



HIGHLAND CITY

*** AMENDED ***

AGENDA

HIGHLAND CITY PLANNING COMMISSION

Tuesday, January 26, 2016, 7:00 p.m.

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

CALL TO ORDER: Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Chris Kemp
- Pledge of Allegiance – Commissioner Steve Nielsen

APPEARANCES:

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

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. **TA-15-04:** Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits. *Legislative.*
2. **TA-16-02:** Highland City Council is requesting to amend Article 4.7 Town Center Overlay of the Highland City Development Code to remove residential uses. *Legislative.*
3. **PP-15-04:** A request by Rob Gulbrandsen for preliminary plat approval of a 61 lot single-family residential subdivision. The property is approximately 36.61 acres in size and is located at the northeast corner of Highland Boulevard and 11800 North. *Administrative.*

OTHER BUSINESS:

4. Approval of Planning Commission meeting calendar for 2016.

APPROVAL OF MINUTES:

5. Approval of November 24, 2015 meeting minutes.

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *February 23, 2016* at 7:00 pm City Council Chambers

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

Administrative: An action reviewing an application for compliance with adopted laws and policies.

FOR SPECIAL ACCOMMODATIONS

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 25st day of January 2016. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 25st day of January, 2016 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

JoAnn Scott, Planning Coordinator



HIGHLAND CITY

PLANNING COMMISSION REPORT

DATE: January 26, 2016

TO: Highland City Planning Commission

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

SUBJECT: TA-15-04 – A request by the Highland City Council to amend Article 4.7 Town Center Overlay of the Highland City Development Code to remove residential uses from the Town Center Flex Use District

BACKGROUND:

The property is designated as Mixed Use on the General Plan Land Use Map. The property is zoned Flex Use within the Town Center Overlay District. The Town Center Overlay District was adopted in 1999.

The Town Center Overlay District originally allowed a defined number of residential units (342). All of those units have either been built or recently vested except for 14 units that still remain.

The City has studied this issue for the past six months. Staff has determined that the remaining 14 units would not result in a viable project and recommends any new projects be considered, if determined appropriate, through a zoning text amendment and a development agreement.

A development code amendment is a legislative process.

SUMMARY OF REQUEST:

1. The Highland City Council is requesting to amend the Town Center Overlay District to eliminate the remaining potential residential units.

CITIZEN PARTICIPATION:

Notice of the blank Planning Commission meeting was published in the Daily Herald on January 10, 2016. No comments have been received.

ANALYSIS:

- The purpose of the Town Center Overlay District is to: provide a central area where commercial, retail, and residential can be blended in a walk able environment; provide higher density housing; provide commercial, civic, and retail opportunities; and to promote clarity, flexibility, and cooperation in long term planning; and working for the success and future of the Town Center.
- The purpose of the Flex District is to encourage a mixed use town center-like development.
- The flex district only has 14 remaining units available for development and it is staff's opinion that such units would not result in a viable project.

- There are only three remaining parcels in the Flex district – one owned by the City and the others by a private property owners.
- Any new projects can be considered, if determined appropriate, through a zoning text amendment and a development agreement.

FINDINGS:

The proposed ordinance amendment meets the following findings:

- The remaining 14 units in the zone should be eliminated.
- The Flex District of the Highland City Development Code needs to be amended.

RECOMMENDATION:

The Planning Commission should hold a public hearing with the understanding that this is a legislative action, and recommend approval of the text amendment:

1. Any significant development of residential units would require a text amendment.
2. There is no viable project potential with the remaining 14 units.

RECOMMENDATION AND PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the text amendment as recommended by staff (or with amendments).

