

Highland City Planning Commission

August 11, 2009

PRESENT: Commissioner: Brent Wallace, Acting Chair
Commissioner: Don Blohm
Commissioner: Kelly Sobotka
Commissioner: Melissa Wright
Commissioner: Tony Peckson
Commissioner: Roger Dixon
Alternate Commissioner: Abe Day

EXCUSED: Commissioner: Jennifer Tucker, Chair

STAFF PRESENT: City Planner: Lonnie Crowell
City Engineer: Matthew Shipp
Secretary: Kiera Corbridge

OTHERS: Angela Whitehorn, Lynn Ritchie, Trixie Walker, Brian Braithwaite, Cory Daniels, Mario Ozuna, Averie Wilde, Emily Schiffman, Derryl Yeager, Alyssa Wilde, Megan Schiffman, Sadie Neal, Kaylee Shipley, Bevan Wilde, Janie Neal, Brittany Bills, Willard Spykes, Jeff Weber, Glenda Green, Tiffany Enger, Patrick Enger, Jared Jensen, Shelly May, Paul Talbot, John Whilwhite, Lance Schiffman, Stephanie Weber, Tiffany Carpenter, Gabby Weber, Amber Schiffman, Darcey Wilde, Tina Shipley, Mitch Ogden, Kevin A. Pace.

Meeting Convened at 7:10 pm
Prayer given by: Roger Dixon
Pledge led by: Tony Peckson

Item 1: The Pointe Performing Arts Academy - General Plan, Future Land Use Map, and Zoning Map Amendment ~ Public Hearing and Recommendation

Lonnie Crowell explained that Corey Daniels, representing property owner Janene Schiffman, is requesting an amendment to the General Plan, Future Land Use Map, and Zoning Map to allow for a private performing arts academy associated with dance on property that is approximately 0.941 acres (40,949.686 square feet) located at 5615 West 11000 North. The property is in the R-1-40 Zone and located to the west of the Rocky Mountain Power substation. The property is Lot 10 of the Eagle Crest subdivision; however, the property is separated from the remainder of the subdivision in that it does not access 10930 N. The property has approximately 230 feet of frontage along SR-92 and approximately 177 feet of frontage along 5600 West. SR-92 will be widened to five lanes along this portion of the corridor.

The applicant has already demolished and removed the existing home; Highland City does not have an ordinance that would restrict a property owner from obtaining a demolition permit and removing an existing home. The applicant was required to obtain demolition permit from the City following the receipt of a permit/report from Utah County indicating any circumstances that would need to be handled with special care, such as the presence of asbestos.

Highland has been concerned about the possible expansion of commercial zones along SR-92 and SR-74 and has tried to contain non-residential development within the Town Center and other commercial zones. This application to rezone for the use as a school would offer an opportunity to create a buffer between residential and non-residential uses.

The City has received several requests to develop non-residential uses on this property and others along SR-92 due to the inconvenience of living along a highly traveled highway and the reduced economic value of this land. Staff recommends the following options:

- (1) Leave the property zoned as an R-1-40;
- (2) Amend an existing zone to permit the use as a private school (as proposed);
- (3) Create a new zone that would limit the use of this property to low impact non-residential uses such as a preschool, day care (young or old), private school, or similar;
- (4) Alternative ideas/direction proposed by the Planning Commission and/or City Council.

In any case the ordinance(s) can be written to specifically define the property location and limit growth along the highway or remain as the current General Plan Future Land Use Map indicates and continue to focus all commercial use in the four corner area Town Center, Professional Office Zone, and State School Land Trust property (south of Lone Peak High School).

Brent Wallace opened the public hearing at 7:15 pm.

Janene Schiffman, owner of The Pointe Performing Arts Academy, stated that she appreciates what is offered in the city and by the people of Highland and believes that locating the dance academy in Highland would be a benefit to the community. She explained that The Pointe Performing Arts Academy is a well-known facility with high standards for business and for the students. Mrs. Schiffman noted that the Highland Arts Council had expressed an interest in sharing the facility to encourage quality Arts in Highland. She added that the proposed location is more secluded than a commercial stripmall, providing the academy with more control over the safety of the students.

