deserved more than they were receiving. He suggested that more trees be added.

Council Member Kurt Ostler said he thought residents wanted grass rather than trees. Mr. Savatka clarified that the residents wanted grass if the City did not plan to build the park. Council Member Kurt Ostler said they were spending a lot of money and did not understand his concern.

Mr. Crane explained that the original version had many amenities, but it was explained this could not be done. Council Member Tim Irwin said they were spending a lot of money and doing their due diligence. Mr. Savatka wanted to ensure the developer was spending the money correctly. Mr. Crane explained that was the purpose of the item being on the agenda that evening.

Keri Bushman thought they were spending too much money on landscaping. She provided calculations for how much she was spending for landscaping, and suggested they seek other options. Her suggestion was that they use neighborhood volunteers to do the labor to cut costs.

Council Member Scott L. Smith explained he was not against adding amenities but was concerned about costs. Mr. Crane explained that every amenity would increase the cost of the park. Council Member Kurt Ostler said he felt they were already spending too much for the park. Mr. Crane asked the Council to decide how much they were willing to spend on the park. This would give him and the developer the ability to move forward with the project.

Council Member Scott L. Smith asked for the cost of including a sports court. Council Member Tim Irwin felt the cost of the park was already too high. Council Member Brian Braithwaite understood the costs of the contractor were high, however, allowing boy scouts and residents to do the labor meant that the quality of installation would not be as good as having a professional contractor perform the labor. Council Member Ostler suggested they use hydro-seed. Council Member Braithwaite felt that could be a possibility; however, if they did hydro-seed the park, no one could use the fields for a year.

Council Member Scott L. Smith mentioned of a sports court in Canterbury Circle where there was no parking and asked Mr. Sobotka if they had any problem with including a sports court without providing parking. Mr. Sobotka did not think it would be an issue.

Council Member Brian Braithwaite asked the Council to be clear on the amount the City was willing to spend. Council Member Scott L. Smith asked if redesigns should be made because they were not getting their money's worth. Mr. Crane suggested they not add a lot of amenities because there was little parking and no bathrooms. Council Member Brian Braithwaite asked Mr. Sobotka to put together a neighborhood committee. It was stated the budget should be less than $300,000 but no more than $500,000. There was subsequent discussion on the cost of the park.

Ms. Bushman pleaded with the Council not to spend so much money on the park. She felt they needed a better solution.

Wayne Tanaka said they should consider the maintenance costs. The lawns would require water and sprinkler repair and there would be daily maintenance needed. He suggested less grass and fewer trees to lower the maintenance costs.

It was decided the amount they should spend on the park should be under $400,000. Mr. Crane said he wanted to have the project go out to bid.

Council Member Brian Braithwaite MOVED to approve the final master plan and to keep the budget under $400,000 for Spring Creek Park. Council Member Scott L. Smith SECONDED the motion.

Council Member Kurt Ostler provided a substitute motion and MOVED to approve the final master plan and to keep the budget under $350,000 for Spring Creek Park. Council Member Tim Irwin SECONDED the motion.

Council voted on whether or not to accept the substitute motion.
The vote was recorded as follows:

Council Member Brian Braithwaite	*No*
Council Member Ed Dennis	*absent*
Council Member Tim Irwin	*Yes*
Council Member Kurt Ostler	*Yes*
Council Member Scott L. Smith	*No*

Mayor Rod Mann No

The substitute motion failed 3:1

As the motioned failed a new motion was presented.

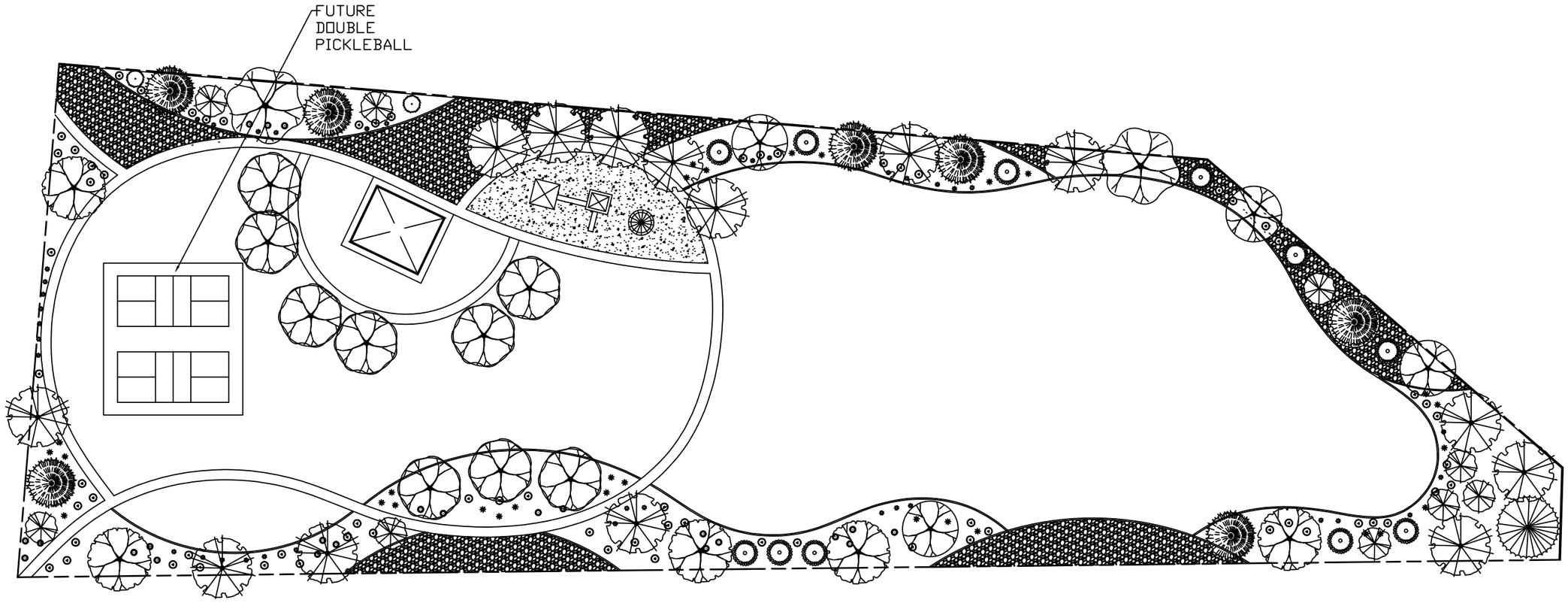
Council Member Brian Braithwaite amended the motion and MOVED to approve the final master plan and budget not to exceed $375K for Spring Creek Park and let City staff decide how to proceed and work with Council Member Kurt Ostler and Neighborhood Representative Kelly Sobotka to determine the best way to move forward. Council Member Scott L. Smith SECONDED the motion.