ALTERNATE MOTION:

I move that the Planning Commission recommend denial of the text amendment, for reasons determined in the hearing

ATTACHMENTS:

Attachment 1 – Table 3-47A

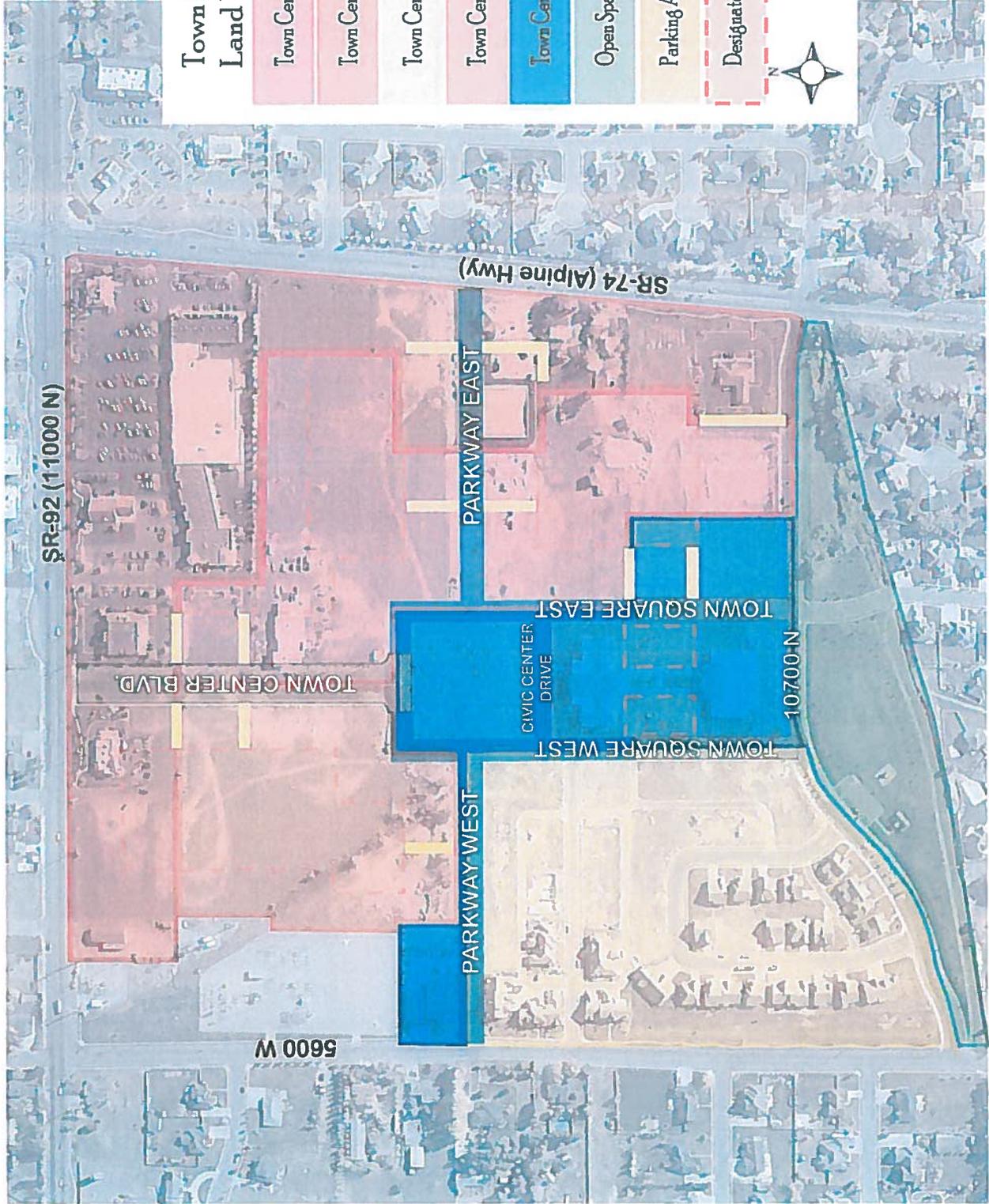
Attachment 2 – Town Center Overlay Zoning Map

