



# HIGHLAND CITY COUNCIL AGENDA

April 18, 2017

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 – Pastor Chris Dodson, New Hope Bible Church  
Pledge of Allegiance – Councilman Ed Dennis

### **APPEARANCES** (10 min.)

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

### **PRESENTATIONS** (5 min.)

1. **UTAH LOCAL GOVERNMENTS TRUST: Trust Accountability Program** – Brent Oakeson

### **CONSENT** (5 min.)

2. **MOTION: Approval of Meeting Minutes for the City Council Work Session** – March 14, 2017
3. **MOTION: Approval of Meeting Minutes for the City Council Regular Session** – March 21, 2017

### **ACTION ITEMS** (60 min.)

4. **RESOLUTION: Approval of Intent to Annex 10.05 acres of Real Property located at 5901 West 10400 North** – Day Annexation
5. **MOTION: Preliminary Plat Approval for a 10 lot single Family Residential Subdivision located at 4800 West 11350 North** – Stoney Brook, Plat B
6. **PUBLIC HEARING / ORDINANCE: Approval of an Ordinance Amending the Land Use Designation of the General Plan from Low Density Residential to Office for the property located at 11020 North 5500 West** – Requested by Garon Larsen.

7. **PUBLIC HEARING / ORDINANCE: Approval of an Ordinance to Re-Zone property located at 11020 North 5500 West from Single Family Residential, R-1-40 to Residential Professional (RP) Zone** – Requested by Garon Larsen
  
8. **PUBLIC HEARING: Request to Vacate approx. 170 feet of the Right of Way located at 5500 West and SR92** – Requested by Resident Petition

**MAYOR/ CITY COUNCIL & STAFF**  
**DISCUSSION AND COMMUNICATION ITEMS** (10 min.)

- Road Funding Community Meeting Reminder
- Ongoing Items – Staff

**ADJOURNMENT**

ELECTRONIC PARTICIPATION

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

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that on this **13<sup>th</sup> day of April, 2017**, 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](http://www.highlandcity.org)).

JOD'ANN BATES, City Recorder

- In accordance with the Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting.
- Requests for assistance can be made by contacting the City Recorder at 801-772-4505, at least 3 days in advance to the meeting.
- The order of agenda items may change to accommodate the needs of the City Council, the staff and the public.

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

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**MINUTES  
HIGHLAND CITY COUNCIL AND PLANNING COMMISSION  
JOINT WORK SESSION**

**Tuesday, March 14, 2017**  
Highland City Hall – Multi Purpose Room,  
5400 West Civic Center Drive, Highland, Utah 84003

**PRESENT:** Mayor Mark S. Thompson, conducting  
Councilmember Brian Braithwaite  
Councilmember Tim Irwin  
Councilmember Ed Dennis  
Councilmember Rod Mann  
Commissioner Chris Kemp  
Commissioner Ron Campbell  
Commissioner Sherry Carruth  
Commissioner Kurt Ostler  
Commissioner Brady Brammer  
Commissioner Abe Day

**STAFF PRESENT:** Nathan Crane City Administrator/Community Develop. Director  
Erin Wells, Assistant to the City Administrator  
JoD’Ann Bates, City Recorder

**EXCUSED:** Councilmember Dennis LeBaron

**OTHERS:** Rebecca Angerhofer, Harrison Angerhofer, Jared Shepherd, Neal Evans, Natalie Ball, Timothy Ball, Tonya Colledge, Jennifer Avondet, Teri Jerman, Jonathan Graff, Laura Harding, Jacob Bird, Kim Bird, Cameron Holley, Clark Pugh, Dakota Dunn, Brad Holley, Spencer Passey and Andrea Passey.

The meeting was called to order by Mayor Thompson as a joint work session at 6:02 p.m. The prayer was offered by Mayor Thompson.

**Residential Density**

Nathan Crane, City Administrator, first asked the City Council and Planning Commission members to take a brief, informal survey regarding lot sizes within Highland City. He would address the results of the survey later in the meeting.

Mr. Crane said that the purpose of the joint work session was to determine how they wanted to move forward as the remaining land in Highland is developed. He presented a map of the City and identified all of the undeveloped properties that were larger than five acres. Mr. Crane addressed the General Plan, which identifies future desired land uses and provides a vision for

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1 the community. The latest version of the plan was adopted in 2008, which means that the data  
2 used to create the document was almost 10 years old. The current General Plan asks that the  
3 majority of the City be developed as low density residential, but it does not give a definition of  
4 that term. Mr. Crane stated that there were two zoning districts when the General Plan was last  
5 adopted, but the City now has three: R-1-40, R-1-30, and R-1-20. He also noted that 60% of the  
6 total land area of the City is low density residential.

7  
8 Councilman Rod Mann asked if the term “low density residential” included only R-1-40 zoning.  
9 Mr. Crane said that “low density residential” included R-1-40, R-1-20, open space subdivisions,  
10 non-conforming subdivisions, and so on.

11  
12 Commissioner Kurt Ostler asked Mr. Crane if he had a breakdown of actual lots sizes in  
13 Highland City. Mr. Crane stated that the information from the General Plan was almost 10 years  
14 old, but directed the question to Councilman Mann.

15  
16 Councilman Rod Mann had pulled some data from the pressurized irrigation system, as this is  
17 billed per square foot. He said that there are 4,155 lots on the system and the average lot size is  
18 25,900 square feet (0.6 acres). The median is 20,299 square feet (0.47 acres). He had also  
19 researched the average lots size per zone: R-1-40 lots averaged 34,500 square feet, R-1-30  
20 averaged 25,900 square feet, and R-1-20 averaged 20,000 square feet.

21  
22 Councilman Tim Irwin added that 55% of the lots in Highland are a half-acre or less, and only  
23 about 10% are more than one acre in size. Highland prides itself in being a large lot community,  
24 but that really depends on how they define “large lots”.

25  
26 Mr. Crane said that he intended to discuss that further in the meeting. He continued with his  
27 presentation by explaining that the vision statement of the General Plan identifies Highland as a  
28 bedroom community with large lots, single family homes, natural areas and open space. At the  
29 time that the General Plan was adopted, the City had done several open space subdivisions,  
30 although they were not all successful. Since that time, the City had decided not to approve any  
31 more open space subdivisions. Mr. Crane said that the General Plan identifies only two areas in  
32 the City where high density housing is encouraged, and that would be in the Town Center and  
33 the State School site.

34  
35 Mr. Crane went back to the map of undeveloped land and indentified which areas had something  
36 unique about them, whether it was topography or other special circumstance, and may require  
37 some alternative zoning pattern to R-1-40.

38  
39 Mr. Crane continued his presentation by addressing aesthetics, which included densities,  
40 minimum lot sizes, and setback requirements for each zone. He also addressed frontage and  
41 setback requirements for the open space subdivisions.

42  
43 In terms of financial impact, Mr. Crane stated that there wouldn't be any significant impact on  
44 the City's infrastructure, even if the entire City were developed at R-1-20. It could be that  
45 projects would have to be accelerated to accommodate growth, but nothing would have to be

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1 completely rebuilt. He then presented charts showing the percentage of land eligible for property  
2 tax and the amount of property tax collected per acre in each zoning type.

3  
4 Councilman Tim Irwin noted that the average City tax per acre for an R-1-20 is more than  
5 double that of an R-1-40.

6  
7 Commissioner Kurt Ostler asked if this data reflected increased costs for services such as police  
8 and fire. Mr. Crane explained that the information was just basic property tax.

9  
10 Councilman Tim Irwin commented that increased services did not depend so much on the  
11 number of people, **but rather the quality of people that come into the area.**

12  
13 Mr. Crane then presented the results from the recent “citizen’s survey”. The second highest  
14 priority for Highland citizens was preserving large lot residential throughout the City. The  
15 survey also showed that 34% of the residents believed a large lot to be 40,000 square feet or  
16 larger, and 21% said 30,000 square feet. The survey also asked the residents what they felt was  
17 an appropriate density for Highland, but the answers given led Mr. Crane to believe that many of  
18 the residents did not entirely understand how densities were calculated. The information from  
19 the question regarding density conflicted with the results of the lot size question. The survey  
20 also showed that most of the residents did not support R-1-20 zoning. Overall, Mr. Crane felt  
21 that the existing General Plan was in line with the preferences of the Highland citizens.

22  
23 Commissioner Kurt Ostler asked how many residents responded to the survey. Erin Wells,  
24 Assistant to the City Administrator reported that they received 1,074 responses.

25  
26 Councilman Ed Dennis asked if the City had information regarding the lot sizes of those who  
27 responded to the survey. He commented that the survey results could be skewed if only owners  
28 of acre lots responded. Ms. Wells stated that they did not have that information.

29  
30 Natalie Ball, a resident, asked if they could add the results of their petition to the survey  
31 numbers. Councilman Tim Irwin asked Ms. Ball if there had been any discussion about what a  
32 small lot entails. He was concerned that the residents they polled did not have all of the  
33 information necessary to make an informed decision. Ms. Ball stated that she had spent many  
34 hours educating the public on these issues, including explanations of how density was calculated.

35  
36 Ms. Wells presented the results of the survey taken at the beginning of the meeting. The first  
37 question asked what should density be focused on, and the majority (7 to 3) voted for lot sizes  
38 over density. The second question asked for the appropriate zoning district for Highland. There  
39 were nine votes for R-1-40, three votes for R-1-30, and one vote for R-1-20. The third question  
40 asked if R-1-30 should replace R-1-40 zoning, and the majority (11 to 3) voted “no”. The last  
41 question asked if R-1-30 should replace R-1-20 zoning, and the majority (10 to 3) voted “yes”.

42  
43 Mr. Crane asked the group, and any interested residents, to take the survey again after hearing  
44 his presentation.

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1 Ms. Wells presented the results from the second survey. The results for the first question were  
2 the same. The results for the second questions were 11 votes for R-1-40 as the main zoning in  
3 Highland, five votes for R-1-30, and one vote for R-1-20. The third question still resulted in the  
4 majority (15 to 3) against replacing R-1-40. And the majority (12 to 5) voted in favor of  
5 replacing R-1-20 with R-1-30.

6  
7 Mr. Crane concluded that the City wanted to maintain the current General Plan, focusing on a  
8 large lot single family community. There also seemed to be an interest in discontinuing the use  
9 of R-1-20 and replacing it with R-1-30.

10  
11 Mayor Thompson said even if R-1-20 was replaced, the City would still probably have to yield  
12 to some smaller lots. There are several properties that back up to communities that have lots that  
13 area 12,000 square feet or smaller. It would be inappropriate to put large lots with animal rights  
14 up against those properties.

15  
16 Councilman Tim Irwin said that the minimum square footage for either zoning would be 20,000  
17 square feet. Mayor Thompson said he understood Councilman Tim Irwin's point, but he still felt  
18 that animal rights were still a concern.

19  
20 Kurt Ostler said that recently the City approved a subdivision with smaller lots because it was  
21 next to Lehi. He felt that the City Council had chosen to favor Lehi's zoning rather than  
22 favoring the existing Highland neighbors in this case, and he was not comfortable with that.

23  
24 Mayor Thompson reiterated that it was unfair to put properties with animal rights next to small  
25 lots. Those neighbors never expected to be next to animal rights. He said that the City allows  
26 large animals on lots 30,000 square feet or larger.

27  
28 Mr. Crane asked if Mayor Thompson wanted to address animal rights with the R-1-30 zoning,  
29 and he answered affirmatively. Councilman Tim Irwin suggested that the code simply specify  
30 that lots adjacent to smaller lots have to be less than 30,000 square feet.

31  
32 Councilman Rod Mann stated that the average lot size in the R-1-30 subdivision was 25,000  
33 square foot, which wouldn't allow for animal rights anyway. The average lot size throughout the  
34 entire city was 0.6 acres, so if they changed everything to R-1-30 it wouldn't change the average.

35  
36 Commissioner Ron Campbell asked if the City intended to eliminate the R-1-20 zone. Mr. Crane  
37 explained that they could not eliminate the zoning because it already exists in the City, but they  
38 would not approve that zoning moving forward if that was what the City Council wanted.

39  
40 Councilman Brian Braithwaite said that they should consider each of the undeveloped properties  
41 individually, because they would each have their own special circumstances. For example, it  
42 may be appropriate to eliminate animal rights for some but not for others.

43  
44 Commissioner Brady Brammer suggested that the City consider how the elimination of open  
45 space subdivisions drastically impacted the average lot sizes and affected the type of people that

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1 could afford to come into the City. He asked if the City Council was committed to this policy  
2 change.

3  
4 Councilman Brian Braithwaite was not convinced that prohibiting open space subdivisions had  
5 changed the General Plan at all.

6  
7 Commissioner Brady Brammer explained that the open space subdivision allowed people to still  
8 purchase an R-1-40 lot that was 20,000 square feet, something that was more affordable. Having  
9 a neighborhood of only 40,000 square foot lots or larger would really change the feel of the  
10 community.

11  
12 Councilman Brian Braithwaite questioned whether homes on the 20,000 square foot lots were  
13 much cheaper than those on 40,000 square foot lots.

14  
15 Commissioner Brammer said that he was focusing more on the feel of a community rather than  
16 the cost of a home. He lived in an open space neighborhood and he enjoyed it very much. He  
17 felt like the City had a good mix of lot sizes with the open space neighborhoods. Councilman  
18 Tim Irwin said that Commissioner Brammer made some valid points.

19  
20 Laura Harding, a resident, agreed with Commissioner Brammer's comments. She was  
21 concerned about the loss of parks and open space in Highland City. She felt that the City was  
22 failing miserably in their negotiations with developers and urged them to demand more open  
23 space in these subdivisions.

24  
25 Commissioner Sherry Carruth stated that Highland City was not in a financial position to take on  
26 the maintenance of any more parks. The open spaces could be maintained by an HOA, but not  
27 many residents wanted to be part of an HOA. Laura Harding asked that the options at least be  
28 explored. She was not comfortable with the City doing away with parks entirely.

29  
30 Mr. Crane stated that the results of the informal survey at the beginning of the meeting showed  
31 that they wanted a density based on lot size rather than the number of homes. Open space  
32 subdivisions would not work in that case, because they are based on the number of homes.

33  
34 Commissioner Chris Kemp presented some information regarding the cost of homes in Highland  
35 City. There were only four available homes in Highland that were under \$400,000. He said that  
36 proving something affordable on a large lot was practically impossible. Someone could buy an  
37 acre lot for \$300,000, but they would not build a \$100,000 home on it. If Highland chooses to  
38 only allow R-1-40 lots from now on, they would only attract people who could afford a home of  
39 \$500,000 or more.

40  
41 Councilman Tim Irwin asked about the difference in price between a half-acre lot with a home  
42 and an acre lot with a home. Commissioner Chris Kemp said that a half-acre lot with a home  
43 was selling for about \$360,000, and there were only one or two available in Highland.

44  
45 Councilman Ed Dennis added that there were 13 lots for sale in Highland, and those lots range  
46 from 0.19 to 0.91 acres. The average lot size was 0.54 acres and the average cost was \$260,000.

# DRAFT

1 He said it was ironic that the lot with the highest cost per square footage was the smallest lot  
2 available.

3  
4 Laura Harding commented that all of Utah County was experiencing high housing costs.

5  
6 A comment was made that the information about housing costs was valuable, but it didn't really  
7 drive the discussion. The group should be focusing the discussion on how the City views density  
8 and lot size.

9  
10 Commissioner Abe Day said that they had to consider what they would rather have in Highland:  
11 quarter-acre lots with open space or acre lots with privacy. Commissioner Brandy Brammer said  
12 that this used to be the scenario, but the elimination of open space subdivisions took away the  
13 option. He commented that there were no options in Highland for residents who did not want to  
14 take care of a large lot.

15  
16 Commissioner Chris Kemp talked about the growing need for smaller lots with quality homes,  
17 which is what older citizens are gravitating toward. He said that developers approach him all the  
18 time about bringing such a product into Highland.

19  
20 Teri Jerman, a resident, spoke of her experience in an HOA and said that this would be a great  
21 way to have open space without the City taking responsibility for maintaining it. She urged them  
22 to keep the options open for HOAs, smaller lots, and open space. She commented that she  
23 understood the need for senior citizen communities, because she would also like to have a quality  
24 home without having to maintain a large lot.

