

AGENDA
HIGHLAND CITY COUNCIL MEETING
February 18, 2014

7:00 p.m. Regular City Council Session
Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

7:00 P.M. REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER – Mayor Mark Thompson
INVOCATION – Tim Irwin
PLEDGE OF ALLEGIANCE – Mayor Mark Thompson

APPEARANCES

- 1. Time has been set aside for the public to express their ideas, concerns, and comments.**
(Please limit your comments to three minutes each.)

CITY COUNCIL/MAYOR ITEMS

- 2. Time has been set aside for the City Council & Mayor to make comments.**

CONSENT

- 3. MOTION: Approval of Meeting Minutes for City Council Work Session and Regular Session – February 4, 2014**
- 4. MOTION: Ratifications of the Re-Appointment and Appointment of Planning Commissioners – Re-appointment of Sherry Carruth and Appointment of Brady Brammer.**
- 5. ORDINANCE: Amending Highland City Municipal Code Section 13.30.150, 13.60.050 and adding 13.06.070 – Culinary Water Service.**
- 6. PROCLAMATION: Non-Traditional Student Week – Governor Herbert’s Education Excellence Initiative**

ACTION ITEMS

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

8. **PUBLIC HEARING/ORDINANCE: Request to Re-Zone 0.70 Acres from R-1-40 to RP – Ashford Assisted Living**
9. **MOTION: Request for a Conditional Use Permit for a 9,602 square foot, two-story Office Building – Ashford Assisted Living**
10. **ORDINANCE: Amending Highland City Municipal Code 2.44 - Surplus Property**
11. **RESOLUTION: Amending Building Use Policy – Highland City Hall and Highland Community Center**

COMMUNICATION ITEMS *(These items are for information purposes only.)*

12. Open Space Setbacks – Nathan Crane, Community Development Director

ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this 12th day of February, 2014, the above agenda was posted in three public places within Highland City limits. Agenda also posted on State (<http://pmn.utah.gov>) and City websites (www.highlandcity.org).

JOD'ANN BATES, City Recorder

<p>THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate in the City Council Meetings, Please call the City Recorder's Office at least 3 working days prior to the meeting at (801) 772-4505</p>

MINUTES
HIGHLAND CITY COUNCIL MEETING

Tuesday, February 4, 2014

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

WORK SESSION: 6:30 P.M

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

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

The meeting was called to order by Mayor Mark Thompson as a work session at 6:51 p.m. Kasey Wright, City Attorney, presented the Open Meeting Law to the City Council as required by State Law.

PRESENTATION: Kasey Wright, City Attorney – Open Meeting Law.

BACKGROUND: Kasey Wright stated this is an annual open meetings training for the Mayor and Council as required by law. He explained the peoples’ business needs to be conducted in front of the people. He stated anyone that is spending money for a City or organization needs to comply with the Open Meeting Law. He mentioned political parties, groups, and caucuses do not have to have notice up any open meetings. He stated anytime there is as quorum and the Councilmembers are discussing City business, they need to have an open meeting. He explained the purpose of the open meeting is for receiving comments, discussing, and acting. He mentioned open meetings do not include chance meetings, social meetings, or convening solely for discussing implementation of administrative operational matters. He stated the Councilmembers can have one on one conversation, but if there are three members discussing City issues, they need to be discussed during an open meeting. He explained it is possible to hold an electronic meeting, but it has to be noticed up as such. He stated the biggest problem is after a Council meeting when an important issue was discussed and three Council members begin speaking

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1 about the issue off the record. He explained they need to keep their discussions one on one or
2 discuss it on the record during the open meeting.

3
4 Brian Braithwaite stated the Council may recede into a closed session when discussing the
5 professional competence of an individual, real property negotiations, and threatening or
6 impending litigations.

7
8 Kasey Wright stated a couple of other reasons for closed meetings are strategy sessions,
9 collective bargaining, and the deployment of security services. He stated the Council does not
10 need to advertise to the residents if they would like to set up cameras.

11
12 Brian Braithwaite stated collective bargaining is with the unions, and because the City does not
13 have unions they do not have to discuss collective bargaining.

14
15 Kasey Wright stated the Council cannot take a formal vote during a closed session. He explained
16 formal actions must be taken during an open meeting. He stated the Council has to have a
17 majority vote in order to recede into a closed session. He explained if the Council is discussing
18 the professional competence or character of an individual during a closed meeting it is not
19 recorded. He stated the Mayor just signs a statement regarding what was discussed. He stated if
20 the Council is discussing one of the other issues; it is recorded, and once that item is taken care
21 of those minutes could be made public.

22
23 Rod Mann questioned how those minutes would become public.

24
25 Kasey Wright replied someone would have to make a GRAMA request for those minutes. He
26 stated 24 hour notice needs to be given for closed sessions. He stated the agenda needs to be
27 placed on the State website, given to a local reporter, and posted at the City. He mentioned it
28 does not need to be published in the paper, just given to the paper or local reporter.

29
30 Brian Braithwaite stated there is no reason why the Council cannot have the closed session on
31 the agenda every time regardless of if the Council holds one.

32
33 Kasey Wright replied it is possible, and the Council can make its own decision on it, but he is not
34 a fan of doing so. He stated the purpose is to give notice to the citizens of an executive session,
35 and the notice must reasonably specify what the Council will be discussing in the closed
36 meeting. He stated if there is an emergency situation, the Council just has to do their best to
37 notify the residents and then proceed with the meeting.

38
39 Rod Mann questioned if action is taken during an executive session and no one protests to it,
40 does it becomes legal. He questioned if there is a Statute of Limitations for a situation like that.

41
42 Kasey Wright stated it would be subject to scrutiny and a lawsuit that it was not properly noticed
43 and the action could be undone. He stated unless someone decides to do that, the law stands in
44 place. He stated he believes there is a Statue of Limitations, but he does not know how far it
45 extends.

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1 Brian Braithwaite questioned what the requirements are for publishing minutes.

2
3 Kasey Wright replied the minutes do not have to be word for word, just give a review of what
4 happened during the meeting.

5
6 Jody Bates stated the minutes need to be placed on the State website a week after the meeting in
7 draft form, and then officially published on the State website the day after the minutes are
8 approved.

9
10 Brian Braithwaite stated if the City is already putting the minutes on the State website, they
11 should place them on the Highland City website at the same time.

12
13 Kasey Wright explained if there is a conflict of interest that a Councilmember is aware of, they
14 need to fill out a statement so that conflict of interest is on file. He stated sometimes those
15 conflicts of interest may just come up in a meeting and it is their duty to indentify that conflict
16 and put it on the record. He explained once they disclose the conflict, they still have the right to
17 vote if they choose. He mentioned sometimes the better approach is to not vote on the issue, but
18 it is up to that Councilmember to decide.

19
20 Brian Braithwaite clarified that if they submit their statement in a written form; they still have to
21 disclose that conflict during the meeting. He questioned what the benefit is of submitting a
22 statement if they still need to disclose it during the meeting.

23
24 Kasey Wright replied the legislature requires it. He stated it is ongoing things that need to be on
25 file, but sometimes there are one time things that come up during a meeting.

26
27 Brian Braithwaite stated he works for the LDS Church and sometimes the LDS Church has come
28 in and asked for a subdivision or things from a property standpoint. He stated he does not work
29 under that department, but he does work for the organization. He explained it is an ongoing
30 thing, and questioned if that is something he needs to submit in writing or just bring up as a
31 conflict of interest.

32
33 Kasey Wright stated he does not really need to identify the conflict, because he does not
34 personally gain anything from it. He explained the safer approach would be to just identify the
35 conflict during the meeting. He stated the Council is not allowed to accept gifts over \$50 and
36 should be careful with all gifts they receive. He mentioned they are representing the citizens of
37 Highland, so they should always be civil and speak with respect. He explained that although
38 what is discussed in Executive Sessions may come out, they are still confidential and must not be
39 made public.

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MINUTES HIGHLAND CITY COUNCIL MEETING

Tuesday, February 4, 2014

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

REGULAR CITY COUNCIL SESSION: 7:00 P.M.

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

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

OTHERS: Pola Morrison, Lee Nitchman, Isaac Nitchman, Allison Day, Trevor Sorensen, D.J. Sorensen, Cy Taylor, Andrea Taylor and Alissa Dailey.

The meeting was called to order by Mayor Mark Thompson as a regular session at 7:16 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 Dennis LeBaron and those assembled were led in the Pledge of Allegiance by Tim Irwin.

SUMMARY

Motions:

#	Description	Pass/Fail
1.	Approval of Meeting Minutes for City Council Regular Session 1/21/2014	P
2.	Resolution: Creation of an the Open Space ADHOC Committee	P
3.	Ordinance: Amending Municipal Code regarding Culinary Water Service	Cont. 2/18/14

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Status Reports on outstanding action items

#	Description	Requested/Owner	Due Date	Status
1.	Setback ordinance recommendations. A request from the Haskett family	Tim Irwin Nathan Crane	2/18/2014	In Progress
2.	Funding plan for Capital Facilities Plan update and certified impact fee.	Nathan Crane	2/18/2014	In Progress
4.	Committee assignments for council members	Rod Mann Mark Thompson	2/18/2014	On going
5.	Handicap Parking for Freedom Elementary School	Rod Mann		On going

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DETAILED MINUTES

APPEARANCES:

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Paula Mortensen, Representative of the Prospective Student Services from Utah Valley University, requested the Council proclaim February 24, 2014 – March 1, 2014 as Non-Traditional Student Awareness Week in the City of Highland. She stated as a part of promoting Governor Herbert’s education excellence, their goal is to provide information and opportunities for the non-traditional student when pursuing a post-secondary education. She stated their goal is that by 2020 and thereafter at least 66% of Utahans ages 20-64 will have a post-secondary degree or certificate ensuring a well-educated citizenry and work force that meet the needs of Utah employers. She stated they need to devise a plan to retain or enhance the education levels of adult learners. She stated the Prospective Student Services Department is hosting an Elected Officials Night at the UVU Men’s Basketball Game on Thursday, February 27, 2014 at the UCCU Center. She stated elected officials from various City Governments in Utah County will be recognized during the game. She stated they have provided four tickets for the Mayor, Council, and City Recorder to attend the game to express their thanks and appreciation for the City’s efforts in recognizing non-traditional students. She stated they would be honored to display a proclamation from the City in their Students Center during Non-Traditional Student Awareness Week.

Rod Mann questioned if Paula Mortensen had an example of what the proclamation would look like.

Paula Mortensen stated other cities have their own standard proclamation documents, but they would be happy to send a template to the City Recorder if the Council would like.

Jody Bates stated they can put that proclamation together and have it come back to the Council for approval at the next meeting.

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1 Allison Day, resident of Highland, stated there was a book in the Highland Library that goes over
2 the different definitions of families. She expressed her concern that a book shows a young child
3 with two dads and there are several pictures depicting that relationship. She stated she is not
4 trying to offend or discriminate, but she believes this book does not represent her values or the
5 values of Highland City. She stated she does not know who chooses the books for the library, but
6 she does not want to have to explain something like this to her four year old.

7
8 Tim Irwin stated it would be appropriate to present the issue to the Library Board.

9
10
11 **CITY COUNCIL / MAYOR ITEMS:**

12
13 Brian Braithwaite thanked Gary LeCheminant for the information he provided to the Council
14 regarding the finances. He stated there is a lot more discussion that would be helpful for the
15 Council to understand how the finances work. He thanked the staff for providing a chart with
16 pictures of all the individual staff for the Council's benefit.

17
18 Tim Irwin also thanked Gary LeCheminant for the helpful information.

19
20 Rod Mann stated at the last meeting he suggested having a summary of the actions taken and the
21 action items list from the meeting in the minutes, along with the action items list in the following
22 agenda for follow up. He stated staff needs direction from the Council and questioned what their
23 opinions were on the issue.

24
25 The Council was unanimously in support of having the summary in the minutes.

26
27 Jody Bates questioned how the Council wants the summary. She asked Rod Mann to send her an
28 example of how he would like the summary, and then she will forward it to the rest of the
29 Council and make sure everyone approves of the set up.

30
31 Rod Mann stated it would simply be a summary of what actions were taken and all of the action
32 items pulled out of the minutes. He stated the average citizen does not want to read through 10-
33 15 pages of minutes, but they may just want to know how the vote went for each item. He stated
34 he would like the action item list on there so that things are not forgotten.

35
36 Jessie Schoenfeld suggested when there is an action item during the minutes that it is in a
37 different color or underlined so they are easy to find.

38
39 Jody Bates expressed her confusion regarding the Council's definition of action item. She stated
40 all of the action items are listed in the minutes under the area named Action Items.

41
42 Mayor Thompson stated the Council means anything that was discussed and needs some
43 additional work before the Council comes to a decision.

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1 Rod Mann stated yes, the summary would include all of the official actions and whether they
2 were passed. He stated underneath that there would be “To Do List” for the staff; things that
3 need follow up. He stated having the action items and follow-up items in the minutes and on the
4 next agenda is a standard business practice. He stated he would be happy to send an example.
5

6 Brian Braithwaite suggested just having the “To Do List”, because it is a little redundant to have
7 the motions that were taken at the beginning of the minutes, when citizens can scroll down
8 quickly, and see all of those motions again. He stated the follow-up items are not redundant and
9 would be useful so when there are assignments, there will be a name attached to the item and
10 they know it will be done at some point in time. He stated after a discussion it would be helpful
11 for the Council members to ask the Mayor to have something placed on the “To Do List”, so
12 staff doesn’t have to guess what needs to be put in the summary and what does not.
13

14 Rod Mann stated that would be a nice idea, but it might not always happen, so staff should be
15 able to pull out implied follow-up actions from the minutes.
16

17 Brian Braithwaite stated it would not be fair to the staff to be solely responsible for that. He
18 stated there is responsibility for the Council to help them recognize those items.
19

20 Rod Mann stated there is responsibility for the Council to do so, but it would be good for the
21 staff to be proactive.
22

23 Brian Braithwaite stated he believes the staff can be as well, and they could take something if the
24 Council misses it or speak up if they think it is one of the items.
25

26 Mayor Thompson stated that the first assignment is for Rod Mann to send a format to Jody Bates
27 of how the summary should be, which should be included in the “To Do List”.
28

29 Rod Mann requested a status on the recommendation for the setbacks. He stated the City is
30 moving forward on the Capital Facilities Plan Update and questioned what the plan is.
31

32 Aaron Palmer replied Nathan Crane is looking into setbacks, but has been out sick. He replied
33 that the City is working on the Road Master Plan, but will be putting together a CIP once they
34 get through the budget.
35

36 Rod Mann stated at the last meeting Nathan Crane brought up the idea that the City was going to
37 use existing funds that were allocated for a General Plan on the Capital Facilities Plan. He stated
38 Nathan Crane was going to go through and figure out the costs and what funds the City could get
39 from the enterprise funds.
40

41 Aaron Palmer stated Nathan Crane is still looking into the issue.
42

43 Rod Mann stated having the City participate in the Great Shakeout seems like a good idea. He
44 stated he does not know if the City has a Committee relative to emergency preparedness to
45 follow up on her request.

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1 Mayor Thompson stated he has a report on her request and will discuss it with Council.
2

3 Rod Mann asked for an update on a request from a resident made back in November regarding a
4 handicapped parking space next to Freedom Elementary.
5

6 Mayor Thompson stated they are still actively working on the handicapped parking issue. He
7 stated there was a meeting earlier that day on the Deer Reduction Program. He stated it has
8 shown great abilities to accomplish what was intended. He stated there are some issues with the
9 Department of Natural Resources and them being a sponsor which need to be dealt with. He
10 stated it was a two year pilot program and they are coming up on that sunset shortly. He stated
11 Bountiful, the other city in the program, has indicated they do not have the ability to carry out the
12 program because their open space is restricted. He stated there are reports being made, because
13 there are some ideas on how they can make the delivery of the meat available to more people. He
14 stated if the program goes past the pilot, the Department of Natural Resources will have to either
15 extend the program and involve other cities, or adopt a program that will allow any that can meet
16 the standard now set to participate.
17

18 Tim Irwin questioned if the program is through the Department of Natural Resources or the
19 Department of Wildlife Resources.
20

21 Mayor Thompson replied the process comes from the Department of Natural Resources and one
22 of their subsections is the Department of Wildlife Resources. He stated he attended the Pheasant
23 Hollow HOA meeting where they expressed concerns with the road going in behind their homes.
24 He stated there was one concern regarding a police training that was taking place in one of the
25 City owned homes in that neighborhood. He stated there are some activities there including
26 people from as far away as Idaho. He asked for Chief Gwilliam's comments on the issue.
27

28 Chief Brian Gwilliam stated the officers just recently completed the apprehension portion of the
29 Utah School for Canines which the State puts on and is renowned throughout the country. He
30 stated there was one occasion several months ago, where some officers from Idaho that were part
31 of the school came down for that portion of the schooling.
32

33 Mayor Thompson questioned how often these trainings will take place.
34

35 Chief Brian Gwilliam stated the trainings happen once or twice every other month. He stated
36 they approached the neighborhood before the trainings begun and have not heard anything from
37 them since. He stated if it is something they need to stop, they will, but it is a great place to do
38 the canine training.
39

40 Mayor Thompson stated one individual at the meeting expressed his concern that he was out
41 walking his dog and was told he needed to turn back. He stated they need to find a better way to
42 handle the situation without taking away the citizens' rights.
43

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1 Chief Brian Gwilliam stated it was probably for the protection of his dog, but he would agree
2 that the situation needs to be handled more judiciously. He stated if it becomes a problem, he
3 will resolve it.

4
5 Mayor Thompson stated if citizens have those concerns, he will be on their side. He stated they
6 have had a request through Horrocks Engineering to be part of a city to city competition blood
7 drive on April 8, 2014. He stated it will be an Action Item on a future agenda, so the Council can
8 decide whether or not they would like to participate and if they want to have a facility in
9 Highland available to Red Cross for the blood drive. He stated they have reduced the size of the
10 information left from Joy Madsen regarding the Great Shakeout and will publish it in the next
11 two newsletters. He stated they encourage everyone to participate, but if someone is on the
12 freeway, they should just note the time, where they were, and how it would affect getting back in
13 contact with their family.

14 15 **REPORTS / PRESENTATIONS:**

16
17 PRESENTATION: Alissa Dailey of Republic Services – Garbage & Recycle Services.

18
19 Alissa Dailey, Representative of Republic Services, stated she does all of the community
20 relations for Republic Services. She stated any resident complaints can be directed to her along
21 with upcoming things the City would like Republic Services to support. She stated they formally
22 go by Republic Services, but they are known by Allied Waste as well. She stated Highland has
23 an opt-in recycling program, where residents have to request a recycling can. She stated in 2013
24 they serviced 3,847 homes with garbage cans, and out of those 2,020 have a recycling can. She
25 stated that is a 52% participation rate which is wonderful. She stated normally in order to get
26 about 50%, cities have to do an opt-out program, where all residents get a can and if they do not
27 want it they have to call and have it removed. She stated because Highland is so close to
28 California and Oregon within the next three to five years, they will see mandatory recycling
29 across the State, as well as the nation. She mentioned the program will be called diversion. She
30 stated during the last year, the City recycled 446 tons of recycling, which is 442 pounds of
31 recyclables per recycling home in Highland. She stated the City pays disposal fees for every ton
32 of garbage taken to the landfill, so when the residents are recycling they are saving the City
33 money. She stated last year the City saved \$14,000 because the residents were recycling. She
34 stated if the City would like to get more homes to participate, they could move to an opt-out
35 program or work on their education.

36
37 Rod Mann questioned what the cost is per recycling can.

38
39 Shannon Garlick replied it is \$4.45 per can.

40
41 Brian Braithwaite questioned if there are programs to help encourage people to recycle.

42
43 Alissa Dailey stated it goes back to the education. She stated they would need to give the
44 residents a reason to recycle. She mentioned in other cities they have contacted residents with
45 two garbage cans, and explained they could replace one garbage can with a recycle can and save

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1 themselves and the City money. She stated approximately 75% of what is dumped in a garbage
2 can could go into a recycle can. She stated there is a theory that they have in the industry which
3 they call the 20/60/20. She explained that 20% of the residents will be avid recyclers, 60% will
4 recycle if it is convenient, and the there will be 20% that will never recycle. She stated the opt-
5 out and mandatory programs help capture more of the 60%.

6
7 Tim Irwin questioned why glass is not included in the recycling.
8

9 Alissa Dailey replied a lot of other states recycle glass and the reason Republic Services does not
10 is because it is a difficult substance to recycle. She stated there often is not an end user. She
11 stated a lot of times people will ask why they have to pay for recycling, when someone is making
12 a ton of money on their recycled materials. She stated that is not actually true, in Utah all of the
13 recyclables go in one can. She stated in other states the residents have to sort through all of their
14 recycling themselves. She stated because Utah residents can put it all in one can they have higher
15 participation levels. She stated Republic Services really does recycle the material and they give
16 recycling tours to the public so they can see it for themselves. She stated Republic Services gets
17 fined for taking recyclables that have been contaminated to a certain percentage, so it's important
18 that residents do not use their can for garbage. She stated glass is extremely difficult to recycle
19 and there are not a lot of recycled glass buyers. She stated recycling glass is also very dangerous
20 for the equipment and the manual workers.
21

22 Tim Irwin replied that glass is an obvious recyclable, so it should be recycled. He stated he used
23 to live in California where they recycled everything. He explained it is a matter of convenience
24 and getting in the habit. He stated he would like the recycling to stay on a volunteer basis and be
25 as convenient as possible.
26

27 Dennis LeBaron questioned if the City actually realized a savings of \$14,000.
28

29 Alissa Dailey stated it was a savings because it was something the City did not have to pay. She
30 stated if the City did not have a recycling program they would have to pay that \$14,000 in
31 disposal fees.
32
33

CONSENT:

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36 MOTION: Approval of Meeting Minutes for City Council Regular Session – January 21, 2014.
37

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

40 ***Pulled by Rod Mann for further discussion***
41

42 RESOLUTION: Creation of an ADHOC Committee – Open Space ADHOC Committee.
43

44 MOTION: **Tim Irwin moved the City Council to approve the consent items on the agenda.**
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1 **Jessie Schoenfeld seconded the motion.**

2 **Unanimous vote, motion carried.**

3
4
5 **ORDINANCE: Amending Highland City Municipal Code Section 13.30.150, 13.60.050,**
6 **and adding 13.06.070 – Culinary Water Service.**

7 **Pulled by Rod Mann for further discussion**

8
9 Rod Mann questioned if the penalties associated with the violation are consistent with other
10 Ordinances.

11
12 Matt Shipp stated yes, they are a Class B Misdemeanor.

13
14 Tim Irwin expressed his concern for the penalties. He stated when he brought the issue up a
15 couple of years ago; John Park stated they have never sent anyone to jail over it and do not
16 intend to. He stated he does not see the need to have such a harsh penalty if there is no intent of
17 following through with it. He stated he would rather see the penalty as an infraction. He stated he
18 hopes to eventually go through the Development Code and other Municipal Codes and make
19 many as penalties infractions instead of misdemeanors as possible.

20
21 Mayor Thompson stated the difference here is that cross-connections create contaminated water
22 which is harmful to everyone. He stated in this situation there needs to be a realistic penalty to
23 prevent people from not caring and causing health concerns.

24
25 Brian Braithwaite stated it is an issue of contamination, because of the type of connection to the
26 culinary system. He stated the City does not put chlorine in the system, and not all cities are able
27 to get away with that. He stated because the City does not put chlorine in the water, there is
28 potential for contamination. He stated a stop and waste valve is a valve that citizens can put on
29 their culinary water which allows someone to use the culinary water on their sprinklers during
30 the summer, and turn it off to allow the water to just flow into the house during the winter. He
31 stated this is a different kind of system called an anti-siphon, which keeps water from flowing
32 back into the culinary water. He stated when someone fertilizes their lawn with the other valve,
33 there is the potential for the fertilizer to get into the system and contaminate it. He stated the City
34 wants to put on a certain connection which will not allow any water to flow back into the
35 culinary water system. He stated typically it is cheaper to have a separate pressurized irrigation
36 system and culinary system like Highland has.

37
38 Dennis LeBaron questioned if the City is at risk with the stop and waste valves already in the
39 City.

40
41 Mayor Thompson replied the only ones that would have a stop and waste valve are those that are
42 still using the culinary system to water their lawns. He stated there is a difference from the
43 potential contamination of a stop and waste valve, especially if it is properly protected, than there
44 is to have it hooked to another pressured system. He stated this Ordinance is saying they can by
45 no means connect their pressurized irrigation system to the culinary system. He explained when

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1 that happens there is the potential for flow from the pressurized irrigation system to get into the
2 drinking water. He stated the goal is to disallow any connection from the primary system to the
3 secondary system.

4
5 Tim Irwin questioned how many homes use the culinary water for their sprinklers.

6
7 Mayor Thompson stated he believes there are approximately 100-150 homes that still use the
8 culinary water for their sprinkling.

9
10 Tim Irwin clarified that this does not force those homes to join the pressurized irrigation system,
11 just new construction homes. He stated he was under the impression that he had to connect to the
12 pressurized irrigation system when he built his home. He stated he thought it was already an
13 Ordinance in Highland.

14
15 Mayor Thompson explained all new home development after the secondary system was created
16 had to connect to the secondary system.

17
18 Matt Shipp stated it was vague in the previous Ordinance, so this clarifies those issues.

19
20 Tim Irwin stated it is important for the Council to have this discussion and then vote on the issue
21 at the following meeting so the Council has additional time to consider the changes. He stated he
22 does not feel comfortable with making changes during the same meeting they vote on the item.
23 He questioned if there is any urgency to have this done now.

24
25 Matt Shipp stated it is getting urgent, because it is a safety concern and a lot of new homes are
26 coming in, and these things need to be clarified to them.

27
28 **MOTION: Brian Braithwaite moved the City Council to continue the issue amending**
29 **Highland City Municipal Code Section 13.30.150, 13.60.050, and adding 13.06.070 –**
30 **Culinary Water Service at the next Council meeting to allow further review of the**
31 **additional information provided.**

32
33 **Tim Irwin seconded the motion.**
34 **Unanimous vote, motion carried.**

35
36 Brian Braithwaite stated he agrees with Tim Irwin that unless there is an immediate need or there
37 are just a few grammatical errors, they should have Ordinances approved at the following
38 meeting.

39
40 Mayor Thompson stated he agrees and that they would've needed to revisit one of the items if it
41 had been passed, because it improperly stated that a backflow prevention device could replace
42 the stop and waste valve, which is not true. He stated the item will be put on the next agenda
43 under consent, unless the Council contacts staff and asks for a change.

DRAFT

1 Tim Irwin stated they live in a desert and need to start conservation efforts early enough to
2 actually make a difference. He stated he believes Highland residents would voluntarily
3 participate in conservation measures if there was the right education.

4
5 Mayor Thompson stated the Water Board has made a first run on the conservation efforts and
6 Emily Gillingwater will get it out to the Council that week for review.

7 8 9 **COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:**

- 10
11 • Properties for Lawn Equipment Shed – Matt Shipp, Public Works Director/City Engineer

12
13 Matt Shipp updated the Council on the progress of the replacement building for the equipment
14 shed. He stated staff has been discussing some of the locations and have a few more properties to
15 review. He stated they should have those recommended properties at the Council meeting
16 following the next one. He stated the cost to move the clay and material on the Clay Property
17 does not seem feasible. He stated the West Park Property was bought with certain funds and now
18 takes an act of Congress to change the property use so it could hold the shed.

19
20 Rod Mann stated the West Park Property is part of the Glen Park, and there is land that is being
21 used to store round-tailings. He questioned if that is consistent with the usage.

22
23 Matt Shipp stated they use those round-tailings in the park and in different places so it is not
24 inconsistent with the use.

25
26 Mayor Thompson clarified the City could build a facility just relevant to maintaining that park in
27 that area without changing the use.

28
29 Matt Shipp stated they would have to go through the Environmental Assessment Process, but
30 would be able to do so.

31
32 Rod Mann questioned what the cost would be to move the tailings to the Clay Property, because
33 the neighbors in that area think it is ugly. He stated the tailings are piles of ground up asphalt and
34 the neighbors do not like it.

35
36 Brian Braithwaite stated those residents could bring the proposal to Council with a way to pay
37 for it, otherwise, it is a waste of City resources to move.

38
39 Matt Shipp stated the cost would be approximately \$6 per yard to remove it. He stated if they
40 move it to another piece of property, then another neighborhood will complain about the look.
41 He stated the tailings get used, so that is not the first pile that has been there.

42 43 44 **ADJOURNMENT**

DRAFT

1 **MOTION: Tim Irwin moved to adjourn.**

2

3 **Rod Mann seconded the motion.**

4 **Unanimous vote, motion carried.**

5

6

7 Meeting adjourned at 8:31 p.m.

8

9

10

11

12

13

Date Approved: February 18, 2014

JoD'Ann Bates, City Recorder



CITY COUNCIL AGENDA REPORT

Item #4

DATE: Tuesday, February 18, 2014

TO: Members of the City Council

FROM: Mayor Mark S. Thompson

BY: JoD'Ann Bates, City Recorder

SUBJECT: Ratifying the Re-Appointment of Sherry Carruth and the Appointment of Brady Brammer to the Highland City Planning Commission.