HIGHLAND CITY DEVELOPMENT CODE

TABLE 3-47A	TOWN CENTER ZONE, BY DISTRICT			
	Commercial Retail	TC MU Residential	TC Flex Use	TC Civic
LAND USE	TOWN CENTER GROUND FLOOR USES			
1 Story Retail	P	C	C	P
2 Story Retail	P	P	P	P
Flex Use Retail	NP	P	P	NP
Convenience, gasoline or similar	P	NP	NP	NP
Food, bakery	P	P	P	NP
Food, doughnut shop, candy store	P	P	P	NP
Food, grocery store, organic foods	P	P	P	NP
Food, ice cream, yogurt parlor	P	P	P	NP
Food, nut or cheese store	P	P	P	NP
Food, food and beverage retail stores	P	P	P	NP
Food, meat markets	P	P	P	NP
Medical, doctor's office, dentist	*P	P	P	NP
Medical, hearing center and sales	*P	P	P	NP
Medical, optomolnist, eye products	*P	P	P	NP
Medical, physical therapy, pharmacy	*P	P	P	NP
Medical, psychologist, psychiatrist	*P	P	P	NP
Office, architect, engineers, surveyors	*P	P	P	NP
Office, attorney	*P	P	P	NP
Office, certified public accoumlants	*P	P	P	NP
Office, computer software engineer/developer	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, Insurance (not claims adjustors)	*P	P	P	NP
Office, real estate, mortgage, title, or similar	*P	P	P	NP
Public/private cultural arts center	N	P	P	P
Residential, live work attached	NP	*C	*C NP	NP
Residential, mixed use attached	NP	*C	*G NP	NP
Residential, multi-family attached	NP	*C	*G NP	NP
Residential, senior housing (age restricted)	NP	P	P	NP
Residential, senior independent living	NP	P	P	NP
Residential, senior continuing care retirement	NP	P	P	NP
Restaurant, full service, catering, delicatssen	P	P	P	NP
Restaurant, drive-thru	P	C	C	NP
Retail, art and craft galleries and studios for the teaching of arts and crafts	P	P	P	NP
Retail, auto parts (new, re-manufactured & accessories)	P	P	P	NP
Retail, Auto, ATV, motorcycle sales	P	*P	*P	NP
Retail, book store	P	P	P	NP
Retail, clothes, shoes, accessories	P	P	P	NP
Retail, computers, software sales/repair	P	P	P	NP
Retail, electronics sales/rentals of DVD's, CD's, games and videos	P	P	P	NP
Retail, florist, indoor nursery or plant sales	P	P	P	NP
Retail, hobby, craft supplies and stores	P	P	P	NP
Retail, home furnishings, appliances	P	P	P	NP
Retail, home improvement, hardware	P	P	P	NP
Retail, jewelry, watches, or similar	P	P	P	NP
Retail, office supplies and furnishings	P	P	P	NP
P = Permitted				
C = Conditional Use Required				
* = Special Conditions Apply				
NP = Not Permitted, May be Considered				
*NP = Not Permitted				