Darrell Yeager, Director of Odyssey Dance Theater and consultant to Janene Schiffman, stated that the curriculum of the academy is designed to create world class quality dancers. He expressed his opinion that the facility creates a nice transition from commercial zones to the residential zone. Mr. Yeager explained that the location is ideal for The Pointe Performing Arts Academy because it is a central location for residents of both Salt Lake County and Utah County.

Darcey Wilde, co-owner of The Pointe Performing Arts Academy, emphasized the importance of the Arts in education and stated that the current industrial location of their studio prevents the desired interaction with schools. She explained that moving to the proposed location would allow children from local schools to attend rehearsal, classes, etc. Ms. Wilde then described the free dance classes offered by The Pointe Performing Arts Academy for special needs children; the dance students have the opportunity to use their talents to help children with special needs learn and enjoy dance. Darcey Wilde expressed her opinion that other dance studios push the dancers to focus on competition and stated that the owners and teachers of The Pointe Performing Arts Academy feel it is more important to raise the dancers with high standards and help them become good community members.

Glenda Green resides on the property to the south of the proposed location. She stated that she would love to have The Pointe Performing Arts Academy in Highland; however, she emphasized her dislike of the proposed location. Mrs. Green explained that she feels the commercial zones in Highland, specifically the Town Center, are more appropriate locations for the proposed use and stated that non-residential uses should be restricted to the commercial zones until those zones are filled. She expressed concern regarding the potential traffic congestion and the influx of traffic during the hours that the Pointe Performing Arts Academy would be open. She expressed further concern regarding the negative impact of music, drop off/pick up, and lighting on the neighboring residents if The Pointe Performing Arts Academy is closing after eight o'clock at night. Glenda Green reiterated that she was not against The Pointe Performing Arts Academy relocating to Highland, but that she feels allowing it in the proposed location is not conducive to that residential area.

John Whilhite, architect, expressed his opinion that the design of The Pointe Performing Arts Academy would be harmonious with the structures in the surrounding area. He stated that building the facility on the proposed location would create a beautiful gateway to Highland's Town Center. Mr. Whilhite indicated that the lot would be difficult as a residence because access to SR-92 is not permitted making the lot land locked facing 5600 West, whereas locating The Pointe Performing Arts Academy on the lot is ideal because the traffic access would not be through the subdivision. He added that dance studios are generally found in the following locations:

- Residential Basements – causes large traffic congestion problems
- Industrial – not safe for the children and creates traffic concerns with the trucks
- Strip Malls – not safe for the children and the ceilings of the average unit is too low for the dancers to perform lifts

Tiffany Carpenter, artistic director of The Pointe Performing Arts Academy, explained that even though the capacity of the facility is high, many of the students attend multiple classes (ex: one student attends three classes, three positions are filled), thus minimizing the number of vehicles at the facility. She added that carpooling also cuts back on the amount of traffic. Ms. Carpenter addressed noise concerns by explaining that the facility is designed so that the class rooms can be adjacent to one another without hearing one another's music. She summarized that music from the facility should not be a concern.

Stephanie Weber expressed her support of The Pointe Performing Arts Academy locating in Highland and suggested that a sound wall around the property as well as additional landscaping would help minimize the impact on neighboring property owners.

Mitch Ogden owns the property to the west of the proposed location. He agreed that The Pointe Performing Arts Academy would be beneficial to the community but echoed the dislike of the location. Mr. Ogden disagreed that a non-residential building would be harmonious with the surrounding area and stated that the location is still a viable residential lot. He pointed out that residences line SR-92 to the west and the east. Mitch Ogden expressed concern that any additional traffic would be too much, especially with increased use of the intersection of SR-92 and 5600 West. He stated that the long term possibility of commercial “creep” is a concern. He reiterated that he supports The Pointe Performing Arts Academy in Highland, but due to his concerns regarding building size, parking along the residential streets, commercial creep, traffic, etc., he feels that the facility should not be located on the proposed site.