STAFF RECOMMENDATION:

Mayor Mark S. Thompson is recommending that the Highland City Council ratify the Re-Appointment of Sherry Carruth and the Appointment of Brady Brammer to the Highland City Planning Commission.

BACKGROUND:

Mayor Thompson has met with Sherry and Brady and feels with their experience and background they will be an asset to the Planning Commission.

Sherry Carruth has recently been serving on the Planning Commission since 2011. Sherry has lived in Highland for the past 23 years and has worked as a Real estate Agent and previously served on the Park Committee. This appointment will expire in February 2018.

Brady Brammer is a practicing attorney with a specialty in municipal issues. Brady has lived in Highland for 2 years and enjoys community service. This appointment will expire in February 2018.

These appointments will enable the Planning Commission to be fully staffed and continue with meetings and recommendations to the City Council.

FISCAL IMPACT:

Planning Commissioners are paid \$56 per meeting attended and is budgeted from GL 10-52-15.

ATTACHMENTS:

1. Volunteer Statement of Sherry Carruth
2. Volunteer Statement of Brady Brammer



RECEIVED
JAN - 5 2010

Highland City • 5400 W. Civic Center Dr., Suite 1 • Highland, UT 84003
(801) 756-5751 ext. 4523 • Fax (801) 756-6903

Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town.

In order to encourage this participation, Mayor Richie is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor and the Community Enhancement Coordinator will review the statements, conduct interviews and make a selection(s).

If you are interested in serving as a volunteer within Highland City, please submit this Statement of Interest to the City Offices: Attention: Community Enhancement Coordinator

Name Sherry Carruth Date January 5, 2010

Phone number 801 360-3042 Email address 1carruth@comcast.net

Residence address 5863 Century Heights Dr, Highland, Utah 84003

Please fill out the following form or attach a resume type document listing expertise, experience, interests, etc.

How long have you resided in Highland City? 23 years

Occupation Real Estate Agent

Education High school, EMT, EMD, POST CAT 1 certified,

Are you able to meet in the evenings? yes Semi-monthly yes Monthly yes

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: I have lived in Highland for 23 years, have seen a lot of growth and changes. I believe my patrol experience helps us to remember to keep family safety a priority as we make community decisions. I also think my Real Estate experience will help make decisions on what will keep the value in our community but also help keep it a desirable place to live.

Please state why you would like to serve: I have had many opportunities to move from Highland, but have always chosen to stay. I would like to help be a part of keeping Highland the place families want to settle and attracting business that is right for our area.

If not selected for an immediate opening, do you wish to be considered for the next opening? yes

Additional comments: _____

Please select your interest:

Arts Council

Tree Commission

Beautification

Youth Council

Highland Fling

Other Planning Commission

Submittal of a Statement of Interest does not guarantee an appointment to a committee.



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(801) 756-5751 • Fax (801) 756-6903

Highland City Volunteer Statement of Interest

The residents of Highland have great pride in their City. The City utilizes many volunteers in numerous capacities to improve the overall quality of life in our town.

In order to encourage this participation, Mayor Thompson is requesting statement of interests from those who are willing to serve. As vacancies or needs arise within the City, the Mayor and the Community Enhancement Coordinator will review the statements, conduct interviews and make a selection(s).

If you are interested in serving as a volunteer within Highland City, please submit this Statement of Interest to the City Offices.

Name Brady Brammer Date January 28, 2014
Phone number 801-839-4653 Email address bbrammer@vancott.com
Residence address 4067 W. Viewpointe Dr., Highland, UT 84003

Please fill out the following form or attach a resume type document listing expertise, experience, interests, etc.

How long have you resided in Highland City? ~2 years

Occupation Attorney

Education B.A. - Brigham Young University, JD/MPA - Brigham Young University

Are you able to meet in the evenings? Yes Semi-monthly X Monthly X

List any background and experience you have that you think would be helpful to the Committee or Commission you would like to serve: I am a practicing attorney with a specialty in municipal issues. I have represented municipalities in at least 60 different lawsuits. I have advised cities on other matters and helped them avoid litigation. I hold a master's degree in public administration.

Please state why you would like to serve: Community service is one of my core values. I have an background to help.

If not selected for an immediate opening, do you wish to be considered for the next opening? Yes

Additional comments: The Planning Commission makes the most sense for my background, but I would be happy to help in any way.

Please select your interest:

Standing Committees

Arts Council

Beautification

Highland Fling

Tree Commission

Youth Council

Ad Hoc Committees

Economic Development

Open Space

Parks

Transportation

Planning Commission



CITY COUNCIL AGENDA REPORT

Item #5

DATE: Tuesday, February 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Matthew F. Shipp, P.E., Public Works Director/City Engineer

SUBJECT: AMEND HIGHLAND CITY MUNICIPAL CODE TITLE 13: PUBLIC SERVICES SECTIONS, 13.30.150 AND 13.60.

STAFF RECOMMENDATION:

Staff is recommending that the Highland City Council approve the proposed changes to the Highland Municipal Code Title 13: Public Services, Sections 13.30 and 13.60

BACKGROUND:

The following ordinance changes are meant to bring the City into compliance with the State rules on backflow prevention and to bring the City into compliance with our standard practice of requiring homes to connect to the pressurized irrigation system.

13.30.150: This amendment to the ordinance is proposed to bring our ordinance into compliance with the practice of requiring new properties to be connected to the pressurized irrigation system.

13.60: These amendments to the ordinance are proposed to bring our ordinances into compliance with State Code requirements for backflow prevention and cross-connection and reflect our practice of operations.

FISCAL IMPACT:

There are no fiscal impacts with these ordinance amendments.

ATTACHMENTS:

1. Title 13: Public Services, Section 13.60 Highland Municipal Code (Proposed Changes)
2. Title 13: Public Services, Section 13.30 Highland Municipal Code (Proposed Changes)

ORDINANCE NO. O-2014-**

**AN ORDINANCE OF HIGHLAND CITY, UTAH
AMENDING SECTION 13.30.150; CONNECITON REQUIRMENTS AND 13.60.50; OUTSIDE
WATERING AND ADDING SECTION 13.60.0701; PENALTIES TO THE
HIGHLAND CITY MUNICIPAL CODE:**

WHEREAS, Highland City Council previously adopted Ordinance No. 2000-12, which amended Ordinance No. 1998-18, adopting policies and regulation for billing and collection for pressurized irrigation;

WHEREAS, due to changes in the State rules on backflow prevention, and the necessity to make changes in order to bring the city into compliance with our standard practice of requiring homes to hook to the pressurized irrigation system;

WHEREAS, All of the required public notices and other prerequisites to the amendments of the Highland City Municipal Code have been completed as required by law.

NOW, THEREFORE, be it ordained by the City Council of Highland City, Utah; that the Highland City Municipal Code is hereby amended as set forth in the attached document incorporated herein as Exhibit "A" and Exhibit "B".

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

ADOPTED by the City Council of Highland City, Utah, this 18th day of February, 2014.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD' Ann Bates, City Recorder

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

EXHIBIT "A"

TITLE 13 PUBLIC SERVICES

13.30: POLICIES AND PROCEDURES FOR UTILITY OPERATIONS AND BILLING HIGHLAND CITY

Section:

13.30.150: Connection Required

13.30.150: Connection Required

All land owners requesting a commercial or dwelling structure building permit, within the boundaries of Highland City, shall [connect to the pressurized irrigation system for outdoor watering and](#) convey to Highland City adequate irrigation water, and provide an acceptable connection to the system, as required in Section 13.30.290. "Adequate water" is defined as providing 3.0 acre-feet per acre of water for the irrigation season (April 15 – October ~~4~~15) each year. A combination of water shares and/or water rights may be used to meet this requirement. The following table defines acceptable shares of irrigation company stock per developed acre and their relative [average](#) yield:

EXHIBIT "B"

TITLE 13 PUBLIC SERVICES

13.60: CULINARY WATER SERVICE BILLING AND COLLECTION PROCEDURE HIGHLAND CITY

Sections:

- 13.60.010: Culinary Water Meter Connection
- 13.60.020: Voluntary Termination of Service
- 13.60.030: Delinquent Accounts and Involuntary Termination
- 13.60.040: High Water Usage
- 13.60.050: Outside Watering
- 13.60.060: Meter Readings
- [13.60.070: Penalties](#)

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13.60.010: Culinary Water Meter Connection

An application for a water meter can be made only at the time a request for a final inspection on new construction has been made. A final inspection request must shall be made forty-eight hours in advance of the final inspection date in order for the meter fee to be paid and a work order initiated. A meter ~~can not~~cannot be set where there is not a permanent resident, excepting for properly approved model homes.

A. Account Set-up:

1. New Construction: Upon request for a final inspection, the applicant will be required to complete an application for service and pay the account set-up fee.
2. Move-in Service: An application fee and utility agreement shall be completed each time there is a new request for service on existing connections. If an application for service is made on or before the 15th of any month, the customer will pay a full month. If an application is made after the 15th of the month, the first bill will be prorated according to the remaining number of days in the month.

Services will be billed commencing with the date of the application for services or occupancy, whichever occurs first. (Ord. 2005-30 § 1)

13.60.020: Voluntary Termination of Service

EXHIBIT "B"

TITLE 13 PUBLIC SERVICES

13.60: CULINARY WATER SERVICE BILLING AND COLLECTION PROCEDURE HIGHLAND CITY

Those customers wishing to discontinue service will contact the ~~city~~ City forty-eight hours in advance of the desired last day of service. The ~~city~~ City will then perform a final meter reading. If, upon notification of termination of service ~~where~~ there is not a replacement application for service requested, services will be terminated forty-eight hours thereafter.

A. Proration of Service: Customers will be billed for the first fifteen days of service, if ~~a~~ the termination of service request is made on or before the 15th day of the month. There will be no proration of services if the request for termination of services is made after the 15th of the month. (Ord. 2005-30 § 2)

13.60.030 Delinquent Accounts and Involuntary Termination:

Any account which is thirty days delinquent will be notified in writing of said delinquency. If the amount delinquent is not paid within forty-five days, a two week shut-off notice will be sent to the customer. The shut-off notice will provide notice that all utility services provided by ~~Highland the~~ City will be terminated at the end of a two week period if the bill is not brought current before the shut-off date and will notify the customer of their rights to a hearing on this matter. If service is terminated, all arrears, a ten percent penalty of the delinquent amount due, and a twenty-five dollars shut-off fee ~~will need to~~ shall be paid in full, in cash. No services will be terminated on a day which precedes a weekend or holiday. (Ord. 2005-30 § 3)

13.60.040: High Water Usage

When high water usage is the result of a leak that is found to be within the home, the city will adjust the bill after the leak has been corrected. An adjustment can be made, upon request of the account holder in writing, of \$.65 per one thousand gallons over six thousand gallons. However, the sewer bill will not be adjusted for a leak which drains into the city sewer system. When there is high water usage, as a result of a leak outside the home, the same adjustment can be made with the exception that the sewer usage will be adjusted back to the most current rate prior to the leak. (Ord. 2005-30 § 4)

13.60.050: Outside Watering

EXHIBIT "B"

TITLE 13 PUBLIC SERVICES

13.60: CULINARY WATER SERVICE BILLING AND COLLECTION PROCEDURE HIGHLAND CITY

- A. Water usage rates for those customers who are not on pressurized irrigation are charged at two dollars per thousand gallons over six thousand gallons monthly. (Ord. 2005-30 § 5)
- B. Any cross connections between the culinary water service and the pressurized irrigation system is unlawful.
- C. It is henceforth unlawful to install a stop and waste valve on culinary water services.
When an upgrade to an existing stop and waste valve is necessary an appropriate back flow prevention device shall be installed in conjunction with a stop and waste valve. The Public Works Director or his designee shall observe and inspect and approve the installation of all new water back flow prevention devices within the City, and testing 10 days after the installation and an annual test report of its function.
- D. There shall be no outside watering with culinary water through the sprinkler systems for those customers who are on the pressurized irrigation system except through the appropriate hose bibs connected to the building's interior plumbing. This cannot be a direct connection to the pressurized irrigation system. The hose bib can only deliver to the atmospheric pressure.
- E. Per Chapter 13.30 all new customers shall connect to the City's pressurized water system and utilize said system for outdoor watering purposes.

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13.60.060: Meter Readings

Water meter readings will need to be done by the 15th of the month and entered into the computer system by the 20th of the month. All exceptions will need to be addressed and resolved by the 25th of the month so that the 25th billing may be done. (Ord. 2005-30 § 6)

13.60.70: Penalties

- A. Any firm, corporation, person or persons, or any action on behalf of any person, persons, firm or corporation, violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor up to which is up to a one thousand dollars fine and six

EXHIBIT "B"

TITLE 13 PUBLIC SERVICES

13.60: CULINARY WATER SERVICE BILLING AND COLLECTION PROCEDURE

HIGHLAND CITY

months in jail.

B. Each person, persons, firm or corporation found guilty of a violation of any provision of this chapter shall be deemed guilty of a separate offense for each and every day during which any violation of any provision of this chapter is committed, continued, or permitted by such person, persons, firm or corporation, and shall be punishable as provided in this chapter.

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Mayoral Proclamation No. 2014 - 01

**A PROCLAMATION OF THE MAYOR AND THE GOVERNING BODY OF THE CITY OF HIGHLAND
ESTABLISHING NON-TRADITIONAL STUDENT AWARENESS WEEK**

WHEREAS, In cooperation with Governor Herbert's Education Excellence initiative, Utah Valley University is committed to provide opportunities for non-traditional students to pursue a post-secondary education; and,

WHEREAS, By 2020 the Governor's goal is that at least 66 percent of Utahans, ages 20-64, will have a post-secondary degree or certificate ensuring a well-educated citizenry and workforce that qualitatively and quantitatively meets the needs of Utah employers, which will lead to greater economic prosperity and a better quality of life for all Utahans; and,

WHEREAS, Non-traditional students stop pursuing post-secondary education because of cost and full-time employment. The Comprehensive Action Plan developed by the Governor's Education Excellence Commission encourages the state to attract more adult learners back to school, specifically devising a plan to retrain and/or enhance the education levels of adult learners in the state; and,

WHEREAS, In an efforts to support the Governor's initiative and the efforts of Utah Valley University, we proclaim the week of February 24, 2014 through March 1, 2014, as Non-Traditional Student Awareness Week in the City of Highland.

NOW, THEREFORE, be it resolved that I, Mark S. Thompson, Mayor of Highland City do hereby proclaim February 24, 2014 through March 1, 2014, as Non-Traditional Student Awareness Week in Highland City.

FURTHER, Utah Valley University non-traditional student recruiters express their deep appreciation to Mayor Mark S. Thompson and the Highland City Council for their continued commitment to higher education.

Dated this 18th day of February, 2014.

Mark S. Thompson, Mayor



CITY COUNCIL AGENDA REPORT

Item #7

DATE: February 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, Community Development Director

SUBJECT: PUBLIC HEARING AND ORDINANCE – AN AMENDMENT TO HIGHLAND CITY DEVELOPMENT CODE ARTICLE 4.5 R-P ZONE RELATING TO BUILDING SETBACKS, TRASH ENCLOSURE LOCATIONS, AND SCREEN WALLS. (TA-13-08)

STAFF RECOMMENDATION:

The City Council should hold a public hearing and determine if the proposed amendment: 1) Is consistent with the purpose of the Development Code; 2) Will or will not adversely affect the community; 3) Will or will not result in compatible land use relationships; and 4) Is needed to update the Development Code.

BACKGROUND:

A development code amendment is a legislative process.

SUMMARY OF REQUEST:

1. The proposed amendment is as follows:

Section 3-4506:

...

- (1) No building shall be closer to a public street right-of-way than eighty (80) feet unless all parking is provided in the rear of the building, in which case it may be no closer than thirty-five (35) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than thirty (30) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it. THE PLANNING COMMISSION MAY REDUCE THE FRONT YARD SETBACK TO THIRTY (30) FEET IF THE REDUCTION WILL INCREASE THE REAR YARD SETBACK BETWEEN THE BUILDING AND EXISTING RESIDENTIAL USES.
- (2) ...
- (3) Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of twenty-five (25) feet. THE PLANNING COMMISSION MAY REDUCE THE SIDE YARD

SETBACK WHEN THE ADJACENT PROPERTY HAS A NON-RESIDENTIAL LAND USE DESIGNATION AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED. IN THE EVENT THE PROPERTY IS OWNED BY THE CITY AND TWENTY-FEET OR LESS IN WIDTH, APPROVAL FROM THE NEAREST PRIVATE PROPERTY OWNER IS REQUIRED.

(4) ...

Section 3-4508.5.c

...

- (a) No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on any Residential-Professional development site, unless along a district boundary which abuts a residential zone, in which case the height shall be eight (8) feet. THE PLANNING COMMISSION MAY CONSIDER AN ALTERNATIVE WHEN THERE IS AN EXISTING WALL OR THE PROPERTY IS ADJACENT TO CITY OWNED OPEN SPACE AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED. IN THE EVENT THE PROPERTY IS OWNED BY THE CITY AND TWENTY-FEET OR LESS IN WIDTH, APPROVAL FROM THE NEAREST PRIVATE PROPERTY OWNER IS REQUIRED.

Section 3-4515.d

No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within ~~one hundred (100) feet~~ THIRTY (30) FEET of any residential use.

ANALYSIS:

- The proposed amendment will allow the construction of a 9,602 square foot office building at 10438 North 4800 West.
- Reducing the front yard setback to increase the buffer between commercial and residential uses will assist in mitigating negative impacts and address compatibility.
- As the City develops, there may be locations where existing residential uses are located adjacent to planned or developing commercial areas. The amendment allows modification of development standards by the Planning Commission with approval from the adjacent residential property owners.
- Addressing the compatibility between different residential and non-residential uses is a primary role/function of the City Council. Compatibility is also addressed through building height, setbacks, screening, buffering, landscaping, lighting and architectural design. Specific standards are often determined based on the values and needs of the community and site characteristics. The City Council also needs to balance the needs of adjoining properties.

CONCLUSION:

Highland is a unique place to live and work and as such development standards should be tailored to meet the needs of residents and business owners and ensure land use compatibility. The City Council will need to consider each item and determine what is in the best interest for all property owners.

CITIZEN PARTICIPATION:

The notice of the October 29, 2013 Planning Commission public hearing was published in the Daily Herald on October 13, 2013. No comments have been received.

A notice of the February 18, 2014 City Council public hearing was published in the Daily Herald on February 2, 2014. No comments have been received.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on October 29, 2013. Residents spoke in opposition to the request. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes. The minutes from this meeting are attached. The Planning Commission voted 5-0 to recommend approval of the amendment.

Subsequent to the Planning Commission, staff has added additional clarification regarding approval needed from adjacent property owners as follows: In the event the property is owned by the city and twenty-feet or less in width, approval from the nearest private property owner is required.

PROPOSED MOTIONS:

I move that the City Council **ADOPT** the ordinance amendment based on the following findings: (The Council should draft appropriate findings. The Council may also include amendments to the proposed ordinance.

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

I move that the City Council **DENY** the proposed amendment based on the following findings: (The Council should draft appropriate findings).

FISCAL IMPACT:

Unknown

ATTACHMENTS:

1. Ordinance
2. Meeting Minutes of the October 29, 2013 Planning Commission Meeting

ORDINANCE NO. 2014-**

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE ARTICLE 4.5 RP ZONE RELATING TO BUILDING SETBACKS, TRASH ENCLOSURE LOCATIONS, AND SCREEN WALLS, AS SHOWN IN FILENAME TA-13-08.

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

WHEREAS, the Commission held a public hearing on this Ordinance on October 29, 2013; and

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

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

SECTION 1. That the Highland City Development Code, Article 7 Signs is hereby amended as follows:

Section 3-4506:

...

(5) No building shall be closer to a public street right-of-way than eighty (80) feet unless all parking is provided in the rear of the building, in which case it may be no closer than thirty-five (35) feet. No building, with the exception of any portion that contains a drive-up window or counter, shall be closer than thirty (30) feet from any private road or driveway. Structures which are adjacent to a plaza, mall, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings into it. THE PLANNING COMMISSION MAY REDUCE THE FRONT YARD SETBACK TO THIRTY (30) FEET IF THE REDUCTION WILL INCREASE THE REAR YARD SETBACK BETWEEN THE BUILDING AND EXISTING RESIDENTIAL USES.

(6) ...

(7) Side setback areas shall be a minimum of ten (10) feet including canopies and overhangs except where a side property line abuts a residential district, in which case the setback area shall be a minimum of twenty-five (25) feet. THE PLANNING COMMISSION MAY REDUCE THE SIDE YARD SETBACK WHEN THE ADJACENT PROPERTY HAS A NON-RESIDENTIAL LAND USE DESIGNATION AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED. IN THE EVENT THE PROPERTY IS OWNED BY THE CITY AND TWENTY-FEET OR LESS IN WIDTH, APPROVAL FROM THE NEAREST PRIVATE PROPERTY OWNER IS REQUIRED.

(8) ...

Section 3-4508.5.c

...

(b) No wall, hedge or other visual obstruction in excess of six (6) feet shall be allowed on

any Residential-Professional development site, unless along a district boundary which abuts a residential zone, in which case the height shall be eight (8) feet. THE PLANNING COMMISSION MAY CONSIDER AN ALTERNATIVE WHEN THERE IS AN EXISTING WALL OR THE PROPERTY IS ADJACENT TO CITY OWNED OPEN SPACE AND WRITTEN APPROVAL FROM THE PROPERTY OWNER IS PROVIDED. IN THE EVENT THE PROPERTY IS OWNED BY THE CITY AND TWENTY-FEET OR LESS IN WIDTH, APPROVAL FROM THE NEAREST PRIVATE PROPERTY OWNER IS REQUIRED.

Section 3-4515.d

No refuse collection areas shall be permitted between a frontage street and the building line. No refuse collection area shall be located within ~~one hundred (100) feet~~ THIRTY (30) FEET of any residential use.

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

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

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, February 18, 2014.

HIGHLAND CITY, UTAH

Mark Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

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

EXCERPT OF THE OCTOBER 29, 2013 PLANNING COMMISSION MEETING

PRESENT: Commissioner: Chris Kemp
Commissioner: Tim Heyrend
Commissioner: Abe Day
Commissioner: Jay Roundy
Commissioner: Scott Temby

EXCUSED: Commissioner: Sherry Carruth
Commissioner: Steven Rock

1. **TA-13-08** Greg Nield is requesting to amend Article 4.5 RP (Residential-Professional) District relating to building setbacks, trash enclosure locations, and screen wall requirements. *Legislative.*
2. **Z-13-01** Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) to allow for a 10,001 square foot two-story office building located at 10298 North 4800 West. *Legislative.*
3. **CU-13-03** Greg Nield is requesting a conditional use permit for a 10,000 square foot two story office building in the RP (Residential-Professional) District located at 10298 North 4800 West. *Administrative.*

Commissioner Kemp opened the public hearing.

Mr. Crane explained that agenda items 3, 4, and 5 are all interrelated to one another and that he will review all of those at this time so as to make the requests clear. One application request cannot be done without the other and vice versa. Mr. Crane began a detailed review of the requests.

The proposal is to build a 10,000 square foot two story office building. When we did the expansion of the assisted living on 4800 West, across from the High School, the applicant had purchased property to the north and the south. They showed a proposed building on the property to the south; no details other than a pad were shown at that time. Several applications are needed in order to facilitate the request.

Mr. Crane emphasized that a lot of the zoning districts we have are specific to certain projects and in order to apply them to other projects, amendments have to be made to accommodate those.

He explained that in the RP Zone, that unless the parking is behind the building, there is an 80 foot front setback. This is designed to encourage parking behind the building. A couple of uses that utilize the parking in the rear are The Pointe and office building on the southeast corner of the Alpine Highway and Timpanogos Highway. In the case of this request, amending the front setback will allow for parking to be closer to the street and farther away from the adjacent homes.

The proposal is that the front setback be reduced to 30 feet for those instances where it will create an

increased buffer between a building and existing residence. Side setbacks are 25 feet from an existing residence; it also allows that reduction when the Land Use Map shows a non-residential use designation in the area on the property and you have written approval from a property owner. Mr. Crane explained that these are just proposals that are open for debate. The goal was to incorporate some kind of neighborhood notification involvement and knowledge of things that are going on. If they understand their property is also in transition and they are willing accommodate this that is something the Commission can consider.

Mr. Crane indicated that another amendment involves the trash enclosure; they are currently required to be 100 feet from any existing residential use. On the General Plan, this site is designated as Mixed Use and that was changed about a year ago. Any time there is a transition between non-residential and residential uses, things do not always develop concurrently. There are issues to the south and east of this site where there are residential uses. With the current requirement, the trash enclosure for this site would need to be 100 feet from each of these existing residential uses.

Another requirement of the RP District is an 8 foot wall as a buffer between residential and non-residential uses. There is currently a 6 foot wall on the east property line and the applicant is requesting a reduction to the existing 8 foot requirement.

The applicant is also requesting that the fence adjacent to the trail on the north side of the site be reduced from 8 feet and they wish to do an alternative that would be wrought iron or some type of combination; the details have not yet been provided. This trail provides access from the Wild Rose Subdivision to Lone Peak High School. The proposal is that if the wall is adjacent to open space and we have permission from property owners, it could be reduced. The purpose of the wall is to provide a buffer, create transition, and compatibility.

At this time, Mr. Crane asked if the Commission had any questions on the items he has reviewed up to this time for the Development Code amendments.

Commissioner Temby asked for clarification regarding the front and side setbacks; his clarification was that the setback is measured from the street. Mr. Crane indicated that is correct.

Commissioner Heyrend asked for clarification on the setbacks. Mr. Crane explained that the goal is to create a larger setback where there are adjacent residential areas. Mr. Crane expressed that he is trying to make sure that this RP District can be applied in other areas and with other buildings.

The Commission chose to have Mr. Crane continue his presentation with this project and the multiple application items that are required and have an overall discussion after hearing everything.

Mr. Crane moved forward to the Rezone application and indicated that the site is currently zoned R-1-40. On the General Plan Land Use Map, the property is shown as Mixed Use which allows for residential and non-residential uses. This applies to about 0.7 acres. The areas to the east and south include existing residential. Lone Peak High School is located to the west of the site and the existing facility is located to the north.

When working on a Rezone, the entire General Plan needs to be looked at, not just the Land Use Map. The goals and objectives inside the General Plan need to be looked at. Compatibility with surrounding

uses needs to be addressed. In this case, the input that Mr. Crane has received concerns the two story building adjacent to the existing single family use. Another thing to look at is the circulation on and off site; a lot of times when a property is rezoned, depending on what the request is, traffic volumes can be increased. The last element for consideration is conformance with the Development Code. Mr. Crane indicated that staff's recommendation on this item is that it is really up to the Planning Commission and City Council to determine compatibility between land uses. Mr. Crane explained that there are a number of ways to address compatibility, such as fences, landscaping, and lighting. The overall recommendation is that the Planning Commission hold the public hearing, determine compatibility, include enough assurances to properly buffer between the different types of uses, and other compatibility issues. Mr. Crane reminded the Commission that they and the City Council have discretion so we can provide conditions to rezoning if we need to.

Mr. Crane moved onto the Conditional Use Permit request. The office building is about 30 feet tall and includes approximately 10,000 square feet. The building is setback almost 86 feet from the existing residential area to the east. It is setback 10 feet from the property to the south. A lighting plan was provided that includes the appropriate lighting. With the landscape plan, the buffer is extended that would apply to the east half of the site. The site does provide the required landscaping of 35%. Mr. Crane that staff feels that the landscaping proposed to screen the ground and man equipment need to be walls that match the architecture of the building. The site includes 37 parking spaces; 2 of the spaces are ADA compliant. Mr. Crane stated that the number of spaces is about 2 short of our requirement; the RP District does allow the Commission to consider a reduction in parking if studies are provided. Mr. Crane expressed concern over reducing parking even if only by a couple of spaces; there is no overflow. He also indicated that not knowing what users will be occupying this building will also have a potential impact to the number of parking spaces; some users have a higher demand for spaces than others. The architecture of the building was reviewed on the overhead.

Mr. Crane expressed that staff is concerned with the location of the current parking structure; it is problematic. It leaves a parking space as unusable. Staff feels that it should be moved one space east for circulation purposes.

A cross access agreement will be required between the Assisted Living and this use. There is a plat request later on the agenda tonight that will be reviewed; it will create two separate lots. If either parcel is sold off in the future, it is important to have the cross access agreements between the two to avoid any issues.

The RP District requires that 50% of the trees that are adjacent to the residential properties be evergreens. Given the history on this case, we need resident input on this issue. Currently the trees are proposed as deciduous.

Mr. Crane went over the required findings that the Commission needs to address/review. In addition, if those findings are met, staff has included 5 additional stipulations.