25  
26 Natalie Ball, a resident, said that the City needed to do something about basement renters and the  
27 issues with Sterling Point. There was subsequent discussion on the matter.

28  
29 Mr. Crane said that the purpose of the meeting was not necessarily to discuss senior housing.  
30 The purpose of the meeting was to make sure that the City Council, Planning Commission, and  
31 staff members were all on the same page as far as future development allowed in Highland City.

32  
33 Councilman Tim Irwin said that members of these bodies, like the residents of Highland, had  
34 differing views on the matter and they may not be able to reach a unanimous consensus.

35  
36 Mr. Crane explained that all high density developments have been met with opposition from the  
37 residents, and the survey results are reflecting the same information. Based on this information,  
38 it could be concluded that the rest of Highland should be developed as R-1-40, unless there is a  
39 special circumstance with the land.

40  
41 Commissioner Kurt Ostler feared that the City Council may vote on future projects contrary to  
42 what is decided today. Mr. Crane explained that they have not been able to fully research the  
43 details and specifics of each property available for development. The push for R-1-40  
44 development is really just a blanket statement about what they want to see in the future. This  
45 would be the standard, and properties with unique problems would be carefully discussed.

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1 Natalie Ball, a resident, said that she wanted a minimum lot size to be imposed. She did not  
2 want to see anything smaller than 20,000 square foot lots moving forward.

3  
4 Laura Harding, a resident, reiterated her concerns about park space and suggested that they  
5 continue to consider open space subdivisions.

6  
7 Mayor Thompson thanked everyone for their participation and input during the meeting. He  
8 took a few minutes to explain Highland City's development history; why there were some  
9 subdivisions with small lots, and how they came to be an R-1-40 community. He said that there  
10 is a lot of zoning in the City that doesn't represent R-1-40, but there are nice homes and a  
11 community that was built out of good relationships. Mayor Thompson also noted that roughly  
12 95% of Highland citizens were members of the Church of Jesus Christ of Latter-Day Saints,  
13 which is the highest concentration of members anywhere in the world.

14  
15 Mayor Thompson continued by saying that the purpose of the meeting was to better understand  
16 what the citizens and City officials want to do with the remaining land in Highland. It may not  
17 ultimately be the right decision, but he was willing to do what the citizens wanted. He said that  
18 he was in favor of larger parks to meet some of the recreational needs of the residents, and many  
19 of the residents felt the same. He again thanked everyone for their comments.

20  
21 Neal Evans, a resident, said that the City Council had the right to do whatever they wanted, and  
22 the Planning Commission has to follow suit, but he hoped that they would seriously consider the  
23 voice of the citizens. Mr. Evans talked about the hard work they had put into educating people  
24 and putting the petitions together. The results of their efforts clearly showed that the majority of  
25 the residents would prefer acre lots over R-1-30 zoning or smaller. The residents are tired of the  
26 City Council trying to down-zone what is left of the City.

27  
28 Natalie Ball, a resident, echoed Mr. Evans's comments and said that if people want to live on  
29 smaller lots there are ten other communities within 15 minutes of Highland to which they could  
30 move. She said that the City Council was not responsible for marketing to people that don't yet  
31 live in Highland, but they are responsible for accurately representing the current residents. Many  
32 of the residents don't feel that their voices are being heard or recognized.

33  
34 Laura Harding, a resident, felt the same way. She encouraged the City Council members to  
35 speak directly to the residents of the City to better understand what they want. Ms. Harding also  
36 spoke about her experience gathering signatures for the petition against R-1-30 zoning.

37  
38 Councilman Tim Irwin thanked the residents for their efforts in putting together the petitions and  
39 said that it was an incredible achievement. He assured them that the City Council was listening  
40 to their concerns, even if not all of the members were in agreement on the issues.

41  
42 Mayor Thompson closed the work session at 7:29 p.m.



MINUTES  
HIGHLAND CITY COUNCIL MEETING

Tuesday, March 21, 2017

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

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

**STAFF PRESENT:** Nathan Crane, City Administrator/Community Develop. Director  
Erin Wells, Assistant to the City Administrator  
Gary LeCheminant, Finance Director  
JoD’Ann Bates, City Recorder  
Todd Trane, City Engineer  
Justin Parduhn, Public Works O&M Director  
Tim Merrill, City Attorney

**OTHERS:** Steven Sorenson, Matthew Sperry, Luke Sperry, Trace Odette, Peter Creer, Mark Creer, Tanner Ashworth, Cole Ashworth, Will Clark, Isaac Price, Lucas Johnson, Sam Clark, Matt Cannon, Ron Stutz, Steven Lund, Tavis Timothy, Will Jones, Steven Wood, Orralee Wood, Roma Jean Ockler, Julie Hundley, Carolyn Hardman, Bill Roy, Susan Mathieson, Rob Mattieson, Tyler Standifird, Dawn Higley, Chris Olsen, Tammie Neeley, Von Welch, CL Young, Nianne Young, Paul Marrott, Stephon Marrott, Debbie Maughan, Cheryl Tooley, Brandon Ashworth, Nathan Ashworth, Bjorn Schwartz, Jackson Briton, Mitchell Burt, Eli Nitchman, Palmer Hugh, Quincy Easterly, Cameron Teasdale, Chase Mansfield, Randy Mansfield, Maddex Brinton, Conely Strow, Jackson Cannon, Malac Ashton, Daniel Jensen, Jason Palmer, Owen Hunt, Josh Bentzen, Josh Wightman, Caleb Black, Porter Taylor, Joseph Oscarson, Isaac Prater, Scott Senior, Teage Bengtzen, Tyler Standifird, Josh Price, and Garon Larsen.

The meeting was called to order by Mayor Mark S. Thompson as a regular session at 7:02 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 Councilman Dennis LeBaron and those assembled were led in the Pledge of Allegiance by Councilman Luke Sperry, a scout.

**APPEARANCES:**

There were no appearances.

**CONSENT ITEMS:**

# DRAFT

1 **1. MOTION: Approval of Meeting Minutes for the City Council Regular Session –**  
2 **March 7, 2017**

3  
4 **2. MOTION: Approval of a Preliminary/Final Plat for a two-lot subdivision located at**  
5 **11150 North Highland Blvd. – Requested by Scott Dunn**

6  
7 **MOTION: Councilman Dennis LeBaron moved the City Council approve the consent**  
8 **items on the agenda.**

9  
10 **Councilman Tim Irwin seconded the motion.**  
11 **Unanimous vote, motion carried.**

12  
13 **ACTION ITEMS:**

14  
15 **3. PUBLIC HEARING / ORDINANCE: Approval of an Ordinance Amending the**  
16 **Land Use Designation of the General Plan from Low Density Residential to Office**  
17 **for the property located at 11020 North 5500 West – Requested by Garon Larsen.**

18  
19 ***BACKGROUND:** The property is part of the Professional Office (PO) Zoning District that was*  
20 *approved by the City Council in December 2003. The PO District included a master site plan*  
21 *which was also approved in December of 2003. The master site plan was subsequently amended*  
22 *in February of 2005. The master site plan included 26.22 acres, which consists of 4.51 acres of*  
23 *office uses, 9.655 acres of storage units, and 8.13 acres of open space. The property is 1.23*  
24 *acres in size and is owned by Highland Business Park, LLC. A request for a conditional use*  
25 *permit for a veterinarian clinic is currently under review.*

26  
27 Nathan Crane, City Administrator, presented the background information above and a map of the  
28 subject property and surrounding areas. He then showed the General Land Use Map of the City  
29 and explained that approximately 65% of the City was designated as residential. Only 2.5% of  
30 the City was designated as commercial or office. The applicant was proposing to change the  
31 designation for the subject property from low density residential to office. The request was  
32 heard by the Planning Commission on February 28, 2017, and they voted 4-to-2 recommending  
33 approval. At that meeting, many residents expressed their concerns regarding traffic and a long-  
34 range development plan for the remaining properties along SR-92.

35  
36 Also on the agenda was a request to abandon a portion of 5500 West, which related to this  
37 amendment request. The Planning Commission also discussed the street vacation and voted 4-  
38 to-2 recommending approval.

39  
40 Mr. Crane explained that SR-92 had become a significant road and was owned and maintained  
41 by UDOT. Access to SR-92 was not allowed for this parcel, so the site would have to be  
42 accessed from 5500 West. Mr. Crane said that there is always an impact when a property is  
43 changed from residential to commercial, and he wanted to be sure that they mitigated all of those  
44 potential issues. If the City Council was to consider a non-residential use on this property, office  
45 uses would have less of an impact than retail. He also noted that options for commercial

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1 development in Highland were relatively limited, while there was a significant amount of land  
2 available for low density residential.

3  
4 Councilman Rod Mann asked for information about the estimated traffic pattern for a  
5 commercial development. Todd Trane, City Engineer, said that a medical or dental office would  
6 generate between 25 and 36 trips per day per 1,000 square feet. The applicant is proposing a  
7 two-story dental office of approximately 10,000 square feet, so they anticipated an average of  
8 300 trips per day. Mr. Trane believed that most of the clients would use SR-92 rather than  
9 travelling through the residential neighborhood to access the dental office.

10  
11 Councilman Dennis LeBaron said it was possible that the office uses could change in the future  
12 and asked about traffic patterns for other office uses. Mr. Trane said that general office uses  
13 generate fewer trips per day than medical or dental uses, at roughly 200 trips per day.

14  
15 Councilman Dennis LeBaron asked Mr. Trane if he found any technical concerns with the road  
16 and intersection. Mr. Trane said the current layout of the road meets UDOT standards.  
17 Unfortunately, UDOT was not allowing any new driveways onto SR-92, so access to this  
18 development would be from 5500 W. whether it was closed or left open.

19  
20 Mayor Thompson opened the public hearing for Items 3, 4, and 5 at 7:16 p.m.

21  
22 Chris Olsen, a resident on 5600 West, asked if the access would be right-in/right-out only. He  
23 explained that turning left from 5500 West onto SR-92 was difficult, so many of the residents  
24 choose to circle back through the neighborhood and use another road to access SR-92. He  
25 worried that clients of the dental office would do the same. Mr. Olsen also said that closing the  
26 road would impede emergency vehicle access to the neighbors on that street. He asked that the  
27 road be left open.

28  
29 Councilman Brian Braithwaite said that the proposed site plan did not show a right-in/right-out  
30 access.

31  
32 Ron Stutz, a resident, asked if the applicant had approached the land owners to the north about  
33 purchasing their land as well.

34  
35 Dr. Garon Larsen, the applicant, said that the only other party he has had contact with was  
36 UDOT because they own the adjacent land. Dr. Larsen had no intentions of expanding the  
37 building in the future.

38  
39 Tanner Nordstrom, a resident, asked if Dr. Larsen would be occupying the entire two-story  
40 building or if he planned to sublet to another tenant.

41  
42 Mr. Crane said that the applicant intended to occupy at least part of the building. Any other  
43 tenants would have to comply with the uses established in the zoning ordinance.

44  
45 Mr. Nordstrom asked if that had been taken into account when staff did their basic traffic  
46 analysis. Mr. Trane answered in the affirmative. He explained that they expected 300 trips per

# DRAFT

1 day for the entire building as a medical or dental use. If the other tenants were other general  
2 office uses, the trips per day would be less.

3  
4 Dawn Higley, 11092 North 5600 West, said that she was a 30-year resident of Highland. She  
5 was disabled and had trouble getting around the community, partly due to the lack of quality  
6 sidewalks. If the traffic on the neighborhood roads were to increase, it would be more difficult  
7 for Mrs. Higley and others to walk around safely. She said that she has previously spoken out  
8 against installing a traffic signal at 5600 West, as she believed it would invite traffic into the  
9 neighborhood. She urged the City to consider putting commercial uses somewhere else and keep  
10 this area as residential.

11  
12 Scott Christensen, 11041 North 5500 West, agreed with the comments made by Mrs. Higley. He  
13 felt that it was inappropriate to place commercial uses directly adjacent to a long-time residential  
14 neighborhood. He worried about the devaluation of his property and his quality of life. Mr.  
15 Christensen was strongly opposed to the proposal. If the development was approved, he asked  
16 that the City consider requiring the installation of a buffer between the commercial and  
17 residential uses. Mr. Christensen asked what uses were allowed in this zone.

18  
19 Mr. Crane commented that staff had not reviewed the building plans yet, but it would have to  
20 meet all requirements of the code, including a maximum height of 30 feet. Allowed commercial  
21 uses would include community uses, financial institutions, Medicare care facilities, professional  
22 offices (architects, accountants, doctors, dentists, insurance agents, lawyers, engineers, physical  
23 therapists, etc.), private educational institutions, preschools, daycares, and other types of services  
24 determined to be compatible with the intent of the zone.

25  
26 Mr. Christensen presented a petition signed by the residents requesting a wall or some other  
27 buffer between their neighborhood and the commercial development.

28  
29 Mayor Thompson paused the public hearing to allow staff to address the staff report for Items 4  
30 and 5.

31  
32 Mr. Crane presented the proposed site plan for the dental office and identified the access point on  
33 5500 West. He also presented renderings of the building and reiterated that the building plans  
34 had not been reviewed or approved. Mr. Crane explained that the ordinance contained some  
35 design standards that were meant to protect adjacent residential uses, such as buffering and  
36 fencing requirements.

37  
38 Mr. Trane addressed the proposed vacation of 5500 West. After this item was heard by the  
39 Planning Commission, staff conducted a traffic count of street. The counter was out from March  
40 8<sup>th</sup> through the 15<sup>th</sup>, and they counted an average of 657 vehicles per day. If the City opted to  
41 close the road, the 657 trips would be pushed onto 5550 West, 5600 West, and 11200 North. Mr.  
42 Trane said the roads would not exceed capacity, even with the additional traffic. The  
43 Engineering Department had other concerns beyond traffic. The first issue was that 5500 W.  
44 slopes downward, which would cause drainage issues. Downhill cul-de-sacs are prohibited by  
45 City ordinance. The code also prohibits cul-de-sacs over 600 feet, and the closure of 5500 West  
46 would create a cul-de-sac of roughly 1100 feet. Mr. Trane explained that there were also

# DRAFT

1 concerns about providing a proper turnaround for emergency vehicles. An acceptable  
2 turnaround must have a radius of at least 42 feet, and the existing street is only 34 feet wide. Mr.  
3 Trane felt that staff would be able to mitigate most of these issues, but his biggest concern was  
4 the increased traffic on the adjacent roads.

5  
6 Scott Christensen, a resident, asked if 11060 could be utilized as an acceptable turnaround. Mr.  
7 Trane said that the Fire Marshal would have to be consulted on that matter.

8  
9 Steve Sorenson, a resident on 5600 West, encouraged the City Council to consider the future of  
10 all of the properties along SR-92. He wanted to be sure that this development was part of a  
11 larger plan. Mr. Sorenson said that he actually liked the idea of having a two-story structure  
12 between the residences and SR-92 because it would help to decrease noise. He asked that the  
13 City consider the privacy of the residents when reviewing the building designs, especially with  
14 the placement of windows on the second story. Mr. Sorenson suggested that this application not  
15 be approved until the City had a bigger picture of what they wanted for the area.

16  
17 Bill Roy, a resident on 5500 West, was strongly opposed to the proposed amendment and the site  
18 plan. His primary concern was with increased traffic and the safety of the residents. He also  
19 urged the City Council to keep future development in line with Highland City's reputation of  
20 being a large lot community. If the commercial development was approved, Mr. Roy requested  
21 that the City consider installing some traffic calming measures on 5500 West to slow down the  
22 traffic.

23  
24 Councilman Rod Mann asked if speed was currently an issue in the neighborhood. Mr. Roy  
25 answered affirmatively.

26  
27 Paul Merritt, 5480 West 11060 North, asked if the traffic analysis had included Sunday traffic.  
28 Mr. Trane explained that they did count Sunday traffic and the trips were up in the 400s. It was  
29 the highest number they counted from that entire week. Mr. Merritt said that he was worried  
30 about the height of the building and the invasion of privacy, but he was not opposed to the  
31 termination of 5500 West.

32  
33 Steven Lund explained that he was a current resident of 5550 West, but he previously lived on  
34 5500 West, so he understood the traffic issues there. Mr. Lund's primary concern was with the  
35 removal of the Berry home, which had acted as a buffer between the residential neighborhood  
36 and the existing commercial. He believed that the proposed development would significantly  
37 increase the neighborhood traffic.