The vote was recorded as follows:
Council Member Brian Braithwaite Yes
Council Member Ed Dennis absent
Council Member Tim Irwin Yes
Council Member Kurt Ostler Yes
Council Member Scott L. Smith Yes

The motion passed 4:0.

City Administrator Nathan Crane explained that he had worked on the project a long time. He said staff needed to know the Council's concerns in order to be more productive. Council Member Brian Braithwaite agreed. Council Member Kurt Ostler felt the discussion needed to take place in public.

ATTACHMENT #3



DECORATIVE LANDSCAPING
design | build | sustain

N

0 45 90 135

HIGHLAND PARK

SHEET TITLE:
LANDSCAPE REVISION

SCALE:
1”=45’

DESIGNER:
NELSON

ADDRESS:

DATE:
09/09/19

SHEET NUMBER:
1.0 - 11x17

AGENDA

CITY COUNCIL AGENDA REPORT ITEM #5

HIGHLAND CITY

DATE:	September 17, 2019
TO:	Honorable Mayor and Members of the City Council
FROM:	Gary LeCheminant, Finance Director
PREPARED BY:	Stephannie Cottle, Treasurer
SUBJECT:	**RESOLUTION** – Fee for Short-Term Rental Business License

STAFF RECOMMENDATION:

The City Council adopt a resolution adopting the business license initial review of $90.00 and annual renewal fee of $60.00 for short term rentals.

BACKGROUND:

On September 3, 2019, Highland City Council passed Ordinance No. 0-2019-14 regarding regulation of Short-Term Rentals within the City. The ordinance states that a short-term rental is, essentially, a commercial use and the fee will be set forth in the City Fee Schedule.

Our current fee schedule lists the licensing fee for Hotel/Motel/Rooming House (including Short-Term Rentals) as $375.00/year. While this fee is appropriate for a hotel or motel it is not appropriate for a short term rental.

It is anticipated that the amount of time to review a business license application for a short term rental business will be similar to a standard commercial business. Each review includes but is not is not limited to the following:

- Application – use review
- Coordination with the Fire Marshall for an inspection
- Management and Maintenance Standards
- Parking Restrictions

FISCAL IMPACT:

Fees are regulatory fees that help the City defray costs for properly licensing and regulating businesses. While the exact costs to the City is unknown at this time, staff will monitor the impact over the current fiscal year and recommend any changes if needed.

PROPOSED MOTION:

I move that City Council approve resolution R-2019-18 adopting the business license initial review and annual renewal fee for short term rentals.

ATTACHMENTS:

1. Resolution R-2019-18

RESOLUTION NO. R-2019-18

A RESOLUTION OF THE HIGHLAND CITY COUNCIL, HIGHLAND CITY, UTAH ESTABLISHING A BUSINESS LICENSE FEE FOR SHORT-TERM RENTALS

WHEREAS, the City has adopted an ordinance to regulate and license Short-Term Rental properties; and

WHEREAS, the Council believes that owners of Short-Term Rentals should pay a business license fee for the purpose of regulation and to defray the cost of municipal regulation and administration.

NOW, THEREFORE BE IT RESOLVED by Resolution of the Highland City Council, the rates for Short-Term Rental Business Licenses be as follows:

- Initial business license fee - $90.00
- Annual business license renewal fee - $60.00

This resolution shall become effective on the date passed and adopted by the City Council.

PASSED and ADOPTED by Highland City Council this 17th day of September, 2019.

HIGHLAND CITY, UTAH

_____

Rodney W. Mann
Mayor

ATTEST:

_____

Cindy Quick, MMC
City Recorder

COUNCILMEMBER	YES	NO
Brian Braithwaite	☐	☐
Ed Dennis	☐	☐
Tim Irwin	☐	☐
Kurt Ostler	☐	☐
Scott Smith	☐	☐