Commissioner Kemp opened the public hearings for agenda Items 3, 4, and 5 at this time.

Greg Nield, applicant, explained that a few months back he met with City Staff about moving forward with their office building. He indicated they have always shown there would be ample parking for a two story office building. When they came to the City, they looked at different zones to see which

would be best for this use; the PO and RP zones were looked at. It was recommended that the steer toward the RP Zone as it would be a better buffer for the adjacent neighbors. Mr. Nield expressed that he may be mistaken, but he did not think there was a need for them to come ask for an amendment to the code, but because of what the neighbors prefer with the setback, that would then require an amendment.

Mr. Nield addressed the parking concerns. He clarified that with the assisted living facility, they are required to have 45 stalls and they show that they have 48. He said that if they are 2 stalls short on the office building side, they actually have 3 additional stalls on the assisted living side, so technically they have 1 additional stall than what is required overall.

Commissioner Kemp posed a question to Mr. Nield that even though they may meet the parking requirements with the sites combined, doesn't he feel that in real practical use there will be a shortage of spaces with close to 60 residents there, especially on a Sunday when visitors come. Commissioner Kemp asked what the plan is if the parking is not adequate. Mr. Nield expressed that the nice thing about the office use is that on Sundays, the office will be closed and there will be parking available there if it is needed. Sunday seems to be the busiest day and evenings are another busy time. Mr. Nield said they feel this is a really good relationship where the office closes at 6pm which will allow for overflow parking; that timeframe is typically when there is an increase in visitors. Greg stated that he had done his own study on parking on random days and at random times and there was never a time when all the spaces were full. There was on average about 10 stalls that were occupied. Greg expressed that even with the additional staff, that he is very confident there will be adequate parking.

Mr. Nield addressed the tree concern and indicated that he spoke with Cori Ollerton and has agreed to do every other tree evergreen; the landscape plan is not accurate.

It was clarified that the cross access agreements would stay in place forever and stay with the land regardless if the property was sold.

Commissioner Temby addressed his concern over the location of the trash enclosure in the 2nd spot on the eastern border. He inquired whether it would be possible to move that to the western edge. Greg Nield indicated that had been considered and an even better solution may be to use that 1 additional parking stall and make it green space with a buffer and use that as the trash area. Commissioner Temby explained his concerns come from personal experience where he was the neighbor adjacent to a similar setup and on trash day, the garbage truck would come at 4:30am and wake him up.

Commissioner Heyrend asked if Commissioner Temby would want the trash enclosure to be near the street where it is visible though. Commissioner Temby indicated that we already have them in the city. Commissioner Heyrend expressed he prefers them hidden. Commissioner Temby indicated that in the interests of the adjacent property owners, he feels this would be an acceptable compromise to move it west.

Mr. Nield used the overhead for discussion on location of the trash enclosure. The Commissioners participated in this discussion. Greg explained that from his employee's standpoint, the current proposed location works best due to the nature of their work and the areas they are coming from to the garbage. The trash is removed weekly around 9am to 10am; Greg anticipates that it would remain a similar time in the future. The number of pickups is likely to increase as the site is expanded.

Commissioner Kemp asked why it is located one stall in and not in the end stall. Mr. Nield explained that for accessibility of the garbage truck, it was designed this way.

At this time, the Commission heard comments and concerns from the public.

Shaunna Godwin expressed that her biggest concern is the safety; the road is so busy, especially during the school year. Ms. Godwin showed where the current bus stop location is and voiced her concerns about that location once this construction and expansion has taken place. She has concerns that her subdivision will become an area where drivers go to turn around or get through; this raises additional safety concerns for her and their homes.

Cori Ollerton brought with her photos from her home onto the site and vice versa into her lot, as well as from some of her neighbors homes, and the bus stop. Her comment was that they are very close; she's even had a construction worker wave to her from the site while she was inside her home. Ms. Ollerton voiced her main concern is their privacy. She said that with phase 1 they worked really well through it and were able to compromise. She indicated that changed with phase 2 and they ended up with a building 30 feet from them and being able to see into the facilities windows. Now we're on phase 3 and we have a parking lot on the exact other side of the fence with a garbage can nearby. She expressed that these were things they tried so hard not to have the first time. Ultimately, they do not want a two story building in their backyard. Ms. Ollerton said that in talking with Greg Nield, it is financially better for them to do a two story building, but she asks as what point does a business financial gain say it okay for a neighborhood financial loss. It's been said many times that property values do not decrease; the property value decreases though if the sale-ability decreases and Cori said that theirs has. They have had many people comment that they would not purchase their home or the neighbors due to the adjacent building(s). Cori complimented the building; her favorite is phase 1. To continue building and expanding is not what they as adjacent neighbors want. Cori suggested waiting to build the office building to see what impact that phase 2 has and what the impacts are; for instance, see how the parking situation is. Ms. Ollerton reiterated the buffer's importance for their privacy; they would like the stone fence to remain as it is stated. Ms. Ollerton suggested that continuing this item may be a good idea in order to further evaluate the requests.

Ryan Ollerton expressed that he and his wife, Cori, share similar views on this project. He commented that they have not yet even felt the full magnitude of the expansion that is phase 2. The patients are not even moved in and they are proposing a 10,000 square foot office building. Mr. Ollerton said they have appreciated Greg working with them on their concerns. He has concerns on the buffer; he and his wife feel that a two story building on this site is a bit much. A 1 story building with similar types of tenants, that he is desiring, may be a great fit and also mitigate the parking issue with a smaller magnitude of a building.

Mr. Ollerton remarked that when the expansion request was brought before the Commission, they voted it down. When it was also brought before the City Council, they also voted it down and at the last minute a deal was struck and it was in, so it was not easy for that one to even happen. As resident's to look at plans and know exactly how it is going to look and feel is not fair; now that it is built, it is a little more expansive, closer, and more intrusive than they had ever planned, even if it does meet the requirements that were passed. Mr. Ollerton said that with in mind, they have tried to play their cards to mitigate what is there now and make it so there is a buffer; Greg has been good in discussing the trees. The trees are the primary thing for the Ollerton family. Mr. Ollerton proposes

that the size and caliper of tree increase from what is shown or required to create immediate shading.

Mr. Ollerton indicated that if the request is approved, they are in favor of moving the building closer to 4800 West. The garbage is a concern; the number of tenants is increasing and the receptacle has not. Moving the trash enclosure away from the residences is also favorable. The fence on the north and south sides when this was passed at expansion were supposed to be the masonry all the way around; this is still favorable the entire way around and that it not be wrought iron. Mr. Ollerton requested that the size of the trees be in writing if this request passes. He indicated that if the lighting plan is the same as phase 1 that that is good with them.

Gary Wright lives directly east of the site. He thinks the project is favorable; he does not have a problem with a two story building. Mr. Wright echoed the idea of the garbage being moved to the west as suggested earlier in the meeting. Gary likes the idea of the evergreen trees as discussed. Overall, he likes the project and has no qualms about it.

Commissioner Temby asked if Gary Wright has any comments regarding the sale-ability of his home. Mr. Wright stated that the person looking to buy the home has to be okay with the surroundings; it is not for everyone. He expressed that he personally would prefer a nice professional office building behind his home any day versus a neighbor.

Bob Valentine lives in the Wild Rose Subdivision and he is a licensed real estate agent and instructor. He said he sold a home in Wild Rose two months ago and got a very good price on it. It is not right on directly adjacent to the Ashford facility. Mr. Valentine does not think that the facility has harmed property values; he feels that what has harmed the home values was the financial collapse in 2008. He agreed with Gary Wright that he would prefer to have this use on the property. Mr. Valentine said his desire would be to see the properties to the south of Ashford be developed into similar types of properties. Mr. Valentine commended Greg Nield on his forward thinking projects. He commented on the bus stops and suggested the bus stop move a block to the north to help mitigate concerns. Bob's opinion of the fence is that it be 6 foot wrought iron fence so that the residents could see into the park; he does not have really strong feelings on the fence.

Rebekah Kaylor lives directly behind the two story portion of the Ashford facility. Ms. Kaylor indicated that she had also spoken extensively with her next door neighbor Sue Brough who is behind the one story portion of the facility. Both of them in regards to the new zoning would urge the Planning Commission to urge the City Council to wait. Ms. Kaylor indicated there is no urgency here. She requested that the Commission let the residents wait until the facility is fully finished and functional and properly assess the impact it has upon their homes and the neighborhood. Then we can look at what needs to happen in the next place. Ms. Kaylor said that if they wait and then decide the impact is not such a negative and move forward with looking at a rezone that her husband and her main issue is where someone else's freedom ends, hers begins and this is what we're looking at here. They fully support entrepreneurship and commend Greg Nield for that. City zoning laws are put in place to protect property owners in situations just like this.

Ms. Kaylor indicated that her neighbor Sue Brough did consult with a realtor and was told that her home had devalued sufficiently because of the nearness and impact and that she will need to wait before she can move. Ms. Kaylor has over 15 windows overlooking into their backyard; she has been impacted by lights in the night from those windows. As far as the fence goes, she feels very strongly.

That is where their children walk every day to and from school; it is a safety issue. Ms. Kaylor voiced concern over workers at the facility that may be able to track patterns of the children and possibly take advantage of that; Ms. Kaylor pleaded for the Commission to consider that. She said that they want the full wall and at least 6 feet. Ms. Kaylor pleaded and urged the Commission to find out first what the impact is going to be before looking at the south lot.

Greg Nield addressed comments made from the residents. In regards to the fence, Nathan Crane did requested Greg to speak with the neighbors that were on the north property line. Greg indicated that he is working to get the information on that. One concern they have with a solid fence is visibility when exiting the lot; the building is sunken into the ground where it is two stories, so when coming out of the parking lot, there is a ramp therefore visibility is important. Mr. Nield referred to the code where it spells out that one type of fencing is required along the perimeter; on the site plan, a 3 foot wrought iron fence is shown on the south and north property line. Greg indicated this was because the plat says nothing over 4 feet can be constructed if adjacent to public open space.

Mr. Crane explained that we are talking about two different fencing issues. One with the Conditional Use Permit and it did not show a 3 foot fence. The other issue with the fence is on the south side adjacent to the City trail. The fence discussion on the north was a part of this expansion was separate issue that we're dealing with.

Mr. Nield addressed the tree sizes. He indicated that with moving the building closer to 4800 West that the impact is lessened for the adjacent homes. Then with trees to buffer, it also creates a more appealing situation. He indicated that if they need to put in 3 or 4 larger trees, they are open to that; even though there is the potential they will die out sooner.

Commissioner Kemp asked if it is feasible for Greg to do a one story office building instead of the two story building. Greg indicated that for them it is not feasible. He stated they have had a several different companies approach them and there are two that look very promising. One is a health and hospice company; they would be a very low traffic business. Another one show interest is a chiropractor, as well as a dentist.

Greg further explained that to do a one story building, they would only be allowed to what code allows, which Greg thought was 30% building to site coverage. So with a single level, they would have half the revenue. Going to a two story allows for greater revenue and allows them to pay for their mortgage. He stated they would not do a single level building. Commissioner Roundy asked if they have looked at a single story with a basement as an option. Mr. Nield said that the neighbors had brought that up, but they have a couple of concerns. They are required to have an elevator and when looking at a basement set up, it is problematic with ADA requirements and the slope that is required. Mr. Nield expressed that it is a lot harder to lease and office space where the windows are sunken down; marketability is less viable.

Commissioner Kemp asked for Mr. Nield's thoughts on putting off the project to see what the impact is once the Ashford build out is complete. Greg stated that he does not like that idea at all.

Commissioner Kemp asked if that is because he is afraid of what the impact will really be. Greg said that is not the case at all; he feels really confident that there is ample parking. He said you can go into other cities and see what the potential impact would be by looking at a building that is already completed. Mr. Nield indicated that in his experience, the majority of other cities require 30% less parking than what Highland City does for Assisted Living.

Mr. Crane clarified an earlier subject matter that came up; the RP District allows 25% site coverage; the Commission and Council may approve up to 35%, which is what the applicant is proposing.

Rebekah Kaylor added that the neighbors that live on the north side do not have children that ride the bus. She believes the people with children riding the buses would be the ones that should be talked to for input.

Bob Valentine said that he planted 7 Shademaster trees on the back of his property for privacy 3 years ago; he is astonished at how fast the trees grew in 3 years. He encouraged these types of trees to be used.

Commissioner Roundy thinks that we need to be very careful in insuring compatibility. He recommended holding a public hearing where specific issues can be discussed. The first item he suggests is a parking study that has been prepared by a professional outside company. He thinks that the building should shift to the west. He does not think it is wise to reduce parking. The comments he's heard about this facility have all been positive; he sees this facility as one that will bring in more residents and people, but hence more traffic. Another issue is that he recommend an appraisal be done and look at the impact that a two story building will have on the adjacent homes. Commissioner Roundy likes the ideas of the large caliper trees and the solid masonry fence.

Commissioner Temby is concerned about the privacy and potential impact on the residents adjacent to the property. Both pro and con issues have been presented that have value. He feels that there can mitigating factors incorporated that would both address the noise and privacy issues; either by adding or increasing the caliper of trees, arranging the setbacks so that the building is closer to 4800 and the trash area is moved to a less impactful area. Commissioner Temby said that he looks at the use of the property in conjunction with the residential properties and the professional nature is preferred over commercial. Looking at 4800 West was what it was before what it is today, R-1-40 was a good fit and he is not sure if it still is. As far as traffic, he anticipates a slight increase. Along with the arguments for continuance and delay, he expressed that he is not a proponent of delay in city development without compelling evidence justifying the delay; he just does not think we have that here.

As far as the appraisal, that is an interesting proposal, but what would we need to see in it that would change what we do here today. Commissioner Roundy stated that if it is going to have a significant impact on the residents then that is going to let us know that a two story versus a one story and which is best. We can then turn that back to the applicant. He said one of the charges they are given as Commissioners is to protect the values, so that is where is coming from for the request of the appraisals.

Commissioner Day said his only comments surrounded different locations for the trash enclosure. He suggested moving it to the front north corner in the L shape. Commissioner Kemp asked the applicant if the garbage company said the dumpster needs to be upsized or anything. Mr. Nield indicated that the size of the dumpster can increase or the number of pickups per week can increase too.

Commissioner Day asked what the current proposed setback from the west is. Mr. Crane indicated it is 86 feet and 25 feet is what is required without an amendment. Commissioner Day said he is not in favor of that change for future developments that may come in that would look for that exception. In

regards to the fence, Commissioner Day would lean toward keeping a consistent style of fence. Along the south side with the trail, he indicated that a narrow corridor has never been a concern he's had, people are allowed in the state to protect themselves in the various ways that they can so if people want to risk attacking someone, it's up to them, but in general, he leans towards keeping the fences consistent.

Commissioner Heyrend said that he can recall the last time that Ashford came in and he was not in favor of the two story back then because of the many windows that face the backyards; he said if that was his house, he would not appreciate it. He does not think anyone in this room would appreciate that. The idea is to screen it and put in an 8 foot fence. He said he is in favor of the hip roof with no windows that faces residential, which still allows the two story building without compromising the privacy of the residences behind you; any good architect would take that into account. He said at a bare minimum, he would definitely recommend the large trees; that is the price to pay when you want to build right next to someone's house with a 30 foot setback. He said when you mix two different types of environments right next to each other, it is not an acceptable use to be looking into one another's properties. He expressed that he is happy to see the much larger setback on this proposed building. He is happy to recommend changing the code for this purpose. In this case, he would recommend the hip roof. The garbage dumpster should be located as far away from those residences as possible. He suggested the dumpster go next to mechanical area of the building; this will encourage them to keep up on the garbage and keep the smell in charge. Commissioner Heyrend concluded by saying it is his opinion that we need to protect the residences from the businesses; he has seen a lot of abuses of businesses on residences. The fence should be solid construction on both sides for privacy.

Commissioner Kemp said he likes the large setback that is proposed. His goal is to minimize the impact on the residences as much as possible both aesthetically and from a financial standpoint. The office use is probably one of the best uses there could be considering they will likely be closed on the weekends. He prefers that they have the proper number of parking stalls and feels they will still be short when the office building is in use. The garbage should be moved as far from residences as possible. He prefers a solid fence on the north side and possibly wrought iron on the south although he is not entirely sure on that. He stated that if this is allowed to go in as a two story building, the impact on the residences need to be minimized as much as possible. This can be done through large trees or 8 foot fence or a combination of the two. He also likes the idea of some sort of appraisal done to see the true impact to the adjacent homes is financially. Commissioner Kemp concluded by saying with the huge expansion currently going on, he is not in favor of cramming this through as fast as we can until we have a little bit more information.

Mr. Crane and the Commission went over minor items of clarification before entering a motion.

MOTION: Commissioner Heyrend moved that the Planning Commission accept the findings and recommend APPROVAL of the ordinance amendment with the following change:

Section 3-4515.d:

Change from 100 feet to 70 feet of any residential use.

Motion seconded by Commissioner Temby.

Those voting aye: Commissioner Temby, Commissioner Roundy, Commissioner Heyrend, and

Commissioner Kemp. Those voting nay: Commissioner Day. 4:1 vote, motion carried.

MOTION: Commissioner Day moved to amend the original motion to change Section 3-4506 as follows:

The Planning Commission may reduce the front yard setback to thirty-five (35) feet if the reduction will increase the rear yard setback between the building and existing residential uses.

Motion dies due to lack of a second.



CITY COUNCIL AGENDA REPORT

Item #8

DATE: February 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, Community Development Director

SUBJECT: PUBLIC HEARING AND ORDINANCE – A REQUEST BY GREG NIELD, TO REZONE 0.70 ACRES FROM R-1-40 (SINGLE FAMILY RESIDENTIAL) TO RP (RESIDENTIAL PROFESSIONAL) FOR PROPERTY LOCATED AT 10322 NORTH 4800 WEST (FILE#: Z-13-01)

STAFF RECOMMENDATION:

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

BACKGROUND:

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

The Senior Care Assisted Living Overlay Zone (SCALO) was approved by the City Council in October 2009. The intent of the SCALO is to provide locations and opportunities for assisted living facilities and other similar uses while protecting existing residential neighborhoods. The SCALO District can be applied anywhere in the city if the site meets the development standards.

A conditional use permit for Ashford Memory Care was approved by the Council in October of 2009. The facility opened in 2011 and is 10,156 square feet and houses 16 beds for patients.

A conditional use permit to expand the site and building was approved by the Council on December 4, 2012. The expansion added 37,529 square feet and house 42 additional beds and is currently under construction. Upon completion the building will be 47,685 square feet and house 58 beds.

A request for a text amendment and conditional use permit will be considered as separate agenda items.

The adoption of a PD District is a legislative process. The City Council has completed discretion.

SUMMARY OF REQUEST:

1. The request is to zone approximately 0.70 acres from R-1-40 (Single Family Residential) to RP (Residential Professional) to allow a 9,602 square foot, two story office building.
2. The RP District allows Community Uses, Financial Institutions, Medicare Facilities, Professional Offices, Single Family Homes, Private Educational Institutions, Preschools, and Day Cares. All uses in the RP District require a conditional use permit.
3. Development standards in the RP District include:
 - Front Setback: 80 feet unless all parking is provided in the rear of the building in which case it is 35 feet.
 - Side Setback: 10 feet unless abutting a residential district in which case it is 25 feet.
 - Rear Setback: 10 feet unless abutting a residential district in which case it is 20 feet.
 - Building Height: 30 feet.
4. Access to the site will be provided from North County Boulevard.

ANALYSIS:

General Plan

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

Compatibility with Surrounding Land Uses

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

Site Circulation

- The proposed entrances to the development will provide adequate access to the site.

Conformance with Development Code

- The proposed development is consistent with the purpose of a RP District. However, the RP District will need to be amended to accommodate the proposed site plan.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on October 9, 2013 at the site. According to the materials presented by the applicant nine people attended the meeting. Comments included setback requirements, moving the building closer to North County Boulevard, building height (two story building is a concern), having the building sunken into the ground to reduce the height, and increasing the size of trees adjacent to the neighbors.

Notice of the Planning Commission public hearing was published in the Daily Herald on October 13, 2013 and mailed to twenty property owners within 500' of the proposed rezoning on October 10, 2013. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

Notice of the January 28, 2014 Planning Commission public hearing was published in the Daily Herald on January 12, 2014 and mailed to twenty property owners within 500' of the proposed rezoning on January 13, 2014. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

Notice of the February 18, 2014 City Council public hearing was published in the Daily Herald on February 2, 2014 and mailed to twenty property owners within 500' of the proposed rezoning on February 3, 2014. No comments have been received.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on October 29, 2013 and January 28, 2014. Residents spoke in opposition to the request. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes. The minutes from both meetings are attached.

On January 18, 2014, the Commission voted 6-0 to recommend approval of the request subject to approval letters from adjacent property owners as required in the proposed Development Code Amendment.

PROPOSED MOTIONS:

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

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

I move that the City Council **DENY** the proposed rezoning based on the following findings: (The Council should draft appropriate findings).

FISCAL IMPACT:

Unknown

ATTACHMENTS:

Attachment A - Ordinance

Attachment B - General Plan Land Use Map and Zoning Map

Attachment C - Aerial

Attachment D - Neighborhood Meeting Summaries

Attachment E - Proposed Site Plan (8.5 x 11)

Attachment F - Minutes of the October 29, 2013 Planning Commission Meeting

Attachment G - Draft Minutes of the January 28, 2014 Planning Commission Meeting

ORDINANCE NO. 2014-**

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

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

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

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

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

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

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

1. XXXX

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

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

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

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

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

PASSED AND ADOPTED by the Highland City Council, February 18, 2014.

HIGHLAND CITY, UTAH

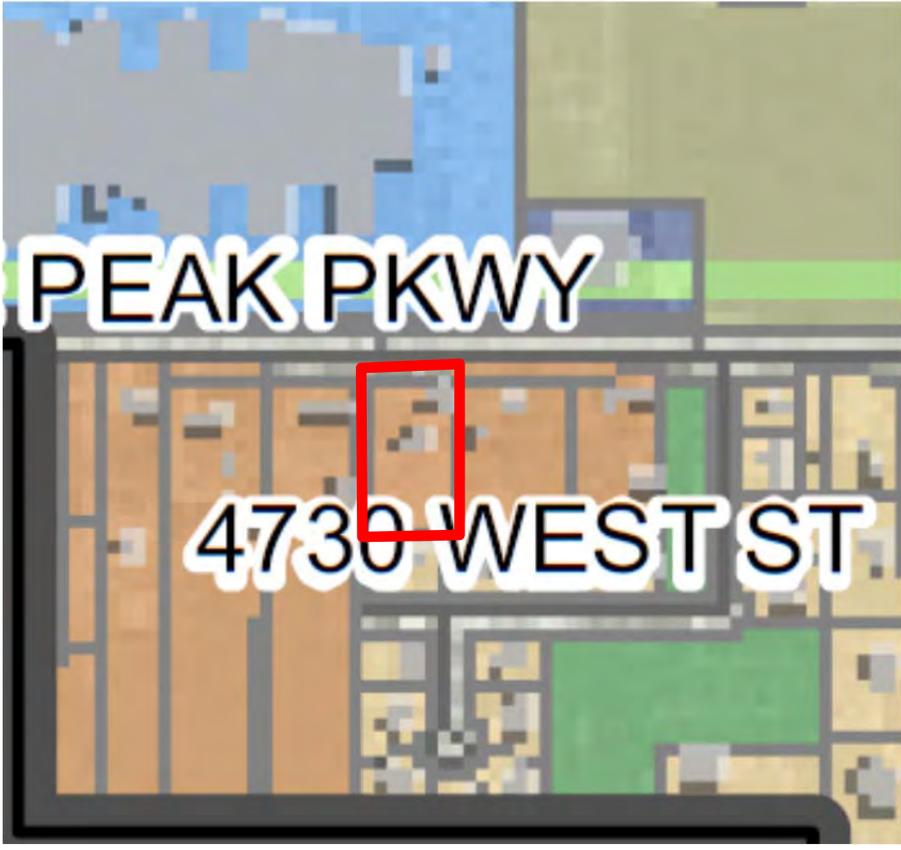
Mark Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

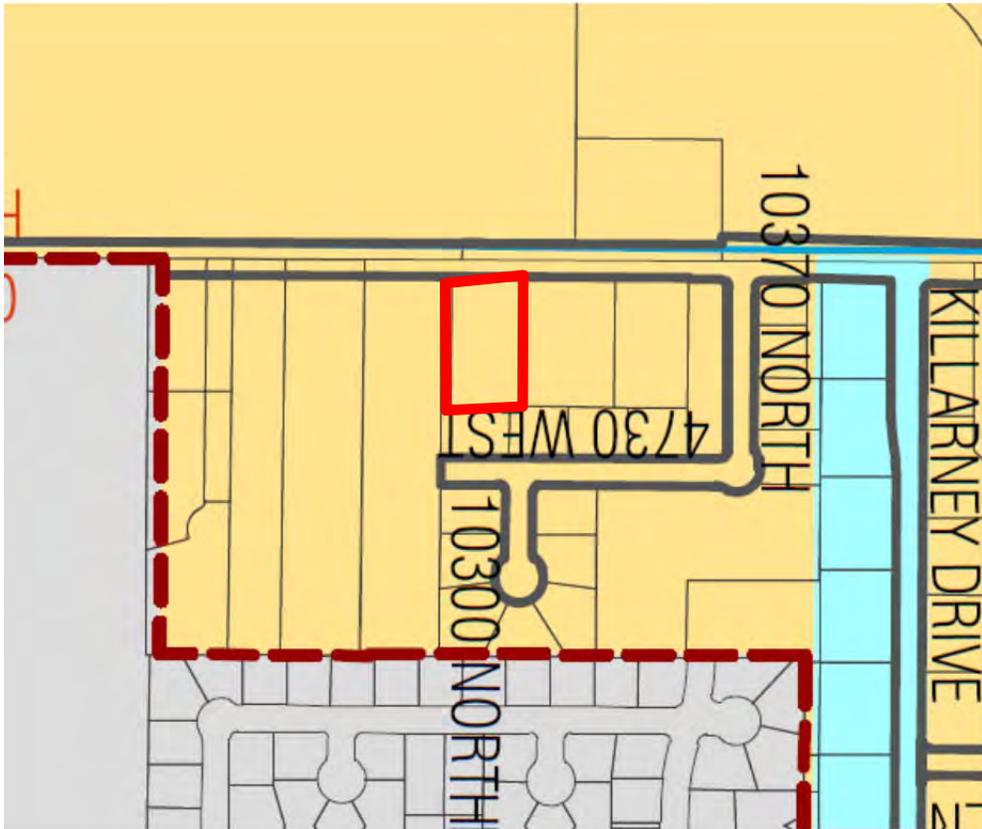
COUNCILMEMBER	YES	NO
Brian Braithwaite	<input type="checkbox"/>	<input type="checkbox"/>
Dennis LeBaron	<input type="checkbox"/>	<input type="checkbox"/>
Tim Irwin	<input type="checkbox"/>	<input type="checkbox"/>
Jessie Schoenfeld	<input type="checkbox"/>	<input type="checkbox"/>
Rod Mann	<input type="checkbox"/>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

General Plan Land Use Map



Land Use: Mixed Use

Zoning Map



Zoning: R-1-40 (Residential)



Aerial

September 19, 2013

Subject: Project Narrative – Zone Change request to Residential Professional (RP)

To whom it may concern:

As the owners of the parcel located at 10298 N 4800 W (directly South of the Ashford Assisted Living), we are requesting that the zoning be changed to Residential Professional to allow a roughly 10,000 sq ft, 2-story office building. The architecture will match that of the Ashford Assisted Living. We will meet all of the requirements for parking, landscape, building-to-site coverage, etc. within this zone. While meeting with Nathan Crane several weeks ago, he recommended that instead of re-zoning to Professional Office, we request a zone of Residential Professional. We agree that this will provide a better buffer for the neighboring residents. We already have businesses that are ready and eager to come to Highland and occupy this office building upon completion.

1. The existing property is zoned as Residential and the City Master Plan shows it as Mixed Use. The city has allowed it to be a SCALO zone for senior care.
2. This property is directly south of the Ashford Assisted Living Facility. It is on a 5-lane highway across from the high school.
3. Changing this to the RP zone allows us to put a 2-story office building that will clean up the area and will bring more businesses to the city of highland to increase its revenue.
4. Compatibility is exceptional next to an assisted living facility and also acts as a great buffer for neighboring residents as this is light commercial.
5. This would meet the Highland City General Plan exactly by having this be an office building in an RP Zone.
6. The impact will be very positive as it will bring more revenue to the city of highland through higher property tax income as opposed to residential or vacant land.
7. The parking is already laid out by the Ashford Assisted Living and this was all done with UDOT and Utah County. We've even moved a telephone pole to ensure better safety with traffic so that our egress lines up perfectly with the high school.

We look forward to working with the city staff, neighbors, commission, and council.

Sincerely,

Greg Nield

October 9, 2013

Neighborhood Meeting Minutes

7:00 pm

Attendees:

Greg Nield, Melinda Wright, Ryan Ollerton, Cori Ollerton, Rebekah Kaylors., Brett Burns, Marialisa Wright, Gary Wright, and Jackie and Tim Healey.