38  
39 Steve Wood, a resident of 5600 West, said that he lived near another vacant lot owned by UDOT  
40 and it was the next logical place for commercial development. Mr. Wood said there was no  
41 compelling reason to close 5500 West and he was opposed to it.

42  
43 Tanner Nordstrom explained that 5600 West and 5500 West were the only two streets that went  
44 all the way to the back section of the residential neighborhood. If 5500 West were to be  
45 terminated, all of the residents who lived back there would be forced to use 5600 West. Mr.  
46 Nordstrom also felt like they should preserve the small town feel of Highland.

# DRAFT

1  
2 Von Welch, a resident on 5550 West, said that there was already too much traffic on the  
3 residential streets. He also felt that 2.5% of commercial is enough for Highland City. He urged  
4 the City Council to maintain the subject property as residential.

5  
6 Julie Hunley, 11042 North 5500 West, echoed the comments of Mr. Lund regarding the Berry  
7 home. Mrs. Hunley was concerned about privacy and requested that a 12 foot wall be installed  
8 between the residences and the commercial property.

9  
10 Debbie Maughn said that she was not a resident of this particular neighborhood, but she was a  
11 long-time resident of Highland City. She was upset by the proposal and said that all businesses  
12 should be kept in the downtown area. She complained the SR-92 was becoming more like a  
13 State Street, and the residents did not want that.

14  
15 Hearing no further comments, Mayor Thompson closed the Public Hearing at 8:12 pm and  
16 brought the discussion back to the City Council.

17  
18 Councilman Rod Mann asked the applicant about his hours of operation. Dr. Larsen said that he  
19 worked on Monday and Tuesday from 9:00 a.m. to 6:00 p.m., and on Thursday and Friday from  
20 7:30 a.m. to 3:30 p.m. He only worked on Wednesdays when necessary. Typical hours for a  
21 dental office were from 7:00 a.m. to 6:00 p.m.

22  
23 Councilman Dennis LeBaron asked if there had been a discussion about having an access to the  
24 east through the Quick Quack Car Wash. Mr. Crane explained that they had tried to negotiate  
25 that when the car wash was being reviewed, but the configuration of the site wouldn't allow for a  
26 cross access to the east.

27  
28 Councilman Tim Irwin asked the applicant if he had asked for 5500 West to be closed, and Dr.  
29 Larsen said that was never his intention. Mr. Crane said that the road vacation was proposed  
30 based on public response.

31  
32 Councilman Ed Dennis asked how much of the building Dr. Larsen intended to occupy. Dr.  
33 Larsen said that he would like to occupy half of the building and rent to one other tenant,  
34 preferably a dental or medical office.

35  
36 Councilman Dennis LeBaron said that he would like to see more businesses like this in Highland  
37 City and asked the applicant if he had looked into other properties in the City. Dr. Larsen said  
38 that he had looked at other properties. One of the challenges he faced was finding a location  
39 where the business could have visual exposure. His current practice was in Alpine City.

40  
41 Councilman Dennis LeBaron asked staff if 5600 West and 5550 West would have the same  
42 amount of traffic as 5500 West. Mr. Trane did not have the exact numbers, but he guaranteed  
43 that 5600 West had more traffic than 5500 West, and 5550 West had less traffic. He said that  
44 staff could study those roads if the City Council requested it.

## DRAFT

1 Councilman Tim Irwin said he was not comfortable vacating 5500 West without a proper study  
2 being conducted first. It seemed like there was no good reason for closing it other than the  
3 residents wanting it to be closed. Mr. Trane said that closing a road normally caused more issues  
4 than it resolved.

5  
6 There was some discussion about the future traffic signal at 5600 West and how that would  
7 affect traffic in the area.

8  
9 Paul Merritt asked if it would be more beneficial to open up 11200 North than to close 5500  
10 West. He felt that opening that up would help to lessen traffic by giving the residents another  
11 outlet onto 6000 West.

12  
13 Mr. Trane said that he had been the City Engineer as of December, so he was not sure why  
14 11200 North had been closed. This road was a perfect example of a road closure creating  
15 problems in the future.

16  
17 Councilman Brian Braithwaite said that the City did not own that right-of-way, so they would  
18 have to purchase the land in order to open it up.

19  
20 Councilman Dennis LeBaron asked if their decision for the subject property would impede their  
21 ability to deny other property owners along SR-92 who request the same thing. Mr. Crane  
22 explained that each rezone decision is made independently, and any decision they make here  
23 would not require them to approve future developments. Mr. Crane felt that the City should  
24 engage in some comprehensive planning for the area.

25  
26 Mayor Thompson agreed that a comprehensive plan needed to be discussed. He said that  
27 Highland City will continue to grow due to its close proximity to Salt Lake City.

28  
29 Councilman Brian Braithwaite said that two of the largest homes in Highland were being built  
30 right on SR-92. Some residents wanted that kind of access, but others did not.

31  
32 There was a discussion about fencing between the commercial and residential neighborhood.  
33 The code required a six foot solid masonry or concrete fence, but the City Council could extend  
34 that height to eight or twelve feet.

35  
36 Councilman Ed Dennis was in favor of moving ahead with the dental office, believing that it was  
37 a good use for the property and a nice addition to the City. He said that most residents would not  
38 choose a home right along SR-92 because of the heavy traffic and noise. He was not in favor of  
39 vacating 5500 West because it would create more problems in the future.

40  
41 Councilman Brian Braithwaite said that he lived in the area and traveled past this property  
42 frequently. The traffic issues brought up by the residents were valid concerns. His biggest  
43 concern was pushing all of the traffic onto 5600 West and 5550 West. He said that he could see  
44 this property becoming a commercial entity, but it had to be done the right way. The City  
45 needed to figure out how to mitigate the traffic issues before approving the rezone and site plan.

## DRAFT

1 He was not in favor of the street vacation. Councilman Dennis LeBaron agreed with  
2 Councilman Braithwaite's comments.

3  
4 Councilman Ed Dennis asked if the City could install a traffic calming bump on 5500 West. Mr.  
5 Trane said that staff tended to shy away from traffic bumps because it created serious problems  
6 for snow plows.

7  
8 Councilman Brian Braithwaite said he was more concerned about the volume of traffic than the  
9 speed.

10  
11 The City Council continued to discuss traffic and possible mitigating efforts.

12  
13 **MOTION: Councilman Ed Dennis moved the City Council Approve an Ordinance**  
14 **Amending the Land Use Designation of the General Plan from Low Density Residential to**  
15 **Office for the property located at 11020 North 5500 West**

16  
17 **Councilman Tim Irwin seconded the motion.**

18  
19 Councilman Rod Mann said that he struggled to find a way to mitigate any northbound traffic  
20 aside from closing the street, which would create more problems. He said that they needed to  
21 research other options.

22  
23 Councilman Ed Dennis asked if they could install a sign saying "No Right Turn" or "Residential  
24 Traffic Only". Not everyone would comply with the signs, but it could help to mitigate some of  
25 the traffic.

26  
27 Councilman Rod Mann asked if they could amend the motion. Mr. Crane said that they could  
28 not amend the motion because Mayor Thompson had called for a vote.

29  
30 Councilman Tim Irwin thanked the residents for their input and emphasized how much of a  
31 struggle this decision was for the City Council members.

32  
33 Councilman Dennis LeBaron wanted to see an overall study of the area done before they  
34 approved this development.

35  
36 **Those voting aye: Ed Dennis and Tim Irwin.**

37 **Those voting nay: Rod Mann, Dennis LeBaron, and Brian Braithwaite**

38 **Motion failed.**

39  
40 Mr. Crane asked for a five minute recess to discuss legality issues with staff.

41  
42 Mayor Thompson called a five minute recess at 9:11 p.m. The meeting reconvened at 9:14 p.m.

43  
44 Dr. Larsen asked if he could clarify a few issues before continuing. He explained that not all of  
45 his clientele would be coming from Alpine. He had patients from Lehi, Highland, Cedar Hills,  
46 Alpine, and other parts of Utah County. It was not likely that even half of his patients would

# DRAFT

1 need to go north through the neighborhood. Dr. Larsen then explained that the owner of the  
2 subject property receives offers from developers all the time, but he was willing to work with Dr.  
3 Larsen because he believed that an office use would be the best fit for the neighborhood. Dr.  
4 Larsen said he wanted to be a good neighbor and was willing to discuss other solutions.

5  
6 Mr. Crane explained that the motion to approve the amendment had failed, and if the Council  
7 wanted to continue the issue to another meeting, someone would have to make a motion to  
8 reconsider.

9  
10 **MOTION TO RECONSIDER: Councilman Rod Mann moved to reconsider the Approval**  
11 **of an Ordinance Amending the Land Use Designation of the General Plan from Low**  
12 **Density Residential to Office for the property located at 11020 North 5500 West.**

13  
14 **Councilman Tim Irwin seconded the motion.**

15  
16 **Those voting aye: Brian Braithwaite, Tim Irwin, Ed Dennis, and Rod Mann.**

17 **Those voting nay: Dennis LeBaron**

18 **Motion carried.**

19  
20 Councilman Rod Mann said that they need to fully investigate all traffic calming options, the  
21 buffer wall, and other issues before approving the development. He felt that this project would  
22 add value to the community, but it needed to be done right.

23  
24 Councilman Ed Dennis asked Mr. Trane if he could think of any other options for traffic. Mr.  
25 Trane said that a speed bump or similar method would not deter people from going north on the  
26 road, which is the bigger issue. He said that they could install signage and hope that people  
27 followed that direction.

28  
29 There was a discussion about the demographics of Dr. Larsen's patients and speculation on how  
30 many of those patients would drive through the residential neighborhood.

31  
32 Councilman Ed Dennis was in favor of installing a buffer wall because it would act as a sound  
33 barrier and provide clear definition between the two zones.

34  
35 Councilman Dennis LeBaron wanted the entire area studied before making a decision on this  
36 development. He said it would be better to follow a master plan than to create a piecemeal  
37 development. Such a master plan could take as much as two years to figure out.

38  
39 Councilman Rod Mann argued that two years would be too long for the applicant to wait.  
40 Councilman Brian Braithwaite countered by saying that the residents wouldn't mind waiting that  
41 long.

42  
43 Councilman Tim Irwin agreed that the City should create an overall master plan for the area, but  
44 that should not deter this development.

# DRAFT

1 **MOTION:** Councilman Tim Irwin moved the City Council continue the item to the next  
2 regularly scheduled meeting on April 18, 2017 and give staff direction to review and  
3 research methods to mitigate additional traffic on residential streets.

4  
5 **Councilman Ed Dennis seconded the motion.**

6  
7 **Those voting aye: Brian Braithwaite, Rod Mann, Ed Dennis and Tim Irwin.**

8 **Those voting nay: Dennis LeBaron**

9 **Motion carried.**

10  
11 There was a discussion about keeping the residents informed on this issue, and continuing to  
12 receive their input on the master plan for the area.

13  
14 **4. PUBLIC HEARING / ORDINANCE: Approval of an Ordinance to Re-Zone**  
15 **property located at 11020 North 5500 West from Single Family Residential, R-1-40 to**  
16 **Residential Professional (RP) Zone – Requested by Garon Larsen**

17  
18 ***BACKGROUND:** The property is 1.06 acres, is zoned R-1-40 Single Family Residential and*  
19 *owned by Todd Berry. A request to rezone the property from R-1-40 to Residential Professional*  
20 *is being considered as a separate agenda item.*

21  
22 *Note: Items 3, 4, and 5 were discussed and heard simultaneously.*

23  
24 **MOTION:** Councilman Brian Braithwaite moved the City Council continue this item to the  
25 next regularly scheduled meeting on April 18, 2017.

26  
27 **Councilman Tim Irwin seconded the motion.**

28  
29 **Those voting aye: Brian Braithwaite, Tim Irwin, Ed Dennis, and Rod Mann**

30 **Those voting nay: Dennis LeBaron**

31 **Motion carried.**

32  
33 **5. PUBLIC HEARING: Request to Vacate approx. 170 feet of the Right of Way located**  
34 **at 5500 West north and SR92 – Requested by Resident Petition**

35  
36 ***BACKGROUND:** Staff has been approached by residents on 5500 West to vacate*  
37 *approximately 170 feet of right-of-way beginning at the intersection of 5500 West and SR92.*  
38 *According to the submitted petition, the purpose of the abandonment is to provide a clear*  
39 *boundary between existing residents and the proposed office building located at the northeast*  
40 *corner of 5500 West and SR92. There are two property owners adjacent to the proposed*  
41 *vacation: UDOT and Todd Berry. Permission from UDOT will be required to vacate the street.*  
42 *5500 West is a local road and runs from SR92 on the south to 11200 North. There are 16*  
43 *existing homes that have direct access to 5500 West. Staff collected traffic data from March 8 to*  
44 *March 15.*

45  
46 *Note: Items 3, 4, and 5 were discussed and heard simultaneously.*

# DRAFT

1  
2 **MOTION: Councilman Brian Braithwaite moved the City Council continue this item to the**  
3 **next regularly scheduled meeting on April 18, 2017.**

4  
5 **Councilman Tim Irwin seconded the motion.**

6  
7 **Those voting aye: Brian Braithwaite, Tim Irwin, Ed Dennis, and Rod Mann**

8 **Those voting nay: Dennis LeBaron**

9 **Motion carried.**

10  
11 **6. MOTION: Approval of an Amendment to the Interlocal Agreement for the Lone**  
12 **Peak Public Safety District – Appointment of Board Members**

13  
14 **BACKGROUND:** *In February, the Lone Peak Public Safety District Board approved an*  
15 *amendment to the bylaws that allows a participating City to change their representative in*  
16 *accordance with the respective cities procedures. The amendment reads as follows:*

- 17  
18
  - *The term of each Board member shall be the shorter of four years from the date of*  
19 *appointment or when the Board member leaves elected or appointed office held with the*  
20 *represented city unless a change is made by the representative City in accordance with*  
21 *their respective procedures. A Board member may be reappointed to multiple terms as a*  
22 *Board member if otherwise eligible.*

23  
24 *Any amendment to the bylaws requires ratification by the City Council of each participating*  
25 *member.*

26  
27 Mr. Crane explained that the Safety Board had approved the amendment to the bylaws that  
28 would allow each individual City the ability to appoint and/or change the representatives on the  
29 Board consistent with the City's rules to appoint committees and boards. That was the only  
30 amendment.

31  
32 **MOTION: Councilman Ed Dennis moved the City Council approve an amendment to the**  
33 **Interlocal Agreement for the Lone Peak Public Safety District**

34  
35 **Councilman Tim Irwin seconded the motion.**

36  
37 **Those voting aye: Ed Dennis, Tim Irwin, Dennis LeBaron, Brian Braithwaite and Rod**  
38 **Mann.**

39 **Those voting nay: None**

40 **Motion carried.**

41  
42 **MAYOR, CITY COUNCIL & STAFF COMMUNICATION ITEMS**

43 *(These items are for information purposes only and do not require action or discussion by the City Council)*  
44

- 45
  - **Highland City Survey** – Erin Wells, Assistant to the City Administrator

# DRAFT

1 Erin Wells presented the results of the citizens' survey in graph and number form. She also  
2 presented a document of the open comments about staff. There was also a section for general  
3 comments, but she was still working to organize them.

4  
5 Ms. Wells said there was a slight decrease in responses from the previous year, but there were  
6 enough responses to be confident that their results were within the 3% margin of error. She went  
7 through each question, noting where items went up or down from last year. Ms. Wells said that  
8 residents ranked preserving large lot zoning as the second highest priority, which was a huge  
9 jump from last year.

10  
11 Ms. Wells addressed the questions regarding funding and reported that 67% of the residents  
12 would be "likely" or "very likely" to support the City raising funding for roads. She presented  
13 information about the demographics of those how would not be likely to support a tax increase or  
14 bond for roads.

15  
16 Ms. Wells reported on the Murdock Connector, stating that 72% of the residents were in support  
17 of it. She then gave an overview of the comments.