HIGHLAND CITY DEVELOPMENT CODE

TABLE 3-47A	TOWN CENTER ZONE, BY DISTRICT			
	Commercial Retail	TC MU Residential	TC Flex Use	TC Civic
LAND USE				
TOWN CENTER GROUND FLOOR USES CONTINUED				
Retail, pet products, grooming and care	P	P	P	NP
Retail, sporting goods and recreation	P	P	P	NP
Retail, variety, stamp, coin and collectibles	P	P	P	NP
Retail, wireless phone sales and similar	P	P	P	NP
Service, automobile Service, repair	P	*C	*C	NP
Service, barber shop, beauty salon	P	P	P	NP
Service, copy center	P	P	P	NP
Service, sports & fitness center	*P	*P	*P	NP
Service, dry cleaning, Laundry	P	P	P	NP
Service, financial institutions	P	P	P	NP
Service, hotel (min 2 stories)	C	C	C	NP
Service, movie rentals, sales, cinema	P	P	P	NP
Service, nail salon, pedicure, day spa	*C	*C	*C	NP
Service, therapeutic massage	*C	*C	*C	NP
Service, travel agency sales	P	P	P	NP
Temporary outdoor sales events	*P	*P	*P	NP
Temporary outdoor farmer's market	C	C	C	C
TOWN CENTER UPPER FLOOR USES				
Office, architect, engineers, surveyors	*P	P	P	NP
Office, attorney, law firm	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, computer software engineer/developer	*P	P	P	NP
Office, certified public accountants	*P	P	P	NP
Office, insurance (not claims adjusters)	*P	P	P	NP
Office, real estate, mortgage, title, or similar	*P	P	P	NP
Medical, doctor's office, physical therapy	*P	P	P	NP
Medical, dentist office, optometrist, audiologist	*P	P	P	NP
Medical, psychologist, psychiatrist	*P	P	P	NP
Residential, mixed use attached	NP	*C	*C NP	NP
Residential, live work attached	NP	*C	*C NP	NP
Residential, exclusively attached residential	NP	*C	*C NP	NP
Retail, all uses permitted for "Ground Floor"	P	P	P	NP
Service, all uses permitted for "Ground Floor"	P	P	P	NP
TOWN CENTER CIVIC BUILDINGS				
Ancillary structures for municipal/safety bldgs	P	P	P	P
Ancillary structures for parks and open space	P	P	P	P
Civic/municipal buildings	P	P	P	P
Civic utility structures	*C	*C	*C	*C
Public open space	P	P	P	P
Public parks and public trails	P	P	P	P
Public safety buildings and uses	P	P	P	P
Public outdoor amphitheater	P	P	P	P
P = Permitted C = Conditional Use Required * = Special Conditions Apply NP = Not Permitted, May be Considered *NP = Not Permitted				



Town Center Land Use Map

Town Center Flex-Use District

Town Center Commercial Retail District

Town Center Residential District

Town Center Mixed Use Residential District

Town Center Civic District

Open Space District

Parking Access Points

Designated Parking (Generally)



May, 2010



HIGHLAND CITY

PLANNING COMMISSION REPORT

DATE: January 26, 2016

TO: Highland City Planning Commission

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

SUBJECT: TA-16-02 – A request by the Highland City Council to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits.

BACKGROUND:

In 2005, the State Law as it pertains to conditional changed due to several court cases. The Law was revised to limit the discretion that communities have to place conditions on conditional uses. The language that conditions could only be placed on a use to “mitigate the reasonably anticipated detrimental effects” was only a part of the actual State Law. The Law goes further to require that “standards” be created for the conditional uses to be governed by, as per the following:

Section 10-9a-507:

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require **compliance with standards set forth in an applicable ordinance.**

(2) (a) A conditional use **SHALL be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects** of the proposed use in accordance with **applicable standards.**

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve **compliance with applicable standards,** the conditional use **may be denied.**

Non-compliance with State Law creates a potential liability for the City. Therefore this update that includes standards is suggested. In addition, a review of the permitted uses and conditional uses in each zoning district is suggested through a subsequent process.

A development code amendment is a legislative process.

SUMMARY OF REQUEST:

1. The Highland City Council is requesting to amend Chapter 4 Conditional Use Procedure relating to the review standards for conditional use permits. The amendment is as follows:

Section 4-015 General Requirements

- 1) Review Standards

All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. All conditional uses shall meet the following standards:

- a. The proposed conditional use shall be consistent with the Zoning Ordinance, Federal and State Law, as applicable to the site where the conditional use will be located.
- b. The Land Use Authority may address any reasonably anticipated detrimental effects by the use on existing systems and neighborhoods, including the prevention of;
 1. Decreased street service levels and/or traffic patterns that may require the need for street modifications such as dedicated turn lanes, traffic control devices, street widening, curb, gutter and sidewalks, trip generation reductions, and/or vehicle mixes
 2. Increased service demands for utility service delivery and system capacities
 3. Negative impacts on connectivity and safety for pedestrians and bicyclists
 4. Potential detrimental effects by the use due to its nature; including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within a neighborhood, hours of operation not normally found in the neighborhood, reductions to the potential to create an attractive nuisance, solid waste disposal,
 5. Negative environmental impacts that increase the risk of contamination or other impacts to adjacent properties and people including: impacts on the aquifer, well heads, wetlands, slope retention, storm water, and flood potential
 6. Incompatible designs in terms of use, scale, intensity, mass, character, construction, solar access, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
 7. Site designs that negatively impact emergency vehicle access
 8. Manmade environmental impacts such as dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation from impacting the neighborhood.
 9. Site plan designs that are detrimental to the neighborhood such as the location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, outdoor storage, as well as compliance with off-street parking standards
 10. Conflicts between uses, including signs, lighting, landscaping/open space, and fencing
- 2) In evaluating a conditional use application, the Land Use Authority, shall determine if the application meets the above standards or if, due to its' reasonably anticipated detrimental effects, additional mitigating conditions are necessary to reduce impacts. Any such conditions imposed shall be related to the above standards. More specific standards and requirements for conditional uses may be found in each land use zoning district chapter, including additional specific standards for certain conditional uses.