Announced that what is expressed here is not reflecting the view points of the city of Highland.

Greg showed plans for the building and is proposing to receive RP Zoning for the south lot directly south from the Assisted Living Facility across from Lone Peak.

PO would allow anything RP allows plus some is Greg's understanding. Discussion about different types of zoning, but RP is specifically being requested.

R140 zoning is the current zoning. The Highland City Master Plan has this property as mixed use.

Parking 4 stalls per 1000 sq feet of building is required.

Talking about interested parties in the office building next door.

Question: What are the setbacks?

Neighbors asked if we could increase the rear setback and push the building closer to 4800 West.

Neighbors asked about having the building sunk in ground. Can't move the building down because we are required to have an elevator. Also concerned about water entering the building. They were wondering if we could drop the overall height by 3 or 4 feet. Look into that.

Lobby would be in the middle area. Seating (waiting room) would likely be in individual offices.

No way around steps up or down.

We will not build the building unless we have a sufficient number of companies to lease the space. Right now we do have the interest of companies wanting to come to Highland city specifically to this location.

We would make no steps at all like we have at Ashford.

Height for Assisted Living is around 31 feet. Continued discussion about the height limit and options available. If building is lowered you run into problems with flooding. Greg explained how the storm drain works.

The sump pumps help with drainage.

We were asked if we would be willing to push the building to the front of the property along 4800 W like the Ashford.

Greg replied he would be okay with that. Will there be a chimney? No.

What about the colors on the building? Will it be similar? The reply was yes.

Do you have to build a two stories to make it worth it? Yes, 1 floor won't work.

30 or 35% open space (whichever is required currently in the RP zoning) will work. What kind of parking lot are you building now?

Next step this goes to the planning commission. If all goes well what is your plan for breaking ground?

We would want half preleased. 6 month build. Home Health and Hospice is one of the companies wanting to be there and they don't have patients that visit their office. So it's minimal traffic in and out. They have a weekly IDT meeting with their staff that lasts a couple hours. Other than that, they are out in the nearby cities visiting patients in their homes.

Are there rules about what kind of signs you can use? City would regulate that.

How many office spaces? 2 up and 2 down. Each potential lease would take a quarter.

I would love more open space by my house of course. Will you put a row of tall trees?

Planning commission meeting next. Public forum.

Greg asked about any other concerns?

Push it as far away from Wild Rose as possible.

Two story building is a concern. Realtor showed proof the property value has gone down.

Greg replied that it would not work to be one level.

Business would require certain sq footage.

Greg acknowledged the unhappiness of Rebekah, and Sue Brough and Cori.

Cori feels that she can affect a difference in the zoning.

High School is what depreciates our value.

Cori asking about bigger trees as more of a buffer. She mentioned there's a nursery that has large, mature trees and they warranty them down in American Fork.

Greg expressed concern that mature trees tend to die more likely than a regularly installed tree.

Neighborhood Mtg - Office Building

NAME	SIGNATURE
RYAN DUERTON	Ryan
Cory Overtor	Cory Overtor
Rebekah Kaybe (also representing Broughs)	R. Kaybe
BRETT BURNS	Brett Burns
MARIALISA WRIGHT	MariaLisa Wright
Gary	Gary
JACKIE & TIM HEACEY	T. Heady
Greg Nield	Greg Nield
Melinda Wright	

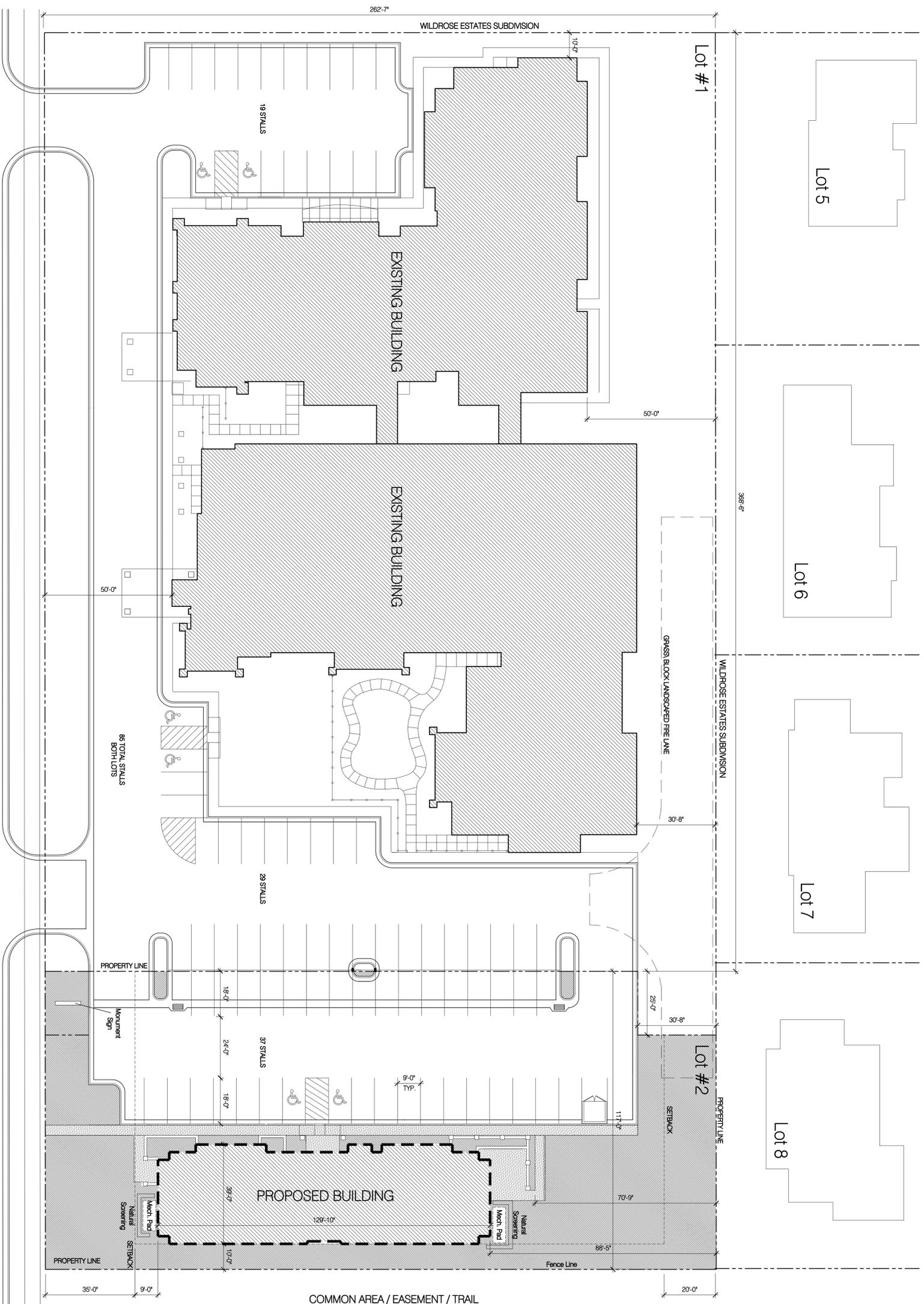
REFERENCE NOTES

1.

boque building
730 pacific avenue
salt lake city
Utah 84104
* 801-521-6186
† 801-539-1916
ffkr.com

FFKR
ARCHITECTS

PROPOSED BUILDING	Description	Area	Required	Provided
Lot 2 (Professional Building) R-P Zone Total Square Footage		29,913		
	3-4505: Site Coverage	4,802 s.f.		
	(1) Total Building Coverage	7,492 s.f. max		4,802 s.f.
35% of site (with P.C. and/or C.C. approval)	(1) Total Building Coverage	10,470 s.f. max		
	(2) Landscaping Coverage	10,470 s.f. min.		12,471 s.f.
	35% total land area			
3-4506: Building Setbacks	Side	10'		10'
	Rear	20'		7'-2"
	Front	35'		44'
3-4507: Building Height		30' max		29'-6"
3-4509: Parking	(1) Parking Lot Characteristics			
	(d) Size of spaces	9'x18'		9'x18'
(e) Handicapped (ADA)		2		2 (One Van)
	(2) Specific Requirements for Each Land Use			
(a) Parking stalls for all uses shall be 4.0 per 1,000 s.f.		9,602 s.f.		37
	(c) In cases where less parking is appropriate - See (c)	416 s.f.		37
		9,602 s.f.		
Lot 1 (Memory Care) SCALO Zone Total Square Footage		97,395		
	3-606: Site Coverage	34,127 s.f.		
(1) Total Building Coverage		34,098 s.f. max		34,127
	35% of site	34,098 s.f. min.		36,125
(2) Landscaping Coverage		34,098 s.f.		
	35% total land area			
3-4607: Building Setbacks	Side	10'		10'
	Rear (single story)	30'		30'-9"
Front (two story)		50'		50'
		50'		50'
3-4607: Building Height		35' max		30'-5"
3-4610: Parking	(7) Parking Lot Characteristics			
	Quantity of beds (1 space per 2 beds)	31		32
Quantity of Employees (1 per employee)	(d) Size of spaces	9'x18'		9'x18'
	(e) Handicapped (ADA)	2		4 (One Van)



400 WEST STREET / NORTH COUNTY BOULEVARD

A1 SITE PLAN

SCALE 1" = 20'-0"



Handscaped Area

ASHFORD MEMORY CARE - OFFICE BUILDING
10322 N 4800 W
HIGHLAND, UTAH 84003
SCHEMATIC DESIGN

DATE	STATUS
9/12/2013	DPC - Review
10/16/2013	DPC - Residential
01/09/2014	DPC - Residential
01/14/2014	DPC - Residential

PROJECT NUMBER	10383
DRAWN BY	FO
CHECKED BY	

SITE PLAN

AS 100

DRAFT MINUTES OF THE OCTOBER 29, 2013 PLANNING COMMISSION MEETING

PRESENT: Commissioner: Chris Kemp
Commissioner: Tim Heyrend
Commissioner: Abe Day
Commissioner: Jay Roundy
Commissioner: Scott Temby

EXCUSED: Commissioner: Sherry Carruth
Commissioner: Steven Rock

1. **TA-13-08** Greg Nield is requesting to amend Article 4.5 RP (Residential-Professional) District relating to building setbacks, trash enclosure locations, and screen wall requirements. *Legislative.*
2. **Z-13-01** Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) to allow for a 10,001 square foot two-story office building located at 10298 North 4800 West. *Legislative.*
3. **CU-13-03** Greg Nield is requesting a conditional use permit for a 10,000 square foot two story office building in the RP (Residential-Professional) District located at 10298 North 4800 West. *Administrative.*

Commissioner Kemp opened the public hearing.

Mr. Crane explained that agenda items 3, 4, and 5 are all interrelated to one another and that he will review all of those at this time so as to make the requests clear. One application request cannot be done without the other and vice versa. Mr. Crane began a detailed review of the requests.

The proposal is to build a 10,000 square foot two story office building. When we did the expansion of the assisted living on 4800 West, across from the High School, the applicant had purchased property to the north and the south. They showed a proposed building on the property to the south; no details other than a pad were shown at that time. Several applications are needed in order to facilitate the request.

Mr. Crane emphasized that a lot of the zoning districts we have are specific to certain projects and in order to apply them to other projects, amendments have to be made to accommodate those.

He explained that in the RP Zone, that unless the parking is behind the building, there is an 80 foot front setback. This is designed to encourage parking behind the building. A couple of uses that utilize the parking in the rear are The Pointe and office building on the southeast corner of the Alpine Highway and Timpanogos Highway. In the case of this request, amending the front setback will allow for parking to be closer to the street and farther away from the adjacent homes.

The proposal is that the front setback be reduced to 30 feet for those instances where it will create an increased buffer between a building and existing residence. Side setbacks are 25 feet from an existing residence; it also allows that reduction when the Land Use Map shows a non-residential use designation in the area on the property and you have written approval from a property owner. Mr. Crane explained that these are just proposals that are open for debate. The goal was to incorporate some kind of neighborhood notification involvement and knowledge of things that are going on. If they understand their property is also in transition and they are willing accommodate this that is something the Commission can consider.

Mr. Crane indicated that another amendment involves the trash enclosure; they are currently required to be 100 feet from any existing residential use. On the General Plan, this site is designated as Mixed Use and that was changed about a year ago. Any time there is a transition between non-residential and residential uses, things do not always develop concurrently. There are issues to the south and east of this site where there are residential uses. With the current requirement, the trash enclosure for this site would need to be 100 feet from each of these existing residential uses.

Another requirement of the RP District is an 8 foot wall as a buffer between residential and non-residential uses. There is currently a 6 foot wall on the east property line and the applicant is requesting a reduction to the existing 8 foot requirement.

The applicant is also requesting that the fence adjacent to the trail on the north side of the site be reduced from 8 feet and they wish to do an alternative that would be wrought iron or some type of combination; the details have not yet been provided. This trail provides access from the Wild Rose Subdivision to Lone Peak High School. The proposal is that if the wall is adjacent to open space and we have permission from property owners, it could be reduced. The purpose of the wall is to provide a buffer, create transition, and compatibility.

At this time, Mr. Crane asked if the Commission had any questions on the items he has reviewed up to this time for the Development Code amendments.

Commissioner Temby asked for clarification regarding the front and side setbacks; his clarification was that the setback is measured from the street. Mr. Crane indicated that is correct.

Commissioner Heyrend asked for clarification on the setbacks. Mr. Crane explained that the goal is to create a larger setback where there are adjacent residential areas. Mr. Crane

expressed that he is trying to make sure that this RP District can be applied in other areas and with other buildings.

The Commission chose to have Mr. Crane continue his presentation with this project and the multiple application items that are required and have an overall discussion after hearing everything.

Mr. Crane moved forward to the Rezone application and indicated that the site is currently zoned R-1-40. On the General Plan Land Use Map, the property is shown as Mixed Use which allows for residential and non-residential uses. This applies to about 0.7 acres. The areas to the east and south include existing residential. Lone Peak High School is located to the west of the site and the existing facility is located to the north.

When working on a Rezone, the entire General Plan needs to be looked at, not just the Land Use Map. The goals and objectives inside the General Plan need to be looked at. Compatibility with surrounding uses needs to be addressed. In this case, the input that Mr. Crane has received concerns the two story building adjacent to the existing single family use. Another thing to look at is the circulation on and off site; a lot of times when a property is rezoned, depending on what the request is, traffic volumes can be increased. The last element for consideration is conformance with the Development Code. Mr. Crane indicated that staff's recommendation on this item is that it is really up to the Planning Commission and City Council to determine compatibility between land uses. Mr. Crane explained that there are a number of ways to address compatibility, such as fences, landscaping, and lighting. The overall recommendation is that the Planning Commission hold the public hearing, determine compatibility, include enough assurances to properly buffer between the different types of uses, and other compatibility issues. Mr. Crane reminded the Commission that they and the City Council have discretion so we can provide conditions to rezoning if we need to.

Mr. Crane moved onto the Conditional Use Permit request. The office building is about 30 feet tall and includes approximately 10,000 square feet. The building is setback almost 86 feet from the existing residential area to the east. It is setback 10 feet from the property to the south. A lighting plan was provided that includes the appropriate lighting. With the landscape plan, the buffer is extended that would apply to the east half of the site. The site does provide the required landscaping of 35%. Mr. Crane that staff feels that the landscaping proposed to screen the ground and man equipment need to be walls that match the architecture of the building. The site includes 37 parking spaces; 2 of the spaces are ADA compliant. Mr. Crane stated that the number of spaces is about 2 short of our requirement; the RP District does allow the Commission to consider a reduction in parking if studies are provided. Mr. Crane expressed concern over reducing parking even if only by a couple of spaces; there is no overflow. He also indicated that not knowing what users will be occupying this building will also have a potential impact to the number of parking spaces; some users have a higher demand for spaces than others. The architecture of the building was reviewed on the overhead.

Mr. Crane expressed that staff is concerned with the location of the current parking structure; it is problematic. It leaves a parking space as unusable. Staff feels that it should be moved one space east for circulation purposes.

A cross access agreement will be required between the Assisted Living and this use. There is a plat request later on the agenda tonight that will be reviewed; it will create two separate lots. If either parcel is sold off in the future, it is important to have the cross access agreements between the two to avoid any issues.

The RP District requires that 50% of the trees that are adjacent to the residential properties be evergreens. Given the history on this case, we need resident input on this issue. Currently the trees are proposed as deciduous.

Mr. Crane went over the required findings that the Commission needs to address/review. In addition, if those findings are met, staff has included 5 additional stipulations.

Commissioner Kemp opened the public hearings for agenda Items 3, 4, and 5 at this time.

Greg Nield, applicant, explained that a few months back he met with City Staff about moving forward with their office building. He indicated they have always shown there would be ample parking for a two story office building. When they came to the City, they looked at different zones to see which would be best for this use; the PO and RP zones were looked at. It was recommended that they steer toward the RP Zone as it would be a better buffer for the adjacent neighbors. Mr. Nield expressed that he may be mistaken, but he did not think there was a need for them to come ask for an amendment to the code, but because of what the neighbors prefer with the setback, that would then require an amendment.

Mr. Nield addressed the parking concerns. He clarified that with the assisted living facility, they are required to have 45 stalls and they show that they have 48. He said that if they are 2 stalls short on the office building side, they actually have 3 additional stalls on the assisted living side, so technically they have 1 additional stall than what is required overall.

Commissioner Kemp posed a question to Mr. Nield that even though they may meet the parking requirements with the sites combined, doesn't he feel that in real practical use there will be a shortage of spaces with close to 60 residents there, especially on a Sunday when visitors come. Commissioner Kemp asked what the plan is if the parking is not adequate. Mr. Nield expressed that the nice thing about the office use is that on Sundays, the office will be closed and there will be parking available there if it is needed. Sunday seems to be the busiest day and evenings are another busy time. Mr. Nield said they feel this is a really good relationship where the office closes at 6pm which will allow for overflow parking; that timeframe is typically when there is an increase in visitors. Greg stated that he had done his own study on parking on random days and at random times and there was never a time when all the spaces were full. There was on average about 10 stalls that were occupied. Greg

expressed that even with the additional staff, that he is very confident there will be adequate parking.

Mr. Nield addressed the tree concern and indicated that he spoke with Cori Ollerton and has agreed to do every other tree evergreen; the landscape plan is not accurate.

It was clarified that the cross access agreements would stay in place forever and stay with the land regardless if the property was sold.

Commissioner Temby addressed his concern over the location of the trash enclosure in the 2nd spot on the eastern border. He inquired whether it would be possible to move that to the western edge. Greg Nield indicated that had been considered and an even better solution may be to use that 1 additional parking stall and make it green space with a buffer and use that as the trash area. Commissioner Temby explained his concerns come from personal experience where he was the neighbor adjacent to a similar setup and on trash day, the garbage truck would come at 4:30am and wake him up.

Commissioner Heyrend asked if Commissioner Temby would want the trash enclosure to be near the street where it is visible though. Commissioner Temby indicated that we already have them in the city. Commissioner Heyrend expressed he prefers them hidden. Commissioner Temby indicated that in the interests of the adjacent property owners, he feels this would be an acceptable compromise to move it west.

Mr. Nield used the overhead for discussion on location of the trash enclosure. The Commissioners participated in this discussion. Greg explained that from his employee's standpoint, the current proposed location works best due to the nature of their work and the areas they are coming from to the garbage. The trash is removed weekly around 9am to 10am; Greg anticipates that it would remain a similar time in the future. The number of pickups is likely to increase as the site is expanded. Commissioner Kemp asked why it is located one stall in and not in the end stall. Mr. Nield explained that for accessibility of the garbage truck, it was designed this way.

At this time, the Commission heard comments and concerns from the public.

Shaunna Godwin expressed that her biggest concern is the safety; the road is so busy, especially during the school year. Ms. Godwin showed where the current bus stop location is and voiced her concerns about that location once this construction and expansion has taken place. She has concerns that her subdivision will become an area where drivers go to turn around or get through; this raises additional safety concerns for her and their homes.

Cori Ollerton brought with her photos from her home onto the site and vice versa into her lot, as well as from some of her neighbors homes, and the bus stop. Her comment was that they are very close; she's even had a construction worker wave to her from the site while she was inside her home. Ms. Ollerton voiced her main concern is their privacy. She said that with

phase 1 they worked really well through it and were able to compromise. She indicated that changed with phase 2 and they ended up with a building 30 feet from them and being able to see into the facilities windows. Now we're on phase 3 and we have a parking lot on the exact other side of the fence with a garbage can nearby. She expressed that these were things they tried so hard not to have the first time. Ultimately, they do not want a two story building in their backyard. Ms. Ollerton said that in talking with Greg Nield, it is financially better for them to do a two story building, but she asks as what point does a business financial gain say it okay for a neighborhood financial loss. It's been said many times that property values do not decrease; the property value decreases though if the sale-ability decreases and Cori said that theirs has. They have had many people comment that they would not purchase their home or the neighbors due to the adjacent building(s). Cori complimented the building; her favorite is phase 1. To continue building and expanding is not what they as adjacent neighbors want. Cori suggested waiting to build the office building to see what impact that phase 2 has and what the impacts are; for instance, see how the parking situation is. Ms. Ollerton reiterated the buffer's importance for their privacy; they would like the stone fence to remain as it is stated. Ms. Ollerton suggested that continuing this item may be a good idea in order to further evaluate the requests.

Ryan Ollerton expressed that he and his wife, Cori, share similar views on this project. He commented that they have not yet even felt the full magnitude of the expansion that is phase 2. The patients are not even moved in and they are proposing a 10,000 square foot office building. Mr. Ollerton said they have appreciated Greg working with them on their concerns. He has concerns on the buffer; he and his wife feel that a two story building on this site is a bit much. A 1 story building with similar types of tenants, that he is desiring, may be a great fit and also mitigate the parking issue with a smaller magnitude of a building.

Mr. Ollerton remarked that when the expansion request was brought before the Commission, they voted it down. When it was also brought before the City Council, they also voted it down and at the last minute a deal was struck and it was in, so it was not easy for that one to even happen. As resident's to look at plans and know exactly how it is going to look and feel is not fair; now that it is built, it is a little more expansive, closer, and more intrusive than they had ever planned, even if it does meet the requirements that were passed. Mr. Ollerton said that with in mind, they have tried to play their cards to mitigate what is there now and make it so there is a buffer; Greg has been good in discussing the trees. The trees are the primary thing for the Ollerton family. Mr. Ollerton proposes that the size and caliper of tree increase from what is shown or required to create immediate shading.

Mr. Ollerton indicated that if the request is approved, they are in favor of moving the building closer to 4800 West. The garbage is a concern; the number of tenants is increasing and the receptacle has not. Moving the trash enclosure away from the residences is also favorable. The fence on the north and south sides when this was passed at expansion were supposed to be the masonry all the way around; this is still favorable the entire way around and that it not be wrought iron. Mr. Ollerton requested that the size of the trees be in writing if this request passes. He indicated that if the lighting plan is the same as phase 1 that that is good with them.

Gary Wright lives directly east of the site. He thinks the project is favorable; he does not have a problem with a two story building. Mr. Wright echoed the idea of the garbage being moved to the west as suggested earlier in the meeting. Gary likes the idea of the evergreen trees as discussed. Overall, he likes the project and has no qualms about it.

Commissioner Temby asked if Gary Wright has any comments regarding the sale-ability of his home. Mr. Wright stated that the person looking to buy the home has to be okay with the surroundings; it is not for everyone. He expressed that he personally would prefer a nice professional office building behind his home any day versus a neighbor.

Bob Valentine lives in the Wild Rose Subdivision and he is a licensed real estate agent and instructor. He said he sold a home in Wild Rose two months ago and got a very good price on it. It is not right on directly adjacent to the Ashford facility. Mr. Valentine does not think that the facility has harmed property values; he feels that what has harmed the home values was the financial collapse in 2008. He agreed with Gary Wright that he would prefer to have this use on the property. Mr. Valentine said his desire would be to see the properties to the south of Ashford be developed into similar types of properties. Mr. Valentine commended Greg Nield on his forward thinking projects. He commented on the bus stops and suggested the bus stop move a block to the north to help mitigate concerns. Bob's opinion of the fence is that it be 6 foot wrought iron fence so that the residents could see into the park; he does not have really strong feelings on the fence.

Rebekah Kaylor lives directly behind the two story portion of the Ashford facility. Ms. Kaylor indicated that she had also spoken extensively with her next door neighbor Sue Brough who is behind the one story portion of the facility. Both of them in regards to the new zoning would urge the Planning Commission to urge the City Council to wait. Ms. Kaylor indicated there is no urgency here. She requested that the Commission let the residents wait until the facility is fully finished and functional and properly assess the impact it has upon their homes and the neighborhood. Then we can look at what needs to happen in the next place. Ms. Kaylor said that if they wait and then decide the impact is not such a negative and move forward with looking at a rezone that her husband and her main issue is where someone else's freedom ends, hers begins and this is what we're looking at here. They fully support entrepreneurship and commend Greg Nield for that. City zoning laws are put in place to protect property owners in situations just like this.

Ms. Kaylor indicated that her neighbor Sue Brough did consult with a realtor and was told that her home had devalued sufficiently because of the nearness and impact and that she will need to wait before she can move. Ms. Kaylor has over 15 windows overlooking into their backyard; she has been impacted by lights in the night from those windows. As far as the fence goes, she feels very strongly. That is where their children walk every day to and from school; it is a safety issue. Ms. Kaylor voiced concern over workers at the facility that may be able to track patterns of the children and possibly take advantage of that; Ms. Kaylor pleaded for the Commission to consider that. She said that they want the full wall and at least 6 feet. Ms. Kaylor pleaded and

urged the Commission to find out first what the impact is going to be before looking at the south lot.

Greg Nield addressed comments made from the residents. In regards to the fence, Nathan Crane did requested Greg to speak with the neighbors that were on the north property line. Greg indicated that he is working to get the information on that. One concern they have with a solid fence is visibility when exiting the lot; the building is sunken into the ground where it is two stories, so when coming out of the parking lot, there is a ramp therefore visibility is important. Mr. Nield referred to the code where it spells out that one type of fencing is required along the perimeter; on the site plan, a 3 foot wrought iron fence is shown on the south and north property line. Greg indicated this was because the plat says nothing over 4 feet can be constructed if adjacent to public open space.

Mr. Crane explained that we are talking about two different fencing issues. One with the Conditional Use Permit and it did not show a 3 foot fence. The other issue with the fence is on the south side adjacent to the City trail. The fence discussion on the north was a part of this expansion was separate issue that we're dealing with.

Mr. Nield addressed the tree sizes. He indicated that with moving the building closer to 4800 West that the impact is lessened for the adjacent homes. Then with trees to buffer, it also creates a more appealing situation. He indicated that if they need to put in 3 or 4 larger trees, they are open to that; even though there is the potential they will die out sooner.

Commissioner Kemp asked if it is feasible for Greg to do a one story office building instead of the two story building. Greg indicated that for them it is not feasible. He stated they have had a several different companies approach them and there are two that look very promising. One is a health and hospice company; they would be a very low traffic business. Another one show interest is a chiropractor, as well as a dentist.

Greg further explained that to do a one story building, they would only be allowed to what code allows, which Greg thought was 30% building to site coverage. So with a single level, they would have half the revenue. Going to a two story allows for greater revenue and allows them to pay for their mortgage. He stated they would not do a single level building. Commissioner Roundy asked if they have looked at a single story with a basement as an option. Mr. Nield said that the neighbors had brought that up, but they have a couple of concerns. They are required to have an elevator and when looking at a basement set up, it is problematic with ADA requirements and the slope that is required. Mr. Nield expressed that it is a lot harder to lease and office space where the windows are sunken down; marketability is less viable.

Commissioner Kemp asked for Mr. Nield's thoughts on putting off the project to see what the impact is once the Ashford build out is complete. Greg stated that he does not like that idea at all. Commissioner Kemp asked if that is because he is afraid of what the impact will really be. Greg said that is not the case at all; he feels really confident that there is ample parking. He said you can go into other cities and see what the potential impact would be by looking at a

building that is already completed. Mr. Nield indicated that in his experience, the majority of other cities require 30% less parking than what Highland City does for Assisted Living.

Mr. Crane clarified an earlier subject matter that came up; the RP District allows 25% site coverage; the Commission and Council may approve up to 35%, which is what the applicant is proposing.

Rebekah Kaylor added that the neighbors that live on the north side do not have children that ride the bus. She believes the people with children riding the buses would be the ones that should be talked to for input.

Bob Valentine said that he planted 7 Shademaster trees on the back of his property for privacy 3 years ago; he is astonished at how fast the trees grew in 3 years. He encouraged these types of trees to be used.

Commissioner Roundy thinks that we need to be very careful in insuring compatibility. He recommended holding a public hearing where specific issues can be discussed. The first item he suggests is a parking study that has been prepared by a professional outside company. He thinks that the building should shift to the west. He does not think it is wise to reduce parking. The comments he's heard about this facility have all been positive; he sees this facility as one that will bring in more residents and people, but hence more traffic. Another issue is that he recommend an appraisal be done and look at the impact that a two story building will have on the adjacent homes. Commissioner Roundy likes the ideas of the large caliper trees and the solid masonry fence.