18  
19 • **Fiscal Impact Analysis** – Nathan Crane, City Administrator

20  
21 Mr. Crane explained that the City had hired Zions Bank to do a Fiscal Impact Analysis to see  
22 what kind of an impact the proposed Developmental Center would have on their finances, and to  
23 create a tool that the City could use to analyze other potential developments. He noted that the  
24 study only looked at the impact to the general fund and not the enterprise funds. According to  
25 the study, if the Developmental Center is constructed as proposed, it would have a positive  
26 impact on the City's financials. If the commercial component were reduced or eliminated, the  
27 center would negatively impact the City by over \$200,000. Mr. Crane concluded that they  
28 needed to include the commercial component to make the project viable for the City.

29  
30 There was a discussion regarding property tax, FEMU tax, and the issues with selling smaller  
31 lots in Highland City.

32  
33 Mr. Crane said that the greatest problem with having the office/retail component on this project  
34 was the lack of visibility and exposure to potential customers. The report did say that the area  
35 could support an additional grocery store with some retail pads.

36  
37 Mr. Crane then presented the tool and showed some examples of how it could be used.

38  
39 • **Ongoing Items - Staff**

40  
41 Councilman Dennis LeBaron asked if the City Council was interested in opening up a discussion  
42 about master planning the area discussed during the meeting.

# DRAFT

1 Mayor Thompson agreed that the matter needed to be discussed sooner rather than later. The  
2 Council needed to determine how much commercial they wanted on SR-92 and how far down  
3 the road it would go.

4  
5 Councilman Brian Braithwaite was in favor of opening up a discussion at a future date.  
6

7 **MOTION: Councilmember Tim Irwin moved the City Council to move into Closed**  
8 **Executive Session pursuant to Section 52-4-205(1) of the Utah State Code Annotated.**

9

10 **Councilman Rod Mann seconded the motion.**

11 **Unanimous vote. Motion carried.**

12

## 13 ADJOURNMENT

14

15 **MOTION: Councilman Dennis LeBaron moved the City Council adjourn the regular**  
16 **session.**

17

18 **Councilman Ed Dennis seconded the motion.**

19 **Unanimous vote. Motion carried.**

20

21 **Meeting adjourned at 10:37 p.m.**

22

23

24

---

JoD'Ann Bates, City Recorder

25

26 Date Approved: April 18, 2017

27



# CITY COUNCIL AGENDA REPORT

## ITEM #4

---

**DATE:** Tuesday, April 18, 2017  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** JoD'Ann Bates, City Recorder  
**SUBJECT:** **RESOLUTION:** INDICATING INTENT TO ANNEX 10.05 ACRES OF REAL PROPERTY LOCATED AT 5901 WEST 10400 NORTH

---

### **STAFF RECOMMENDATION:**

Staff recommends the City Council discuss the request and approve the resolution.

### **BACKGROUND:**

Ivan Day, Clark Day and Joy Ruff have submitted an application for the annexation of approximately 10.05 acres of land located at 5901 West 10400 North. This property currently is an unincorporated parcel island with incorporated parcels on all sides. An annexation of an island or peninsula does not require a petition of surrounding property owners.

### *Process*

The Council adopts a resolution of indicating intent to annex property. Approval of the Resolution does not approve or deny the annexation petition. It allows the applicant and staff to complete the notification and review requirements outlined in State Code. After adoption of the resolution, the City Recorder follows the notification process pursuant Utah Code 10-2-425.

Future City Council approval and action on an Ordinance will need to be done in order to officially accept the annexation.

### **DISCUSSION:**

- An Annexation Policy Plan was approved by the City Council in June 2002. Detailed infrastructure studies and planning were completed for the annexation area. These plans/studies identify the infrastructure needs to serve the areas identified for future annexation. The proposed annexation is within the area identified for future annexation.
- The requested action does not approve or deny the annexation petition. The action requested allows the Council to further consider the annexation. The decision on whether or not to annex the property will be made at a future Council meeting after all noticing requirements are complete. The Council will have complete discretion whether or not to approve the annexation at this time.

**FISCAL IMPACT:**

Unknown

**ATTACHMENTS:**

1. Proposed Resolution
2. Annexation Parcel Map & Location Map

**RESOLUTION NO. R-2017-\*\***

**A RESOLUTION OF HIGHLAND CITY, UTAH  
INDICATING ITS INTENT TO ANNEX REAL PROPERTY**

WHEREAS, Highland City has received a request from D-10, WD Family & 20' Lane, (Day Annexation) Property Owner, of property located contiguous to Highland City; and

WHEREAS, the Property Owners desires to have their property annexed into the corporate limits of Highland City; and

WHEREAS, the Highland City Council has determined that the property is within the Highland City Annexation Policy Plan and contiguous to Highland City Corporation and should be annexed into Highland City; and

WHEREAS, the proposed annexation meets the requirements of Section 10-2-418 of the Utah State Code;

NOW THEREFORE BE IT RESOLVED, by the City Council of Highland City, Utah:

Section 1. Pursuant to Section 10-2-418 of the Utah State Code, the Highland City Council hereby intends to annex the parcel of real property located at 5901 West 10400 North, consisting of 10.05 acres of unincorporated territory in Utah County, State of Utah. Said parcel is more particularly described as set forth on Exhibit "A" attached hereto.

Section 2. Staff is hereby directed to publish notice of this proposed annexation as required in Section 10-2-418 of the Utah State Code.

Section 3. This Resolution shall be effective upon date of its adoption.

ADOPTED by the City Council of Highland City, Utah, this 18<sup>th</sup> day of April 2017.

HIGHLAND CITY, UTAH

\_\_\_\_\_  
Mark Thompson, Mayor

ATTEST:

\_\_\_\_\_  
JoD' Ann Bates, City Recorder

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

## Boundary Description

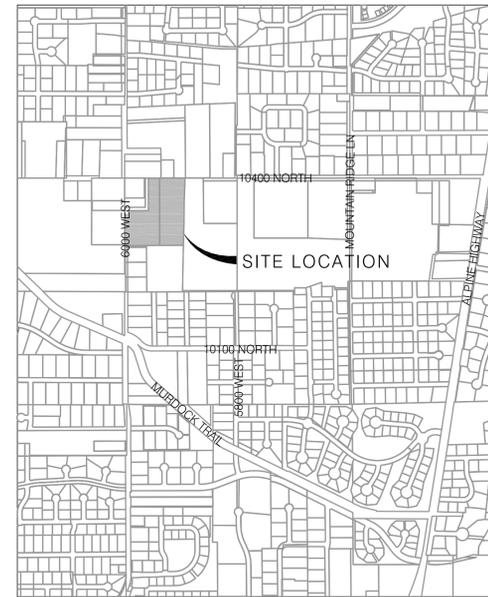
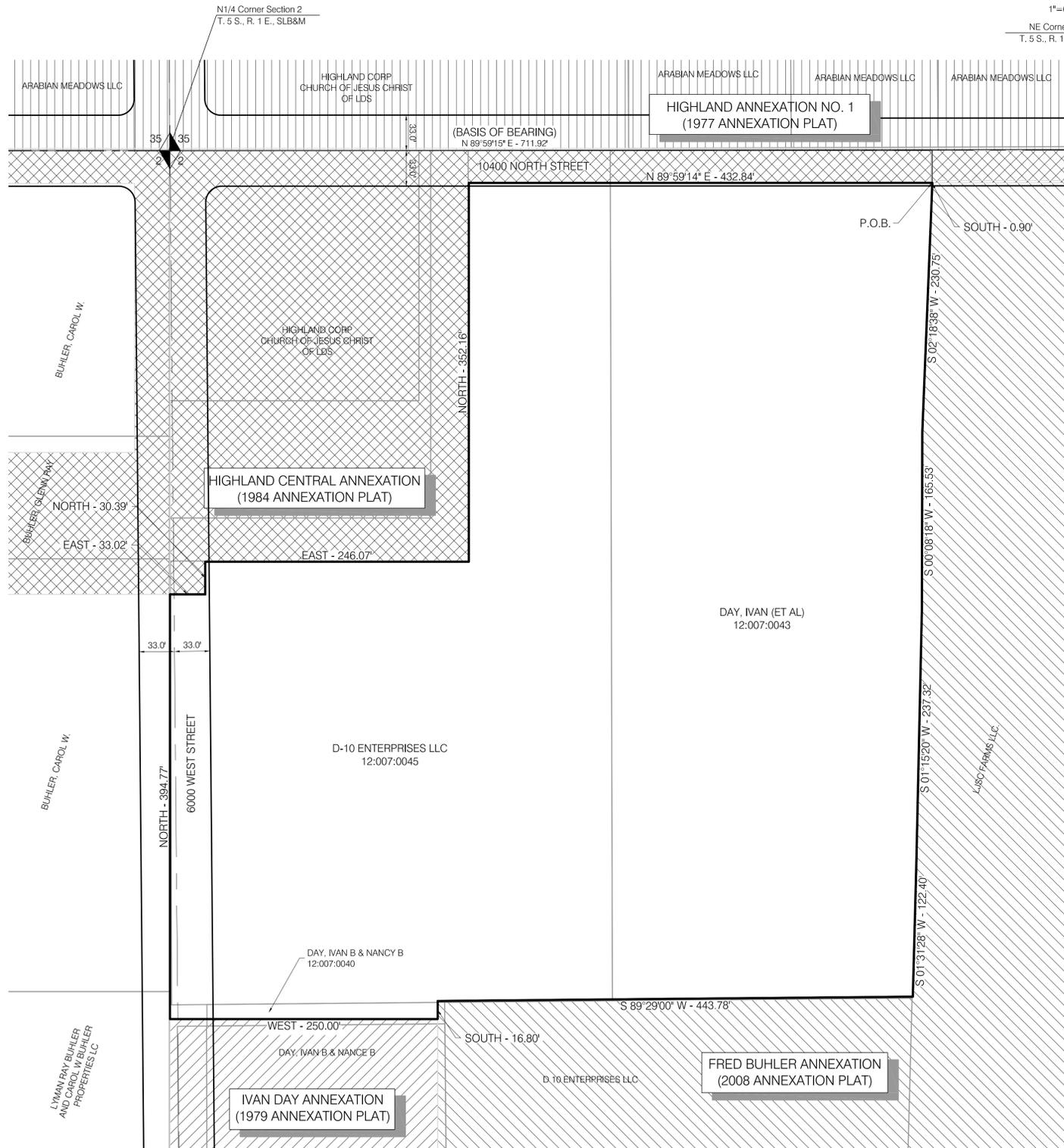
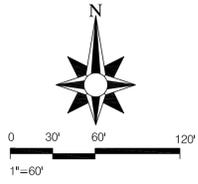
### D-10, WD Family & 20' Lane Annexation Description

Beginning at a point on the westerly line of the Fred Buhler Annexation and the north line of the Highland Central Annexation Parcel 2, said point being N89°59'15" E 711.92 feet and South 30.02 feet from the North Quarter Corner of Section 2, Township 5 South, Range 1 East, Salt Lake Base and Meridian thence along the westerly line of the Fred Buhler Annexation the following seven courses and distances: 1) South 0.90 feet; thence 2) S02°18'38"W 230.75 feet; thence 3) S00°08'18"W 165.53 feet; thence 4) S01°15'20"W 237.32 feet; thence 5) S01°31'28"W 122.40 feet; thence 6) S89°29'00"W 443.78 feet; thence 7) South 16.80 feet to a point on the Ivan Day Annexation, thence along the northerly line of said Annexation West 250 feet; thence North 394.77 feet to a point on the southerly line of the Highland Central Annexation and then running along the line of said annexation the following five courses and distances: 1) East 33.02 feet; thence 2) North 30.39 feet; thence 3) East 246.07 feet; thence 4) North 352.16 feet; thence 5) N89°59'14"E 432.84 feet to the point of beginning.

Containing 10.05 acres more or less.

# D-10, WD FAMILY & 20' LANE ANNEXATION

NW 1/4 NE 1/4 SEC 2, T.5S., R.1E, SLB&M  
HIGHLAND CITY, UTAH COUNTY, UTAH



- NOTES:
1. Basis of Bearing = Utah State Plane Coordinate System Central Zone
  2. This Annexation Plat is based on an office survey derived from the County GIS Mapping, Legal Descriptions from Ownership Instruments and Recorded Annexation Plats. A field survey was not performed to verify bearings or distances of Record, or Ownership Lines. This Plat is intended to match current Private Ownership Lines of the Properties being Annexed, the existing City Boundary and Published Section Data as of March 2017.

**LEGEND**

	Highland City Limits (Ivan Day Annexation)
	Highland City Limits (Highland Annexation No 1)
	Highland City Limits (Fred Buhler Annexation)
	Highland City Limits (Highland Central Annexation)
	Boundary to be Annexed

**SURVEYOR'S CERTIFICATE**  
I, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO \_\_\_\_\_ HIGHLAND CITY \_\_\_\_\_, UTAH COUNTY, UTAH.

Beginning at a point on the westerly line of the Fred Buhler Annexation and the north line of the Highland Central Annexation Parcel 2, said point being N89°59'15\"/>

SURVEYOR'S SEAL	
VICTOR E. HANSEN, P.L.S. 176695	DATE _____
COUNTY SURVEYOR SEAL	
THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANN. §17-23-20 AS AMENDED.	
COUNTY SURVEYOR	DATE _____

**APPROVAL BY LEGISLATIVE BODY**

WE, THE DULY ELECTED COUNCIL OF THE CITY OF HIGHLAND, UTAH, HAVE RECEIVED A REQUEST TO INITIATE PROCEDURES FOR THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON, WHICH TRACT CONSTITUTES A PORTION OF AN EXISTING ISLAND OR PENINSULA WITHIN OR CONTIGUOUS TO THE CITY, AND DO HEREBY CERTIFY, (1) THE COUNCIL HAS ADOPTED RESOLUTION SETTING FORTH ITS INTENT TO ANNEX THE TRACT, PROVIDED NOTICE AND CONDUCTED HEARINGS ON THE MATTER, AND ADOPTED AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE TRACT TO THE CITY; ALL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10-2-418 UTAH CODE ANNOTATED, AS AMENDED, AND (2) THAT THE COUNCIL DOES HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON AS A PART OF AMERICAN FORK CITY, TO BE KNOWN HERE AFTER AS THE \_\_\_\_\_ D-10, WD FAMILY & 20' LANE \_\_\_\_\_ ANNEXATION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20 \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK - RECORDER

RECORDER'S SEAL

**FINAL LOCAL ENTITY PLAT**

**D-10, WD FAMILY & 20' LANE ANNEXATION**

HIGHLAND CITY, UTAH COUNTY, UTAH  
SCALE 1" = 200' (24x36)



# D-10, WD FAMILY & 20' LANE ANNEXATION

NW 1/4 NE 1/4 SEC 2, T.5S., R1E, SLB&M  
HIGHLAND CITY, UTAH COUNTY, UTAH



VICINITY MAP

**ARISE** Engineering & Surveying, LLC  
 42 N 200 E, Suite 1, American Fork, Utah 84003  
 tel: 385.498.7833 web: www.ariseeng.us

Revisions		
No.	Date	Description

Sheet Title  
**Vicinity Map**  
 10400 North 6000 West  
 Highland, Utah

Date  
 04/14/2017  
 Sheet No.  
**1**



# CITY COUNCIL AGENDA REPORT

## ITEM #5

**DATE:** Tuesday, April 18, 2017

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** **MOTION:** A REQUEST BY ISRAEL PATTERSON FOR PRELIMINARY PLAT APPROVAL FOR A 10 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION KNOWN AS STONEY BROOK PLAT B - LOCATED AT 4800 WEST 11350 NORTH (PP-17-01). *Administrative*

**STAFF RECOMMENDATION:**

The City Council should hold a public meeting and approve the preliminary plat subject to the five stipulations recommended by the Planning Commission.

**BACKGROUND:**

Background Information		
Location:	4800 West Stoney Brook Lane (11350 N)	
Applicant:	Israel Patterson	
Existing Land Use:	Agricultural/Vacant	
Proposed Land Use:	Residential R-1-40 Zoning	
Surrounding Land Use:	North	Residential
	South	Agricultural/Vacant
	East	Industrial (Gravel Pit)
	West	Residential
Existing Zoning:	R-1-40	
Proposed Zoning:	R-1-40	
Surrounding Zoning:	North	R-1-40
	South	R-1-40
	East	R-1-40
	West	R-1-40
General Plan Designation:	Low Density Residential	
Proposed Density	1 unit per acre.	

Preliminary plat review is an administrative process.