CITIZEN PARTICIPATION:

Notice of the blank Planning Commission meeting was published in the Daily Herald on January 10, 2016. No comments have been received.

ANALYSIS:

- The amendment is needed to properly evaluate conditional use permits.

FINDINGS:

The proposed ordinance amendment meets the following findings:

- It is in conformance with the General Plan.
- The proposed text amendment complies with the State Law.
- Updating of the Conditional Use Chapter of the Development Code is needed to occur pursuant to State Law.

RECCOMENDATION AND PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the text amendment as recommended by staff (or with amendments).

ALTERNATE MOTION:

I move that the Planning Commission recommend denial of the text amendment, for reasons determined in the hearing.



HIGHLAND CITY

PLANNING COMMISSION REPORT

DATE: January 26, 2016

TO: Highland City Planning Commission

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

SUBJECT: PP-15-04 – A request by Rob Gulbrandsen is requesting approval for a Preliminary Plat application for a 60 lot single family subdivision. The property is approximately 36.61 acres and is located at the corner of 11800 North and Highland Boulevard.

BACKGROUND:

The property is 35.50 acres and is owned by Cherylin and Kipley Siggard and Karin and Ronald Carling. The applicant is Rob Gulbrandsen.

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

The property was annexed and zoned R-1-20 on September 1, 2015.

SUMMARY OF REQUEST:

1. The applicant is requesting preliminary plat approval for a 60 lot single family residential subdivision. The proposed density is 1.6 units per acre. Lot sizes range from 20,000 square feet to 26,194 square feet.
2. Access to the site is from 11800 North and Highland Boulevard.

CITIZEN PARTICIPATION:

Notice of the October 29, 2015 Development Review Committee Meeting was mailed to all property owners within 500' of the proposed plat on October 20, 2015. Two citizens attended the meeting. They expressed concern about the fence between Highland Oaks and Sterling Pointe. One email was also received.

Notice of the Planning Commission meeting was published in the Daily Herald on January 10, 2016. Notice of the meeting was also mailed to all property owners within 500' on August 10, 2015. No comments have been received.

ANALYSIS:

- The property is designated as low density residential on the General Plan.
- Sky Estates and Sterling Pointe abut the project on the north side. The site is zoned PD-1. Sterling Pointe is an age restricted community for seniors. The density of the Sky Estates single

family development is 2.3. The property to the south is zoned R-1-40 and is the Dry Creek Highlands. This subdivision is an R-1-40 subdivision. The property to the east is in Utah County. The property to the west is the Mercer Hollow subdivision and is zoned R-1-40. This area was originally part of the Highland Hills Development.

- The applicant is proposing that the Home Owner's Association own and maintain all of the landscaping includes the parkway areas, the detention pond, and the two parcels along the east boundary dedicated to Highland City.
- Water will be dedicated as required by the Development Code prior to final plat recordation.