Commissioner Temby is concerned about the privacy and potential impact on the residents adjacent to the property. Both pro and con issues have been presented that have value. He feels that there can be mitigating factors incorporated that would both address the noise and privacy issues; either by adding or increasing the caliper of trees, arranging the setbacks so that the building is closer to 4800 and the trash area is moved to a less impactful area.

Commissioner Temby said that he looks at the use of the property in conjunction with the residential properties and the professional nature is preferred over commercial. Looking at 4800 West was what it was before what it is today, R-1-40 was a good fit and he is not sure if it still is. As far as traffic, he anticipates a slight increase. Along with the arguments for continuance and delay, he expressed that he is not a proponent of delay in city development without compelling evidence justifying the delay; he just does not think we have that here.

As far as the appraisal, that is an interesting proposal, but what would we need to see in it that would change what we do here today. Commissioner Roundy stated that if it is going to have a significant impact on the residents then that is going to let us know that a two story versus a one story and which is best. We can then turn that back to the applicant. He said one of the charges they are given as Commissioners is to protect the values, so that is where is coming from for the request of the appraisals.

Commissioner Day said his only comments surrounded different locations for the trash enclosure. He suggested moving it to the front north corner in the L shape. Commissioner Kemp asked the applicant if the garbage company said the dumpster needs to be upsized or anything. Mr. Nield indicated that the size of the dumpster can increase or the number of pickups per week can increase too.

Commissioner Day asked what the current proposed setback from the west is. Mr. Crane indicated it is 86 feet and 25 feet is what is required without an amendment. Commissioner Day said he is not in favor of that change for future developments that may come in that would look for that exception. In regards to the fence, Commissioner Day would lean toward keeping a consistent style of fence. Along the south side with the trail, he indicated that a narrow corridor has never been a concern he's had, people are allowed in the state to protect themselves in the various ways that they can so if people want to risk attacking someone, it's up to them, but in general, he leans towards keeping the fences consistent.

Commissioner Heyrend said that he can recall the last time that Ashford came in and he was not in favor of the two story back then because of the many windows that face the backyards; he said if that was his house, he would not appreciate it. He does not think anyone in this room would appreciate that. The idea is to screen it and put in an 8 foot fence. He said he is in favor of the hip roof with no windows that faces residential, which still allows the two story building without compromising the privacy of the residences behind you; any good architect would take that into account. He said at a bare minimum, he would definitely recommend the large trees; that is the price to pay when you want to build right next to someone's house with a 30 foot setback. He said when you mix two different types of environments right next to each other, it is not an acceptable use to be looking into one another's properties. He expressed that he is happy to see the much larger setback on this proposed building. He is happy to recommend changing the code for this purpose. In this case, he would recommend the hip roof. The garbage dumpster should be located as far away from those residences as possible. He suggested the dumpster go next to mechanical area of the building; this will encourage them to keep up on the garbage and keep the smell in charge. Commissioner Heyrend concluded by saying it is his opinion that we need to protect the residences from the businesses; he has seen a lot of abuses of businesses on residences. The fence should be solid construction on both sides for privacy.

Commissioner Kemp said he likes the large setback that is proposed. His goal is to minimize the impact on the residences as much as possible both aesthetically and from a financial standpoint. The office use is probably one of the best uses there could be considering they will likely be closed on the weekends. He prefers that they have the proper number of parking stalls and feels they will still be short when the office building is in use. The garbage should be moved as far from residences as possible. He prefers a solid fence on the north side and possibly wrought iron on the south although he is not entirely sure on that. He stated that if this is allowed to go in as a two story building, the impact on the residences need to be minimized as much as possible. This can be done through larges trees or 8 foot fence or a combination of the two. He also likes the idea of some sort of appraisal done to see the true

impact to the adjacent homes is financially. Commissioner Kemp concluded by saying with the huge expansion currently going on, he is not in favor of cramming this through as fast as we can until we have a little bit more information.

Mr. Crane and the Commission went over minor items of clarification before entering a motion.

Moving forward with the agenda, Commissioner Kemp suggested we entertain a motion on Agenda Item 4, which is the Rezone request. Commissioner Day inquired whether this item should be continued seeing as there has been discussion about continuing some of the other items. Mr. Crane expressed that if the Commission is looking for additional information, Agenda Items 4 and 5 should go together and even possibly Item 6 too. Once the zoning is changed, your hands are tied so to speak. Commissioner Temby clarified that at this point, the Planning Commission would recommend the Development Code Amendment to the City Council; Commissioner Kemp indicated that is correct, but nothing else at this point.

MOTION: Commissioner Roundy moved that the Planning Commission CONTINUE agenda items 4, 5, and 6 in order to obtain additional information on possible impacts the requests will create. The Commission is requesting a parking study that addresses current and proposed site usage to make sure from the safety, engineering, and use perspective that there is the amount of parking needed to safely conduct business on the site. The Commission also requests an appraisal to assess the impact on adjacent homes regarding the two story building request versus a one story building. The Commission requests that staff look at both studies, parking and the appraisal, and determine how to best accomplish these tasks and who will incur the cost.

Mr. Crane explained that he has had past experience with applicants covering the cost of additional studies, but the City chose who to hire out for the studies. Commissioner Roundy was in favor of this.

Motion seconded by Commissioner Heyrend.

Commissioner Kemp continued the public hearing.

Those voting aye: Commissioner Heyrend, Commissioner Day, Commissioner Roundy, Commissioner Kemp. Those voting nay: Commissioner Temby. Vote 4:1, motion carried.

**Excerpt of the Draft Minutes
January 28, 2014 Planning Commission Meeting**

PRESENT: Commissioner: Chris Kemp
Commissioner: Tim Heyrend
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Steve Rock

1. Z-13-01 Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) located at 10298 North 4800 West.

Nathan Crane briefly explained; the applicant revised the size of the building to eliminate the requirement of shared parking. The reduction in building size was approximately 400 square feet. The Commission asked for details on the economic impact; the proposals received amounted to costs between \$4,000.00 and \$6,000.00 which were cost prohibited. As a result the items were not provided.

Public Hearing opened

Cori Ollerton indicated she lives on lot 7. Her family's concern is primarily privacy. At the last meeting the trees were not planted, but have now been installed. Cori provided pictures showing the view from her property onto the Ashford property with and without the trees in place. She mentioned that Greg Nield was accommodating to the neighbors and let them choose which trees would be planted. She indicated that two deciduous trees and three pine trees were chosen to provide as much privacy as possible. Cori also provided pictures from her property showing where the proposed office building and parking lot will be located. She also provided pictures from the proposed office building location looking on to her property. The beginning stages of coverage are visible. The term "substantial coverage" was used; substantial coverage may take 15-20 years to become established. According to Highland City, Greg has done all that he needs to do, but the residents have to wait a much longer period of time to resolve the privacy issue. The privacy issue is still a great concern. The parking lot is right next to the Ollerton home. The new building expansion as requested would be to the farther end on the south side. The parking situation was evaluated by the Ollertons and they noticed the lot is about 84% full all the time. Cori also noted that she is concerned with the need to continually change the code. She points out that guidelines are put in place in different aspects for a reason; the code should not be changed for the benefit of one individual. Cori wanted to make the point that the issue is between Highland City and the residents. As a resident of Highland City, Cori stated that she has given much to the City to make the project work. To request a change of code and a two story building will violate privacy. It has been mentioned to Mr. Nield that bigger trees would be more workable for the neighbors. Due to costs, putting in bigger

trees was not an option. The residents request to have the brick fence to help with the privacy.
[7:11:04 PM](#)

Commissioner Rock inquired if the 84% parking vehicles were due to construction.

Mrs. Ollerton indicated that there were construction vehicles there, but they remained in the dirt sections. She stated that the business must be doing well to have the parking lot full of cars.

Ryan Ollerton, husband of Cori Ollerton, indicated that in the course of the three phase project he has stood before the Commission and/or Council many times. Stating that it is exhausting to have to come and say the same things repeatedly, he wanted to explain the effects the project has had on the subdivision. Initially the building was 80 feet from the homes. In phase two the single story comes close as 30 feet to the homes and the two story building 50 feet. The tree barrier that was installed in phase two is substantially more than phase one, but the building is substantially closer. Greg was helpful in helping picking out the trees and installed more than there was before. Mr. Ollerton stated that the "substantial screen" that was spoken of by the City Council has failed to be met according to the residents. In several years it will prove to be a great screen, but as of right now it is insufficient. He pointed out that the two story building has led to many changes in the code to allow and accommodate Mr. Nield and his project; the results of the changes have caused great expense to the neighbors. Mr. Ollerton noted that they liked the project and supported it going in. It was not until the second project, which was much larger that the neighbors began to experience the effects of the project. The code, at the time, allowed 25% coverage up to 35% with permission of the Council. That was granted in both first and second phase of the project. Phase two turned out to be too big of a project and required the purchase of the third lot. The third lot is now being used for a two story building; it was accommodated for in the beginning, but not something of this scale. The project appears to be too big for the intended overlay zone. Mr. Ollerton concluded with a request for the Commission to deny the request for a two story building, but allow for a one story building. He indicated that all but one neighbor has come to him and stated that they would not want the project in their backyard. The building is there, Mr. Ollerton accepts the fact but requests that the project does not require more from the neighbors.

Commissioner Kemp asked Greg to expound on the project.

Greg Nield stated that when he met with the neighbors regarding landscaping, he added more trees than what was originally on the plans. The landscaping needed to be signed off by the neighbors in order for the certificate of occupancy to be issued. The trees needed to be trees that would not grow beyond 8 or 10 feet in width as to avoid the fire lane. The results were the columnar evergreens and columnar deciduous trees. The evergreens can get to 8 feet wide and they are planted 8 foot on center. The trees are not full grown at the time due to recommendation from landscapers. The architect was asked to push the building as far west as possible so the building would not be so close to the property line. The current code for RP zone is a 30 feet setback. The building is currently roughly 90 feet from the property line. Mr. Nield stated that he felt he has worked hard to please the neighbors with the landscaping that

has been put in place; this added more cost and he feels it is adequate for the results of the landscaping. Over time, the trees will provide a buffer. There is some worry that there are too many trees planted and in 15-20 years they will be over grown. There have been several vehicles at the site lately due to move-ins, construction work and landscapers. Mr. Nield feels confident that there is enough parking and does not foresee a problem with it in the future.

Commissioner Heyrend addresses Nathan Crane, the Community Development Director, about the parking stalls inquiring what the requirement is.

Mr. Crane states that the requirements for the office site are four per thousand. At 9,000 square feet that would require 37 spaces.

Commissioner Heyrend points out that Mr. Nield has asked for the most possible and given the least amount back; in landscaping, protecting the view to the buildings, there was not much given back. He asks what can be done for the residents to provide a screen between the building and the homes. He suggests an 8 foot wall, more trees or even bigger trees.

Mr. Nield states that more trees than were initially required have been installed to provide the screen. There were two zones to choose from when deciding to make the change. The RP zone, was a better choice for the neighbors because it would produce less traffic. A PO zone would increase the traffic and is fit for bigger businesses. The RP zone was chosen to best help the neighbors. Mr. Nield comments that he feels he has been extremely reasonable throughout the process. Assisted Living is a great asset to the City. He has had many compliments on the project. The project itself gives back to the City. He mentions that it has been difficult to work with the City, but is grateful the project has been approved and that the City is working with him.

The neighbors on the north side of the site are happy with the project and are happy with the landscaping and buildings.

Commissioner Heyrend indicates that the neighbors directly behind the project are not happy and wants to know what can be done to help them out with their concerns.

Mr. Nield replies that the building has been pushed as far away from the property line as possible. More substantial trees have been added. A 6 foot wall existing; to rip out the existing wall and put in an 8 foot wall seems unreasonable to him. The property needs to be rezoned for the purpose of the project.

Commissioner Rock reads, "The RP District requires an 8 foot wall to be placed on all the lines adjacent to a residential district." He says that the applicant has proposed to use the existing 6 foot wall on the east side and a view fence on the south side. He asked for Mr. Nield's thoughts on that.

Mr. Nield indicated that the City is still trying to figure out what type of fence to place on the south side. There is a narrow walk way there from the existing open space that is there. He is willing to put up an 8 foot wall if necessary, but realizes that it is also preferred by the City to not be a 6 foot brick wall due to the walkway behind it.

Mr. Crane indicates that in October as part of the request, the staff considered a text amendment. The amendment included changes to a number of things. It allowed the Planning Commission to reduce the height of the wall if they received written approval from adjacent owners on both sides. It also allowed a reduction in the side yard setback if written approval was received from the adjacent property owners. The Staff has not received the approval letters as of yet. Mr. Crane states that it may be prudent to make a recommendation on the rezoning; it would then go to the Council and come back to review the conditional use.

Commissioner Kemp asks for clarification on if the required setback is 25 feet and the Commission is asking to take it down to 10 feet.

Mr. Crane states the required set back is 25 feet.

Mr. Nield confirms which neighbors he needs to receive written approval from.

Mr. Crane states there are two options for the Commission on how to proceed. The first being they can hold both items until the letters are received. Second, they can make a recommendation the rezoning and then the two items can be considered by the Council, moving forward with the conditional use permit.

Commissioner Kemp asked about the landscaping for the fence.

Mr. Nield indicated that they are not able to put the trees in until spring. They will be deciduous and evergreen placed 8 foot on center.

Rustin Ostler, the architect for Ashford Assisted Living, clarified the setback on the south side is 10 feet. The trail is a 20 foot setback resulting in a total of a 30 foot setback.

Commissioner Kemp closes the public hearing.

Commissioner Rock was concerned with the lack of the property owner letters. He is willing to move forward if a stipulation was put in place.

Commissioner Day questions the type of fence residents can have who abut a trail.

Mr. Crane states that three years ago the ordinance was changed so residents could have a four foot solid and 2 foot open fence, equaling a 6 foot fence.

Commissioner Heyrend addressed Mr. Nield stating that he is grateful he brought the project to the City. He just wanted to make sure that all parties are happy with the end results of the project.

MOTION: Commissioner Rock moved that the Planning Commission accept the findings and recommend APPROVAL of case Z-13-01 a request to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) located at 10298 North 4800 West subject approval letters from adjacent property owners.



CITY COUNCIL AGENDA REPORT

Item #9

DATE: Tuesday, February 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: Nathan Crane, Community Development Director

SUBJECT: MOTION – REQUEST FOR A CONDITIONAL USE PERMIT FOR A 9,602 SQUARE FOOT TWO-STORY OFFICE BUILDING LOCATED AT 10322 NORTH 4800 WEST (File#: CU-13-03)

STAFF RECOMMENDATION:

The City Council should hold a public hearing and determine if the request for a conditional use permit for a 9,602 square foot two-story office building located at 10322 North 4800 West meets the required findings.

BACKGROUND:

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

A request for a rezoning and text amendment will be considered as separate agenda items. The site plan may need to be modified based on the results of the rezoning and Development Code amendments. If the modifications are significant, the Council may want to continue this request to allow the Council to review an updated site plan.

A future building was identified as part of the conditional use permit review and approval for the expansion of the facility. However, no details were provided.

A conditional use permit is an administrative action. Consideration is limited to compliance with existing development standards and regulations and three required findings.

SUMMARY OF REQUEST:

1. The applicant is requesting a conditional use permit for a 9,602 square foot two story professional office building. End users have not been identified.

REQUIRED FINDINGS:

The City Council must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's analysis.

1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The subject property is designated as Mixed Use on the General Plan Land Use Map and the proposed zoning is RP (Residential Professional). Office buildings are permitted in the RP District subject to a conditional use permit.

The surrounding property to the south and east is zoned R-1-40 and is single family homes. The property to the west is zoned R-1-40 and is Lone Peak High School. The property to the north is zoned R-1-40 with the Senior Care Assisted Overlay District and has been developed as assisted living.

The building is setback 85' 9" from the property to the east and ten feet from the property to the south. The RP District requires the building to be setback a minimum of 20 feet to the east and twenty five feet to the south.

A site lighting plan has been submitted and shows light levels less than one foot candle along all property lines. The parking lot lighting is four foot bollards that match the existing lighting. All building mounted lighting will be shielded.

Thirty five percent of the site is landscaped. The landscape plan shows a single row of trees behind the building. These trees are spaced closer than 30 feet on center.

Landscape is proposed as screening for ground mounted equipment. Staff believes a wall should be used.

The proposed use will have an impact of the property to the east. The Commission will need to determine if the site plan has included reasonable measures to mitigate the negative impacts.

2. The use complies with all applicable regulations in the Development Code.

Primary access to the site is provided from three driveways on 4800 North. A traffic analysis was completed and found the site ingress and egress was sufficient for the site.

The site includes 37 parking spaces which includes 2 ADA accessible spaces. Thirty-seven spaces are required. However, Section 3-4509.2.2 allows the City Council to increase the minimum number parking spaces if in their opinion there is an exceptional need for said increased parking.

The RP District requires trash enclosures to be setback a minimum of 100 feet from adjacent residential properties. The enclosure is setback 39 feet from the east and 55 feet from the south property line.

The location of the trash enclosure is problematic. It effectively eliminates one maybe two parking spaces from being useable.

The building architecture is consistent with the existing building. Materials include a stone base, board and cementitious fiber board. The building height is 29' 6".

The building will be setback 88' 5" from the east property line.

A cross access agreement will be required.

The RP District requires an 8 foot wall to be placed on all lot lines adjacent to residential districts. The applicant is proposing to use the existing six foot wall on the east side and a view fence on the south side. Details of the view fence have not been submitted.

The RP District also requires 50% of the trees adjacent to residential properties be evergreen. All of the proposed trees are deciduous.

3. Conditions are imposed to mitigate any detrimental effects.

Five stipulations have been included to ensure compliance with the Development Code and compatibility between land uses.

CITIZEN PARTICIPATION:

The applicant held a neighborhood meeting on October 9, 2013 at the site. According to the materials presented by the applicant nine people attended the meeting. Comments included setback requirements, moving the building closer to North County Boulevard, building height (two story building is a concern), having the building sunken into the ground to reduce the height, and increasing the size of trees adjacent to the neighbors.

Notice of the October 29, 2013 Planning Commission public hearing was published in the Daily Herald on October 13, 2013 and mailed to twenty property owners within 500' of the proposed rezoning on October 10, 2013. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

Notice of the January 28, 2014 Planning Commission public hearing was published in the Daily Herald on January 12, 2014 and mailed to twenty property owners within 500' of the proposed rezoning on January 13, 2014. Two residents spoke in opposition to the request. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes.

Notice of the February 18, 2014 City Council public hearing was published in the Daily Herald on February 2, 2014 and mailed to twenty property owners within 500' of the proposed rezoning on February 3, 2014. No comments have been received.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on October 29, 2013 and January 28, 2014. Residents spoke in opposition to the request. Comments and concerns regarding the building height and location have been received. The residents state that the existing two story building built as part of the expansion has had a negatively impacted their quality of life and value/sale ability of their homes. The minutes from both meetings are attached.

On January 18, 2014, the Commission voted 6-0 to recommend approval of the request subject to the following stipulations:

- 1) The proposed use shall conform to the project narrative, landscape plan, and elevations date stamped October 23, 2013 and the site plan dated January 23, 2014 except as modified by these stipulations.
- 2) In accordance with Section 4-109, the conditional use permit will expire if a building permit has not been issued within one year of approval by the City Council.
- 3) Screen walls shall be used for screening of all ground mounted equipment and the trash enclosure. The screen wall shall match the architecture of the building.
- 4) Parking lot screening shall be shown on the landscape and site plans.
- 5) A cross access agreement shall be recorded prior to issuance of a building permit.
- 6) The final plat shall be amended to reflect the change in lot lines.

The proposed amendment to the Development Code requires approval from the adjacent property owners to reduce setbacks, reduce the fence height and change the style of the fence. Approval from these property owners have not been provided by the applicant. Therefore, staff is recommending an additional stipulation as follows:

- 7) The applicant shall provide letters of approval from the east and south property owners regarding setback and fencing.

PROPOSED MOTIONS:

I move that the City Council find that the proposed use meets the required findings and **APPROVE** the Case CU-13-03 subject to the seven referenced stipulations.

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

I move that the City Council **DENY** case CU-13-03, a request for a conditional use permit for the addition to the Ashford Office Building based on the following findings (The Council should draft appropriate findings):

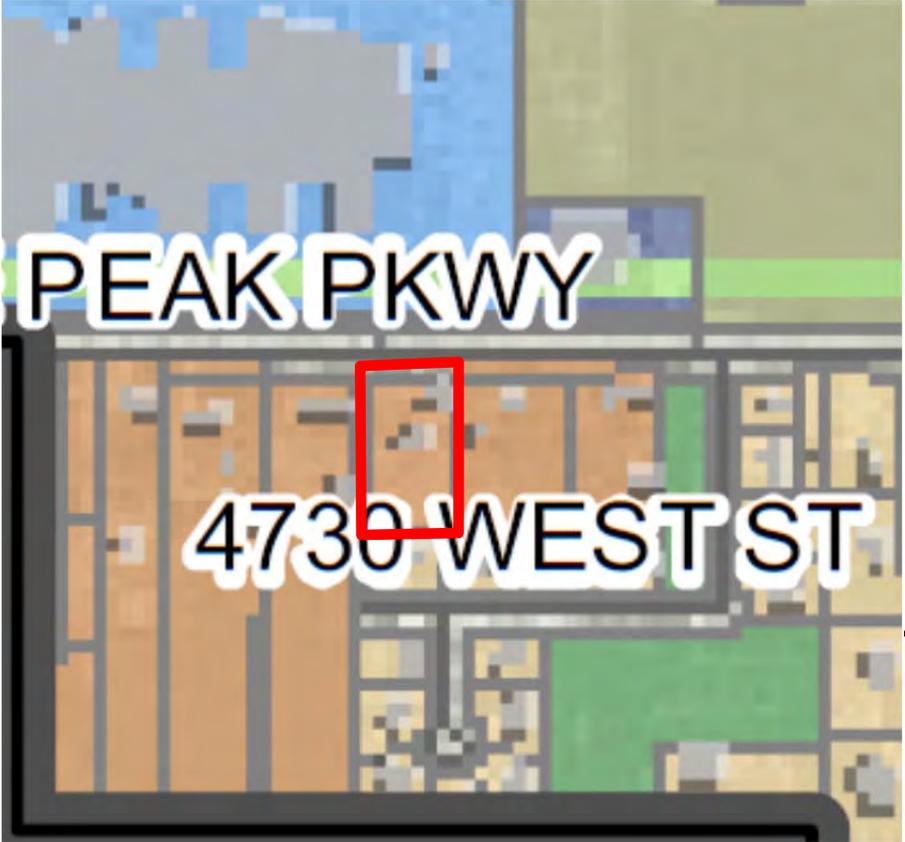
FISCAL IMPACT:

Unknown

ATTACHMENTS:

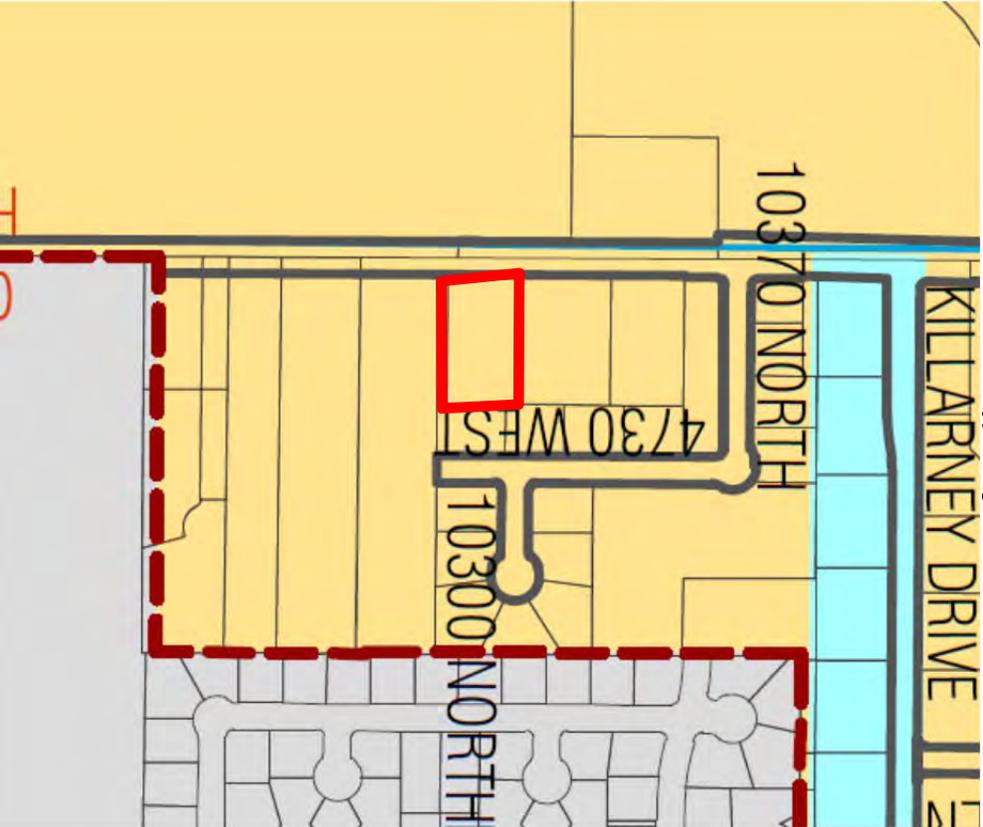
- Attachment A – General Plan Land Use and Zoning Maps
- Attachment B – Aerial Photo
- Attachment C – Project Narrative
- Attachment D – Neighborhood Meeting Summary
- Attachment E – Site Plan
- Attachment F – Landscape Plan
- Attachment G – Elevations
- Attachment H – Lighting Plan
- Attachment I – Cross Section
- Attachment J – Minutes of the October 29, 2013 Planning Commission Meeting
- Attachment K – Draft Minutes of the January 28, 2014 Planning Commission Meeting

General Plan Land Use Map



Land Use: Mixed Use

Zoning Map



Zoning: R-1-40 (Residential)



Aerial

September 19, 2013

Subject: Project Narrative – Zone Change request to Residential Professional (RP)

To whom it may concern:

As the owners of the parcel located at 10298 N 4800 W (directly South of the Ashford Assisted Living), we are requesting that the zoning be changed to Residential Professional to allow a roughly 10,000 sq ft, 2-story office building. The architecture will match that of the Ashford Assisted Living. We will meet all of the requirements for parking, landscape, building-to-site coverage, etc. within this zone. While meeting with Nathan Crane several weeks ago, he recommended that instead of re-zoning to Professional Office, we request a zone of Residential Professional. We agree that this will provide a better buffer for the neighboring residents. We already have businesses that are ready and eager to come to Highland and occupy this office building upon completion.

1. The existing property is zoned as Residential and the City Master Plan shows it as Mixed Use. The city has allowed it to be a SCALO zone for senior care.
2. This property is directly south of the Ashford Assisted Living Facility. It is on a 5-lane highway across from the high school.
3. Changing this to the RP zone allows us to put a 2-story office building that will clean up the area and will bring more businesses to the city of highland to increase its revenue.
4. Compatibility is exceptional next to an assisted living facility and also acts as a great buffer for neighboring residents as this is light commercial.
5. This would meet the Highland City General Plan exactly by having this be an office building in an RP Zone.
6. The impact will be very positive as it will bring more revenue to the city of highland through higher property tax income as opposed to residential or vacant land.
7. The parking is already laid out by the Ashford Assisted Living and this was all done with UDOT and Utah County. We've even moved a telephone pole to ensure better safety with traffic so that our egress lines up perfectly with the high school.

We look forward to working with the city staff, neighbors, commission, and council.

Sincerely,

Greg Nield

October 9, 2013

Neighborhood Meeting Minutes

7:00 pm

Attendees:

Greg Nield, Melinda Wright, Ryan Ollerton, Cori Ollerton, Rebekah Kaylors., Brett Burns, Marialisa Wright, Gary Wright, and Jackie and Tim Healey.

Announced that what is expressed here is not reflecting the view points of the city of Highland.

Greg showed plans for the building and is proposing to receive RP Zoning for the south lot directly south from the Assisted Living Facility across from Lone Peak.

PO would allow anything RP allows plus some is Greg's understanding. Discussion about different types of zoning, but RP is specifically being requested.

R140 zoning is the current zoning. The Highland City Master Plan has this property as mixed use.

Parking 4 stalls per 1000 sq feet of building is required.

Talking about interested parties in the office building next door.

Question: What are the setbacks?

Neighbors asked if we could increase the rear setback and push the building closer to 4800 West.

Neighbors asked about having the building sunk in ground. Can't move the building down because we are required to have an elevator. Also concerned about water entering the building. They were wondering if we could drop the overall height by 3 or 4 feet. Look into that.

Lobby would be in the middle area. Seating (waiting room) would likely be in individual offices.