**SUMMARY OF THE REQUEST:**

1. The applicant is requesting preliminary plat approval of a 10-lot single family subdivision. The property is approximately 10.12 acres. Lot sizes range from 30,145

square feet to 51,571 square feet.

2. Access to the property will be from 4800 West via Stoney Brook Lane (11350 North) which is a local road. There is a road (4750 W) stubbed to the south in anticipation of future growth.

**CITIZEN PARTICIPATION:**

Notice of the February 16, 2017 Development Review Committee were mailed to all property owners within 500 feet of the proposed plat on February 1, 2017. There were no residents in attendance at this meeting and no written correspondence was received regarding the proposed development.

Notice of the Planning Commission public hearing was published in the March 12, 2017 edition of the Daily Herald and mailed to all property owners within 500 feet on March 13, 2017. No comments have been received.

**ANALYSIS:**

- The property is designated as Low-Density Residential on the General Plan Land Use Map.
- The property surrounding this development is zoned R-1-40. The proposed project is compatible with the existing Stoney Brook Plat 'A' and other development in the area.
- Utilities currently exist in Stoney Brook Lane (11350 North) and will service those properties that face onto this street. Utilities will be installed to the full extent of the stub street, 4750 West.
- Staff met with an adjacent property owner to address the stub road and extension of City utilities in an effort to optimize future development opportunities. The stub road was placed in the best location to serve multiple property owners.
- It is anticipated that with future development to the south, the culinary water line in 4750 West will be extended and tied into the existing line in 11200 North creating a positive pressure loop.
- Approval of the Lehi Irrigation District is required regarding the proposed removal of an existing irrigation structure and new piping plan as proposed on lot #10.
- Grade design of 4650 West (cul-de-sac) will be addressed to reflect City standard of no reverse grade cul-de-sacs.
- City Design Criteria for public improvements does not require that a temporary

turnaround be constructed on a street that is one lot deep.

**FINDINGS:**

With the proposed stipulations, the preliminary plat meets the following findings:

- It complies with all zoning requirements as set forth by the Development Code.

**PLANNING COMMISSION ACTION:**

The Planning Commission held a public hearing on March 28, 2017. Mr. Fehr, who is an adjacent property owner to the south expressed concern about the location of the stub road. The Commission voted 7-0 to recommended approval of the preliminary plat subject to the following stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat dated March 23, 2017.
2. Prospective homebuyers shall be informed by affidavit of the proximity of the existing gravel pit. A note shall also be placed on the final plat.
3. Final civil engineering plans to be reviewed and approved by the City Engineer.
4. All required public improvements shall be installed as per City Engineer's approval and Highland City Standards and Specifications.
5. Water shall be dedicated as required by the Highland City Municipal Code and Development Code.

**PROPOSED MOTION:**

I move that the City Council **APPROVE** Stoney Brook Plat 'B' Preliminary Plat subject to the five stipulations recommended by staff.

I move that the City Council **DENY** the Stoney Brook Plat 'B' Preliminary Plat subject to the following findings: (Council should state appropriate findings).

**FISCAL IMPACT:**

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

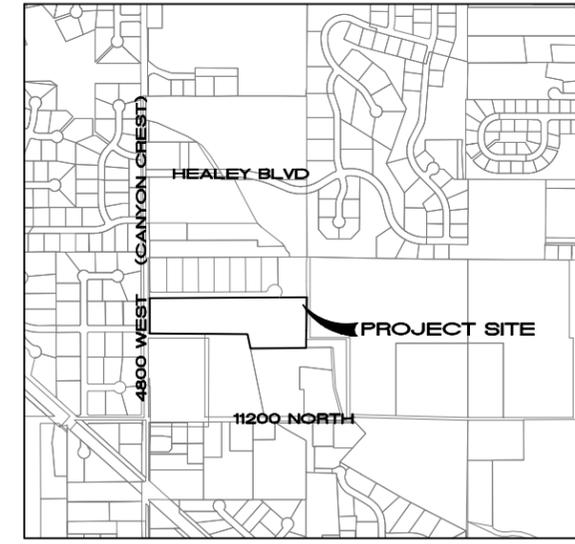
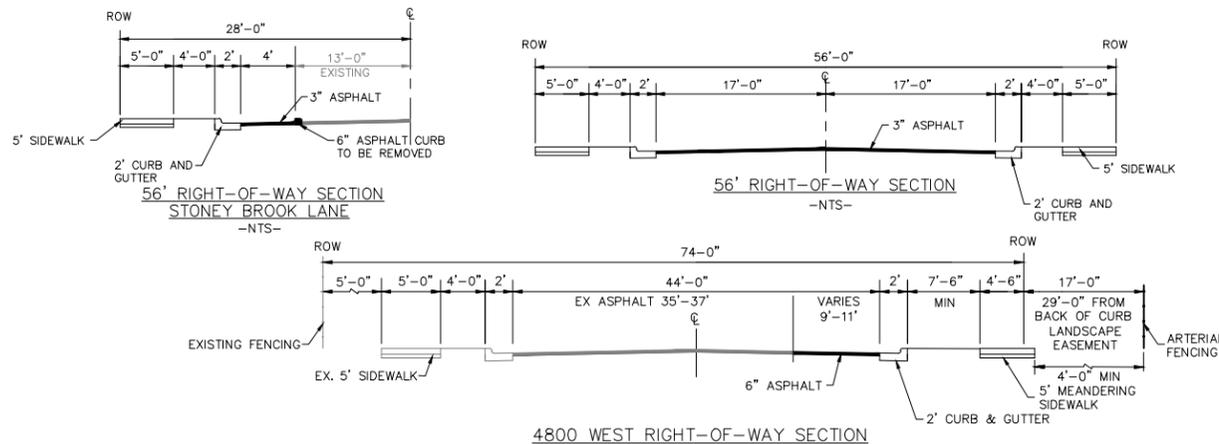
**ATTACHMENTS:**

1. Vicinity Map
2. Proposed Preliminary Plat



# PRELIMINARY PLAT STONE BROOK PLAT "B"

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH,  
RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; HIGHLAND CITY, UTAH



**SURVEYOR'S CERTIFICATE**  
I, TRAVIS TRANE, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 5152741 as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as STONEY BROOK PLAT "B" and that the same has been correctly surveyed and staked on the ground as shown on this plat.

**BOUNDARY DESCRIPTION**  
Beginning at a point on a chain link fence line which is North 00°03'43" West 712.13 feet along the section line and East 32.09 feet from the Southwest Corner of Section 30, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence North 00°17'54" West 291.45 feet along the East line of Warranty Deed Entry No. 46630:2001; thence North 89°42'17" East 1298.49 feet along the South line of Stoney Brook Plat "A"; thence South 00°43'44" West 274.52 feet along a wood fence line; thence South 01°27'43" West 73.03 feet to a rebar and cap (OAK HILLS); thence South 00°35'40" West 70.00 feet along Warranty Deed Entry No. 26053:2013 to a rebar and cap (OAK HILLS); thence South 89°33'55" West 459.15 feet along a fence line to a railroad tie fence post; thence along a fence line and Warranty Deed Entry No. 51893:1991 the following two courses North 11°28'02" West 119.86 feet; thence North 89°33'59" West 351.57 feet; thence following a chain link fence line the following two courses North 88°51'45" West 29.70 feet; thence North 89°42'51" West 426.66 feet to the point of beginning.  
10.13 acres.

Basis of Bearing: North 00°03'43" West along the section line from the Southwest corner to the West Quarter Corner of Section 30, township 4 South, Range 2 East, Salt Lake Base and Meridian.

DATE \_\_\_\_\_ SURVEYOR (See Seal Below)

**OWNER'S DEDICATION**  
Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as STONEY BROOK PLAT "B" and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities.

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

**ACKNOWLEDGEMENT**

STATE OF UTAH } S.S.  
COUNTY OF UTAH }  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

COMMISSION NUMBER \_\_\_\_\_ NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**ACCEPTANCE BY LEGISLATIVE BODY**  
THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

APPROVED BY MAYOR \_\_\_\_\_  
APPROVED \_\_\_\_\_ CITY ENGINEER (SEE SEAL BELOW) ATTEST \_\_\_\_\_ CLERK-RECORDER (SEE SEAL BELOW)

**LIEN HOLDER CONSENT**  
THE UNDERSIGNED BENEFICIARY HEREBY CONSENTS TO THE RECORDING OF THIS PLAT FOR THE HEREIN DESCRIBED PROPERTY AND THE DEDICATIONS PROVIDED HEREIN.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HIGHLAND CITY ATTORNEY**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ HIGHLAND CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ PLANNING COMMISSION CHAIR  
COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_

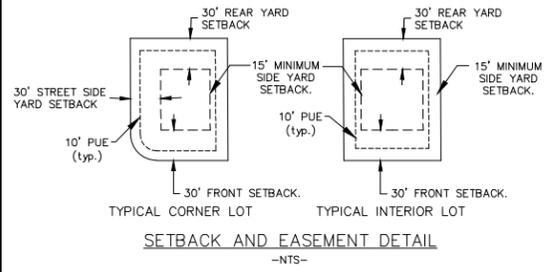
**PLAT "B"**  
**STONE BROOK**  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND  
MERIDIAN; HIGHLAND CITY, UTAH COUNTY, UTAH  
**A RESIDENTIAL SUBDIVISION**  
SCALE: 1" = 60'

SURVEYOR SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDED SEAL
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FOUND UTAH COUNTY BRASS CAP WEST QUARTER CORNER SECTION 30, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN.

FOUND UTAH COUNTY BRASS CAP SOUTHWEST CORNER SECTION 30, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN.

FOUND UTAH COUNTY BRASS CAP SOUTHWEST CORNER SECTION 30, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN.



Curve #	Length	Radius	Delta	CHORD	CHORD BEARING
C1	23.55	15.00	89°57'58"	21.21	S44°43'18"W
C2	23.66	15.00	90°21'48"	21.28	N45°06'49"W
C3	23.47	15.00	89°38'12"	21.15	S44°53'11"W
C4	23.72	15.00	90°35'11"	21.32	N45°00'07"W
C5	13.43	15.00	51°17'46"	12.99	S25°56'21"W
C6	11.68	15.00	44°37'52"	11.39	N22°36'24"E
C7	302.48	60.00	288°50'40"	69.82	N80°30'00"E
C8	16.81	15.00	64°12'48"	15.94	S31°48'56"E
C9	79.84	60.00	76°14'29"	74.08	S6°48'06"W
C10	63.94	60.00	61°03'30"	60.96	S61°50'54"E
C11	64.94	60.00	62°00'34"	61.81	N56°37'04"E
C12	93.76	60.00	89°32'07"	84.51	N19°09'16"W

PREPARED FOR:  
PATTERSON FAMILY ENTERPRISES  
11038 N. HIGHLAND BLVD  
HIGHLAND, UT 84003

PREPARED BY:  
TRANE ENGINEERING  
27 EAST MAIN STREET  
LEHI, UT 84043  
PHONE (801) 768-4544

**QUESTAR GAS COMPANY**  
Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval of acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's right-of-way department

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Questar Gas Company  
By: \_\_\_\_\_ Title: \_\_\_\_\_

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

Rocky Mtn. Power: \_\_\_\_\_ Date: \_\_\_\_\_  
Qwest: \_\_\_\_\_ Date: \_\_\_\_\_  
Comcast: \_\_\_\_\_ Date: \_\_\_\_\_



# CITY COUNCIL AGENDA REPORT

## ITEM #6



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**DATE:** Tuesday, April 18, 2017

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** **PUBLIC HEARING AND ORDINANCE:** GARON LARSEN IS REQUESTING AN AMENDMENT THE LAND USE DESIGNATION OF THE GENERAL PLAN FROM 'LOW DENSITY RESIDENTIAL' TO 'OFFICE'. PROPERTY IS 1.06 ACRES AND IS LOCATED AT 11020 NORTH 5500 WEST (GP-17-01). *Legislative*

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**PRIOR REVIEW:**

The City Council held a public hearing on March 21, 2017. The Council voted to continue this item.

**STAFF RECOMMENDATION:**

The City Council hold a public hearing, draft findings, and determine if the Land Use Map should be amended from Low Density Residential to Office.

**BACKGROUND:**

The property is 1.06 acres, is zoned R-1-40 Single Family Residential and owned by Todd Berry. A request to rezone the property from R-1-40 to Residential Professional is being considered as a separate agenda item.

A General Plan amendment is a legislative process.

**SUMMARY OF THE REQUEST:**

1. The applicant is requesting an amendment to the Land Use Element of the General Plan from Low Density Residential to Office.

**CITIZEN PARTICIPATION:**

The applicant held a neighborhood meeting on January 26, 2017. A summary of the meeting is attached.

Notice of the February 28, 2017 Planning Commission meeting was published in the Daily Herald on February 12, 2017. Notice was sent to all property owners within 500 feet. The

draft minutes from the meeting are attached.

Notice of the March 21, 2017 City Council meeting was published in the Daily Herald on March 5, 2017. Notice was sent to all property owners within 500 feet on March 6, 2017. Staff did meet with residents regarding closer of the road.

**ANALYSIS:**

- Currently, approximately 64.9%, (3,917 acres), of the City's planning area is designated as Low Density Residential while 2.49%, (150 acres), 2.04% (123 acres) as Commercial, 0.45% (27 acres) as Office and 0.54% (32.76 acres) as Mixed Use.
- The office designation allows for standalone office building or complexes.
- All of the land designated in the General Plan for Commercial or Office use has been entitled for development. Options for future commercial development are limited while a significant amount of land remains available or has been developed as low-density residential development.
- The site is surrounded by existing single-family residential development on the north and west. The property to the west and south is commercial. The compatibility of future development with the adjacent residential neighborhood will be ensured during the rezoning and site plan review process, which requires additional public involvement.
- The impact of the Office land use designation on water, wastewater, and public safety facilities is not an issue. The City will have the capacity to serve future demand under either land use designation.
- Utah Department of Transportation has required access to this property from 5500 West. 5500 West is a local street and existing homes front onto 5500 West. 5500 West was designed and built as a local street to serve the needs of the residents. Consequently, the road is not designed for non-residential traffic. Opening the road to non-residential traffic could negatively impact the existing residents.
- Timpanogos Highway is an arterial street and provides a direct connection from American Fork Canyon, through Highland and Lehi to I-15. It is also designated as an expressway on the Mountainland Association of Governments (MAG) Metropolitan Transportation Plan. It is owned and maintained by the Utah Department of Transportation (UDOT).

**CONCLUSION:**

Amending the General Plan Land Use Map is a legislative action. The following criteria should be considered by the City Council:

1. Does the development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment?
2. Does the amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners.
3. The amendment will not adversely impact the community as a whole and/or a portion of the community by (1) significantly altering acceptable land use patterns; (2) requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land uses.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on February 28, 2017. Several residents spoke at the meeting. Topics of discussion included:

- The residents expressed concerns regarding increased traffic. They are requesting that 5500 West be closed at the north property line of the property. The request will be considered as a separate agenda item.
- The residents requested a wall be constructed along the north property line. This is a standard requirement of all commercial development.
- There was also discussion regarding whether or not commercial development would continue to the west. Staff believes that the Commission and Council should begin long range planning to address alternative uses on other property.

The Commission voted 4-2 to recommend approval of the amendment.

**RECOMMENDATION:**

The City Council hold a public hearing, draft findings, and determine if the Land Use Map should be amended from Low Density Residential to Office.

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

1. Ordinance
2. Land Use Map
3. Conceptual Site Plan
4. Neighborhood Meeting Summary
5. Draft Minutes of the February 28, 2017 Planning Commission Meeting

ORDINANCE NO. 2017\*\*

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE  
GENERAL PLAN LAND USE MAP AND LAND USE DESIGNATION FOR  
APPROXIMATELY 1.06 ACRES LOCATED AT 11020 NORTH 5500 WEST FROM  
LOW DENSITY RESIDENTIAL (R-1-40) TO OFFICE.**

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 February 28, 2017; and

WHEREAS, the City Council held a public meeting on this Ordinance on March 21, 2017, and April 18, 2017.

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

SECTION 1. That the Highland City General Plan Future Land Use Map is hereby amended from Low Density Residential to Office for the property shown on “Exhibit A”, attached and incorporated herein by reference.

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 ay 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, April 18, 2017.