FINDINGS:

The proposed subdivision plat meets the following findings with stipulations:

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

RECCOMENDATION AND PROPOSED MOTION:

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

1. The final plat shall be in substantial conformance with the preliminary plat dated Jnauary 22, 2015.
2. Final civil engineering plans to be reviewed and approved by the City Engineer.
3. Prospective homebuyers shall be informed by an affidavit of the proximity of agricultural uses.
4. Written approval from Rocky Mountain Power is required for the landscape plan prior to approval of the final civil construction plans.
5. Add a note to the final plat regarding Rocky Mountain Power easement restrictions for lots with the power line easement.
6. The conservation easement shall be recorded with the final plat.
7. All required public improvements shall be installed as per City Engineer's approval.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the preliminary plat for Highland Oaks, subject to the seven stipulations recommended by staff.

ALTERNATE MOTION:

I move that the Planning Commission recommend denial of the preliminary plat subject to the following findings (The Commission should draft appropriate findings that demonstrate the proposed plat does not meet the standards established in the Development Code).

ATTACHMENTS:

Attachment 1 – Proposed Preliminary Plat and Landscape Plan

Attachment 2 – Letter from Peggy Clark

Nathan Crane

From: clarkp3x9@gmail.com
Sent: Saturday, December 05, 2015 1:46 PM
To: PlanningCommission; Nathan Crane
Cc: clarkp3x9@gmail.com
Subject: Hearing on item PP-15-04/ Gulbrandsen plat proposal

I am a homeowner in the Sterling Point multi-family development and my residence abuts the north property boundary for plat proposal PP-15-04 now before your board.

I have some concerns that I hope the Planning Commission will address as you take the plat proposal as submitted under advisement.

1. Have all the safety factors been addressed and professional recommendations requested and received by the Planning Commission regarding the actual location of the ingress/egress roads for PP-15-04, particularly the proposed roadway directly onto Highland Blvd? As I am sure the Commission is aware the intersection of W 11800 N and Highland Blvd is currently under a City study because of numerous accidents and even a fatality at this intersection. PP-15-04 is at the juncture of these two major thoroughfares. Is the Commission ensuring that the safety committee looking at this dangerous intersection is also considering the impact of PP-15-04 roadways, and have they suggested to the Commission, an opinion as to the safest location for ingress/egress to not only that community but how the new roadways will impact Sterling Point, Skye Estates and other communities above/below the proposed roadways? As housing development continues to the north and south along the Highland Blvd and 11800 arteries, increased traffic flow will impede all traffic safely entering these roadways from any housing community in the area. As proposed, there will be only approximately 200 feet between W. Brunswick Dr. and the PP-15-04 road that intersects Highland Blvd. Is the Planning Commission fully considering all safety implications of the actual locations for the roads as proposed prior to plat approval?
2. The natural elevation of the topography within PP-15-04 is being continually raised by the developer. While I understand the final grade has not been achieved, the proposed lots on the north common boundary of PP-15-04 with Sterling Point has raised in elevation well over four feet. The grade change also begins approximately three feet beyond the property boundary, encroaching into the Sterling Point property. Not only is this a significant change in how the adjacent land looked when I purchased my residence and what I felt would be my final view from my own patio and windows after PP-15-04 was developed; most importantly it changes the natural topography with regards to soil erosion and water runoff onto Sterling Point property. Runoff from rains this past summer resulted in some near flooding into Sterling Point basements, due in part to the manmade soil down slope from PP-15-04 to the now lower natural terrain levels within Sterling Point. Sterling Point homeowners need to be ensured that the final elevation and grade slope of PP-15-04 lots that have the potential to cause drainage issues and soil erosion within and onto Sterling Point property are addressed in the plat development.
3. It is my understanding that there are no plans by the developer or any City requirement to build a development boundary fence between PP-15-04 and the common north boundary along Sterling Point. I would like to see the Planning Commission require the developer to build such a boundary fence for two reasons. 1.) If the final elevation of the topography remains at an artificially raised