No way around steps up or down.

We will not build the building unless we have a sufficient number of companies to lease the space. Right now we do have the interest of companies wanting to come to Highland city specifically to this location.

We would make no steps at all like we have at Ashford.

Height for Assisted Living is around 31 feet. Continued discussion about the height limit and options available. If building is lowered you run into problems with flooding. Greg explained how the storm drain works.

The sump pumps help with drainage.

We were asked if we would be willing to push the building to the front of the property along 4800 W like the Ashford.

Greg replied he would be okay with that. Will there be a chimney? No.

What about the colors on the building? Will it be similar? The reply was yes.

Do you have to build a two stories to make it worth it? Yes, 1 floor won't work.

30 or 35% open space (whichever is required currently in the RP zoning) will work. What kind of parking lot are you building now?

Next step this goes to the planning commission. If all goes well what is your plan for breaking ground?

We would want half preleased. 6 month build. Home Health and Hospice is one of the companies wanting to be there and they don't have patients that visit their office. So it's minimal traffic in and out. They have a weekly IDT meeting with their staff that lasts a couple hours. Other than that, they are out in the nearby cities visiting patients in their homes.

Are there rules about what kind of signs you can use? City would regulate that.

How many office spaces? 2 up and 2 down. Each potential lease would take a quarter.

I would love more open space by my house of course. Will you put a row of tall trees?

Planning commission meeting next. Public forum.

Greg asked about any other concerns?

Push it as far away from Wild Rose as possible.

Two story building is a concern. Realtor showed proof the property value has gone down.

Greg replied that it would not work to be one level.

Business would require certain sq footage.

Greg acknowledged the unhappiness of Rebekah, and Sue Brough and Cori.

Cori feels that she can affect a difference in the zoning.

High School is what depreciates our value.

Cori asking about bigger trees as more of a buffer. She mentioned there's a nursery that has large, mature trees and they warranty them down in American Fork.

Greg expressed concern that mature trees tend to die more likely than a regularly installed tree.

Neighborhood Mtg - Office Building

NAME	SIGNATURE
RYAN DUERTON	Ryan
Cory Overtor	Cory Overtor
Rebekah Kaybe (also representing Broughs)	R. Kaybe
BRETT BURNS	Brett Burns
MARIALISA WRIGHT	MariaLisa Wright
Gary	Gary
JACKIE & TIM HEACEY	T. Heady
Greg Nield	Greg Nield
Melinda Wright	

GENERAL LANDSCAPE NOTES:

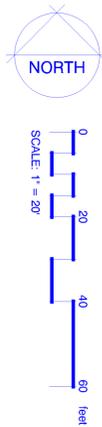
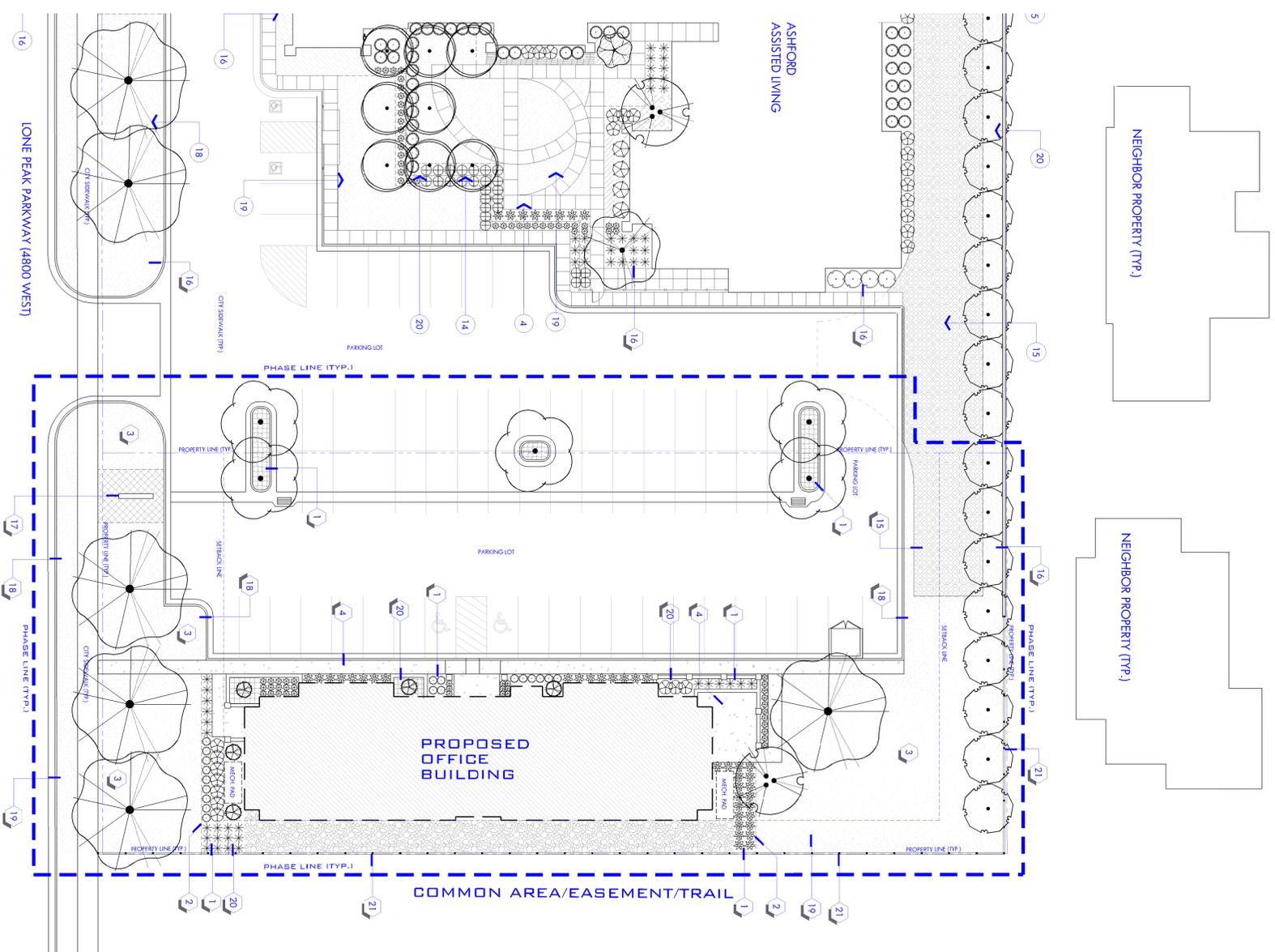
1. ALL LANDSCAPE SHALL BE IN COMPLIANCE WITH LANDSCAPE REGULATIONS, 2014 EDITION, ORDINANCE NO. 2133, STATE OF UTAH AND THE PLANT AMERICAN ASSOCIATION OF AMERICA (P.A.A.) RECOMMENDATIONS.
2. ALL PLANTING SHALL BE DONE BY A LICENSED LANDSCAPE ARCHITECT OR ARCHITECTURAL FIRM.
3. ALL PLANTING SHALL BE DONE BY A LICENSED LANDSCAPE ARCHITECT OR ARCHITECTURAL FIRM.
4. CONCRETE SHALL NOT BE PLACED WITH CONSTRUCTION AS SHOWN WHEN IT IS PLACED ON A SOFT SUBGRADE. THE CONTRACTOR SHALL PROVIDE A FIRM SUBGRADE TO BE PLACED ON CONCRETE'S EXISTING ACCORDING TO AASHTO M 195. ALL PLANTING SHALL BE DONE BY A LICENSED LANDSCAPE ARCHITECT OR ARCHITECTURAL FIRM.
5. ALL PLANTING SHALL BE DONE BY A LICENSED LANDSCAPE ARCHITECT OR ARCHITECTURAL FIRM.
6. ALL PLANTING SHALL BE DONE BY A LICENSED LANDSCAPE ARCHITECT OR ARCHITECTURAL FIRM.
7. ALL TREE AND SHRUB LOCATIONS SHALL BE STATED BY THE CONTRACTOR AND APPROVED BY THE LANDSCAPE ARCHITECT.
8. PLANT DISTRIBUTION WILL NOT BE REFINISHED WITHOUT APPROVAL BY LANDSCAPE ARCHITECT AND ENGINEER.
9. ALL SHRUB BEDS TO BE BLACK ORGANIC MULCH TO DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
10. ALL PLANTING SHALL BE PLACED TO BE PLACED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
11. ALL PLANTING SHALL BE PLACED TO BE PLACED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
12. ALL PLANTING SHALL BE PLACED TO BE PLACED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
13. SOD TO BE 100% FROM STATE GROWN. USE BLACK ORGANIC MULCH TO DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
14. ALL PLANTING SHALL BE PLACED TO BE PLACED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
15. PLANTS SHALL BE INSTALLED IMMEDIATELY UPON DELIVERY TO BE PLACED WITH BLACK ORGANIC MULCH TO A DEPTH OF 3" PER PLANTING GROOVE CITY CODE.
16. PLANTING THIS SHALL BE EXCAVATED TO A MINIMUM OF TWICE THE WIDTH OF THE ROOTBALL. DO NOT DISTURB SOIL AT THE BOTTOM OF THE SOIL TIGHTEN SOIL TO PREVENT COLLAPSE.
17. AFTER PLANT INSTALLATION, ALL PLANT MATERIAL SHALL BE RELOCATED TO THE ROOTBALL OR TO AN AREA APPROVED BY THE ARCHITECT AND ENGINEER.
18. LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR ONE YEAR FROM DATE OF FINAL INSPECTION.
19. ALL LANDSCAPE SHOWN ON THESE PLANS SHALL BE MAINTAINED IN A NEAT AND ATTRACTIVE MANNER. REQUIRED MAINTENANCE ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, FERTILIZING, PRUNING, WEEDING, AND REPLACING DEAD OR DAMAGED PLANTS. MAINTENANCE SHALL BE PERFORMED ON A REGULAR BASIS AS DETERMINED BY THE LANDSCAPE ARCHITECT.
20. SEE SHEET P-501 FOR PLANTING DETAILS.
21. SEE CIVIL AND ARCHITECTURAL DRAWINGS FOR ALL STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING NOTES.

REFERENCE NOTES

- | SYMBOL | DESCRIPTION | QTY | DETAIL |
|--------|---|----------|--------|
| 1 | PLANTING AREA (TYP) | 61/P-501 | |
| 2 | 6X11/4" RUSTED STEEL EDGING (TYP) | 81/P-501 | |
| 3 | TURF AREA (TYP) | 71/P-501 | |
| 4 | CONCRETE WALKWAY - SANDSCAPE CONCRETE FINISH - COLOR - GRAY (TYP) | / | |
| 15 | TURF BLOCK (TYP) - FIRE TRUCK HAMMERHEAD AREA ONLY (PER CONTRACTOR) | | |
| 16 | EXISTING LANDSCAPE PLANNINGS - PROJECT-IN-PLACE (TYP.) | | |
| 17 | NEW SIGN AND LANDSCAPE PLANNINGS LOCATION - MATCH EXISTING SIGN (PER OTHERS) | | |
| 18 | IRRIGATION SYSTEM SHALL BE 100% AUTOMATIC AND MEET CITY REQUIREMENTS AND SHALL BE WATER EFFICIENT. | | |
| 19 | IRRIGATE TURF AREAS WITH LOW PRECIPITATION RATE TURF ROTARY HEADS WITH AT LEAST 1.000" HEAD TO HEAD COVERAGE (TYP.) - [LAYOUT PER CONTRACTOR] | | |
| 20 | IRRIGATE SHRUB AND PLANTER BEDS WITH WATER EFFICIENT INLINE DRIP AND DRIP EMITTERS (TYP.) - [LAYOUT PER CONTRACTOR] | | |
| 21 | FENCELINE (BY OTHERS) | | |

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	CE8	CERCIS CANADENSIS 'FOREST PANSY' TM / FOREST PANSY REDBUD	2" CAL	1	
	CC2	CHAMAECYPARIS ORBITUSA 'WELLS HINOKI KING' / HINOKI KING FALSE CYPRESS	7" MIN.	5	
	PL2	PLATANUS ACERIFOLIA 'BLOODGOOD' / LONDON PLANE TREE	2" CAL	4	
	PC2	PIRUS CALIFORNIANA 'CHANICLEER' / CHANICLEER PEAR	2" CAL	5	
	ZG	ZELKOVA SERRATA 'GREEN VASE' / SAWLEAF ZELKOVA	2" CAL	5	
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	BN	BERBERIS THUNBERGII 'NANA' / CRIMSON PYGMY BARBERY	5 GAL	19	
	KF	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER' / KARL FOERSTER GRASS	1 GAL	24	
	BB	EUONIMUS ALATUS 'COMPACTUS' / DWARF BURNING BUSH	5 GAL	10	
	SOD	HEMEROCALLIS HYBRID 'STELLA DE ORO' / STELLA DE ORO DANIELLY	1 GAL	35	
	RK	PENNISETUM ORIENTALE 'KARLE ROSE' / KARLE ROSE MOUNTAIN GRASS	1 GAL	36	
GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	CS2	TIMOTHY GRASS 'LANSCAPE ROCK STAKER PARSON - (801) 409-9200	ROCK MULCH		1,334 SF
	ASS PER	ASSORTED PERENNIALS/ANNUALS	1 GAL	12" o.c.	310 SF
	PIP	DELONIXA COOPERI / PURPLE ICE PLANT	FLAT	12" o.c.	311 SF
	SF	SEDUM SPURBUM 'FULDAGLUT' / STONECROP	FLAT	12" o.c.	67 SF
SOD/SEED	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	TB	TURF GRASS / TURF GRASS	SOD		8,024 SF



SHEET
LP101

TITLE
LANDSCAPE PLAN

REVISIONS:
DATE: 10.18.13
PROJECT NO.: 1344
DRAWN BY: BAR
CHECKED BY: BAR

ASHFORD OFFICE BLDG
10322 NORTH LONE PEAK PARKWAY
HIGHLAND, UTAH 84003



STAMP:
The designs shown and described herein including all technical drawings and specifications are the property of the architect and shall not be copied, duplicated, or otherwise reproduced in whole or in part without the prior written permission of the architect. These drawings are available for limited review and evaluation by clients, consultants, contractors, general contractors, vendors, and other interested parties in accordance with this notice.

LOFT SIX FOUR
LANDSCAPE ARCHITECTURE
ARCHITECTURAL SITE DESIGN
10322 NORTH LONE PEAK PARKWAY
HIGHLAND, UTAH 84003
PHONE: 801.488.5800
WWW.LOFTSIXFOUR.COM



C2 South
SCALE: 1/8" = 1'-0"



B2 East
SCALE: 1/8" = 1'-0"



B4 West
SCALE: 1/8" = 1'-0"



A2 North
SCALE: 1/8" = 1'-0"

REFERENCE NOTES

FFKR
ARCHITECTS

bogue building
730 pacific avenue
salt lake city
Utah 84104

• 801-521-6186
• 801-539-1916
ffkr.com

Ashford Memory Care - Office Building
10322 N 4800 W
Highland, Utah 84003
Design Development

DATE	STATUS

DATE	REVISION

PROJECT NUMBER	13083
FILE	
DRAWN BY	Author
CHECKED BY	Checker
SCALE	1/8" = 1'-0"

COLORED ELEVATIONS

A201

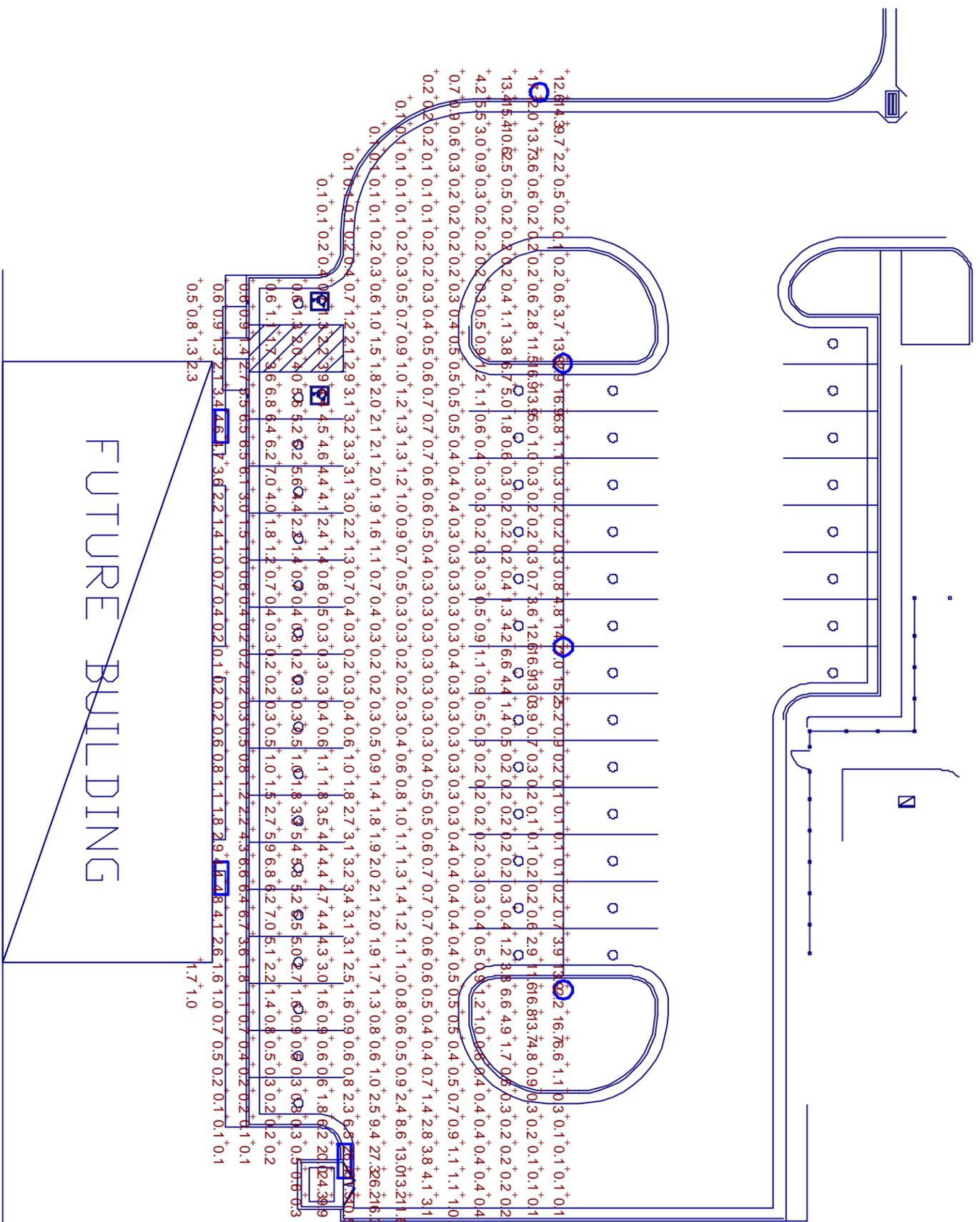
STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #2	+	2.3 fc	31.5 fc	0.1 fc	315.0:1	23.0:1

ATTACHMENT H

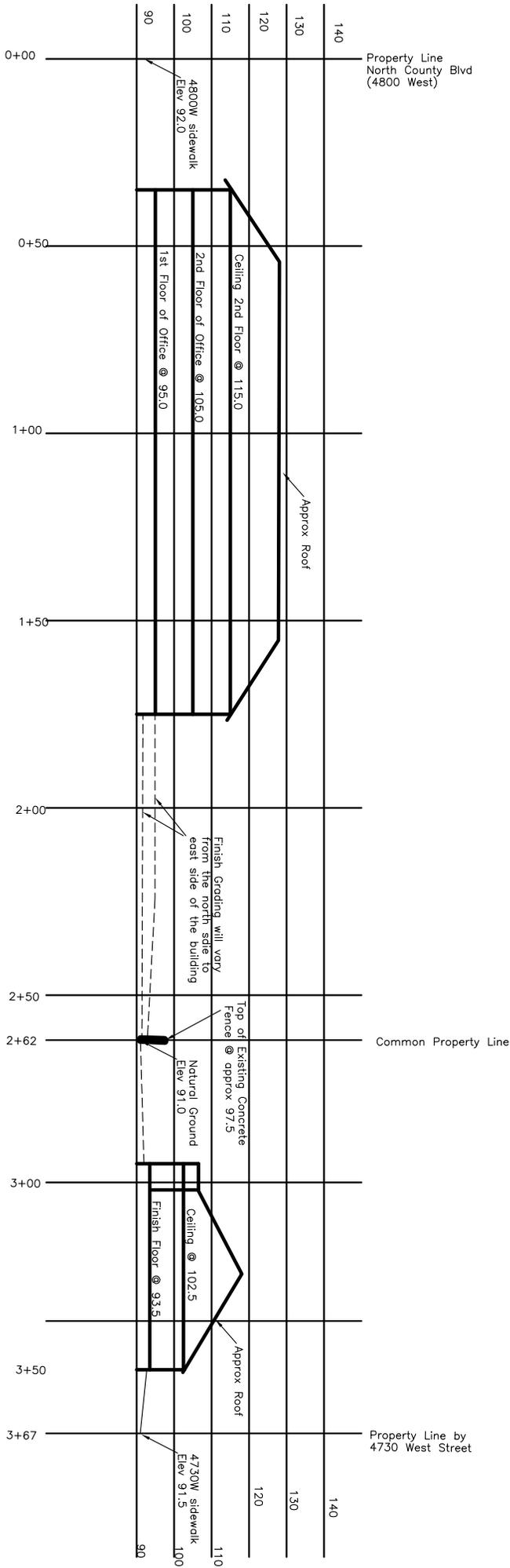
LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	B1	4	KBR8 100M R5	8 IN ROUND BOLLARD	ONE 100-WATT CLEAR E-17 METAL HALIDE VERTICAL BASE-DOWN POSITION.	KBR8_100M_R5.ies	8500	1.00	140
	WM1	3	WSQ 150M FT (PULSE START)	ARCHITECTURAL SCNCE WITH FORWARD THROW DISTRIBUTION WITH CLEAR FLAT GLASS LENS. CLEAR LAMP. MEETS THE NIGHTTIME FRIENDLY CRITERIA	ONE 150-WATT CLEAR ED17 PULSE START METAL HALIDE HORIZONTAL POS.	WSQ_150M_FT_(PULSE_ST ART).ies	14000	1.00	189



Plan View
Scale 1" = 25'

Proposed Ashford Office Building Cross Section
 East-West with Lot 8 to the East



DRAFT MINUTES OF THE OCTOBER 29, 2013 PLANNING COMMISSION MEETING

PRESENT: Commissioner: Chris Kemp
Commissioner: Tim Heyrend
Commissioner: Abe Day
Commissioner: Jay Roundy
Commissioner: Scott Temby

EXCUSED: Commissioner: Sherry Carruth
Commissioner: Steven Rock

1. **TA-13-08** Greg Nield is requesting to amend Article 4.5 RP (Residential-Professional) District relating to building setbacks, trash enclosure locations, and screen wall requirements. *Legislative.*
2. **Z-13-01** Greg Nield is requesting to rezone 0.9 acres from R-1-40 (Residential) to RP (Residential-Professional) to allow for a 10,001 square foot two-story office building located at 10298 North 4800 West. *Legislative.*
3. **CU-13-03** Greg Nield is requesting a conditional use permit for a 10,000 square foot two story office building in the RP (Residential-Professional) District located at 10298 North 4800 West. *Administrative.*

Commissioner Kemp opened the public hearing.

Mr. Crane explained that agenda items 3, 4, and 5 are all interrelated to one another and that he will review all of those at this time so as to make the requests clear. One application request cannot be done without the other and vice versa. Mr. Crane began a detailed review of the requests.

The proposal is to build a 10,000 square foot two story office building. When we did the expansion of the assisted living on 4800 West, across from the High School, the applicant had purchased property to the north and the south. They showed a proposed building on the property to the south; no details other than a pad were shown at that time. Several applications are needed in order to facilitate the request.

Mr. Crane emphasized that a lot of the zoning districts we have are specific to certain projects and in order to apply them to other projects, amendments have to be made to accommodate those.

He explained that in the RP Zone, that unless the parking is behind the building, there is an 80 foot front setback. This is designed to encourage parking behind the building. A couple of uses that utilize the parking in the rear are The Pointe and office building on the southeast corner of the Alpine Highway and Timpanogos Highway. In the case of this request, amending the front setback will allow for parking to be closer to the street and farther away from the adjacent homes.

The proposal is that the front setback be reduced to 30 feet for those instances where it will create an increased buffer between a building and existing residence. Side setbacks are 25 feet from an existing residence; it also allows that reduction when the Land Use Map shows a non-residential use designation in the area on the property and you have written approval from a property owner. Mr. Crane explained that these are just proposals that are open for debate. The goal was to incorporate some kind of neighborhood notification involvement and knowledge of things that are going on. If they understand their property is also in transition and they are willing accommodate this that is something the Commission can consider.

Mr. Crane indicated that another amendment involves the trash enclosure; they are currently required to be 100 feet from any existing residential use. On the General Plan, this site is designated as Mixed Use and that was changed about a year ago. Any time there is a transition between non-residential and residential uses, things do not always develop concurrently. There are issues to the south and east of this site where there are residential uses. With the current requirement, the trash enclosure for this site would need to be 100 feet from each of these existing residential uses.

Another requirement of the RP District is an 8 foot wall as a buffer between residential and non-residential uses. There is currently a 6 foot wall on the east property line and the applicant is requesting a reduction to the existing 8 foot requirement.

The applicant is also requesting that the fence adjacent to the trail on the north side of the site be reduced from 8 feet and they wish to do an alternative that would be wrought iron or some type of combination; the details have not yet been provided. This trail provides access from the Wild Rose Subdivision to Lone Peak High School. The proposal is that if the wall is adjacent to open space and we have permission from property owners, it could be reduced. The purpose of the wall is to provide a buffer, create transition, and compatibility.

At this time, Mr. Crane asked if the Commission had any questions on the items he has reviewed up to this time for the Development Code amendments.

Commissioner Temby asked for clarification regarding the front and side setbacks; his clarification was that the setback is measured from the street. Mr. Crane indicated that is correct.

Commissioner Heyrend asked for clarification on the setbacks. Mr. Crane explained that the goal is to create a larger setback where there are adjacent residential areas. Mr. Crane

expressed that he is trying to make sure that this RP District can be applied in other areas and with other buildings.

The Commission chose to have Mr. Crane continue his presentation with this project and the multiple application items that are required and have an overall discussion after hearing everything.

Mr. Crane moved forward to the Rezone application and indicated that the site is currently zoned R-1-40. On the General Plan Land Use Map, the property is shown as Mixed Use which allows for residential and non-residential uses. This applies to about 0.7 acres. The areas to the east and south include existing residential. Lone Peak High School is located to the west of the site and the existing facility is located to the north.

When working on a Rezone, the entire General Plan needs to be looked at, not just the Land Use Map. The goals and objectives inside the General Plan need to be looked at. Compatibility with surrounding uses needs to be addressed. In this case, the input that Mr. Crane has received concerns the two story building adjacent to the existing single family use. Another thing to look at is the circulation on and off site; a lot of times when a property is rezoned, depending on what the request is, traffic volumes can be increased. The last element for consideration is conformance with the Development Code. Mr. Crane indicated that staff's recommendation on this item is that it is really up to the Planning Commission and City Council to determine compatibility between land uses. Mr. Crane explained that there are a number of ways to address compatibility, such as fences, landscaping, and lighting. The overall recommendation is that the Planning Commission hold the public hearing, determine compatibility, include enough assurances to properly buffer between the different types of uses, and other compatibility issues. Mr. Crane reminded the Commission that they and the City Council have discretion so we can provide conditions to rezoning if we need to.

Mr. Crane moved onto the Conditional Use Permit request. The office building is about 30 feet tall and includes approximately 10,000 square feet. The building is setback almost 86 feet from the existing residential area to the east. It is setback 10 feet from the property to the south. A lighting plan was provided that includes the appropriate lighting. With the landscape plan, the buffer is extended that would apply to the east half of the site. The site does provide the required landscaping of 35%. Mr. Crane that staff feels that the landscaping proposed to screen the ground and man equipment need to be walls that match the architecture of the building. The site includes 37 parking spaces; 2 of the spaces are ADA compliant. Mr. Crane stated that the number of spaces is about 2 short of our requirement; the RP District does allow the Commission to consider a reduction in parking if studies are provided. Mr. Crane expressed concern over reducing parking even if only by a couple of spaces; there is no overflow. He also indicated that not knowing what users will be occupying this building will also have a potential impact to the number of parking spaces; some users have a higher demand for spaces than others. The architecture of the building was reviewed on the overhead.

Mr. Crane expressed that staff is concerned with the location of the current parking structure; it is problematic. It leaves a parking space as unusable. Staff feels that it should be moved one space east for circulation purposes.

A cross access agreement will be required between the Assisted Living and this use. There is a plat request later on the agenda tonight that will be reviewed; it will create two separate lots. If either parcel is sold off in the future, it is important to have the cross access agreements between the two to avoid any issues.