HIGHLAND CITY, UTAH

---

Mark Thompson, Mayor

ATTEST:

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Jody Bates, City Recorder

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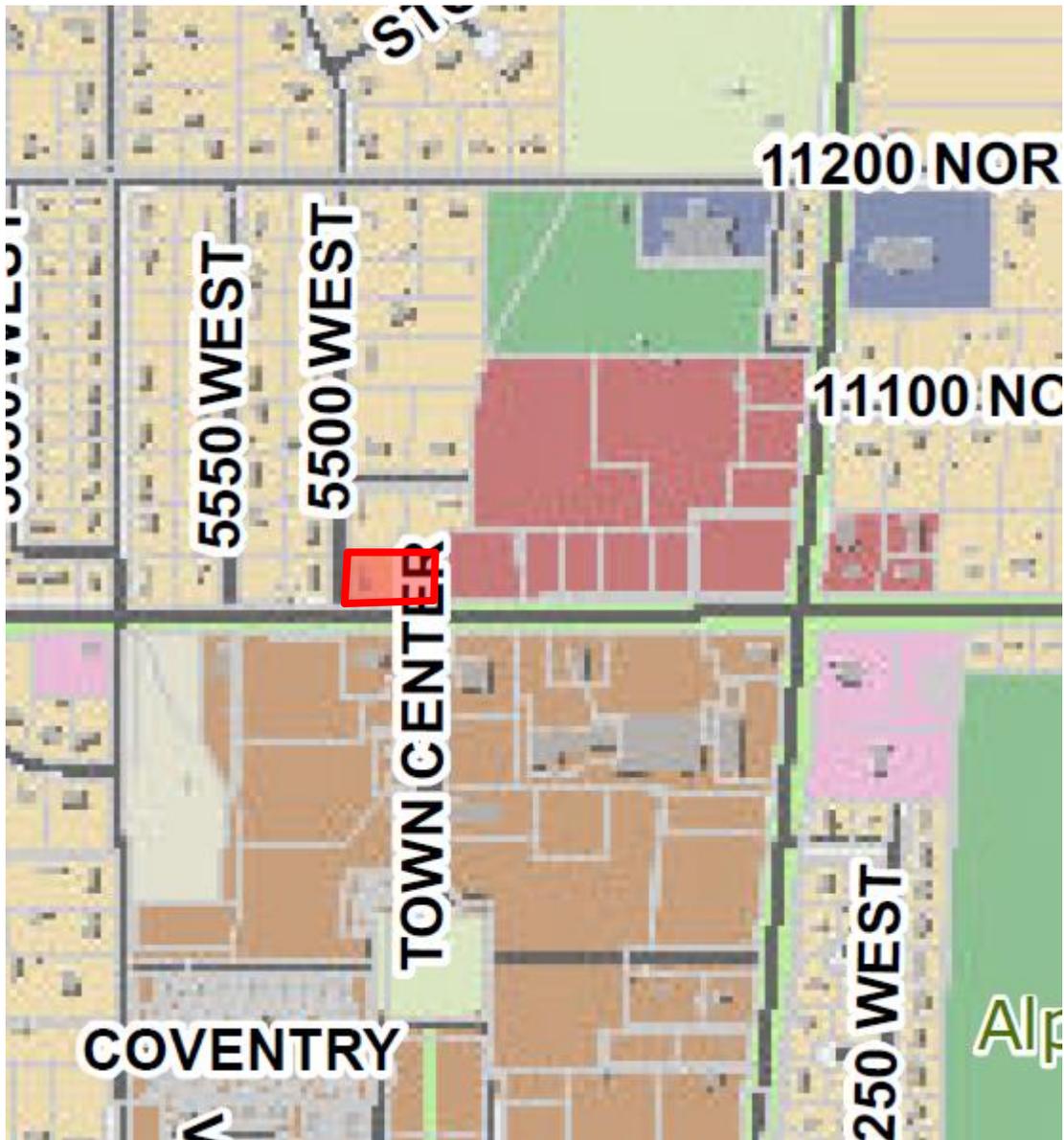
Rod Mann	<input type="checkbox"/>	<input type="checkbox"/>
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EXHIBIT A

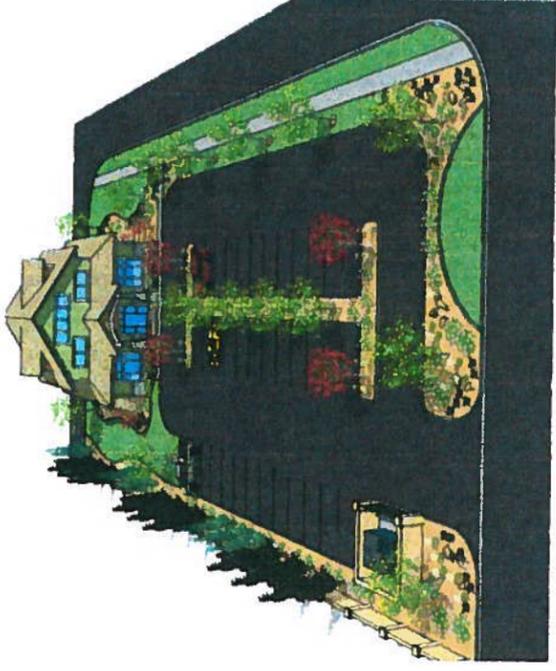
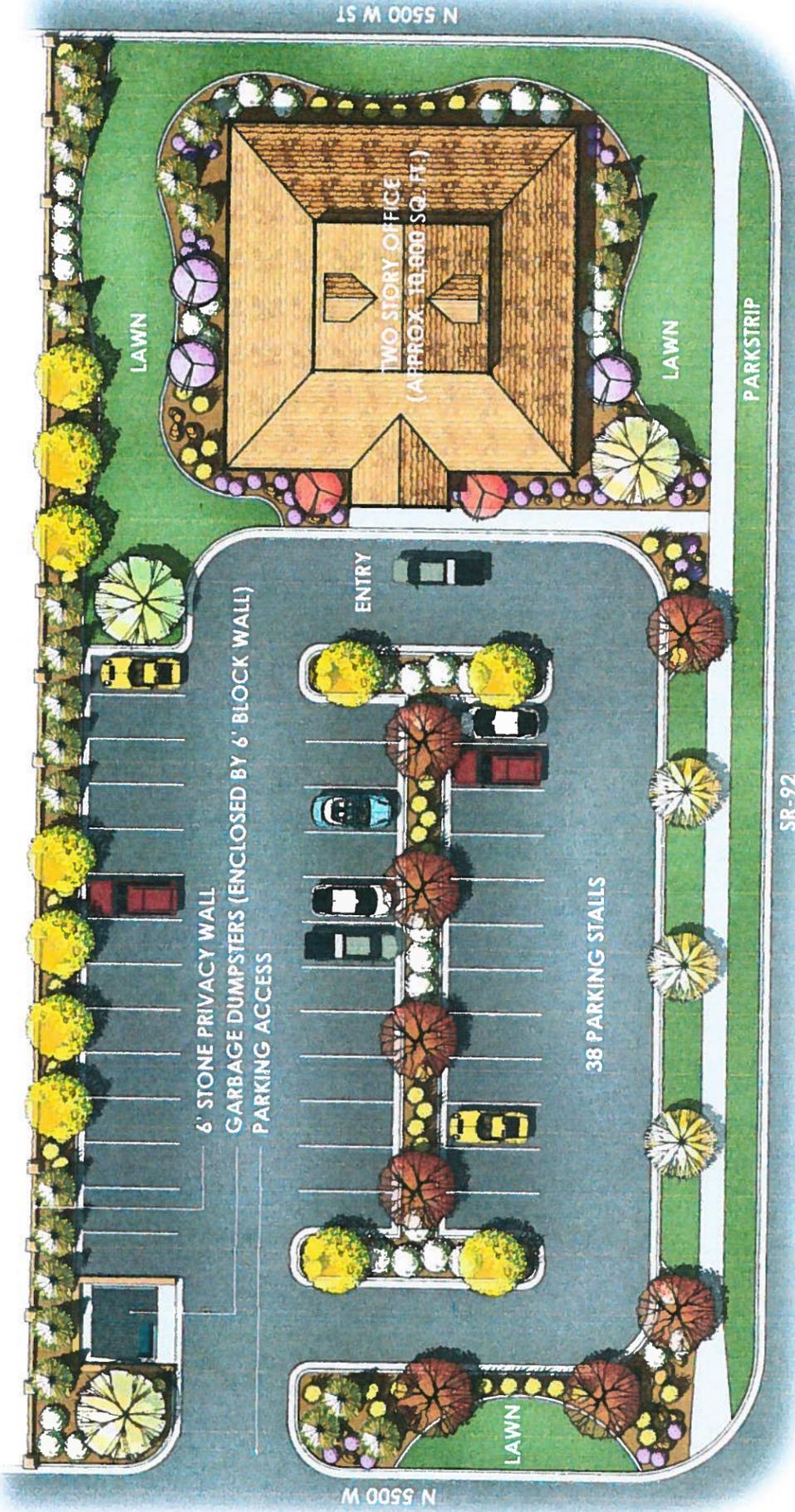


Lot 9, Plat "A", AMENDED STONERIDGE SUBDIVISION, Highland, Utah, according to the official plat thereof on file in the office of the Utah County Recorder.

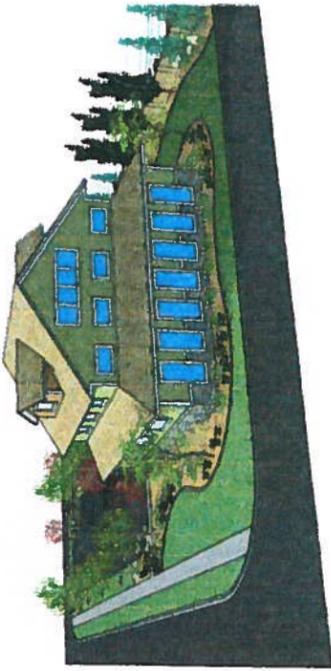
LAND USE MAP



**CONCEPTUAL SITE PLAN**



PERSPECTIVE - FACING EAST

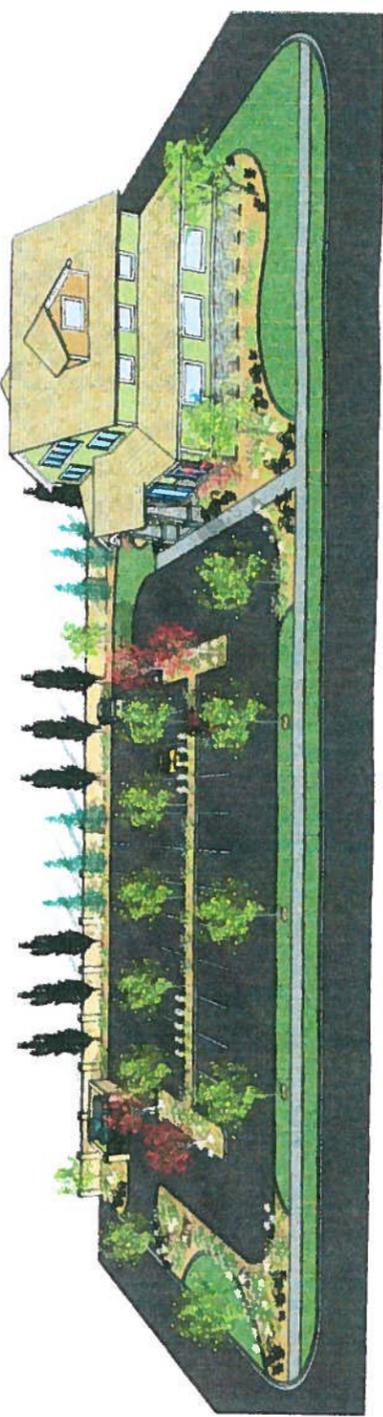


PERSPECTIVE - FACING WEST



PERSPECTIVE - BUILDING ENTRANCE

PERSPECTIVE - FACING NORTH



Larsen Professional Development  
Neighborhood Meeting minutes  
1/26/17  
Highland City Multi-Purpose Rooms 7 p.m.

Attendance: Todd Berry, Scott Christiansen, Linda Christiansen, Roma Jean Ockler, Marie Rasmussen, DeAynne Baker

Todd Berry: My father-in-law bought this property in 1991 or 1992. He wanted to build a vet clinic. Couldn't get it to work with the city. Then Todd and his family came in to the home due to some financial difficulties. They've been waiting for an opportunity to come along like this. I've had other offers and other developers. One developer who had a lot of money wanted commercial, a big pad....I wasn't comfortable with that because I know you guys and you're my neighbors. This is not a traditional commercial development. I like this development and I think it works well for this community. That's why I chose to work with Garon Larsen. A professional office with normal dental hours I think is a good development for our neighborhood.

Scott Christensen: How far will the wall go? Can you run it as close to the road (5500 W) as possible to cut down the noise? The building style is attractive. I think this is the best case scenario for us...I'm not looking for more traffic up my street, but I still think this is the best option and best case scenario for us...Check into that cul-de-sac option of dead-ending our street. What about the garbage can location and how often will it be dumped? I prefer the masonry wall I want as much noise blocked off as possible. I really like the design of the building in the concept, green is my favorite color!

Marie: Concerned about traffic that will come up the street. Is there a way to come up with a projection for the traffic that might come up that road? Could we get a speed bump on that road? Please don't make it look like the buildings in the city center, like the other dental office and medical office across the street...

Roma Jean: I'm ok with the wall and building and everything, just make sure the utility box is on your side of the wall. Does it have to be a masonry wall? I would prefer a vinyl fence if it doesn't matter...

DeAynne Baker: I'm just concerned about the traffic on our street. I know we are renting right now, and we won't be here much longer, but wanted to know about time frame for your development, how soon would the building be built?

**EXCERPT OF THE DRAFT MINUTES  
OF THE  
FEBRUARY 28, 2017  
PLANNING COMMISSION MEETING**

**PRESENT:** Commissioner: Brady Brammer  
Commissioner: Ron Campbell  
Commissioner: Abe Day  
Commissioner: Kurt Ostler  
Alternate Commissioner: David Harris  
Alternate Commissioner: Brittany Bills

**EXCUSED:** Commissioner: Christopher Kemp  
Commissioner: Sherry Carruth

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Planning Coordinator: JoAnn Scott  
City Engineer: Todd Train  
Planning Commission Secretary: Heather White

**OTHERS:** Steve Rock

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- 3. CP-17-01**  
*Garon Larsen is requesting an amendment to the Land Use designation of the General Plan from Low Density Residential to Commercial. Property is located at approximately 5500 West 11000 North.*

AND

- 4. Z-17-01**  
*Garon Larson is requesting a rezone of property located at 5500 West 11000 North from R-1-40 to RP zone.*

Commissioner Brammer explained that the Business Items #3. CP-17-01 and #4. Z-17-01 would be addressed together. Upon request, Mr. Crane reviewed the applications and proposed amendments. He reviewed the location and surrounding property. He mentioned concerns at the neighborhood meeting were regarding traffic and the site plan. As they considered the General Plan amendment, Mr. Crane asked the commissioners to consider if the existing development pattern adequately provided the appropriate options for the proposed use. He said commercial and office space were currently limited within the city. He said the site was surrounded by single family residential. He mentioned the request by residents to close the neighboring residential street. He asked the Commissioners to consider if the amendment would 1. adversely impact the community by significantly altering acceptable land use patterns, 2. require larger and more expensive infrastructure improvements, or 3. adversely impact existing land uses. Mr. Crane mentioned that access was proposed to be from a local street.

Commissioner Brammer wondered who would pay for the wall that residents were requesting. Mr. Crane explained that the request would be addressed through the conditional use process and the City would probably ask the developer to be responsible for it.

Mr. Trane mentioned that he was asked to look into potential issues with building a wall and closing off the residential road. He explained that maintenance issues with sewer, water, and storm drain in the right of way would need to be resolved. He mentioned that water could flood onto SR-92. He talked about additional traffic from other residential roads and that there were no collector roads in the area. He thought closing the road might cause more traffic problems. He said fire access was "boarder line" and the code did not allow for reverse grade cul-de-sacs.

Mr. Garon Larson, applicant, thought a dental office was a good fit for highland. He said it was not a good residential lot and thought the office space could be a nice buffer between the residential area and SR-92.

Commissioner Ostler was concerned that approving the request might set a precedent for allowing commercial uses to use residential roads. He did not see 5500 West becoming a major intersection. He was concerned about changing the zoning without knowing how the traffic and roads would be impacted.

Commissioner Day pointed out that there might be people willing to live along the highway.

Commissioner Brammer noted that Mr. Christensen's request for a wall was related to these business items. Commissioner Brammer opened the public hearing at 7:50 PM.

Mr. Christensen said there was always a demarcation line between a commercial zone and residential zone. He did not think the request for a hard fence was unreasonable. He did not understand concerns with water drainage and the sewer line. He thought the area was "ripe" for commercial development and it would be helpful to have some kind of barrier to reduce noise. He hoped that the demarcation would be provided so they could continue to enjoy living in Highland.

Marilyn Owen lived on the next street and was concerned that the commercial use would continue to move down the road. She was concerned with potential traffic, noise, and congestion.

Pablo Montes talked about an imbalance between the north and south sides of the road. He thought that a wall separating the residential and commercial uses would be good for the city to provide balance as well as help maintain the value of residential areas. He talked about the noise from the highway. He thought the proposed plan was good, but said there needed a balance between residential and good commercial areas. He was in favor of rezoning the property.

Property Owner Todd Berry reviewed the history of the property. He talked about the area being too noisy for residential use and explained that they frequently received requests to purchase the property. He said he knew the neighbors and cared about what they wanted for the area. He thought a dental office was a good fit and could provide a buffer.

Resident Heather Hall agreed with Mr. Montes and liked the idea of a wall. She disagreed that the traffic would increase because she said most residents already took residential roads. She was concerned about accidents from cars trying to get onto the highway. She said patients would have to enter the parking lot from 5500 West and would learn quickly, like the local residents, that they would need to exit the parking lot onto 5500 West and weave around residential roads to the light in

order to leave safely. She said it was impossible to leave onto the highway. She agreed that the wall needed to be put up to keep the value of the homes, keep the separation of business and houses, and for safety concerns. Ms. Hall did not think there would be problems with drainage.

Commissioner Brammer asked for additional public comment. Hearing none, he asked for additional comments from the commissioners.

Commissioner Day said there needed to be a standard and was concerned about business encroachment. He wondered what precedent would be set with building the wall. He thought it was good to have a buffer with office space, but commercial brought more traffic and stopped people from coming. He wondered if the General Plan needed to be reviewed again and in order to plan for office space along SR-92 or if traffic would be limited because SR-92 remained residential in the future.

Commissioner Campbell liked the idea of a buffer with office space. He thought a lot of discussion needed to happen to make a determination for the wall. He thought the proposed office space was a good answer to an area that could be problematic.

Commissioner Ostler liked the professional office space, but was concern with traffic filtering onto residential streets. He was concerned with access and the precedent it might set. He thought there were other areas that could be developed first before the need to develop this area.

Commissioner Bills thought there was value with looking at the General Plan, but also value to looking at individual circumstances and lots. She thought the area was a prime spot for some kind of office space.

Commissioner Harris mentioned that he lived near the area and understood the concerns with the roads. He wondered if the trend with office space and a wall would continue along the SR-92. He liked the idea of the office space, but agreed with the neighbors not wanting the traffic. He agreed that the office clients would leave by using residential roads and not obey speed limits.

Commissioner Brammer talked about the 3-part criteria for determining whether zoning should change or not. He said there were not a lot of alternatives for a fresh build dental area along an arterial road in Highland. He thought the proposed amendment constituted an overall improvement to the General Plan. He thought it was good city design to put commercial around major arterials, instead of residential houses. He did not think the requested amendment would adversely impact the community as a whole or a portion by altering acceptable land use patterns and requiring more public infrastructure improvements. He said it was rare that residents would accept commercial use with only the request of a wall. Commissioner Brammer thought it was a modest proposal that made sense with a modest modification that also made sense.

Commissioner Ostler disagreed and thought closing a road was a huge modification.

Discussion continued regarding the egress and ingress of SR-92, access for residents, and access for clients of the proposed office space. Some commissioners wondered if the decision of closing the road needed to be made before a decision regarding the proposed amendment.

Mr. Christensen and Ms. Hall clarified saying that they would not be in favor of the proposed development if the road was not closed.

Commissioner Campbell told of his experience with working near a dentist office and said it had very little traffic. Commissioner Ostler pointed out that a new office could be there in the future that might bring more traffic.

Commissioner Brammer asked for a motion.

**CP-17-01 Motion:** Commissioner Campbell move to recommend approval of a request for amendment of the General Plan from low density residential to commercial. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.

**Z-17-01 Motion:** Commissioner Campbell moved to recommend approval of a rezone request from Single Family Residential R-1-40 to the Residential Professional RP zone. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.



# CITY COUNCIL AGENDA REPORT

## ITEM #7

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**DATE:** Tuesday, April 18, 2017

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** **PUBLIC HEARING AND ORDINANCE:** GARON LARSEN IS REQUESTING A REZONE OF 1.06 ACRES OF PROPERTY LOCATED AT 11020 NORTH 5500 WEST FROM SINGLE FAMILY RESIDENTIAL R-1-40 TO THE RESIDENTIAL PROFESSIONAL RP ZONE. *Legislative*

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### **STAFF RECOMMENDATION:**

The City Council hold a public hearing, draft findings, and determine if the property should be rezoned.

### **BACKGROUND:**

The property is 1.06 acres, is currently zoned R-1-40 Single Family Residential and owned by Todd Berry. The General Plan Land Use Element designation of this property is low density residential. A request to change the land use designation to commercial is being considered as a separate agenda item.

A rezone of this nature is a legislative process.

### **SUMMARY OF THE REQUEST:**

1. The applicant is requesting to rezone the property from R-1-40 to Professional Residential.
2. The applicant proposes to construct a 2-story office building on the property and has provided a conceptual site plan of the site.
3. The applicant intends to use a portion of the office space for his dental practice. Additional office space could be leased to other users.

### **CITIZEN PARTICIPATION:**

The applicant held a neighborhood meeting on January 26, 2017. A summary of the meeting is attached.

Notice of the February 28, 2017 Planning Commission meeting was published in the Daily Herald on February 12, 2017. Notice was sent to all property owners within 500 feet. The draft minutes from the meeting are attached.

Notice of the March 21, 2017 City Council meeting was published in the Daily Herald on March 5, 2017. Notice was sent to all property owners within 500 feet on March 6, 2017. Staff did meet with residents regarding closer of the road.

**ANALYSIS:**

- The property is designated as Low Density Residential on the General Plan Land Use Map.
- 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.
- The surrounding property to the north and west is zoned R-1-40 and is single family homes. The property to the west is zoned Commercial Retail (CR) and is the Marketplace. The property to the south is zoned Town Center Overlay (TCO) and is a commercial center.
- Typically, office uses have less impact on adjacent residential uses than other commercial uses; however, adverse impacts do need to be mitigated. Adverse impacts include but are not limited to: building height, location, lighting, hours of operation, etc. The Commission, should discuss if measures or conditions are needed to ensure compatibility with adjacent land uses.
- Utah Department of Transportation has required access to this property from 5500 West. 5500 West is a local street and existing homes front onto 5500 West. 5500 West was designed and built as a local street to serve the needs of the residents. Consequently, the road is not designed for non-residential traffic. Opening the road to non-residential traffic could negatively impact the existing residents.
- Timpanogos Highway is an arterial street and provides a direct connection from American Fork Canyon, through Highland and Lehi to I-15. It is also designated as an expressway on the Mountainland Association of Governments (MAG) Metropolitan Transportation Plan. It is owned and maintained by the Utah Department of Transportation (UDOT).

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on February 28, 2017. Several residents spoke at the meeting. Topics of discussion included:

- The residents expressed concerns regarding increased traffic. They are requesting that 5500 West be closed at the north property line of the property. The request will be considered as a separate agenda item.
- The residents requested a wall be constructed along the north property line. This is a standard requirement of all commercial development.
- There was also discussion regarding whether or not commercial development would continue to the west. Staff believes that the Commission and Council should begin long range planning to address alternative uses on other property.

The Commission voted 4-2 to recommend approval of the amendment.

**RECOMMENDATION:**

The City Council should hold a public hearing and determine if the proposed rezoning: 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.

The City Council should consider any stipulations needed to ensure compatibility.

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

1. Ordinance
2. Conceptual Site Plan
3. Neighborhood Meeting Summary
4. Draft Minutes of the February 28, 2017 Planning Commission Meeting

ORDINANCE NO. 2017-\*\*

**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 11020 NORTH 5500 WEST AS SHOWN IN FILENAME (Z-17-01), 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 February 28, 2017; and

WHEREAS, the City Council held a public hearing on this Ordinance on March 21, 2017.

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

SECTION 1. That ± 1.055 acres of certain real property located at 11020 North 5500 West more particularly described in Exhibit A attached hereto and incorporated herein, 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, April 18, 2017.

HIGHLAND CITY, UTAH

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Mark Thompson, Mayor

ATTEST:

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Jody Bates, City Recorder

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

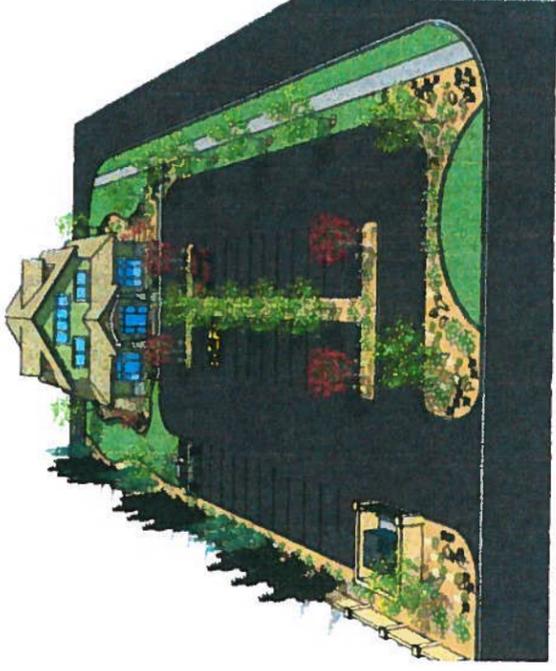
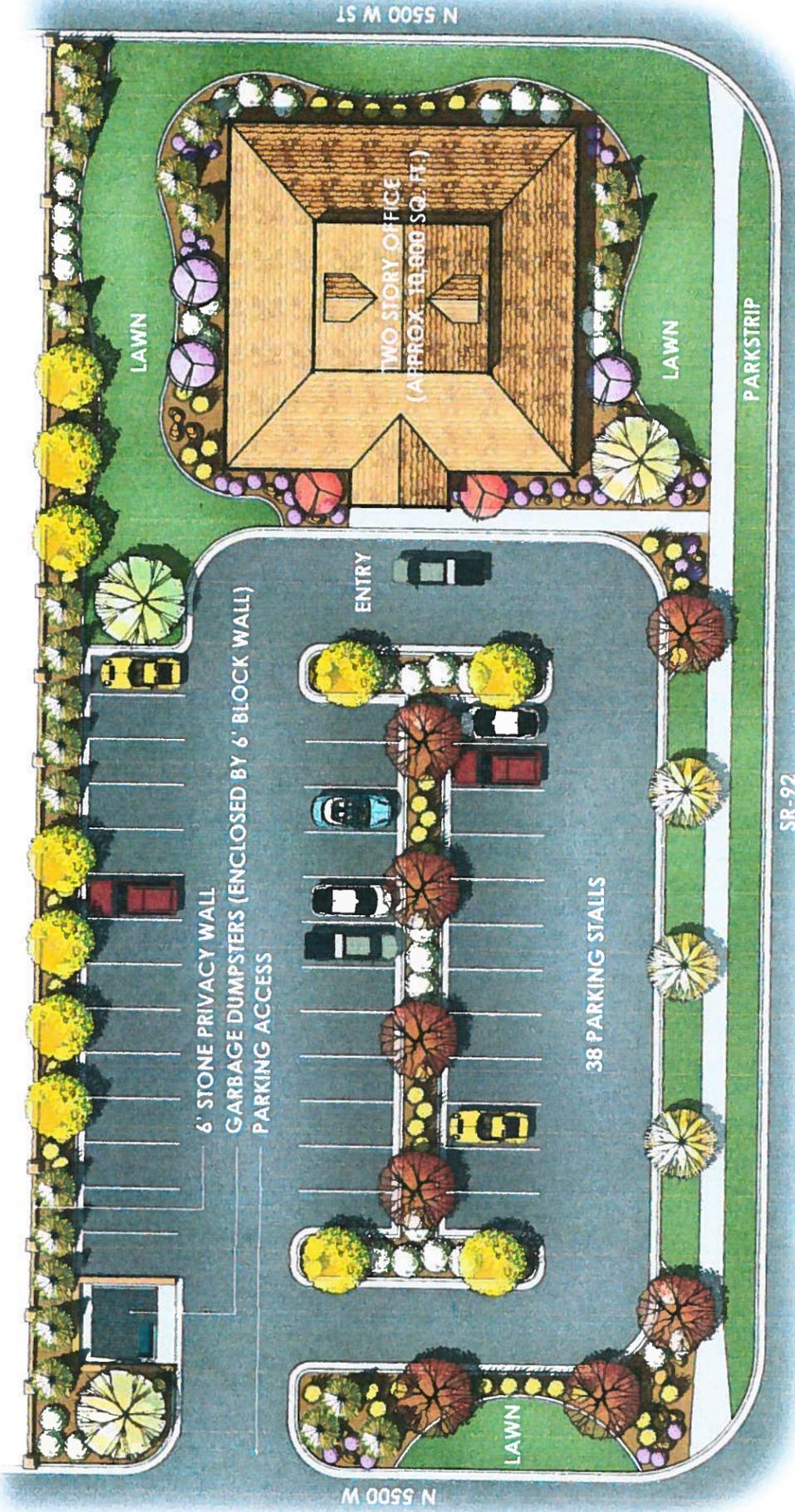
# EXHIBIT A

## Description:

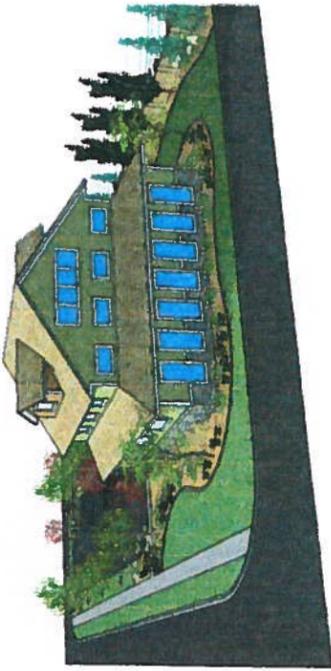
PART LOT 9, PLAT A, STONERIDGE SUBDV. DESCRIBED AS FOLLOWS; COM S 1266.42 FT & E 975.98 FT FR NW COR. SEC. 36, T4S, R1E, SLB&M.; S 89 DEG 56' 15" W 277.98 FT; ALONG A CURVE TO R (CHORD BEARS: N 44 DEG 35' 21" W 21.39 FT, RADIUS = 15 FT); N 0 DEG 42' 51" E 142.09 FT; N 89 DEG 52' 50" E 180 FT; N 89 DEG 52' 50" E 111.52 FT; S 0 DEG 6' 21" W 157.62 FT TO BEG. AREA 1.055 AC.



**CONCEPTUAL SITE PLAN**



PERSPECTIVE - FACING EAST

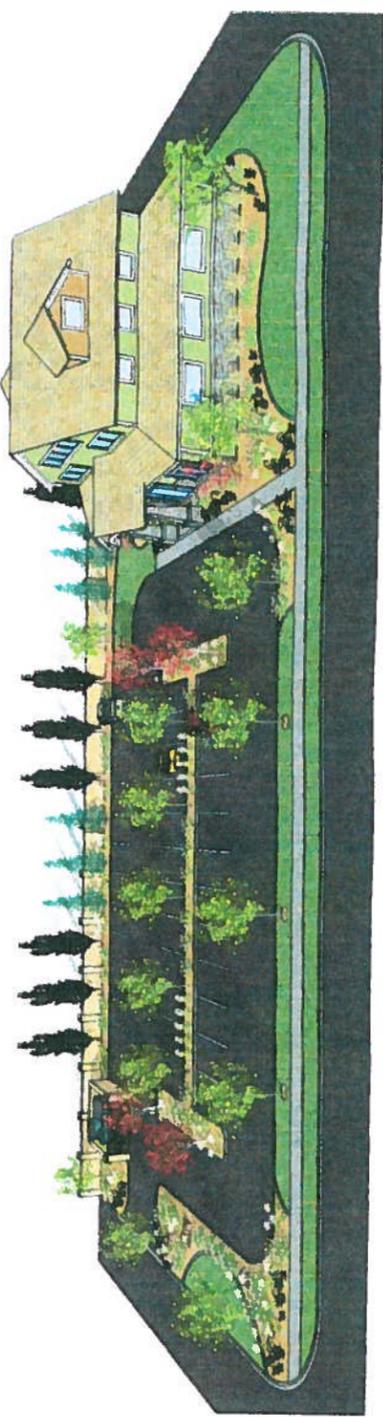


PERSPECTIVE - FACING WEST



PERSPECTIVE - BUILDING ENTRANCE

PERSPECTIVE - FACING NORTH



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Neighborhood Meeting minutes  
1/26/17  
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Todd Berry: My father-in-law bought this property in 1991 or 1992. He wanted to build a vet clinic. Couldn't get it to work with the city. Then Todd and his family came in to the home due to some financial difficulties. They've been waiting for an opportunity to come along like this. I've had other offers and other developers. One developer who had a lot of money wanted commercial, a big pad....I wasn't comfortable with that because I know you guys and you're my neighbors. This is not a traditional commercial development. I like this development and I think it works well for this community. That's why I chose to work with Garon Larsen. A professional office with normal dental hours I think is a good development for our neighborhood.

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**STAFF PRESENT:** Community Development Director: Nathan Crane  
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3. **CP-17-01**  
*Garon Larsen is requesting an amendment to the Land Use designation of the General Plan from Low Density Residential to Commercial. Property is located at approximately 5500 West 11000 North.*

AND

4. **Z-17-01**  
*Garon Larson is requesting a rezone of property located at 5500 West 11000 North from R-1-40 to RP zone.*

Commissioner Brammer explained that the Business Items #3. CP-17-01 and #4. Z-17-01 would be addressed together. Upon request, Mr. Crane reviewed the applications and proposed amendments. He reviewed the location and surrounding property. He mentioned concerns at the neighborhood meeting were regarding traffic and the site plan. As they considered the General Plan amendment, Mr. Crane asked the commissioners to consider if the existing development pattern adequately provided the appropriate options for the proposed use. He said commercial and office space were currently limited within the city. He said the site was surrounded by single family residential. He mentioned the request by residents to close the neighboring residential street. He asked the Commissioners to consider if the amendment would 1. adversely impact the community by significantly altering acceptable land use patterns, 2. require larger and more expensive infrastructure improvements, or 3. adversely impact existing land uses. Mr. Crane mentioned that access was proposed to be from a local street.

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Resident Heather Hall agreed with Mr. Montes and liked the idea of a wall. She disagreed that the traffic would increase because she said most residents already took residential roads. She was concerned about accidents from cars trying to get onto the highway. She said patients would have to enter the parking lot from 5500 West and would learn quickly, like the local residents, that they would need to exit the parking lot onto 5500 West and weave around residential roads to the light in

order to leave safely. She said it was impossible to leave onto the highway. She agreed that the wall needed to be put up to keep the value of the homes, keep the separation of business and houses, and for safety concerns. Ms. Hall did not think there would be problems with drainage.

Commissioner Brammer asked for additional public comment. Hearing none, he asked for additional comments from the commissioners.

Commissioner Day said there needed to be a standard and was concerned about business encroachment. He wondered what precedent would be set with building the wall. He thought it was good to have a buffer with office space, but commercial brought more traffic and stopped people from coming. He wondered if the General Plan needed to be reviewed again and in order to plan for office space along SR-92 or if traffic would be limited because SR-92 remained residential in the future.

Commissioner Campbell liked the idea of a buffer with office space. He thought a lot of discussion needed to happen to make a determination for the wall. He thought the proposed office space was a good answer to an area that could be problematic.

Commissioner Ostler liked the professional office space, but was concern with traffic filtering onto residential streets. He was concerned with access and the precedent it might set. He thought there were other areas that could be developed first before the need to develop this area.

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Mr. Christensen and Ms. Hall clarified saying that they would not be in favor of the proposed development if the road was not closed.

Commissioner Campbell told of his experience with working near a dentist office and said it had very little traffic. Commissioner Ostler pointed out that a new office could be there in the future that might bring more traffic.

Commissioner Brammer asked for a motion.

**CP-17-01 Motion:** Commissioner Campbell move to recommend approval of a request for amendment of the General Plan from low density residential to commercial. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.

**Z-17-01 Motion:** Commissioner Campbell moved to recommend approval of a rezone request from Single Family Residential R-1-40 to the Residential Professional RP zone. Commissioner Brammer seconded the motion. Commissioner Brammer, Commissioner Bills, Commissioner Campbell, and Commissioner Harris were in favor. Commissioner Day and Commissioner Ostler were opposed. The motion carried.



# CITY COUNCIL AGENDA REPORT

## ITEM #8

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**DATE:** Tuesday, April 18, 2017  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Todd Trane, PE  
City Engineer  
**SUBJECT:** **PUBLIC HEARING / MOTION:** REQUEST BY RESIDENT PETITION TO VACATE  
APPROXIMATELY 170 FEET OF RIGHT-OF WAY LOCATED AT 5500 WEST AND SR92.

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**PRIOR REVIEW:**

The City Council held a public hearing on March 21, 2017. The Council voted to continue the meeting and directed staff to provide options to deter commercial traffic from using the local road.

**STAFF RECOMMENDATION:**

The City Council should hold a public hearing and determine if neither the public interest nor any person will be materially injured by the vacation.

**BACKGROUND:**

Staff has been approached by residents on 5500 West to vacate approximately 170 feet of right-of-way beginning at the intersection of 5500 West and SR92. According to the submitted petition, the purpose of the abandonment is to provide a clear boundary between existing residents and the proposed office building located at the northeast corner of 5500 West and SR92.

5500 West is a local road and runs from SR92 on the south to 11200 North. There are 16 existing homes that have direct access to 5500 West. Staff collected traffic data from March 8 to March 15. The traffic counters were located about one third the way up 5500 North.

*Traffic Data:*

- Average number of trips per day based on traffic counts: 657
- Average number of trips northbound: 303
- Average number of trips southbound: 354

Staff decided to collect traffic data again to more closely determine what traffic is using the intersection of SR-92 and 5500 West. The traffic counters were placed as close to the

entrance of 5500 West as possible. The data was collected from March 28 to April 11.

*Traffic Data:*

- Average number of trips per day based on traffic counts: 208
- Average number of trips northbound: 173
- Average number of trips southbound: 35

*Traffic Data Conclusions:*

- The data shows that a majority of the trips on 5500 are for local residents. Roughly 1/3 of the trips come in or out of SR-92. This means that the residents use 11200 most of the time coming and going from their homes.

*Dental Office Traffic Generation:*

- The proposed dental office will occupy 5000 sq. ft. of the building. We have been provided some information about the planned trips. Average number of patients per day is 18 or roughly 2 patients per hour. On an average 8-hour day that would equal about 4 trips per hour. There are four full time staff members that arrive 30 minutes before the first patient. Employees generally leave 30 minutes after the last appointment. Using this information, the dental office would generate about 50-60 trips per day. This is about 3 times less than a calculation based on dental office square footage. It would be about right for a calculation based on number of employees (4).
- For the additional 5000 sq. ft. space, general practice to determine trips per day would need to be used to estimate the impact. If the space were used for dental or medical office, it would generate roughly 180 trips per day. If it were used for general office, it would generate roughly 130 trips per day.

*Abandonment Criteria:*

State Law establishes the criteria to abandon right-of-way in Section 10-9a-609.5:

- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
  - (a) good cause exists for the vacation; and
  - (b) neither the public interest nor any person will be materially injured by the vacation.

**TRAFFIC DETERRING DEVICES:**

There are a few industry standard ways to deter commercial traffic from using the local road.

- **Speed bump** – This option is used more for traffic calming, but could have some deterring effect on the traffic heading north. The cons of this option are ongoing

maintenance of the speed bump, signage and striping that go along with speed bumps, and snow plowing issues that they create. Sometimes drivers that don't pay attention and miss the signage will slam on the brake or swerve last minute to avoid the speed bump. There is also the risk that drivers traverse the speed bump at a high speed. These situations can potentially cause accidents and injury.

- **Medians or Street Narrowing** - This option is also used more for traffic calming, but could have some deterring effect. Any time that we place an obstruction in the street, we run the risk of causing an accident ~~or accident~~. The asphalt width along 5500 West is 34' (the local street standard). This allows for 7' of parking on both sides and two (2) 10' travel lanes. If we put any kind of median in the road, this would restrict parking and cause a shift in the traffic pattern. This is not a huge issue, but would take some time for the traveling public to get used to. By narrowing the road, parking would be eliminated and traffic would flow as it has. The driveway of the second home north from SR-92 on the west side of 5500 West could have some potential problems with a median. It is located on the south side of the property and provides a tight window of where a median could be placed without having a safety issue backing out of the driveway.
- **Signage** - This would be a cost-effective way to deter the traffic without creating some of the concerns listed in the other options. Although, this option could be combined with speed bumps and medians. Placing a sign (as shown below) just north of the office entrance would deter those who don't **now** the local roads from going north.



**RECOMMENDATION:**

The City Council should hold a public hearing and determine if neither the public interest nor any person will be materially injured by the vacation.

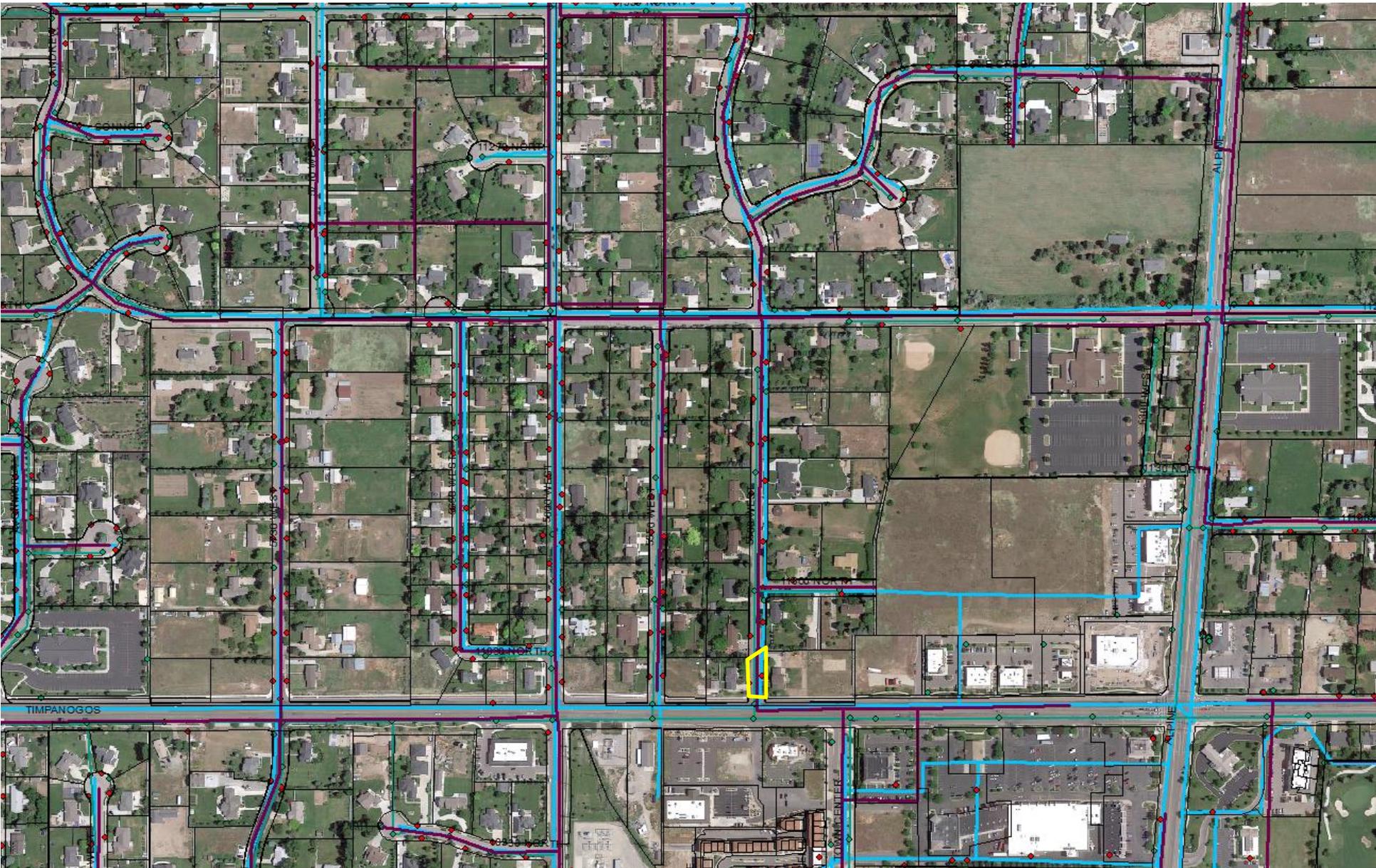
**FISCAL IMPACT:**

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

**ATTACHMENTS:**

1. Vicinity Map
2. Petition
3. Section 10-9a-609.5 Vacating a street, right-of-way, or easement

# VICINITY MAP



To: Highland City, Utah

2/27/2017

Subject: Petition to close 5500 W. at property line separating residents from commercial/professional.

Sirs:

The residents and home owners living on 5500 West between Utah State Highway SR92 and 11200 North petition the City of Highland Utah to provide a clear boundary between our current residents and all future commercial and professional development being erected at the SR92 end of 5500 West. We petition Highland City to block off 5500 W. by extending a 6 foot high concrete wall across the street to connect with the fences that will separate our homes from future commercial/professional business.

Name:	Address	Phone No.
Larry Christensen	11041 N. 5500 W.	801-560-5743
Laura Reese	11065 N. 5500 W.	801-756-7448
John A. Reese	11065 N. 5500 W.	801-756-7448
Tom Mason	5450 W. 11060 N.	501-318-3798
Mari Rasmussen	5456 W 11060 N.	801-756-9151
<del>Romy Jean Ockler</del>	<del>5457 W. 11060 N.</del>	<del>801-756-6917</del>
Mike	11116 N 5500 W	719-205-1431
6 Young	11144 N 5500 W	801 633-6445
George L. Stutz	11184 N. 5500 W	801 376 1402
Ron Stutz	11184 N. 5500 W.	801-201-4815
Andrew Passey	11183 N. 5500 W.	801 836-8131
Jonathan Graff	11183 N. 5500 W	801-756-6927
Gloria Gray	11183 N 5500 W	801 756-6927
Kert Hall	11159 N 5500 W	801-800-0809
Deather Hall	11159 N 5500 W	801-885-6445
Linda Christensen	11401 N 5500 W	801-592-5983
Edgar Jolley	11111 N 5500 W	801-318-1614
Cheryl Jolley	11111 N 5500 W	801-787-8868

Todd Berry	11020 N 5500 W	801-361-8748
Boyd Benek	11042 N 5500 W	435-705-4128
John	11087 N 5500 W	618-407-2340
Sam Strathairn	11135 N. 5500 W	801-492-0454
Mr A @	11019 N. 5500 W.	719-229-5799

**10-9a-609.5 Vacating a street, right-of-way, or easement.**

- (1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
  - (a) the name and address of each owner of record of land that is:
    - (i) adjacent to the public street, right-of-way, or easement; or
    - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement;and
  - (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.
- (2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:
  - (a) good cause exists for the vacation; and
  - (b) the public interest or any person will be materially injured by the proposed vacation.
- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
  - (a) good cause exists for the vacation; and
  - (b) neither the public interest nor any person will be materially injured by the vacation.
- (4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
  - (a) a plat reflecting the vacation; or
  - (b) an ordinance described in Subsection (3).
- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
  - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and
  - (b) may not be construed to impair:
    - (i) any right-of-way or easement of any lot owner; or
    - (ii) the franchise rights of any public utility.

Amended by Chapter 381, 2010 General Session