

MINUTES
HIGHLAND CITY PLANNING COMMISSION MEETING

Tuesday, October 26, 2010

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

PRESENT: Commissioner Melissa Wright, Chair (conducting)
Commissioner Abe Day
Commissioner Roger Dixon
Commissioner Tim Irwin
Commissioner Christopher Kemp (alternate)
Commissioner Jay Roundy

STAFF PRESENT: John Park, City Administrator
Nathan Crane, Community Development Director
Matt Shipp, Public Works Director
Gina Peterson, City Recorder

EXCUSED: Commissioner Steve Rock
Commissioner Kelly Sobotka

OTHERS: Kip Gibson, Mary Mull, Brandon Mull, and Jeremy Doyle.

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Melissa Wright, at 7:00 p.m. on October 26, 2010. Roll Call was administered by City Recorder Gina Peterson. An invocation was offered by Abe Day and those assembled were led in the Pledge of Allegiance by Melissa Wright.

Public Appearances (Agenda Item A)

Melissa Wright invited comments from the public regarding items not on the agenda. No one desired to speak.

Withdrawals and Continuances (Agenda Item B)

Melissa Wright noted that there were no withdrawals or continuances for this meeting. Melissa Wright noted that due to a couple of commissioners being excused, any motion made would require a majority affirmative vote of the *total* commission for passage, which would be four affirmative votes.

SCHEDULED ITEMS

PUBLIC HEARING AND ACTION – Amendment to the Highland City Development Code Section 3-612, Fences, Walls and Hedges, relating to fencing requirements for property adjacent to arterial, collector streets, and open space areas, fencing between different uses, and fencing design requirements (Agenda Item C-1)

The current fencing regulations have led to several concerns by property owners with homes that abut open space and are either adjacent to or in close proximity to a public street or active open space areas. The concerns expressed have focused on privacy and security issues. The Open Space Committee is recommending that the fencing requirements be changed to allow 6' opaque fences adjacent to main transportation corridors and open space areas greater than fifty (50) feet in width.

A notice of the Planning Commission hearing was published in the Daily Herald on October 3, 2010 and on October 17, 2010. No comments have been received to date.

The proposed amendment rewrites the regulations for fences, walls and hedges. The major components of the amendment are:

- Clarification and simplification – with a goal to create a user friendly regulation.
- Screen walls – requiring a screen wall to be placed between residential and nonresidential development and higher density residential and large lot development. Screen and theme walls are used to assist in mitigating visual and sound impacts between incompatible uses. Common application is between residential and nonresidential use and along transportation corridors. The most important elements of the wall are material and height. The proposed amendment is needed to update the ordinance and improve compatibility between uses.
- Theme wall – requires a developer of new subdivisions to install a theme wall adjacent to arterial streets, collector streets, open space areas and public view areas.
- View Fencing – revises the open space fencing requirements to only require a view fence adjacent to areas that are less than 50 feet in width. It also defines a view fence as a four foot solid fence with two feet of material that is 55% open. Further, it provides a process in which the Zoning Administrator can approve alternative fencing if certain criteria can be met. View fencing is a common requirement along open space and trail corridors. The purpose of the view fencing is to create a natural surveillance area. A natural surveillance area is an environment where one feels they can be easily observed or monitored. These areas help to eliminate or reduce criminal behavior while simultaneously encouraging people to maintain awareness of people's safety and security. The proposed amendment addresses recent citizen concerns while maintaining public safety.

Mr. Crane noted that one point of discussion is how to handle fencing in an area that is 50 feet in width or larger but not visible and whether opaque fencing should be allowed in this area.

- Materials and Design – specifies precast concrete, concrete, block, brick or stone to be used for theme and screen walls. Wood and vinyl can be used for other areas. The proposed ordinance allows property owners to install privacy fencing in appropriate areas.
- The current ordinance is confusing and difficult to implement. The proposed ordinance clarifies and simplifies the regulations.

Tim Irwin clarified that these amendments specifically address existing open space areas as well as future development to eliminate future concerns. Nathan Crane agreed.