The RP District requires that 50% of the trees that are adjacent to the residential properties be evergreens. Given the history on this case, we need resident input on this issue. Currently the trees are proposed as deciduous.

Mr. Crane went over the required findings that the Commission needs to address/review. In addition, if those findings are met, staff has included 5 additional stipulations.

Commissioner Kemp opened the public hearings for agenda Items 3, 4, and 5 at this time.

Greg Nield, applicant, explained that a few months back he met with City Staff about moving forward with their office building. He indicated they have always shown there would be ample parking for a two story office building. When they came to the City, they looked at different zones to see which would be best for this use; the PO and RP zones were looked at. It was recommended that they steer toward the RP Zone as it would be a better buffer for the adjacent neighbors. Mr. Nield expressed that he may be mistaken, but he did not think there was a need for them to come ask for an amendment to the code, but because of what the neighbors prefer with the setback, that would then require an amendment.

Mr. Nield addressed the parking concerns. He clarified that with the assisted living facility, they are required to have 45 stalls and they show that they have 48. He said that if they are 2 stalls short on the office building side, they actually have 3 additional stalls on the assisted living side, so technically they have 1 additional stall than what is required overall.

Commissioner Kemp posed a question to Mr. Nield that even though they may meet the parking requirements with the sites combined, doesn't he feel that in real practical use there will be a shortage of spaces with close to 60 residents there, especially on a Sunday when visitors come. Commissioner Kemp asked what the plan is if the parking is not adequate. Mr. Nield expressed that the nice thing about the office use is that on Sundays, the office will be closed and there will be parking available there if it is needed. Sunday seems to be the busiest day and evenings are another busy time. Mr. Nield said they feel this is a really good relationship where the office closes at 6pm which will allow for overflow parking; that timeframe is typically when there is an increase in visitors. Greg stated that he had done his own study on parking on random days and at random times and there was never a time when all the spaces were full. There was on average about 10 stalls that were occupied. Greg

expressed that even with the additional staff, that he is very confident there will be adequate parking.

Mr. Nield addressed the tree concern and indicated that he spoke with Cori Ollerton and has agreed to do every other tree evergreen; the landscape plan is not accurate.

It was clarified that the cross access agreements would stay in place forever and stay with the land regardless if the property was sold.

Commissioner Temby addressed his concern over the location of the trash enclosure in the 2nd spot on the eastern border. He inquired whether it would be possible to move that to the western edge. Greg Nield indicated that had been considered and an even better solution may be to use that 1 additional parking stall and make it green space with a buffer and use that as the trash area. Commissioner Temby explained his concerns come from personal experience where he was the neighbor adjacent to a similar setup and on trash day, the garbage truck would come at 4:30am and wake him up.

Commissioner Heyrend asked if Commissioner Temby would want the trash enclosure to be near the street where it is visible though. Commissioner Temby indicated that we already have them in the city. Commissioner Heyrend expressed he prefers them hidden. Commissioner Temby indicated that in the interests of the adjacent property owners, he feels this would be an acceptable compromise to move it west.

Mr. Nield used the overhead for discussion on location of the trash enclosure. The Commissioners participated in this discussion. Greg explained that from his employee's standpoint, the current proposed location works best due to the nature of their work and the areas they are coming from to the garbage. The trash is removed weekly around 9am to 10am; Greg anticipates that it would remain a similar time in the future. The number of pickups is likely to increase as the site is expanded. Commissioner Kemp asked why it is located one stall in and not in the end stall. Mr. Nield explained that for accessibility of the garbage truck, it was designed this way.

At this time, the Commission heard comments and concerns from the public.

Shaunna Godwin expressed that her biggest concern is the safety; the road is so busy, especially during the school year. Ms. Godwin showed where the current bus stop location is and voiced her concerns about that location once this construction and expansion has taken place. She has concerns that her subdivision will become an area where drivers go to turn around or get through; this raises additional safety concerns for her and their homes.

Cori Ollerton brought with her photos from her home onto the site and vice versa into her lot, as well as from some of her neighbors homes, and the bus stop. Her comment was that they are very close; she's even had a construction worker wave to her from the site while she was inside her home. Ms. Ollerton voiced her main concern is their privacy. She said that with

phase 1 they worked really well through it and were able to compromise. She indicated that changed with phase 2 and they ended up with a building 30 feet from them and being able to see into the facilities windows. Now we're on phase 3 and we have a parking lot on the exact other side of the fence with a garbage can nearby. She expressed that these were things they tried so hard not to have the first time. Ultimately, they do not want a two story building in their backyard. Ms. Ollerton said that in talking with Greg Nield, it is financially better for them to do a two story building, but she asks as what point does a business financial gain say it okay for a neighborhood financial loss. It's been said many times that property values do not decrease; the property value decreases though if the sale-ability decreases and Cori said that theirs has. They have had many people comment that they would not purchase their home or the neighbors due to the adjacent building(s). Cori complimented the building; her favorite is phase 1. To continue building and expanding is not what they as adjacent neighbors want. Cori suggested waiting to build the office building to see what impact that phase 2 has and what the impacts are; for instance, see how the parking situation is. Ms. Ollerton reiterated the buffer's importance for their privacy; they would like the stone fence to remain as it is stated. Ms. Ollerton suggested that continuing this item may be a good idea in order to further evaluate the requests.

Ryan Ollerton expressed that he and his wife, Cori, share similar views on this project. He commented that they have not yet even felt the full magnitude of the expansion that is phase 2. The patients are not even moved in and they are proposing a 10,000 square foot office building. Mr. Ollerton said they have appreciated Greg working with them on their concerns. He has concerns on the buffer; he and his wife feel that a two story building on this site is a bit much. A 1 story building with similar types of tenants, that he is desiring, may be a great fit and also mitigate the parking issue with a smaller magnitude of a building.

Mr. Ollerton remarked that when the expansion request was brought before the Commission, they voted it down. When it was also brought before the City Council, they also voted it down and at the last minute a deal was struck and it was in, so it was not easy for that one to even happen. As resident's to look at plans and know exactly how it is going to look and feel is not fair; now that it is built, it is a little more expansive, closer, and more intrusive than they had ever planned, even if it does meet the requirements that were passed. Mr. Ollerton said that with in mind, they have tried to play their cards to mitigate what is there now and make it so there is a buffer; Greg has been good in discussing the trees. The trees are the primary thing for the Ollerton family. Mr. Ollerton proposes that the size and caliper of tree increase from what is shown or required to create immediate shading.

Mr. Ollerton indicated that if the request is approved, they are in favor of moving the building closer to 4800 West. The garbage is a concern; the number of tenants is increasing and the receptacle has not. Moving the trash enclosure away from the residences is also favorable. The fence on the north and south sides when this was passed at expansion were supposed to be the masonry all the way around; this is still favorable the entire way around and that it not be wrought iron. Mr. Ollerton requested that the size of the trees be in writing if this request passes. He indicated that if the lighting plan is the same as phase 1 that that is good with them.

Gary Wright lives directly east of the site. He thinks the project is favorable; he does not have a problem with a two story building. Mr. Wright echoed the idea of the garbage being moved to the west as suggested earlier in the meeting. Gary likes the idea of the evergreen trees as discussed. Overall, he likes the project and has no qualms about it.

Commissioner Temby asked if Gary Wright has any comments regarding the sale-ability of his home. Mr. Wright stated that the person looking to buy the home has to be okay with the surroundings; it is not for everyone. He expressed that he personally would prefer a nice professional office building behind his home any day versus a neighbor.

Bob Valentine lives in the Wild Rose Subdivision and he is a licensed real estate agent and instructor. He said he sold a home in Wild Rose two months ago and got a very good price on it. It is not right on directly adjacent to the Ashford facility. Mr. Valentine does not think that the facility has harmed property values; he feels that what has harmed the home values was the financial collapse in 2008. He agreed with Gary Wright that he would prefer to have this use on the property. Mr. Valentine said his desire would be to see the properties to the south of Ashford be developed into similar types of properties. Mr. Valentine commended Greg Nield on his forward thinking projects. He commented on the bus stops and suggested the bus stop move a block to the north to help mitigate concerns. Bob's opinion of the fence is that it be 6 foot wrought iron fence so that the residents could see into the park; he does not have really strong feelings on the fence.

Rebekah Kaylor lives directly behind the two story portion of the Ashford facility. Ms. Kaylor indicated that she had also spoken extensively with her next door neighbor Sue Brough who is behind the one story portion of the facility. Both of them in regards to the new zoning would urge the Planning Commission to urge the City Council to wait. Ms. Kaylor indicated there is no urgency here. She requested that the Commission let the residents wait until the facility is fully finished and functional and properly assess the impact it has upon their homes and the neighborhood. Then we can look at what needs to happen in the next place. Ms. Kaylor said that if they wait and then decide the impact is not such a negative and move forward with looking at a rezone that her husband and her main issue is where someone else's freedom ends, hers begins and this is what we're looking at here. They fully support entrepreneurship and commend Greg Nield for that. City zoning laws are put in place to protect property owners in situations just like this.

Ms. Kaylor indicated that her neighbor Sue Brough did consult with a realtor and was told that her home had devalued sufficiently because of the nearness and impact and that she will need to wait before she can move. Ms. Kaylor has over 15 windows overlooking into their backyard; she has been impacted by lights in the night from those windows. As far as the fence goes, she feels very strongly. That is where their children walk every day to and from school; it is a safety issue. Ms. Kaylor voiced concern over workers at the facility that may be able to track patterns of the children and possibly take advantage of that; Ms. Kaylor pleaded for the Commission to consider that. She said that they want the full wall and at least 6 feet. Ms. Kaylor pleaded and

urged the Commission to find out first what the impact is going to be before looking at the south lot.

Greg Nield addressed comments made from the residents. In regards to the fence, Nathan Crane did requested Greg to speak with the neighbors that were on the north property line. Greg indicated that he is working to get the information on that. One concern they have with a solid fence is visibility when exiting the lot; the building is sunken into the ground where it is two stories, so when coming out of the parking lot, there is a ramp therefore visibility is important. Mr. Nield referred to the code where it spells out that one type of fencing is required along the perimeter; on the site plan, a 3 foot wrought iron fence is shown on the south and north property line. Greg indicated this was because the plat says nothing over 4 feet can be constructed if adjacent to public open space.

Mr. Crane explained that we are talking about two different fencing issues. One with the Conditional Use Permit and it did not show a 3 foot fence. The other issue with the fence is on the south side adjacent to the City trail. The fence discussion on the north was a part of this expansion was separate issue that we're dealing with.

Mr. Nield addressed the tree sizes. He indicated that with moving the building closer to 4800 West that the impact is lessened for the adjacent homes. Then with trees to buffer, it also creates a more appealing situation. He indicated that if they need to put in 3 or 4 larger trees, they are open to that; even though there is the potential they will die out sooner.

Commissioner Kemp asked if it is feasible for Greg to do a one story office building instead of the two story building. Greg indicated that for them it is not feasible. He stated they have had a several different companies approach them and there are two that look very promising. One is a health and hospice company; they would be a very low traffic business. Another one show interest is a chiropractor, as well as a dentist.

Greg further explained that to do a one story building, they would only be allowed to what code allows, which Greg thought was 30% building to site coverage. So with a single level, they would have half the revenue. Going to a two story allows for greater revenue and allows them to pay for their mortgage. He stated they would not do a single level building. Commissioner Roundy asked if they have looked at a single story with a basement as an option. Mr. Nield said that the neighbors had brought that up, but they have a couple of concerns. They are required to have an elevator and when looking at a basement set up, it is problematic with ADA requirements and the slope that is required. Mr. Nield expressed that it is a lot harder to lease and office space where the windows are sunken down; marketability is less viable.

Commissioner Kemp asked for Mr. Nield's thoughts on putting off the project to see what the impact is once the Ashford build out is complete. Greg stated that he does not like that idea at all. Commissioner Kemp asked if that is because he is afraid of what the impact will really be. Greg said that is not the case at all; he feels really confident that there is ample parking. He said you can go into other cities and see what the potential impact would be by looking at a

building that is already completed. Mr. Nield indicated that in his experience, the majority of other cities require 30% less parking than what Highland City does for Assisted Living.

Mr. Crane clarified an earlier subject matter that came up; the RP District allows 25% site coverage; the Commission and Council may approve up to 35%, which is what the applicant is proposing.

Rebekah Kaylor added that the neighbors that live on the north side do not have children that ride the bus. She believes the people with children riding the buses would be the ones that should be talked to for input.

Bob Valentine said that he planted 7 Shademaster trees on the back of his property for privacy 3 years ago; he is astonished at how fast the trees grew in 3 years. He encouraged these types of trees to be used.

Commissioner Roundy thinks that we need to be very careful in insuring compatibility. He recommended holding a public hearing where specific issues can be discussed. The first item he suggests is a parking study that has been prepared by a professional outside company. He thinks that the building should shift to the west. He does not think it is wise to reduce parking. The comments he's heard about this facility have all been positive; he sees this facility as one that will bring in more residents and people, but hence more traffic. Another issue is that he recommend an appraisal be done and look at the impact that a two story building will have on the adjacent homes. Commissioner Roundy likes the ideas of the large caliper trees and the solid masonry fence.

Commissioner Temby is concerned about the privacy and potential impact on the residents adjacent to the property. Both pro and con issues have been presented that have value. He feels that there can be mitigating factors incorporated that would both address the noise and privacy issues; either by adding or increasing the caliper of trees, arranging the setbacks so that the building is closer to 4800 and the trash area is moved to a less impactful area.

Commissioner Temby said that he looks at the use of the property in conjunction with the residential properties and the professional nature is preferred over commercial. Looking at 4800 West was what it was before what it is today, R-1-40 was a good fit and he is not sure if it still is. As far as traffic, he anticipates a slight increase. Along with the arguments for continuance and delay, he expressed that he is not a proponent of delay in city development without compelling evidence justifying the delay; he just does not think we have that here.

As far as the appraisal, that is an interesting proposal, but what would we need to see in it that would change what we do here today. Commissioner Roundy stated that if it is going to have a significant impact on the residents then that is going to let us know that a two story versus a one story and which is best. We can then turn that back to the applicant. He said one of the charges they are given as Commissioners is to protect the values, so that is where is coming from for the request of the appraisals.

Commissioner Day said his only comments surrounded different locations for the trash enclosure. He suggested moving it to the front north corner in the L shape. Commissioner Kemp asked the applicant if the garbage company said the dumpster needs to be upsized or anything. Mr. Nield indicated that the size of the dumpster can increase or the number of pickups per week can increase too.

Commissioner Day asked what the current proposed setback from the west is. Mr. Crane indicated it is 86 feet and 25 feet is what is required without an amendment. Commissioner Day said he is not in favor of that change for future developments that may come in that would look for that exception. In regards to the fence, Commissioner Day would lean toward keeping a consistent style of fence. Along the south side with the trail, he indicated that a narrow corridor has never been a concern he's had, people are allowed in the state to protect themselves in the various ways that they can so if people want to risk attacking someone, it's up to them, but in general, he leans towards keeping the fences consistent.

Commissioner Heyrend said that he can recall the last time that Ashford came in and he was not in favor of the two story back then because of the many windows that face the backyards; he said if that was his house, he would not appreciate it. He does not think anyone in this room would appreciate that. The idea is to screen it and put in an 8 foot fence. He said he is in favor of the hip roof with no windows that faces residential, which still allows the two story building without compromising the privacy of the residences behind you; any good architect would take that into account. He said at a bare minimum, he would definitely recommend the large trees; that is the price to pay when you want to build right next to someone's house with a 30 foot setback. He said when you mix two different types of environments right next to each other, it is not an acceptable use to be looking into one another's properties. He expressed that he is happy to see the much larger setback on this proposed building. He is happy to recommend changing the code for this purpose. In this case, he would recommend the hip roof. The garbage dumpster should be located as far away from those residences as possible. He suggested the dumpster go next to mechanical area of the building; this will encourage them to keep up on the garbage and keep the smell in charge. Commissioner Heyrend concluded by saying it is his opinion that we need to protect the residences from the businesses; he has seen a lot of abuses of businesses on residences. The fence should be solid construction on both sides for privacy.

Commissioner Kemp said he likes the large setback that is proposed. His goal is to minimize the impact on the residences as much as possible both aesthetically and from a financial standpoint. The office use is probably one of the best uses there could be considering they will likely be closed on the weekends. He prefers that they have the proper number of parking stalls and feels they will still be short when the office building is in use. The garbage should be moved as far from residences as possible. He prefers a solid fence on the north side and possibly wrought iron on the south although he is not entirely sure on that. He stated that if this is allowed to go in as a two story building, the impact on the residences need to be minimized as much as possible. This can be done through larges trees or 8 foot fence or a combination of the two. He also likes the idea of some sort of appraisal done to see the true

impact to the adjacent homes is financially. Commissioner Kemp concluded by saying with the huge expansion currently going on, he is not in favor of cramming this through as fast as we can until we have a little bit more information.

Mr. Crane and the Commission went over minor items of clarification before entering a motion.

Moving forward with the agenda, Commissioner Kemp suggested we entertain a motion on Agenda Item 4, which is the Rezone request. Commissioner Day inquired whether this item should be continued seeing as there has been discussion about continuing some of the other items. Mr. Crane expressed that if the Commission is looking for additional information, Agenda Items 4 and 5 should go together and even possibly Item 6 too. Once the zoning is changed, your hands are tied so to speak. Commissioner Temby clarified that at this point, the Planning Commission would recommend the Development Code Amendment to the City Council; Commissioner Kemp indicated that is correct, but nothing else at this point.

MOTION: Commissioner Roundy moved that the Planning Commission CONTINUE agenda items 4, 5, and 6 in order to obtain additional information on possible impacts the requests will create. The Commission is requesting a parking study that addresses current and proposed site usage to make sure from the safety, engineering, and use perspective that there is the amount of parking needed to safely conduct business on the site. The Commission also requests an appraisal to assess the impact on adjacent homes regarding the two story building request versus a one story building. The Commission requests that staff look at both studies, parking and the appraisal, and determine how to best accomplish these tasks and who will incur the cost.

Mr. Crane explained that he has had past experience with applicants covering the cost of additional studies, but the City chose who to hire out for the studies. Commissioner Roundy was in favor of this.

Motion seconded by Commissioner Heyrend.

Commissioner Kemp continued the public hearing.

Those voting aye: Commissioner Heyrend, Commissioner Day, Commissioner Roundy, Commissioner Kemp. Those voting nay: Commissioner Temby. Vote 4:1, motion carried.

**Excerpt of the Draft Minutes
January 28, 2014 Planning Commission Meeting**

PRESENT: Commissioner: Chris Kemp
Commissioner: Tim Heyrend
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Steve Rock

1. CU-13-03 Greg Nield is requesting a conditional use permit for a 9,602 square foot two-story office building at 10438 North 4800 West.

Commissioner Kemp asked if Mr. Crane had any additional information to add and asked if the garbage enclosure had been resolved.

Mr. Crane indicated that the enclosure is proposed in the same location.

Mr. Nield stated that the garbage container is mobile and are waiting to find a permanent location to install the screen. The dumpster will be shared by the two businesses. In the RP zone it does not matter which side it is place. The Wrights do not want it close to their home.

Commissioner Day inquires about a traffic study.

Mr. Nield indicated that it was completed and the building size was reduced per the results. There will be about four office areas. Two people have indicated interest: Home Health and Hospice and a Chiropractor. There is no written agreement from either of them at this point.

Commissioner Kemp closed the public hearing.

Commissioner Heyrend requests that the garbage dumpster be kept as far away from the neighbors as possible and be removed from public view.

Mr. Crane indicated that the screen material may not be chain link with slats.

[7:58:21 PM](#)

MOTION: Commissioner Heyrend moved that the Planning Commission accept the findings and recommend APPROVAL of case CU-13-03 a request for a conditional use permit for a 9,602 square foot two-story office building at 10438 North 4800 West subject to the six stipulations recommended by staff:

1. The proposed use shall conform to the project narrative, landscape plan, and elevations date stamped October 23, 2013 and the site plan dated January 23, 2014 except as modified by these stipulations.
2. In accordance with Section 4-109, the conditional use permit will expire if a building permit has not been issued within one year of approval by the City Council.
3. Screen walls shall be used for screening of all ground mounted equipment and the trash enclosure. The screen wall shall match the architecture of the building.
4. Parking lot screening shall be shown on the landscape and site plans.
5. A cross access agreement shall be recorded prior to issuance of a building permit.
6. The final plat shall be amended to reflect the change in lot lines.

Commissioner Rock seconds the motion. Unanimous vote, motion carries.



CITY COUNCIL AGENDA REPORT

Item #10

DATE: Tuesday, February 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: JoD'Ann Bates, City Recorder

SUBJECT: AMENDING HIGHLAND CITY MUNICIPAL CODE CHAPTER 2.44: DISPOSAL OF PUBLIC PROPERTY

STAFF RECOMMENDATION:

Staff is recommending that the Highland City Council approve the proposed changes to the Highland Municipal Code Chapter 2.44: Disposal of Public Property

BACKGROUND:

Utah State Code requires the city to notice a public hearing for the disposal of Public Property and *“provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment under Subsection (4)(a)(ii)”*. State Code defines reasonable notice as a notice *“a newspaper of general circulation at least 14 days before the date of the hearing (UCA 10-8-2 (d)(ii)) and on the Utah Public Notice Website created in Section [63F-1-701](#), at least 14 days before the date of the hearing. (UCA 10-8-2(3)(d)(ii)(A)*

In 2010 the City Council passed an ordinance that requires staff to publish a notice of the proposed *“dispositions of Real Public and/or Personal Public Property and of a public hearing before the Council to consider such disposition in the City newsletter sent with the utility bills at least seven (7) days prior to the proposed disposition”*. This notification was in addition to the state mandated notification for such disposition.

With the city newsletter only being distributed once a month, it places time restraints on the process and with the approval of the Open Space Property Disposal, staff feels the proposed ordinance amendments will better streamline the process and allow the applicants to move forward in a timely manner.

These amendments to the ordinance are proposed to bring our ordinances into compliance with State Code requirements for notification on the Utah Public Notice Website and would eliminate the need for notification in the city newsletter while still meeting the “reasonable notice” as required by Utah State Code.

FISCAL IMPACT:

There are no fiscal impacts with this ordinance amendment.

ATTACHMENTS:

1. Proposed Ordinance
2. Highland City Municipal Code, Chapter 2.44: Disposal of Public Property (Proposed Changes)

ORDINANCE NO. O-2014-**

**AN ORDINANCE OF HIGHLAND CITY, UTAH
REPEALING AND REENACTING CHAPTER 2.44
OF THE HIGHLAND CITY MUNICIPAL CODE
REGARDING DISPOSAL OF PUBLIC PROPERTY**

WHEREAS, Highland City Council previously adopted Ordinance No. 2010-04, which amended Ordinance 2004-21, adopting policies and regulation for the disposal of Public Property.

WHEREAS, all of the required public notices and other prerequisites to the amendments of the Highland City Municipal Code have been completed as required by law.

NOW THEREFOR, be it ordained by the City Council of Highland City, Utah; that the Highland City Municipal Code is hereby amended as set forth in the attached document incorporated herein as Exhibit "A".

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

ADOPTED by the City Council of Highland City, Utah, this 18th day of February, 2014.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

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

Exhibit “A”

Chapter 2.44

Disposal of Public Property

Sections:

- 2.44.010 Purpose.
- 2.44.020 Definitions.
- 2.44.030 Disposal of Real Public Property.
- 2.44.040 Disposal of Personal Public Property.

2.44.010 PURPOSE. The City Council of Highland City, Utah, deems that in order to ensure an equitable, competitive process in the disposition of public property this “Disposal of Public Property” regulation be established.

2.44.020 DEFINITIONS: For purposes of this Chapter, the following definitions shall apply:

- A. “**Significant Parcel of Real Public Property**” shall mean all real property excluding property that is being maintained and used by the public as a prescriptive use for public rights-of-way (roads, trails, etc.).
- B. “**Personal Public Property**” shall mean any property other than real estate, such as office equipment, vehicles, furniture, electronics, and maintenance equipment.

2.44.030. DISPOSAL OF REAL PUBLIC PROPERTY:

- A. The City shall have the authority to sell, lease, convey and dispose of Real Public Property for the benefit of the City as provided by Utah Code Ann. ' 10-8-2, as amended.
- B. Before the City may dispose of a significant parcel of Real Public Property, the City shall:
 1. Declare the property surplus by resolution at a regularly scheduled City Council meeting; and
 2. Shall publish a notice of the proposed disposition of Real Public Property and of a public hearing before the City Council to consider such disposition:
 - i. Once in a newspaper of general circulation; at least fourteen (14) days prior to the hearing; and
 - ii. ~~In one City newsletter sent with the Utility Bills at least seven (7) days prior to the proposed disposition.~~ **on the Utah Public Notice Website created in Section 63F-1-701, at least 14 days before the date of the hearing; and**
 - iii. **Advertised on the Highland City Website, at least 14 days before the date of the hearing.**

(This defines “reasonable notice of real property” as required by Utah State Code.)

3. Hold a meeting at which the City Council accepts public comment on the proposed disposition.
 4. Direct the City Administrator to cause the Real Public Property to be appraised by a licensed real estate appraiser.
- C. The City Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the City, the sale of any public property:
1. through public auction; or
 2. by bid; or
 3. through the State Division of Surplus Property; or
 4. any other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange of any public property; and the lease or sublease of any public property.

Methods for the sale of public property may include, but are not limited to: listing with a broker, auction, or private negotiations.

2.44.040. DISPOSAL OF PERSONAL PUBLIC PROPERTY:

- A. The City shall have the authority to sell, lease, convey and dispose of Personal Public Property for the benefit of the City as provided by Utah Code Ann. ' 10-8-2, as amended.
- B. As Personal Public Property becomes surplus a list will be compiled and presented to the City Council to declare as surplus for disposal.
- C. General Procedures for Disposal of Personal Public Property:
 1. Each department head/division manager shall identify assets for disposal by completing an "Asset Disposal" sheet (Appendix 'A') and determining the market value of the asset;
 2. Select the best disposal option. Sale of the item, rather than donation, is preferred when significant value is determined.
 3. Submit the form to the Finance Director who shall
 - a. Validate the inventory control number or fixed asset schedule item
 - b. Remove the item from the inventory control list or fixed asset schedule
 - c. Direct the City Recorder to remove the item from any maintenance agreements.
 4. The Finance Director will present a list to the City Council of items to declare surplus after reasonable notice has taken place.
- D. **"Reasonable Notice of Personal Public Property"** shall mean publishing a notice of the proposed disposition of Personal Public Property, (1) on the City website after the items have been declared surplus and at least fourteen (14) days prior to the disposition; and *(2) on the Utah Public Notice Website after the items have been declared surplus and at least fourteen (14) days prior to the disposition .* ~~(2) in one City newsletter sent with the Utility Bills at least seven (7) days prior to the proposed disposition.~~

- E. The City Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the City, the sale of any public property:
1. through public auction,
 2. by bid,
 3. through the State Division of Surplus Property, or
 4. other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange or any public property.

Methods for the sale of public property may include, but are not limited to; auction, listing with a public auction company (vehicles), or private negotiations.

- F. If the surplus Personal Public Property item(s) is/are deemed to have no economic value, it shall be disposed of through donation to charitable organization, or through destruction.



CITY COUNCIL AGENDA REPORT

Item #11

DATE: Tuesday, February 18, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Administrator

BY: JoD'Ann Bates, City Recorder

SUBJECT: AMENDING THE BUILDING USE POLICY FOR THE HIGHLAND CITY HALL AND THE HIGHLAND COMMUNITY CENTER

STAFF RECOMMENDATION:

Staff is recommending that the Highland City Council approve the proposed changes to the Highland City Hall and Highland Community Center Building Use Policy.

BACKGROUND:

The purpose of The Highland City Hall Building is to house the Council and Administrative functions of the City and the Highland City Library; however the building was designed with a conference room and a multi-purpose room for possible public use.

The purpose of the Highland City Community Center is to be available for the public for certain types of events and/or meetings.

Since the origination of the Building Use Policy for both the City Hall and the Community Center the buildings have been used for various meeting, events and gatherings. In reviewing the policies, Staff feels the need to update, refine and identify the areas for general use, the reservation procedures, regulations, and the fees associated with such use.

FISCAL IMPACT:

There are no fiscal impacts with this proposed change.

ATTACHMENTS:

1. Proposed Resolution R-2014-**
2. Highland City Hall Building Use Policy (Proposed Changes)
3. Highland Community Center Building Use Policy (Proposed Changes)

RESOLUTION NO. R-2014.**

**A RESOLUTION OF THE GOVERNING BODY OF HIGHLAND CITY
AMENDING THE BUILDING USE POLICY FOR
THE HIGHLAND CITY HALL AND THE HIGHLAND COMMUNITY CENTER**

WHEREAS, the City Council finds that it is in the public interest to address the public use of the Highland City Hall located at 5400 West Civic Center Drive, Highland Utah and the Highland Community Center located at 5378 West 10400 North, Highland Utah; and

WHEREAS, pursuant to Utah Code Annotated, Section 10-3-717, the City Council of Highland City is empowered by law to adopt resolutions regulating the use and operation of municipal property; and

WHEREAS, the purpose of The Highland City Hall Building is to be a structure to house the Council and Administrative functions of the City and the Highland City Library, however the building was designed with a conference room and two multi-purpose rooms for possible public use; and

WHEREAS, the purpose of the Highland City Community Center is a structure to be available for the public for certain types of events and/or meetings.