Cory Daniels, contractor for the Pointe Performing Arts Academy, agreed that the proposed location is a difficult location for a residence and stated that the majority of potential buyers are interested in a commercial lot rather than a residential. He explained that the proximity to residential uses as been taken into careful consideration while designing the site plan and architecture of the facility. He added that traffic flow should not be a concern because the facility would not access residential roadways.

Paul Tablot, a resident of Pleasant Grove, shared that he has an autistic son that has been attending the special needs class at The Pointe Performing Arts Academy and it has been a thrill to see his son interact with the students and faculty. Mr. Tablot explained that, even though he is an appraiser for residential real estate, he feels the proposed location is best used as a commercial property.

Brittany Bills, a resident of Highland, expressed her opinion that the proposed facility is the best use of the property. She stated that she has attended a benefit concert presented by The Pointe Performing Arts Academy and feels that the academy attracts “family values” and would be an economic support to Highland City.

Mitch Ogden disagreed that the property in question does not have direct impact to the subdivision; he feels that an over-the-fence tie with a neighbor is more intimate than a neighbor across the street. Mr. Ogden stated that the sales price of the property has been too high for someone to realistically consider buying the lot and building a home. He summarized that he does not see the viability of making such an exception to the Master Plan.

Willard Spykes, Highland City resident, shared his personal experience with attempting to sell his property and emphasized that the Town Center must be filled before expanding the commercial zones.

John Wilhite clarified that the amendment in discussion is the Residential Professional Zone. He stated that the proposed use is not a commercial venture, but a private school that would provide the neighboring residential properties a buffer from the highway.

Mitch Ogden pointed out that the buffer around a public school would be greater than is proposed around The Pointe Performing Arts Academy.

Jared Jensen, representative from Just Dance, stated that he wanted to remind the Commissioners that others have inquired about this parcel, and similar parcels, and have been informed that property zoning would not be changed until the Town Center was fully built out. He shared his support of The Pointe Performing Arts Academy but felt that it seemed strange to buy a residential property as an investment and then apply for a rezone. He expressed concern that the amendment to the Residential Professional Zone appears to cater to this proposed facility. Mr. Jensen echoed concerns regarding available parking and the traffic flow around the facility as enrollment increases. He summarized that he feels The Pointe Performing Arts Academy should relocate to the Town Center.

Janene Schiffman clarified that the concerts held by The Pointe Performing Arts Academy would not be located at the facility, but at the Scera Theater in Orem or the Rose Wagner in Salt Lake City. She reiterated that the facility requires minimal parking facilitated by the set class schedules. Mrs. Schiffman added that the academy is working toward becoming an accredited academy so the students can earn school/college credit.

Brent Wallace closed the public hearing at 8:04 pm.

A Commissioner asked Janene Schiffman if relocating to the Town Center would be a possibility. Mrs. Schiffman explained that they had previously planned on establishing The Pointe Performing Arts Academy in a facility located in the Town Center; however, the developer withdrew. Due to the high prices of property in the Town Center, Mrs. Schiffman purchased the residential lot with the idea that The Pointe Performing Arts Academy could be constructed there in the future. She further explained that the old home that had been on the lot needed to be demolished for health reasons and made this an ideal time to propose locating The Pointe Performing Arts Academy on the lot.

A Commissioner inquired as to the hours of operation. Mrs. Shiffman listed the hours as follows:

Monday	3:00 pm – 7:00 pm
Tuesday	4:00 pm – 7:00 pm
Wednesday	4:00 pm – 7:00 pm
Thursday	4:00 pm – 9:00 pm
Friday	Closed
Saturday	“Super Saturday” once a month
Sunday	Closed

She added that the professional team uses the facility from 8:00 am – 3:00 pm during the week.

A Commissioner addressed Glenda Green and Mitch Ogden and asked whether they would prefer a business like the proposed use or a vacant lot. Mrs. Green answered that she would much prefer a vacant lot. Mr. Ogden observed that the lot in question was not added to the neighboring properties when the subdivision was created because the

original farm house was still viable; he suggested that the property be sold to the neighbors. Glenda Green stated that she would buy the property and acknowledged that she had inquired about purchasing the property from the previous owner.

Mitch Ogden reiterated that the neighborhood does not seem to object to The Pointe Performing Arts Academy in Highland but that the objection is to rezoning the proposed location.