Jay Roundy talked about acceptable fencing types. He stated some fences are better suited to accommodate the wind in Highland such as chain link. Wood fencing and some vinyl fences have been broken or damaged and he stated sometimes they remain in disrepair. He stated a chain link fence with ivy growing on the fence serves privacy purposes and also allows the wind to go through. He wondered why chain link would not be allowed. Nathan Crane stated the issue is how the Planning Commission wants the community to look and compatibility with certain areas. Additionally he noted that concrete and new materials are engineered to handle wind. He noted that vinyl and wood fencing would be permitted under the proposed ordinance with the exception of use in theme walls.

Roger Dixon asked what constitutes a hedge. Nathan Crane stated it is a natural vegetative material that would constitute a hedge. He noted the intent of the fencing ordinance with regard to hedges relates to visibility. A row of trees may not be considered a hedge, but Pyracantha would be more like a hedge. Roger Dixon stated that by the time the trees mature they could provide less privacy.

Melissa Wright suggested a section of definitions be added to the ordinance for clarification

Melissa Wright opened the public hearing at 7:23 p.m.

Kip Gibson, Beacon Hills, indicated he and his neighbors that have property with backyards against Beacon Hills Boulevard have been patiently waiting for this ordinance to come forward. He expressed appreciation for the work done in getting it to this point and stated they look forward to installing a six foot rear yard fence.

Mary Mull indicated her family recently bought a home in Mercer Hollow Estates. She stated the issue of the privacy fence is mainly safety for their children. Because of their location to Ridgeline Elementary there are a lot of people that come to her area that would not normally be there. Under the current ordinance she is not allowed to install a six foot privacy fence in her backyard because of its proximity to open space along the main road of 11800 North. She feels a precedent to allow this has already been set since their road is comparable to 6000 West which has six foot privacy fences along the road.

Brandon Mull agreed with his wife's comments and added that the right for someone to see into his backyard should be superseded by the right for his children to have privacy on his property. He noted he also writes books and that may give someone more of an inclination to want to see his yard.

No additional comments were made.

Melissa Wright closed the public hearing at 7:27 p.m.

Clarification took place on undulating walls and Nathan Crane noted the requirement for undulating walls was initially proposed but has been taken out of the ordinance amendment.

Discussion took place about the current requirement to obtain a fence permit with a permit fee of \$25. Tim Irwin asked if staff would compare fencing criteria in CC&Rs specific to a subdivision since they may be more restrictive than the City's ordinance. Nathan Crane stated that because CC&Rs are a private contract between property owners the City does not review them as part of the fence permit, nor

does the City enforce them. John Park added that CC&Rs and the Development Code are two different issues. CC&Rs are enforced civilly and violations in the Development Code are a criminal matter.

Tim Irwin commented that the ordinance should be written so that it leans to the rights of the property owners. John Park stated that this fencing ordinance is more lenient than it has been in the past.

Roger Dixon asked if a fence permit is required for a hedge and Nathan Crane answered yes. Concern was expressed by Roger Dixon and Tim Irwin about what constituted a hedge. Nathan Crane stated a hedge is a common thing which is easy to define. He feels it is important to require a permit for a hedge because the height varies and can effectively be a fence where some areas can have something three feet tall or six feet tall. Hedges can also affect sight vision triangles and the City would want a voice for safety reasons.

Tim Irwin questioned the need for a fence permit and Nathan Crane indicated the current ordinance requires a permit so this would not be a change. Melissa Wright stated her feeling that a fence permit is absolutely necessary because of community standards and safety.

A general discussion took place about theme walls. It was noted that theme walls are for future development only and Melissa Wright added that the developer will be required to install these fences as part of the development, not the homeowner. Tim Irwin felt this might lead to cookie cutter developments and a walled look, however other Commissioners were in favor of the continuity a theme wall would create. Some also felt it provided for safety and aesthetic appeal.

Roger Dixon asked if the ordinance would require gates and Nathan Crane answered no. Chris Kemp added that it would be difficult to install a gate in a concrete fence but some felt for safety reasons a gate may be necessary.

Changes in the text were outlined for clarification, including minor grammatical corrections.

A discussion took place about increasing the height requirement from six feet to eight feet for fencing abutting nonresidential uses. Planning Commissioners determined to recommend the height be made eight feet between residential and nonresidential use, however between high and low density residential the requirement could remain six feet.