NOW, THEREFORE be it resolved by the City Council of Highland City that the Highland City Hall Use Policy and the Highland City Community Center Use Policy previously adopted by Resolution 20010-08 is hereby amended in its entirety and attached as Exhibit "A", to update, refine and identify the areas for general use, the reservation procedures, regulations, and the fees associated with such use.

The EFFECTIVE DATE of this resolution shall be immediately upon execution.

ADOPTED by the City Council of Highland City, Utah, this 18th day of February, 2014.

HIGHLAND CITY, UTAH

Mark S. Thompson, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

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

Highland City Hall Building Use Policy

I. POLICY

The Highland City Hall Building was conceived to be a structure to house the City Council Chambers, Administrative Offices of the City and the Highland City Library until such time the Library occupies its own building.

Highland City (“the City”) supports the policy of making the City Hall Building (“the Building”) available to the public for certain types of meetings as set forth below.

Application for the use of the Building shall be made to the Building Supervisor as set forth below. All applications for the use of the Building shall be approved or denied by the Building Supervisor, who shall be a person so designated by the City Administrator. The administration of this Use Policy shall be vested in the Building Supervisor.

Requested use of the Building must be lawful, legal, non-commercial and in compliance with this Use Policy, the Utah State Open and Public Meeting Act and may not conflict with any official City or governmental business. The City shall not discriminate in the use of the Building on the basis of race, creed, color, national origin, sex, religion or disability.

II. BUILDING AREAS NOT AVAILABLE FOR GENERAL USE

The City Council Chambers of the City Hall are to be used for City Council Meetings, Planning Commission Meetings and other meetings as deemed necessary and approved in advance by the City Administrator and the Building Supervisor.

III. BUILDING AREAS AVAILABLE FOR GENERAL USE

The City Hall Multi-purpose Room A, Multi-purpose Room B and Conference Room B may be available if approved in advance by the Building Supervisor as set forth herein:

IV. USE PRIORITY

A. Classification of Meeting Types

1. **Priority One:** Priority one meetings are those of the Highland City Government, including elected and appointed officials, City employee meetings, official City Committee meetings or city boards and groups.
2. **Priority Two:** Priority Two meetings are those of other governmental agencies, including cities, counties, the State of Utah, regional governments, school districts and other similar organizations.

3. **Priority Three:** Priority Three meetings are those of Highland Residents for non-commercial and non-religious purposes.
4. **Priority Four:** Priority Four meetings are those political meetings, i.e. meet the candidates night, elections education, annual caucus meetings for the individual political parties for the residents of Highland City.

B. Use Priority Policy

Priority One meetings shall have priority over all other uses. If there is a scheduling conflict, the Priority One meeting will have priority. Any other meeting will be cancelled or rescheduled to accommodate the Priority One meeting. Any exceptions to this rule must receive the approval of the City Administrator, or in the City Administrator's absence, the Mayor. In the event of a conflict, the Building Supervisor shall contact the group or individual whose meeting conflicts with the Priority One meeting as soon as possible and attempt to reschedule the conflicting meeting. If the conflicting meeting cannot be rescheduled, the City Treasurer shall issue a refund of any reservation or deposit fees paid by the group or individual whose activity has been cancelled.

In the case of conflicting meetings with the same priority designation (such as two (2) Priority Two entities requesting a reservation for the same date and time), priority shall be given to the first to request for a reservation.

C. Simultaneous Use

If more than one group requests to use the Building at the same time, the Building Supervisor may allow simultaneous use of the Building if such simultaneous use can occur because the events are to occur in different areas of the Building. If, however, simultaneous events cannot occur because both events require one or all of the same areas of the Building, priority shall be granted in accordance with the Use Priority Policy above.

V. **RESERVATION PROCEDURES**

A. Application

Any authorized group wishing to reserve an available area of the Building shall contact the Building Supervisor during regular business hours in advance of the proposed reservation date and complete a reservation application form. (see attached copy). The applicant must provide the following information to the Building Supervisor upon application:

1. Name, address and phone number and email address of individual or group making the reservation;

2. Group represented (if any);
3. Area(s) to be reserved;
4. Date(s) reservation is desired;
5. Total hours to be reserved, including time to begin setting up, time meeting is scheduled to begin, time meeting is scheduled to end, and time needed to complete cleanup. All hours must run consecutively;
6. Type of meeting;
7. Number of people expected to attend the meeting;
8. Type of light refreshments to be served (if any).

B. Confirmation

If the Building is available on the date and times requested and the Building Supervisor determines that the proposed use is lawful, legal and compliant with the Use Policy, the Building Supervisor shall notify the applicant that the meeting has been scheduled and make all the appropriate arrangements.

C. Payment of Fees and Deposits

~~Fees and~~ Deposits are required within ~~three (3)~~ **five (5)** business days following approval. If not received the approval is withdrawn and the reserving party loses their confirmed reservation.

D. Deposit of Revenue

All rental fees and deposits generated from the use of the Building shall be promptly deposited and placed in the appropriate revenue account in accordance with City rules and requirements.

E. Security Deposit

The use of the Building will require a security deposit as stated in the Highland City Fee Schedule. If damage or mistreatments of the premises have occurred, deductions will be made from the remaining deposit to reimburse the City for cleaning costs and/or Building repairs and, if insufficient, a charge will be assessed to the individual and/or group. All deposits shall be coordinated through the Building Supervisor and the Cashier. At the time the deposit is made, the City will issue a payment

receipt indicating that payment has been made. Please allow 14 days for the remaining deposit to be returned after the event has taken place.

F. Refunds for Cancellation

A refund of one hundred percent (100%) of the deposit will be made if the reservation is cancelled more than 48 hours prior to the event. No refund of deposit if cancelled less than 48 hours prior to the scheduled event. All refunds shall be coordinated through the Building Supervisor and the City Treasurer.

G. Dispute Resolution

In the event that a dispute arises regarding an application for use of the Building, the City Administrator or the Mayor will make a determination as to whether a proposed meeting is legal, lawful, non-commercial and complies with this Use Policy and resolve questions regarding fees and deposits as required by either the Building Supervisor or the applicant. If the applicant disagrees with the decision rendered by the City Administrator or Mayor the applicant may appeal the decision to the City Council.

VI. USE REGULATION

A. Conduct While in the Building

1. Any individual or group using the Building shall always conduct themselves in a lawful and legal manner. Nothing in this Use Policy shall be interpreted by the City to restrict otherwise lawful expressive conduct.
2. No foul or abusive language shall be used at any time.
3. No one will be permitted to enter the Building with no shoes or shirts, at any time.
4. No smoking, illegal drugs or drinking of alcoholic beverages or possession of illegal drugs or alcoholic beverages will be permitted at any time.
5. Areas not specifically reserved shall not be entered or occupied by the applicant, the group, any of its individual, or participants and guests.
6. Youth meetings must be supervised at all times by a responsible adult.
7. Open flames, lighted candles, glitter, rice, confetti, graphite, paint, hay, straw, corn stalks, grass, palm fronds, **feathers** and other similar materials ARE NOT allowed in the Building.

8. Tables and chairs are provided in the Building. Heavy items are to be carried when moved to avoid damage to the floor. Tables, chairs and other equipment are not to be taken from the Building for any reason.
9. Hallways, exits, restrooms and other traffic areas are to remain free of tables, chairs, boxes and other items at all times.
10. No nails, tape or tacks may be used on the walls. No item may be strung or attached to the walls of City Hall.
11. Pictures, plaques, flags, blinds, light fixtures, furniture, etc. are not to be removed or rearranged.
12. Participants and guests are to remain in the appropriate area(s) of the Building. Playing in halls or restrooms is prohibited. Children attending meetings in the Building must be supervised at all times by a responsible adult who is present. The party reserving the facility is responsible for the conduct of the participants and guests.
13. Meetings shall end on time. Sufficient time shall be scheduled for cleanup within the scheduled room at the conclusion of the activity.
14. Lights should be turned off in the Building at the conclusion of the meeting.
15. Pets or animals are not allowed in the Building except for Service dogs.
16. Portable electrical appliances, special lighting, sound and other non-standard equipment will not be allowed. Computers and Projectors are allowed.
17. Gambling in any form is prohibited.
18. Use of the audio and visual equipment will be allowed if requested for an additional fee in advance and upon demonstration to the Building Supervisor satisfaction that the applicant is qualified to run the equipment.
19. Compliance with the Utah State Open and Public Meeting Act is required. "The Open and Public Meeting Act applies to more than just the governing body of a city. It also applies to planning commissions, and the boards of adjustments, and the executive or legislative body of the city. As long as this group consists of two or more persons, has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business, it is governed by the act. The intent of this is to include all committees, commissions, or other group that may be carrying out anything that looks like the public's business if they are supported by public funds." Utah Municipal Official's Handbook

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20. Any other rules or regulations pertinent to the continuation of only legal, lawful and authorized uses of the Building and to the effective and efficient operations and preservation of the Building will be established by the governing body. The policy will be enforced by the City Administrator or the Mayor's designee. In the event of an emergency policy decision, that decision is to be made by the Building Supervisor with the approval of the City Administrator or in the case of the City Administrator's absence, the Mayor. If the Building Supervisor is unable to contact either the City Administrator or the Mayor, the Building Supervisor will make the emergency decision which he or she deems to be in the best interest of the City, and then promptly thereafter give written notice of the decision to the City Administrator with reasons for that decision.

B. Breakage or Damages to Facilities

Any damage to City Hall or City Property or any conduct which does not strictly adhere to this Use Policy for the Building shall be sufficient reason to refuse the use or to terminate the actual use of the Building to that individual or group.

C. Preparing Facilities for Use

1. The Building Supervisor or designee shall see that the reserved area is available for the applicant's use. ~~However, the individual or group using the facility can make arrangements to organize the area they will be using with the Building Supervisor.~~
2. Set-up time for special occasions must be cleared at the time of scheduling. Normally, set-up will not be allowed earlier than two (2) hours prior to the time of the event. Please check with the building Supervisor for special arrangements.

D. Cleaning Responsibility

1. It shall be the responsibility of the individual or group using the Building to clean up City Hall, including the parking lot, by removing all foreign matter, garbage and debris and depositing it in the appropriate receptacles (a large dumpster is located on the south west corner of Justice Center)
2. The ~~City Hall custodian or~~ Building Supervisor will verify cleaning has been adequately performed. To maintain longevity of the Building, a minimum deep cleaning charge will be charged for all events serving light refreshments and light catered lunches or dinners.

E. Serving Refreshments

1. City Hall is not equipped with a kitchen. However, light refreshments and light catered lunches or dinners are allowed provided the food can be prepared and served lawfully with out the use of kitchen facilities. Red and orange based punch, grape juice, or other strong colored liquids, sauces, toppings, or foods which would stain carpets are not allowed (i.e., strawberry, raspberry, blueberry).
2. Chairs and/or tables need to be set up and taken down by the applicant making the reservations. When food is served, it will be the responsibility of those renting the Building to clean up. Cleaning supplies will be provided. (Vacuum, trash bags spray cleaner for the tables)

F. City Hall Building Hours

No activities that would disturb the Library, City Council Room or City Offices will be allowed. The Building will generally be available for public use during the following times:

Monday	8:00 a.m. – 10:00 p.m. 9:00 p.m.	Open Reservation Multi Purpose & Conf. B
Tuesday	8:00 a.m. – 10:00 p.m. 9:00 p.m.	Open Reservation Conf. B Only
Wednesday	8:00 a.m. – 10:00 p.m. 9:00 p.m.	Open Reservation Conf. B Only
Thursday	8:00 a.m. – 10:00 p.m. 9:00 p.m.	Open Reservation Conf. B Only
Friday	10:00 a.m. – 10:00 p.m. 6:00 p.m.	Open Reservation Multi Purpose & Conf. B
Saturday	10:00 a.m. – 10:00 p.m. 6:00 p.m.	Open Reservation Multi Purpose & Conf. B
Sunday		CLOSED
Official City Holidays		CLOSED

G. Hold Harmless

All leasing parties with a priority three or four classification must execute a “Hold Harmless Agreement” **and be approved by the City Administrator** prior to building use.

H. Use Policy Subject to Change

Any other rules or regulations pertinent to the effective and efficient operation and preservation of the Building will be established as necessary by the governing body and enforced by the City Administrator and Mayor.

The City's governing body reserves the right to amend and terminate the Use Policy and related rules at any time when deemed necessary or desirable by the governing body.

SECURITY DEPOSITS

The purpose of a deposit is to assure proper cleanup and care of City Hall. When the Building is left dirty or damaged, the City shall retain part or all of the deposit as necessary to reimburse the City for clean up and damage repairs. Deposits and fees are defined on the attached Building Use Deposits and Fees Schedule. All fees herein are minimum amounts and are subject to adjustments as deemed necessary by the Building Supervisor based on the proposed use of the building.



HIGHLAND CITY FEE SCHEDULE

APPLICATION FEE

1. A non-refundable application fee of \$10.00 for Priority Two, Three and Four is due at time of application submittal and will be applied to reservation fee at time the application is approved.

RENTAL FEES

1. No fee shall be charged for Priority One classifications; Highland City Government meetings.
2. Use of Building for Priority Two classification meetings not involving food - \$10.00 an hour **per room**. Fees may be waived for use by other governmental agencies by the City Administrator or Mayor. Additional deposits will be required if food is included.
3. Use of Building for Priority Three and Four classification meetings not involving food - \$10.00 an hour.
4. Rental of any Highland City audio visual equipment - \$25.00 an hour.
5. All rental fees are required to be paid before notice of confirmed reservation.
6. Fees are set by the City Council and are subject to change without advance notice.

BUILDING USE DEPOSITS

1. No fee shall be charged for Priority One classification meetings involving food -
2. Use of the Building for Priority Two classification meetings involving food - \$50.00, of which \$20.00 is non-refundable for cleaning.

3. Use of the Building for Priority Three and Four classification meetings involving food - \$100.00, of which \$25.00 is non-refundable for cleaning.
4. Meetings not involving food will require a \$50.00 refundable deposit subject to verification by the city that no damage has occurred.
5. A credit card deposit of \$500.00 is required for use of any Highland City audio visual equipment. This deposit is fully refundable upon inspection by the Building Supervisor verifying proper use and care of equipment. In the event damage occurs to any Highland City audio visual equipment, deposit will be refunded less the amount of the damage. If the damage exceeds the deposit, the deposit is non-refundable and the party renting the Building at the time damage is uncured must pay the total costs of such equipment repairs or replacement.
6. Deposits are required to be paid within ~~three (3)~~ **five (5)** business days following approval. If deposits are not received the approval is withdrawn and the reserving party loses their confirmed reservation. ~~Deposit checks will be cashed.~~
7. If multiple reservations are made through the year, the deposit can be paid at the time of the first reservation and held for a period of one year at the request of the applicant.
8. If cleaning costs or repair of damage to the Building or its contents exceeds the deposit, the party renting the Building at the time damage was incurred must pay the total costs of such cleaning or repairs.
9. The refundable portion of the deposit, if any, shall be mailed to the applicant **or shredded** within 14 days of the Building Supervisor's approval of the post event condition of the property, at the address shown on the application.
10. Deposit amounts are set by the City Council and are subject to change without advance notice.

Highland City Community Center Use Policy

I. POLICY

Highland City (“the City”) supports the policy of making the Community Center (“the Center”) available to the public for certain types of meetings as set forth below.

Application for the use of the Center shall be made to the Center Supervisor as set forth below. All applications for the use of the Center shall be approved or denied by the Center Supervisor, who shall be a person so designated by the City Administrator. The administration of this Use Policy shall be vested in the Center Supervisor.

Requested use of the Center must be lawful, legal, non-commercial (unless approved by City Council) and in compliance with this Use Policy, the Utah State Open and Public Meeting Act and may not conflict with any official City or governmental business. The City shall not discriminate in the use of the Center on the basis of race, creed, color, national origin, sex, religion or disability.

II. CENTER AREAS NOT AVAILABLE FOR GENERAL USE

The City will continue to utilize the top north east office for storage and will not be available for public use.

III. CENTER AREAS AVAILABLE FOR GENERAL USE

The Center has available for use: 1 large Multi-purpose Room, 3 2 medium conference rooms and 4 2 small rooms, if approved in advance by the Center Supervisor as set forth herein:

IV. USE PRIORITY

A. Classification of Use Types

- 1. Priority One:** Highland City Government, including elected and appointed officials, City employee meetings, official City Committee meetings or city boards and groups.
- 2. Priority Two:** Highland Residents for non-commercial and non-religious purposes. Other governmental agencies, including cities, counties, the State of Utah, regional governments, school districts and other similar organizations. Political meetings, ie. meet the candidates night, elections education, annual caucus meetings for the individual political parties for the residents of Highland City.

3. Priority Three: Non-Highland Residents for non-commercial and non-religious purposes.

B. Use Priority Policy

Priority One meetings shall have priority over all other uses. If there is a scheduling conflict, Priority One meetings will have priority. Any other meeting will be cancelled or rescheduled to accommodate the Priority One meeting. Any exceptions to this rule must receive the approval of the City Administrator, or in the City Administrators absence, the Mayor. In the event of a conflict, the Center Supervisor shall contact the group or individual whose meeting conflicts with the Priority One meeting as soon as possible and attempt to reschedule the conflicting meeting. If the conflicting meeting cannot be rescheduled, the City Treasurer shall issue a full refund of any reservation or deposit fees paid by the group or individual whose activity has been cancelled.

In the case of conflicting meetings with the same priority designation (such as two (2) Priority Two entities requesting a reservation for the same date and time), priority shall be given to the first to request a reservation.

C. Simultaneous Use

More than one group may request to use the Center at the same time, simultaneous use of the Center will be allowed if such simultaneous use can occur because the events are to occur in different areas of the Center. If, however, simultaneous events cannot occur because both events require one or all of the same areas of the Center, priority shall be granted in accordance with the Use Priority Policy above.

V. RESERVATION PROCEDURES

A. Application

Any authorized group wishing to reserve an available area of the Center shall contact the Center Supervisor during regular business hours in advance of the proposed reservation date and complete a reservation application form. (see attached copy). The applicant must provide the following information to the Center Supervisor upon application:

1. Name, address and phone number and email address of individual or group making the reservation;

2. Group represented (if any);
3. Area(s) to be reserved;
4. Date(s) reservation is desired;
5. Total hours to be reserved, including time to begin setting up, time meeting is scheduled to begin, time meeting is scheduled to end, and time needed to complete cleanup. All hours must run consecutively;
6. Type of meeting;
7. Number of people expected to attend the meeting, not to exceed the maximum occupancy rating for that area;
8. Type of ~~light refreshments~~ **food** to be served (if any).

B. Confirmation

If the Center is available on the date and times requested and the Center Supervisor determines that the proposed use is lawful, legal and compliant with the Use Policy, the Center Supervisor shall notify the applicant that the meeting has been scheduled and make all the appropriate arrangements.

C. Payment of Fees and Deposits

~~Fees and~~ Deposits are required within ~~three (3)~~ **five (5)** business days following approval. If not received the approval is withdrawn and the reserving party loses their confirmed reservation.

D. Deposit of Revenue

All rental fees and deposits generated from the use of the Center shall be promptly deposited and placed in the appropriate revenue account in accordance with City rules and requirements.

E. Security Deposit

The use of the Center will require a security deposit as stated in the Highland City Fee Schedule. If damage or mistreatments of the premises have occurred, deductions will be made from the remaining deposit to reimburse the City for cleaning costs and/or Center repairs and, if insufficient, a charge will be assessed to the individual and/or group. All deposits shall be

coordinated through the Center Supervisor and the Cashier. At the time the deposit is made, the City will issue a payment receipt indicating that payment has been made. Please allow 14 days for the remaining deposit to be returned after the event has taken place.

F. Refunds for Cancellation

A refund of one hundred percent (100%) of the deposit will be made if the reservation is cancelled more than 48 hours prior to the event. No refund of deposit if cancelled less than 48 hours prior to the scheduled event. All refunds shall be coordinated through the Center Supervisor and the City Treasurer.

G. Dispute Resolution

In the event that a dispute arises regarding an application for use of the Center, the City Administrator or the Mayor will make a determination as to whether a proposed meeting is legal, lawful, non-commercial and complies with this Use Policy and resolve questions regarding fees and deposits as required by either the Center Supervisor or the applicant. If the applicant disagrees with the decision rendered by the City Administrator or Mayor the applicant may appeal the decision to the City Council.

VI. USE REGULATION

A. Conduct While in the Center

1. Any individual or group using the Center shall always conduct themselves in a lawful and legal manner. Nothing in this Use Policy shall be interpreted by the City to restrict otherwise lawful expressive conduct.
2. No foul or abusive language shall be used at any time.
3. No one will be permitted to enter the Center with no shoes or shirts, at any time.
4. No smoking, illegal drugs or drinking of alcoholic beverages or possession of illegal drugs or alcoholic beverages will be permitted at any time.
5. Areas not specifically reserved shall not be entered or occupied by the applicant, the group, any of its individual, or participants and guests.
6. Youth meetings must be supervised at all times by a responsible adult.

7. Open flames, lighted candles, glitter, rice, confetti, graphite, paint, hay, straw, corn stalks, grass, palm fronds, **feathers** and other similar materials ARE NOT allowed in the Center.
8. Tables and chairs are provided in the Center. Heavy items are to be carried when moved to avoid damage to the floor. Tables, chairs and other equipment are not to be taken from the Center for any reason.
9. Hallways, exits, restrooms and other traffic areas are to remain free of tables, chairs, boxes and other items at all times.
10. No nails, tape or tacks may be used on the walls. No item may be strung or attached to the walls.
11. Pictures, plaques, flags, blinds, light fixtures, furniture, etc. are not to be removed or rearranged.
12. Participants and guests are to remain in the appropriate area(s) of the Center. Playing in halls or restrooms is prohibited. Children attending meetings in the Center must be supervised at all times by a responsible adult who is present. The party reserving the facility is responsible for the conduct of the participants and guests.
13. Meetings shall end on time. Sufficient time shall be scheduled for cleanup within the scheduled room at the conclusion of the activity.
14. Lights should be turned off in the Center at the conclusion of the meeting.
15. Pets or animals are not allowed in the Center except for service dogs.
16. Portable electrical appliances, ie. ovens, hot plates or space heaters will not be allowed. Special lighting, sound and other non-standard equipment will be allowed with the approval of the center supervisor. Computers and Projectors are allowed.
17. Gambling in any form is prohibited.
18. Use of Center piano will be allowed if requested for an additional fee in advance and upon verification by the Center Supervisor that the applicant understands the responsibilities of such use.
19. Compliance with the Utah State Open and Public Meeting Act is required. "The Open and Public Meeting Act applies to more than just the governing body of a city. It also applies to planning commissions, and the boards of adjustments, and the executive or legislative body of the city. As long as this group consists of two or more persons, has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business, it is governed by the act. The intent of this is to include all committees, commissions, or

other group that may be carrying out anything that looks like the public's business if they are supported by public funds." Utah Municipal Official's Handbook

20. Any other rules or regulations pertinent to the continuation of only legal, lawful and authorized uses of the Center and to the effective and efficient operations and preservation of the Center will be established by the governing body. The policy will be enforced by the City Administrator or the Mayor's designee. In the event of an emergency policy decision, that decision is to be made by the Center Supervisor with the approval of the City Administrator or in the case of the City Administrators absence, the Mayor. If the Center Supervisor is unable to contact either the City Administrator or the Mayor, the Center Supervisor will make the emergency decision which he or she deems to be in the best interest of the City, and then promptly thereafter give written notice of the decision to the City Administrator with reasons for that decision.

B. Breakage or Damages to Facilities

Any damage to Community Center or City Property or any conduct which does not strictly adhere to this Use Policy for the Center shall be sufficient reason to refuse the use or to terminate the actual use of the Center to that individual or group.

C. Preparing Facilities for Use

1. The Center Supervisor or designee shall see that the reserved area is available for the applicant's use. ~~However, the individual or group using the facility can make arrangements to organize the area they will be using with the Center Supervisor.~~
2. Set-up time for special occasions must be cleared at the time of scheduling. Normally, set-up will not be allowed earlier than one (1) hour prior to the time of the event. Please check with the Center Supervisor for special arrangements.

D. Cleaning Responsibility

1. It shall be the responsibility of the individual or group using the Center to clean up area used, including the parking lot, by removing all foreign matter, garbage and debris and depositing it in the appropriate receptacles ~~(a large dumpster is located on the north west corner of the parking lot)~~ **(large garbage tote)**
2. The ~~Center custodian or~~ Center Supervisor will verify cleaning has been adequately performed. To maintain longevity of the Center, a

minimum deep cleaning charge will be charged for all events serving **light** refreshments and **light** catered lunches or dinners.

E. Serving Refreshments

1. The Center is equipped with a kitchen strictly for the use of clean up and preparation of events. Light refreshments and light catered lunches or dinners are allowed provided the food can be prepared and served lawfully with out the use of kitchen facilities. Red and orange based punch, grape juice, or other strong colored liquids, sauces, toppings, or foods which would stain carpets are not allowed (i.e., strawberry, raspberry, blueberry).
2. Chairs and/or tables need to be set up and taken down by the applicant making the reservations. When food is served, it will be the responsibility of those renting the Center to clean up. Cleaning supplies will be provided. (Vacuum, broom, trash bags, and spray cleaner for the tables)

F. The Center Hours

The Center will generally be available for public use during the following times:

Monday thru Saturday	8:00 a.m. – 10:00 p.m.
Sunday	CLOSED
Official City Holidays	CLOSED

G. Hold Harmless

All leasing parties with a priority two or three classification must execute a “Hold Harmless Agreement” **and be approved by the City Administrator** prior to Center use.

H. Use Policy Subject to Change

Any other rules or regulations pertinent to the effective an efficient operation and preservation of the Center will be established as necessary by the governing body and enforced by the City Administrator and Mayor.

The City’s governing body reserves the right to amend and terminate the Use Policy and related rules at any time when deemed necessary or desirable by the governing body.

SECURITY DEPOSITS

The purpose of a deposit is to assure proper cleanup and care of the Center. When the Center is left dirty or damaged, the City shall retain part or all of the deposit as necessary to reimburse the City for clean up and damage repairs. Deposits and fees are defined on the attached Center Use Deposits and Fees Schedule. All fees herein are minimum amounts and are subject to adjustments as deemed necessary by the Center Supervisor based on the proposed use of the Center.

HIGHLAND CITY FEE SCHEDULE

APPLICATION FEE

1. ~~A non-refundable application fee of \$10.00 for Priority Two and Three, is due at time of application submittal and will be applied to reservation fee at time the application is approved.~~

RENTAL FEES

1. No fee shall be charged for Priority One classifications; Highland City Government meetings.
2. Use of Center not involving food - \$10.00 an hour **per room**. Fees may be waived for use by other governmental agencies by the City Administrator or Mayor. Additional deposits will be required if food is included.
3. Rental of the Center Piano – **is an additional \$15.00 \$5.00** an hour.
4. All rental fees are required to be paid before notice of confirmed reservation.
5. Fees are set by the City Council and are subject to change without advance notice.

CENTER USE DEPOSITS

1. Use of the Center involving food - \$100.00, of which \$25.00 is non-refundable for cleaning.
2. Meetings not involving food will require a \$50.00 refundable deposit subject to verification by the city that no damage has occurred.
3. Deposits are required to be paid within ~~three (3)~~ **five (5)** business days following approval. If deposits are not received the approval is withdrawn and the reserving party loses their confirmed reservation. Deposit checks will be ~~cash~~ **held**.
4. ~~A credit card deposit of \$500.00 is required for use of Community Center Piano. This deposit is fully refundable upon inspection by the Center Supervisor verifying proper use and care of piano. In the event damage occurs to the Center piano, deposit will be refunded less the amount of the damage. If the damage exceeds the deposit, the deposit is non-refundable and the party renting the piano~~

at the time damage occurred must pay the total costs of such repairs or replacement to the piano.

5. **Multiple** reservations may be made up to **ninety (90) days** **one hundred twenty (120) days or four (4) months** in advance, the deposit can be paid at the time of the first reservation and held for a period of **ninety (90)** **six (6) months** at the request of the applicant.
6. If cleaning costs or repair of damage to the Center or its contents exceeds the deposit, the party renting the Center at the time damage was incurred must pay the total costs of such cleaning or repairs.
7. The refundable portion of the deposit, if any, shall be mailed to the applicant **or shredded** within 14 days of the Center Supervisor's approval of the post event condition of the property, at the address shown on the application.
8. Deposit amounts are set by the City Council and are subject to change without advance notice.