A Commissioner shared personal experiences with traffic flow at similar dance facilities and summarized that is a “feast or famine” pattern; there are either no cars or too many. Concern was expressed about defeating the purpose of the Town Center and that there didn’t seem to be overwhelming conditions meriting a rezone of the proposed location rather than locating in established commercial zones.

A Commissioner observed that the traffic patterns resemble a church and feels that the facility should be categorized as a school rather than a business. It was further expressed that The Pointe Performing Arts Academy would act as a quality transitional building that would attract people to Highland.

Concerns were re-emphasized regarding the decompression of the Town Center; the Town Center cannot develop if businesses are permitted to locate outside of commercial zones. It was noted that the recently constructed Town Center Plaza has acted as a draw to the surrounding businesses and that The Pointe Performing Arts Academy would also have that effect because it is a “destination facility”.

A Commissioner reiterated the concerns of traffic congestion along SR-92 and on the residential streets; however, the Town Center was designed to accommodate commercial traffic. It was pointed out that the land owners in the Town Center paid exaction fees and made many sacrifices to make the Town Center viable and Commissioners encouraged that The Pointe Performing Arts Academy be located in the Town Center.

ORIGINAL MOTION: Abe Day moved to recommend that the City Council Adopt an Ordinance to Amend the General Plan Future Land Use Map to indicate the Residential Professional Zone on property located at 5615 W 11000 North per the recommendations of Staff. Seconded by Don Blohm.

SUBSTITUE MOTION: Roger Dixon moved to substitute motion to delay this consideration until staff and property owners involved look at the possibility of locating The Pointe Performing Arts Academy in the Town Center. Seconded by Tony Peckson. Those voting aye: Roger Dixon, Tony Peckson, Kelly Sobotka, Brent Wallace, Melissa Wright. Those voting nay: Don Blohm, Abe Day. Motion carried with a majority vote, 5:2.

Item 2: Residential Professional (RP) Zone - Code Amendment to Allow Private Schools ~ Public Hearing and Recommendation

Lonnie Crowell explained that Corey Daniels, representing property owner Janene Schiffman, is requesting an amendment to the Residential Professional Zone to allow for private schools which would allow her performing arts academy primarily associated with dance to be located within Highland.

The proposed amendments necessary within the Residential Professional Zone to provide for this use are as follows:

Conditional Uses. The proposed use, as a private school, is not listed as an allowed use. Staff would propose to add "Private Schools" to the list of allowed conditional uses for this application to be valid. The uses are as follows; community uses, financial institutions, medicare care facilities, professional offices including but not limited to the following: architect, certified public accountant, doctor, dentist, psychologist, psychiatrist, or nurse, insurance (not claims adjustment), lawyer, professional registered engineer or surveyor, physical therapist.

Setbacks. The existing ordinance indicates that the front setback is required to be 80 feet unless the parking is provided in the rear of the building in which case it is required to be a minimum of 40 feet. The submitted site plan proposes that the front setbacks be reduced to 30 feet from both right-of-ways. The side and rear setback meet the minimum existing setbacks as proposed.

Site Coverage. The current ordinance indicates that a minimum of thirty-five percent (35%) landscaping is required and a maximum of thirty-five percent (35%) of the site to be developed if the Planning Commission demonstrates "superior response to the Residential-Professional zoning guidelines" otherwise the maximum coverage by a building is limited to twenty-five percent (25%) of the site, in this case, a 10,243 square foot footprint. The proposed building is 11,312square feet equal to approximately 27.5% of the site.

Item was continued pending the conclusion of the rezone.

Item 3: The Pointe Performing Arts Academy Conditional Use Permit Application ~ Public Hearing and Recommendation

Lonnie Crowell explained that Corey Daniels, representing property owner Janene Schiffman, is requesting an amendment to the Residential Professional Zone to allow for private schools which would allow her performing arts academy primarily associated with dance to be located within Highland. This application is dependant on the previously discussed items. If approved as part of the Residential Professional Zone, the Planning Commission may require additional conditions upon this project as defined within the Highland City Development Code.