Melissa Wright asked if the City could handle the additional maintenance for the parkway detail if the fencing setbacks were amended. John Park stated these are areas the City would maintain anyway regardless of if a fence is installed. The Commission and staff reviewed pictures of areas in the City with a fence set back against a collector road. Matt Shipp preferred this type of fencing because it is more pedestrian friendly.

Melissa Wright requested the City Council be made aware that in the future this may increase the load on the City maintenance.

Matt Shipp explained parkway detail and which sections are maintained by the City or the homeowner. Much additional discussion took place on this and it was determined to keep the setbacks as they are in the current ordinance with regard to parkway detail.

The Planning Commission requested that an amendment to address fencing requirements for large lots be considered in the future as well as future review of the requirement to prohibit fences parallel to a street in a front yard.

Nathan Crane then addressed fencing along large open space areas. The Open Space Committee suggested the threshold of 50 feet width be used before an opaque fence could be installed. The Planning Commission directed Mr. Crane to draft language to address this as long as the parcel was visible from two public areas.

MOTION: Abe Day moved to accept the findings and recommend the City Council approve the proposed text amendment to Section 3-612 relating to the requirements for fences, walls and hedges including the following changes:

1. The addition of definitions in the ordinance,
2. Add “in permitted zones” after “six (6) feet” in paragraph 1(c),
3. Remove “freestanding” from the first line of paragraph 2(a),
4. Amend Sections 2(b) and 2(c) to require an eight foot wall instead of a six foot wall when nonresidential uses abut a residential use,
5. Add the word “screen” before “wall” in Sections 2(c) and 2(d) for clarification,
6. Keep the setbacks as outlined in the current ordinance, 14 feet from back of curb,
7. Direct staff to draft language to address fencing in open areas larger than 50 feet,
8. Remove “or shrubs” from Section 2(k)
9. Remove “an” before the word opaque from Section 2(o),
10. Remove the excess words “shall be” from 3(c).

Roger Dixon seconded the motion. Those voting aye: All others. Those voting nay: Jay Roundy. The motion carried with a majority vote of 5:1.

SITE PLAN AND ARCHITECTURAL APPROVAL – Request from Thomas Fox Properties for site plan and architectural approval on a 14,820 square foot retail building located at the northwest corner of SR 92 and the Alpine Highway (Agenda Item D-2)

The property is part of the Commercial Retail (CR) Zoning District that was approved by the City Council in October 2006. A master site plan was approved by the Council in February 2007 which included approval for the entire development except for Building D. The Highland Marketplace Subdivision was approved by the Council in March 2007.

A development agreement was also approved by the Council in March 2007. The development agreement includes provisions for site plan, site lighting, architecture, and landscaping. However, the referenced site plan was not included as an attachment. Staff believes the site plan that was intended to be part of the development agreement was the site plan approved by Council in February 2007.

The site and architectural plans for Lot 6 have been in review for some time. In April 2008, the Planning Commission recommended approval of the site plan subject to stipulations. In May 2008, the Commission recommended approval of the architectural plan. The Council considered the site and architectural plans at several meetings and work sessions. On January 6, 2009 the Council voted 5-0 to remand the request back to the Commission for further consideration.

The Highland City Design Standards were adopted for the Town Center Overlay zone in April of 2009. Since this application was submitted prior to their approval these standards are not applicable to this project.

A summary of the project was provided as follows:

1. The site plan is for a 14,820 square foot retail building on Lot 6 of the Highland Marketplace Subdivision. Walgreens has been identified as the end user.
2. Vehicle access will be provided by two existing driveways: one on SR92 and one on Alpine Highway.
3. The SR92 driveway will provide full turning movements and the driveway on Alpine Highway is right-in and right-out only. The development agreement allows the driveway on SR92 to be restricted to right-in and right-out if there is a signal at Town Center Boulevard.
4. A double lane drive-thru is proposed on the north side of the building.
5. The CR District requires four parking stalls per 1,000 square feet of interior floor area. Interior floor area is defined as all areas devoted to the principal use. Storage areas, restrooms, break rooms, etc are not included. The building includes 11,655 square feet of interior area as defined by the Development Code. As a result 47 parking spaces are required. The site plan identifies 56 spaces which exceeds the minimum requirement.
6. There are four, 15'6" tall bollard pole mounted lights which are consistent with the development agreement. All lights will be fully shielded and directed downward. All light fixtures will match what is required with the development agreement and what is existing onsite.
7. The receiving area is located on the west side of the building. The trash enclosure and compactor will be screened by a seven foot screen wall as shown the building elevations. The screen wall will be made of the same materials as the building.