level with a banked graded earth slope, soil erosion and water runoff onto Sterling Point property will occur. The property boundary along the common north line is currently more than halfway down the new artificial slope. Thinking or hoping five individual lot homeowners within PP-15-04 will adequately (or even at all) address issues that require resolution of potential soil erosion and water drainage and then installing a boundary fence more than halfway down a sloping grade is not in the best interests of any property owner or the City. I believe it is reasonable to assume some lot homeowners would ignore the slope and if they fence at all, will fence the back of their lot before the slope begins; making part of their property a "no man's land" beyond their visual eyesight and now becoming a legal problem for the home owner, Sterling Point, and the City and still not resolving soil erosion and drainage issues. Requiring the developer install a boundary fence at the onset of the project along the north property line that adequately addresses issues with things like retaining walls and any other recommendations by soil/landscape engineers would eliminate these potential long range problems and legal ramifications for all parties right from the start. 2.) When approval by the City was given for the development of Sterling Point, a different type of community was approved. Sterling Point is a senior multi-family development and as owners within that community we individually can not take it upon ourselves to fence the property line in question. The usage and expectations between the two communities is totally different and it is reasonable to expect a physical barrier be placed between the two communities.

4. Many communities in the United States take into consideration maintaining the vistas and views of existing dwellings when approving plans for new construction or remodeling that may obstruct these views. Many owners within Sterling Point paid a premium for their "view" lots. While not expecting current views to be maintained totally unobstructed, lot boundaries and actual dwelling locations on the fringe lots of PP-15-04 that would have significant impact to the premium view lots within Sterling Point could be drawn and approved in such a manner as to lessen the negative impact within Sterling Point.

I appreciate the Planning Commissions willingness to accept public comment and consideration of my concerns.

Respectfully,

Peggy Clark
6557 W. Brunswick Dr
Highland, UT
clarkp3x9@gmail.com

HIGHLAND CITY PLANNING COMMISSION MEETINGS
SCHEDULE FOR 2016

The Highland City Planning Commission at their regularly scheduled meeting on January 26, 2016, adopted the meeting schedule for the year 2016.

The regular session begins at 7:00 p.m. Work sessions are scheduled as needed. Meetings will be held at the Highland City Council Chambers, 5400 West Civic Center Drive, Suite 1, Highland, Utah.

The 2015 Planning Commission Regular Meeting Schedule is as follows:

January 26
February 23
March 22
April 26
May 24
June 28
July 12
August 23
September 27
October 25
November 29
December 13

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS.

If you need a special accommodation to participate in the City Council Meetings, please call the City Recorder's Office at 801-772-4505

TO BE PUBLISHED IN THE *DAILY HERALD*

DRAFT

Highland City Planning Commission November 24, 2015

1
2
3
4 The special meeting of the Highland City Planning Commission was called to order by Planning
5 Commission Chair, Christopher Kemp at 7:00 PM on November 24, 2015. An invocation was
6 offered by Commissioner Brammer and those assembled were led in the Pledge of Allegiance by
7 Chairman Kemp.

8
9 **PRESENT:** Commissioner: Christopher Kemp
10 Commissioner: Brady Brammer
11 Commissioner: Sherry Carruth
12 Commissioner: Tim Heyrend
13 Commissioner: Steve Rock
14 Commissioner (Alternate): Steve Nielsen

15
16 **EXCUSED:** Commissioner: Scott Temby
17 Commissioner: Abe Day

18
19 **STAFF PRESENT:** Community Development Director: Nathan Crane
20 Planning Coordinator: Kelsey Bradshaw
21 Planning Commission Secretary: Heather White

22
23 **OTHERS:**

24 25 26 **APPROVAL OF MINUTES**

27
28 The Planning Commission reviewed the minutes from the August 25, 2015 meeting. Chairman
29 Kemp asked for changes. Hearing none, he called for a motion.

30
31 **MOTION:** Commissioner Heyrend moved to approve the minutes from the August 25, 2015
32 Planning Commission meeting as written. Commissioner Carruth seconded the motion. All
33 present were in favor. The motion carried.

34 35 36 **OTHER BUSINESS**

37 38 Report regarding updates to the Town Center Overlay District

39
40 Mr. Crane explained that staff were directed to eliminate any future residential within the Town
41 Center Overlay District unless it was approved through a development agreement/amendment to
42 the Code. This direction came from a previously held combined work session with members of
43 the Council and Planning Commission. The proposed amendment would be presented to the

DRAFT

1 Planning Commission in January. Mr. Crane mentioned that the city met with the major property
2 owner today to discuss the city's plan for the area.