A Conditional Use Permit within the RP Zone requires the review of Architecture, Site Plan, Landscaping, and Lighting.

The applicant has provided two options for the architecture of the roof; sloped or flat. Staff recommends a sloped roof to be more consistent with the adjacent residential homes. Staff also recommends that the architecture be approved as submitted as it is

consistent with the standards of the Residential Professional Zone and other commercial projects in Highland.

Staff has concerns with the proposed site plan and landscaping plan regarding the size of the proposed building. The existing requirement of the zone is 25% maximum coverage, which is equal to a building footprint of 10,243 square feet; the proposed building is 11,312 square feet, equal to approximately 27.5% of the site. The Planning Commission may approve a project with a building coverage of up to 35% of the site if the applicant has demonstrated “superior response to the Residential-Professional zoning guidelines”.

The Residential Professional Zone currently requires a minimum setback of 40 feet from the nearest right-of-way if the parking is provided in the rear of the building and property. The proposed building is located approximately 30 feet from the property line, as is typical with a home in a residential zone in Highland. The proposed rear yard landscaping buffer adjacent to residential property is 10 feet, as required in the existing Residential Professional Zone. If the front setback is reduced, the back portion of the property provides for a larger landscaping buffer between the residential and Residential Professional uses. If the rear setback is reduced, the front portion of the property provides for a larger landscaping buffer along the highway.

The frontage along SR-92 will also require the Parkway Detail and Landscaping Easement and will be required to be developed to Highland specification. The submitted plan indicates this will be constructed “by UDOT”; however, this is not typical. Staff suggests that the Planning Commission/City Council require a bond to guarantee the installation of this landscaping, sidewalk, etc. in the event that UDOT does not complete this landscaping within a predetermined time.

It is staff’s opinion that the turn-around in the parking lot, as proposed by the applicant, is a good approach to minimizing traffic congestion; however, the space required does distract from the potential for additional landscaping or additional parking. Staff would recommend that if the turn-around remains, a small planted/landscaped “island” be included in the design to provide additional aesthetic variation to what will appear to be a substantial amount of asphalt from SR-92.

The submitted plans indicate that 35.5% of the site is included for landscaping, meeting the minimum square footage requirement of the Residential Professional Zone.

The applicant has proposed bollard lighting in the parking lot. Bollard lighting is preferred to reduce impact on residential uses surrounding a non-residential use.

Staff suggests that the Planning Commission require a masonry wall to be constructed along the south and west boundaries of the property, as required by the Residential Professional Zone, to mitigate aesthetic impacts of the parking area on the adjacent residential properties.

Item was continued pending the conclusion of the rezone and Zone Amendment.

Item 4: Planning Commission Recommendations ~ Discussion

The Planning Commission requested the opportunity to present ideas, concerns, and proposed Code Amendments/Additions over which they have authority. The following items were discussed:

Emergency Response – A Commissioner requested an update regarding the response time of emergency resources, as discussed in previous meetings. Staff agreed that the delay in the response time is a concern, and stated that the City Administrator has been working with Utah County and Dispatch to find a solution.

Development of the Sports Park on 10400 North – A Commissioner asked for clarification regarding the development of property adjacent to Mountain Ridge Jr. High. It was stated that a previous city newsletter announced construction of a sports park; however, actual construction has not begun. Matthew Shipp explained that the initial plans to construct have been delayed due to budget cuts and that the property is being leased to the original owner until the City decides to move forward. Mr. Shipp also explained that the construction on the west side of Mountain Ridge Jr. High is for the expansion of 5600 West.

Parking Along Knight Avenue – A Commissioner questioned the lack of designated parking on the newly expanded Knight Avenue and suggested angled parking in “cut-outs” along the road to prevent drivers from parking on the curb. Matthew Shipp noted that the police are ticketing any vehicle parked on the curb. He also explained that a parking lot designed in collaboration with the school had been constructed specifically to accommodate the parking need for students and for athletic purposes, as well as parking for Knight Avenue.

Melissa Wright moved to adjourn the meeting. Seconded by Kelly Sobotka. Unanimous vote, meeting adjourned at 8:52 pm.