The site is designated as Commercial on the General Plan Land Use Map and the site is zoned Commercial Retail. Retail sales are a permitted use in the CR District. The proposed use is consistent with the General Plan and existing zoning.

Details of the building design were reviewed, including architectural elements and awnings covering the front entrance and first lane of the drive-thru.

In order for the building to meet the requirements of the development agreement staff believes the following items should be included:

- The roof material needs to be consistent with the material and color used in the center.
- Awnings should be placed over the windows.
- The drive-thru awning needs to match the other proposed awnings.
- The window mullions need to match the existing buildings as shown in the development agreement.

Access, Circulation, and Parking

- The improvements adjacent to SR92 and Alpine Highway have been completed. These roads have the capacity to accommodate the traffic generated by the proposed use.
- The proposed drive-thru is separated by a landscape median. The median will reduce traffic conflicts from the users of the drive-thru and the rest of the shopping center. Staff believes the median should be extended to the end of the drive-thru. A stipulation has been included to address this issue.
- The placement of the building has been a major issue during the review of this application. The requirement for the building placement is in the Highland City Design Standards. The Highland City Design Standards were adopted in April of 2009. Since this application was submitted prior to their approval these standards are not applicable to this project.
- The Lone Peak Police Department is supportive of the building setback from the street for two reasons. First, because on the nature of the use, having the building setback allows officers to monitor the drive-thru and activity in the parking lot. Second, due to the amount of traffic volume through the intersection, having the building setback from the corner reduces the chances of the building being damaged during an accident.

Landscaping

- The minimum landscaping requirement in the CR District is 20%. The landscape shows 19.3% of the site in landscaping. A stipulation has been included to address this issue.
- As part of the development agreement a plaza was installed at the corner of SR92 and SR74. The landscaped plan in the development agreement requires enhanced paving from the plaza to the entrance of Building D. A stipulation has been included to address this issue.

With the proposed stipulations, the proposed site and architectural plans meet the following findings:

- It meets the objectives of the General Plan.
- It meets the requirements of the CR Zoning District.
- It meets the requirements of the Highland City Development Code.
- It is consistent with the Development Agreement.

Roger Dixon indicated he was part of the discussion for the Walgreens project before and as a group the Planning Commission needs to resist micromanaging this project. He is okay with the parking in front along SR92 and noted it matches other areas of the Marketplace. He expressed appreciation that a business like this would come to Highland.

Melissa Wright indicated she took some photos of the Walgreens store located in Lehi. She addressed the awning and Jeremy Doyle stated it will not look like the Lehi store but will match the style of the two on the front of the proposed building. He noted the drive-thru is a double lane with only a single awning.

Jeremy Doyle discussed the Walgreens company and the fact that they have downsized development with current economic conditions. He noted this will only be one of two stores built in Utah at this time. Their expansion plans have curtailed significantly with the recession. They are only doing the prime locations. Even with Highland City regulations of Sunday closures and no alcohol sales he thinks it speaks well for Highland that they want to continue with the development.

Melissa Wright expressed concern about ensuring architectural relief along the west side of the building since this is the view most people would see from SR92. She noted this is one of the most prime spots

in Highland to develop which makes appearance more important. Mr. Doyle outlined the additions such as cultured stone and different colors, but stated it was difficult to do much different because this side of the building is used for deliveries. Melissa Wright suggested installing false windows like was done at the Ace Hardware building or even awnings. Mr. Doyle indicated he would discuss options with his architect.

Jay Roundy stated as the only licensed architect in the room he does not have a problem with the west wall. He stated it is not the Planning Commission's job to micromanage the project. The Planning Commission can look out for aesthetics and functionality, but a business has to have a return on their investment.

Chris Kemp noted that since the Walgreens building is set back with parking in the front the Taco Time restaurant to the west will actually act as a barrier to much of the westerly wall.