3 4 **PUBLIC APPEARANCES**

5
6 Chair Kemp asked for public comment. None was given.
7

8 9 **WITHDRAWALS AND CONTINUANCES**

10 11 **1. PP-15-04:**

12 *A request by Rob Gulbrandsen for preliminary plat approval of a 61 lot single-family*
13 *residential subdivision. The property is approximately 36.61 acres in size and is located*
14 *at the northeast corner of Highland Boulevard and 11800 North. This item will be*
15 *continued to the December 8, 2015 Planning Commission meeting.*
16

17 Mr. Crane explained that Item PP-15-04 would not be discussed. It was continued to the
18 December 8, 2015 meeting.
19

20 21 **PUBLIC HEARING ITEMS**

22 23 **2. PP-15-02:**

24 *A request by Matt Robinson with Handcrafted Homes for preliminary plat approval for*
25 *an 86 unit attached single-family subdivision. The property is approximately 7.76 acres*
26 *in size and is located at the northeast and southeast corners of Town Square East and*
27 *Parkway East.*
28

29 Mr. Crane mentioned that the Council approved the Conditional Use Permit, Site Plan, and
30 Architectural Plan on September 15, 2015 subject to 22 stipulations. He said the Commissioners
31 received an analysis of the stipulations as part of the staff report. Mr. Crane explained there were
32 two items that had not fully met the stipulations - 1) number of on-street and off-street parking
33 spaces and 2) landscaping and how much was provided.
34

35 Chairman Kemp asked about the applicant's response regarding the requested information. He
36 asked if Mr. Crane was sure that the applicant understood the information they still needed to
37 provide. Mr. Crane said that he had not received any response from the applicant and that he was
38 sure they understood what they needed to provide.
39

40 The Planning Commission discussed the fact that the applicant still needed to provide the
41 requested information.
42

43 Chairman Kemp opened the public hearing by consent at 7:07 PM.
44

DRAFT

1 Lillie Kohler voiced concern regarding traffic. She thought the proposed 87 homes on 8 acres
2 was a catastrophe in the making. She voiced concern about cars on the roads and safety for the
3 people living in the area. She hoped the Commissioners considered the safety and health of the
4 people in the area. Ms. Kohler thought the area needed to be developed, but was not sure it
5 should be the proposed type of development.

6
7 Stan Mead thought that if the developer was not going to comply with the conditional use
8 approved by the City Council then denial of the application would be appropriate.

9
10 Chairman Kemp asked for additional comments. Hearing none, he closed the public hearing by
11 consent at 7:10 PM. He asked for further discussion.

12
13 Commissioner Brammer said it was perplexing and disconcerting that the developer was not in
14 attendance after the fight and effort they went through to obtain approval of the development. He
15 talked about the developer's behavior at previous meetings and thought it showed the contentious
16 nature they had taken towards with city. He was concerned with how the developer might
17 interact with the city, particularly around City Hall, in the heart of the city.

18
19 Chairman Kemp asked for additional comment. Hearing none, he called for a motion.

20
21 **MOTION:** Commissioner Brammer moved to recommend denial of the application to the City
22 Council on the basis of the same concerns as set forth in the July 2015 minutes, as well as the
23 applicant's failure to appear, and most importantly, applicant's failure to comply with the
24 landscaping requirements set forth in the Development Code, as well as applicant's failure to
25 comply with Stipulation #21 of the Preliminary approval by the City Council. Commissioner
26 Rock seconded the motion. All present were in favor. The motion carried.

27 28 29 **PLANNING STAFF REPORT**

30
31 Commissioner Neilsen asked if the application for the church building was approved. Mr. Crane
32 said the application was approved with no parking on the west side of the street.

33 34 35 **ADJOURNMENT**

36
37 **MOTION:** Commissioner Rock moved to adjourn the meeting. Commissioner Brammer
38 seconded the motion. All present were in favor. The motion carried.

39
40 The meeting was adjourned at 7:13 PM.