MOTION: Tim Irwin moved to recommend the City Council approve the architectural plan for Walgreens Pharmacy located at the northwest corner of SR-92 and SR-74 on Lot 6 of the Highland Marketplace subject to the following conditions:

- 1. The development shall conform to the elevations and materials board date stamped October 7, 2010, except as modified by these stipulations.**
- 2. All roof mounted mechanical equipment shall be screened. All mechanical equipment and screening shall be shown on the construction plans.**
- 3. All signage shall be reviewed and approved separately.**
- 4. The drive-thru awning shall match the existing awnings.**
- 5. The roof material and color shall match the existing roof material and color in the center.**
- 6. The awning from the entrance shall be installed over each window or bank of windows.**
- 7. The window mullions shall match the existing buildings as shown in the development agreement.**
- 8. All roof-top mechanical equipment shall be screened by the building parapet.**
- 9. Service doors must be painted to match the building.**

Roger Dixon seconded the motion. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Chris Kemp, Jay Roundy and Melissa Wright. The motion passed with a unanimous vote.

Discussion took place about the architect being able to have latitude with the awnings over each bank of windows as it related to affecting the Walgreens signage.

MOTION TO AMEND: Roger Dixon moved to amend condition #6 to read as follows:

- 6. The awning from the entrance shall be installed over windows on the east and south elevation at the discretion of staff and the architect.**

Abe Day seconded the motion. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Chris Kemp, and Jay Roundy. Those voting nay: Melissa Wright. The motion carried with a majority vote of 5:1.

AMENDED MOTION: To recommend the City Council approve the architectural plan for Walgreens Pharmacy located at the northwest corner of SR92 and SR74 on Lot 6 of the Highland Marketplace subject to the following conditions:

- 1. The development shall conform to the elevations and materials board date stamped October 7, 2010, except as modified by these stipulations.**

2. **All roof mounted mechanical equipment shall be screened. All mechanical equipment and screening shall be shown on the construction plans.**
3. **All signage shall be reviewed and approved separately.**
4. **The drive-thru awning shall match the existing awnings.**
5. **The roof material and color shall match the existing roof material and color in the center.**
6. **The awning from the entrance shall be installed over windows on the east and south elevation at the discretion of staff and the architect.**
7. **The window mullions shall match the existing buildings as shown in the development agreement.**
8. **All roof-top mechanical equipment shall be screened by the building parapet.**
9. **Service doors must be painted to match the building.**

Discussion then took place about the site plan.

Tim Irwin asked why enhanced paving is required in the plaza. It was noted this was part of the development agreement. A general discussion took place about enhanced paving and ensuring it was ADA compliant. Mr. Doyle indicated it would be.

Melissa Wright clarified that the parking lot will be finished between the entire Site and the plaza and Mr. Doyle agreed.

Melissa Wright requested that berming be installed along SR92 to shield cars from traffic in the area, decrease the prominence of the vehicles, and soften the view of the corner. Staff indicated this was not something that could be legally added. She noted that originally there was a recommendation that the developer build a 24 inch retaining wall.

Much discussion took place on this request. Chris Kemp stated his feeling that it isn't possible to take more property from their parking lot. Nathan Crane noted the landscaping has been installed per the original development agreement. The Planning Commission can ask if they will install more landscaping but they will not be obligated to do it.

MOTION: Roger Dixon moved to accept the findings and recommend City Council approve the site plan for a 14,820 square foot building (Walgreens) located at the northwest corner of SR92 and SR74 on Lot 6 of the Highland Marketplace subject to the following conditions:

1. **The development shall conform to the site plan and conceptual landscape plan, and lighting plan date stamped October 7, 2010, except as modified by these stipulations.**
2. **The landscape median adjacent to the drive-thru shall be extended to the end of the stop sign as determined by the City Engineer.**
3. **A parking island shall be installed at the end of the parking row on the east side of the building.**
4. **The trash enclosure and compactor shall be screened by a seven foot screen wall as shown on the building elevations. All enclosures shall include a metal opaque gate.**
5. **The landscape plan shall be revised to provide 20% on site landscaping.**
6. **All signage shall be reviewed and approved separately.**
7. **Light levels shall not exceed one-foot candle at the property line.**
8. **Enhanced paving shall be installed from the plaza to the entrance of Building D as required by the development agreement.**

9. An ADA compliant surface from the corner feature to the entrance of the store shall be provided.

Tim Irwin seconded the motion. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Chris Kemp, Jay Roundy and Melissa Wright. The motion passed with a unanimous vote.

Jeremy Doyle indicated the lease for the property is signed and Walgreens anticipates opening at they end of 2011.

Melissa Wright recessed the meeting at 10:17 p.m. The meeting reconvened at 10:25 p.m.

Staff Reports and Packets

Nathan Crane requested the Planning Commission give him any feedback on the agenda or staff reports and how they could better serve the Planning Commission.

The issue of Code Enforcement was addressed and Nathan Crane indicated there was a time in the past when the City was very proactive with code enforcement. Currently the City does not have the manpower or time to pursue it actively. Code enforcement is now done by the building inspector or the planning secretary when there is nothing else to do.

Chris Kemp noted there is an issue on northeast corner of Ole' Bish Lane and 4800 West where trees block the view turning vehicles.

To accommodate more efficient meetings, Melissa Wright suggested the Commissioners meet or call Nathan Crane prior to the meetings to get clarification on any items.

MINUTES

Minutes for the September 14, 2010 Planning Commission Meeting

MOTION: Tim Irwin moved to approve the Minutes for September 14, 2010 Planning Commission meeting as amended. Motion seconded by Jay Roundy. Those voting aye: Roger Dixon, Tim Irwin, Christopher Kemp, Jay Roundy, and Melissa Wright; Abe Day abstained from voting stating he was not at the meeting. The motion passed with a unanimous vote of 5:0.

Minutes for the September 28, 2010 Planning Commission Meeting

MOTION: Tim Irwin moved to approve the Minutes for September 28, 2010 Planning Commission meeting as amended. Motion seconded by Jay Roundy. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Jay Roundy, and Melissa Wright; Chris Kemp abstained from voting stating he was not at the meeting. The motion passed with a unanimous vote of 5:0.

DISCUSSION – Economic Development Element of the Highland City General Plan (Agenda Item D-3-1)

Planning Commissioner Chris Kemp led a discussion on the Economic Development Element of the Highland City General Plan as outlined in his memo attached as Exhibit A to these minutes.

As a conclusion he stated the element of the General Plan should be studied. He recommended using a similar survey from four years ago to see if priorities have changed in the minds of residents over the last four years. He noted significant changes have occurred in the economy and in construction within the last four years. He suggested doing more marketing of new and existing businesses in Highland with events such as ribbon cuttings etc.

Tim Irwin stated the issue of Sunday closures and alcohol sales needs to be revisited. He suggested making that recommendation to the City Council. A brief discussion took place about Sunday closures.

Melissa Wright thanked Chris Kemp for his presentation.

DISCUSSION – Parks, Recreation Facilities and Trails Element of the Highland City General Plan (Agenda Item D-3-2)

Planning Commissioner Roger Dixon then led a discussion on the Parks, Recreation Facilities and Trails Element of the Highland City General Plan as outlined in his presentation attached as Exhibit B to these minutes.

Melissa Wright thanked Roger Dixon for the presentation. She stated Abe Day will present next time on Senior Housing.

PLANNING STAFF REPORT

Planning Commission Monthly Meetings and Planning Commission Work Programs

Nathan Crane reviewed a suggestion to only hold one Planning Commission meeting a month. He indicated this would save approximately \$5000 a year in Planning Commission salaries. A general discussion took place on the issue and the Planning Commission determined to continue scheduling 2 meetings a month and canceling individual meetings if they are not needed.

A discussion then took place about issues of focus for the Commission. It was determined to schedule a joint work session with the City Council to discuss priorities of the Planning Commission. Melissa Wright also suggested each Planning Commission member bring a list of their priorities to the next meeting.

COMMISSION COMMENTS AND SUGGESTIONS

There were no additional comments.

ADJOURNMENT

Abe Day moved to adjourn. Roger Dixon seconded. The meeting adjourned at 11:33 p.m.

Gina Peterson, City Recorder

Date Approved: