

1 **Highland City Planning Commission**
2 **June 24, 2008**

3
4 Present:

- 5 Commissioner: Jennifer Tucker
- 6 Commissioner: Roger Dixon
- 7 Commissioner: Don Blohm
- 8 Commissioner: Melissa Wright
- 9 Commissioner: Elizabeth Macfarlane
- 10 Commissioner: Tony Peckson

11
12 Alternate: Abe Day

- 13
- 14 City Administrator: Barry Edwards
- 15 City Planner: Lonnie Crowell
- 16 City Engineer: Matt Shipp
- 17 City Planner: Carly LeDuc
- 18 Secretary: Jill Stewart

19
20 Excused: Brent Wallace, Kelly Sobotka

21
22 Meeting convened at 7:00pm
23 Pledge given by: Tony Peckson

24
25 Visitors: Chris Dalley
26

27 **Item 1: Approval of Meeting Minutes for June 10, 2007**

28
29 **Motion by Tony Peckson, Planning Commission to approve the Meeting Minutes**
30 **for June 10, 2008, as amended.**

31
32 **Seconded by Elizabeth Macfarlane.**

33 **Unanimous vote, motion carried.**
34

35 **Item 2: Conditional Use Permit - Code Amendment ~ Public Hearing and**
36 **Recommendation**

37
38 Lonnie Crowell explained that the code amendment allows a business into a building
39 that has already received site plan and architectural approval; it is a business type
40 that we have determined we like and has already existed in Highland. The code
41 amendment would require a business type that has not previously been in Highland

1 to get a Conditional Use Permit. This is similar to the CR zone; the code
2 amendment will make it similar to the other commercial zones as well. The Town
3 Center Zone is not included in the code amendment.

4
5 Jennifer Tucker opened the public hearing.

6
7 No comments from the public.

8
9 Jennifer Tucker closed the public hearing.

10
11 The Planning Commissioners and city staff reviewed the Highland City
12 Development Code pertaining to sections on Conditional Use Permits. They asked
13 questions, made suggestions, and corrected any errors.

14
15 A copy of the code amendments are attached after page 3 of the minutes. The blue
16 text was added by staff, the red strikethrough text was deleted by staff; the purple text was
17 added by the Planning Commission, and the green strikethrough text was deleted by the
18 Planning Commission.

19
20 **A summary of the changes made by only the Planning Commission are as follows:**

- 21 • Code section 3-4902 number 1 capitalize **“Retail”**;
- 22 • Code section 3-4902 number 2 add **“doughnut shop, candy store, stamp and**
23 **coin store, ice cream/yogurt parlor”**;
- 24 • Code section 3-4902 number 8 change ~~sit-down~~ to **dine-in**;
- 25 • Code section 3-4902 add number 10 to say: **“Retail sporting goods and**
26 **recreation stores”**;
- 27 • Code section 3-4903 delete number 1’s text: ~~“Small retail consisting of:~~
28 ~~doughnut shop, candy store, stamp and coin store, ice cream/yogurt~~
29 ~~parlor”~~;
- 30 • Code section 3-4903 add number 1 to say: **“Any permitted use that would**
31 **require a drive-up window or a walk-up window”**;
- 32 • Code section 3-4903 number 3 delete both of the word ~~“not”~~ and add the
33 word **“only”**;
- 34 • Code section 3-4903 add number 4 to say: **“Outside automobile, ATV or**
35 **motorcycle sales of any kind”**;

- 1 • Code section 3-4903 letter A number 1 change “~~All of the~~” to “**Additional**”
- 2 and delete “~~within this zone~~” and “~~exceeded~~”;
- 3 • Code section 3-4903 letter g add “**or masonry**”, and the word “**and**”;
- 4 • Code section 3-4903 letter I add “**144 square inches (12”x12”)**” and the
- 5 word “**and**”;
- 6 • Code section 3-4903 add letter j to say: “**Fencing which may include a**
- 7 **masonry wall**”;
- 8 • Code section 3-4304 number 5 add “**or Pawn Shops**”;
- 9 • Code section 3-4304 delete number 6;
- 10 • Code section 3-4304 add number 7 to say: “**Tattoos, non-medically**
- 11 **prescribed body massages, or body piercing shops, parlors or facilities**”;
- 12 • Code section 3-4302 number 3 change “~~Medicare~~” to “**Medical**”;
- 13 • Code section 3-4503 add “**and defined in the Commercial Design**
- 14 **Standards**”;
- 15 • Code section 3-4503 number 3 letter c delete both of the word “~~not~~” and add
- 16 the word “**only**”;
- 17 • Code section 3-4503 letter A number 1 change “~~All of the~~” to “**Additional**”
- 18 and delete “~~within this zone~~” and “~~exceeded~~”;
- 19 • Code section 3-4504 delete number 6;
- 20 • Code section 3-4504 add number 7 to say: “**Tattoos, non-medically**
- 21 **prescribed body massages, or body piercing shops, parlors or facilities**”;
- 22 • Code section 3-4302 in the first few sentences add “**and defined in the**
- 23 **Commercial Design Standards**”;
- 24 • Code section 3-4302 add number 7 to say: “**Computer Software Engineer**
- 25 **and Software Developers**”;
- 26 • Code section 3-4903 letter A number 1 change “~~All of the~~” to “**Additional**”
- 27 and delete “~~within this zone~~” and “~~exceeded~~”;
- 28 • Code section 3-4904 number 5 add “**or Pawn Shops**”;
- 29 • Code section 3-4904 delete number 6;
- 30 • Code section 3-4904 add number 7 to say: “**Tattoos, non-medically**
- 31 **prescribed body massages, or body piercing shops, parlors or facilities**”.

32
 33 **Motion by Roger Dixon, Planning Commission to recommend that City Council**
 34 **grant approval of the Conditional Use Permit Code Amendments as per the**
 35 **recommendations and changes of staff and Planning Commission.**

C-1 Zone

3-4902 Permitted Uses. The only permitted uses allowed within the C-1 Zone are uses which satisfy the primary intent or purpose for the C-1 Zone and are subject to conditions as defined in this ordinance and defined in the Commercial Design Standards which shall be applied at site plan and architectural approval. Applicants seeking building permits for structures within the C-1 Zone shall first obtain site plan design and architectural design approval as defined in this ordinance prior to application for a building permit. All business uses proposing to locate within an existing building in the C-1 Zone which have previously been approved in Highland for a conditional use permit will only require a business permit. This does not allow the applicant to be exempt from any regulations set forth in this ordinance pertaining to permitted and conditional uses. Hours of operation for all permitted uses in the C-1 Zone shall be limited to Monday through Saturday during the hours of six a.m. until twelve a.m. (midnight). The following list of uses shall be considered permitted for the C-1 Zone:

- (1) Retail food stores, grocery and meat markets, and similar food and beverage sales facilities. **Retail retail** sales of alcoholic beverages are prohibited by City Ordinance 1977-9.
- (2) Minor services consisting of: dry cleaner, copy center, barber shop, beauty parlor.
- (3) Small retail consisting of: florist, video outlet, **doughnut shop, candy store, stamp and coin store, ice cream/yogurt parlor.**
- (4) Art and craft galleries, and studios for the teaching of arts and crafts.
- (5) Convenience store / gas stations compatible with the intent of the Zone.
- (6) Financial or legal offices consisting of: banks, real estate offices, insurance offices, law or accounting offices.
- (7) Medically related offices/services consisting of: doctor's office, dentist's office, pharmacy, physical therapy.
- (8) Restaurants compatible with the intent of the Zone, **sit-down dine-in** type without drive-up facilities.
- (9) Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for with a Conditional Use Permit. All uses must be compatible with the Zone.
- (10) Retail sporting goods and recreation stores.**

3-43023 Conditional Uses. (Amended: 6/17/03) ~~As noted in~~ The following ~~sections the only~~ uses ~~allowed~~ within the C-1 Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to special conditions as ~~may be imposed by the planning commission or city council~~ defined in this ordinance, defined in the Commercial Design Standards and may be applied at site plan and architectural approval if applicable. ~~All such conditional uses are subject to additional conditions considered appropriate and necessary by the Planning Commission and City Council. Those uses which are incompatible with the desired land use for the C-1 Zone are prohibited. Following is a list of conditional uses for the C-1 Zone, subject to the standards and procedures established in this Code.~~ Only those uses specifically identified as follows shall be considered for Conditional Uses:

- ~~(1) Small retail consisting of: doughnut shop, candy store, stamp and coin store, ice cream/yogurt~~

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~~parlor.~~

- (1) **Any permitted use that would require a drive-up window or a walk-up window.**
- (2) Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. All uses must be compatible with the Zone as follows:
 - (a) All accessory structures shall be attached to the primary building or a masonry wall; and
 - (b) Accessory structures shall be designed and constructed consistent with all aspects of the primary building;
 - (c) Accessory structures shall only be located behind the primary structure and shall be significantly screened by landscaping from any right-of-way;
 - (d) In all cases, an accessory structure shall be a minimum of fifty (50) feet from the nearest right-of-way.
- (3) Outdoor sales events.
 - (a) Outdoor sales events shall not exceed two consecutive days; and
 - (b) Outdoor sales events shall not exceed five separate events per year; and
 - (c) Outdoor sales events shall ~~not only~~ include items that are ~~not~~ sold on premises or legally grown within Highland City Boundaries.
- (4) **Outside automobile, ATV or motorcycle sales of any kind.**

- ~~(1) Retail food stores, grocery and meat markets, and similar food and beverage sales facilities. Retail sales of alcoholic beverages are prohibited by City Ordinance 1977-9.~~
- ~~(2) Minor services consisting of but not limited to: dry cleaner, copy center, barber shop, beauty parlor.~~
- ~~(3) Small retail consisting of but not limited to: florist, video outlet, doughnut shop, candy store, stamp and coin store, ice cream/yogurt parlor.~~
- ~~(4) Art and craft galleries, and studios for the teaching of arts and crafts.~~
- ~~(5) Convenience store / gas stations compatible with the intent of the Zone.~~
- ~~(6) Financial or legal offices consisting of but not limited to: banks, real estate offices, insurance offices, law or accounting offices.~~
- ~~(7) Medically related offices/services consisting of but not limited to: doctor's office, dentist's office, pharmacy, physical therapy.~~
- ~~(8) Restaurants compatible with the intent of the Zone, sit-down type without drive-up facilities.~~
- ~~(9) Other types of stores or services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.~~
- ~~(10) Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. All uses must be compatible with the Zone.~~
- ~~(11) Drilling wells.~~

A. The Planning Commission may recommend the additional requirements for Conditional Uses within the C-1 Zone as listed below. The City Council shall approve a Conditional Use permit if the following requirements are met:

- (1) ~~All of the~~ **Additional** requirements ~~within this zone~~ are ~~exceeded~~ provided as follows:

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- (a) Building designs are consistent with traditional architectural styles with exceptional traditional architectural elements proposed; and
- (b) Additional pedestrian elements are provided; and
- (c) Significant landscaping features are provided such as large scale water features or statues; and
- (d) Exceptional pedestrian links are provided between the parking lot area and the storefront; and
- (e) On-street parking is provided along the storefront providing access to the front entry door; and
- (f) Planters, benches, bike racks and garbage cans are all provided along the front of the building; and
- (g) Commercial brick or commercial concrete **or masonry** landscape pavers in earth tone colors are provided along the building front connecting adjacent buildings; **and**
- (i) Commercial pavers shall be smaller than **144 square inches (12" x 12")**; **and**
- (j) **Fencing which may include a masonry wall.**

3-430~~34~~: Prohibited Uses. In the C-1 Zone, any use not expressly listed as a-permitted use or a conditional use shall be deemed specifically prohibited including but not limited to the following:

- (1) Slaughtering of animals or live animal processing
- (2) Sexually Oriented Businesses
- (3) Call centers
- (4) Alcohol sales
- (5) Thrift Stores **or Pawn Shops**
- ~~(6) Outside automobile, ATV or motorcycle sales of any kind~~
- (7) **Tattoos, non-medically prescribed body massages, or body piercing shops, parlors or facilities.**

~~(1) Determination of Use -- Whenever a use has not specifically been identified in the foregoing classification, it shall be the duty of the City Planning Commission to determine if said use~~
~~(a) is consistent with the intended use of the C-1 Zone; and~~
~~(b) is compatible with other listed uses; and~~
~~(c) is compatible with the uses of adjacent properties. Any person aggrieved by the~~
~~determination may appeal that decision to the City Council.~~

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R-P Zone

3-4302 Permitted Uses. The only permitted uses allowed within the R-P Zone which satisfy the primary intent or purpose for the Zone are subject to conditions as defined in this ordinance and shall be applied at site plan and architectural approval if applicable. Applicants seeking building permits for structures within the R-P Zone shall first obtain site plan design and architectural design approval as defined in this ordinance prior to application for a building permit. Any business within a building included in the R-P Zone that has undergone conditional use approval, site plan approval, and architectural approval processes and simply changing permitted uses will only require a business permit. This does not allow the applicant to be exempt from any regulations set forth in this ordinance pertaining to permitted and conditional uses. Hours of operation for all permitted uses in the R-P Zone shall be limited to Monday through Saturday during the hours of six a.m. until twelve a.m. (midnight). The following list of uses shall be considered permitted for the R-P Zone:

- (1) Community Uses
- (2) Financial Institutions
- (3) Medicare Medical Care Facilities
- (4) Professional Offices, including, but not limited to, the following :
 - (a) Architect
 - (b) Certified Public Accountant
 - (c) Doctor, Dentist, Psychologist, Psychiatrist, or Nurse
 - (d) Insurance (not claims adjustment)
 - (e) Lawyer
 - (f) Professional Registered Engineer or Surveyor
 - (g) Physical Therapist
- (5) Single-family Residence compatible with R-1-20 Zoning Regulations
- (6) Drilling wells.
- (7) **Computer Software Engineer and Software Developers.**

3-450~~23~~ Conditional Uses. ~~(Amended: 6/17/03) The only uses allowed within the R-P Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to special conditions as may be imposed by the planning commission or city council. All such conditional uses are subject to additional conditions considered appropriate and necessary by the Planning Commission and City Council. Those uses which are incompatible with the desired land use for the R-P Zone are prohibited. Following is a list of conditional uses for the R-P Zone, subject to the standards and procedures established in this Code.~~ The following uses within the R-P zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to conditions as defined in this ordinance **and defined in the Commercial Design Standards** and may be applied at site plan and architectural approval if applicable. Only those uses specifically identified as follows shall be considered for a Conditional Use:

- (1) Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. All uses must be compatible with the Zone as follows:
 - (a) All accessory structures shall be attached to the primary building or a masonry wall; and
 - (b) Accessory structures shall be designed and constructed consistent with all aspects of

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- the primary building;
- (c) Accessory structures shall only be located behind the primary structure and shall be significantly screened by landscaping from any right-of-way;
- (d) In all cases, an accessory structure shall be a minimum of fifty (50) feet from the nearest right-of-way.
- (2) Art and craft galleries, and studios for the teaching of arts and crafts; or
- (3) Outdoor sales events.
 - (a) Outdoor sales events shall not exceed two consecutive days; and
 - (b) Outdoor sales events shall not exceed five separate events per year; and
 - (c) Outdoor sales events shall ~~not~~ only include items that are ~~not~~ sold on premises or legally grown within Highland City Boundaries.

~~(1) Community Uses~~

~~(2) Financial Institutions~~

~~(3) Medicare Care Facilities~~

~~(4) Professional Offices, including, but not limited to, the following:~~

~~(a) Architect~~

~~(b) Certified Public Accountant~~

~~(c) Doctor, Dentist, Psychologist, Psychiatrist, or Nurse~~

~~(d) Insurance (not claims adjustment)~~

~~(e) Lawyer~~

~~(f) Professional Registered Engineer or Surveyor~~

~~(g) Physical Therapist~~

~~(5) Single-family Residence compatible with R-1-20 Zoning Regulations~~

~~(6) Other types of stores or services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.~~

~~(7) Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. Uses must be compatible with the Zone.~~

~~(8) Drilling wells.~~

A. The Planning Commission may recommend the additional requirements for Conditional Uses within the R-P Zone as listed below. The City Council shall approve a Conditional Use permit if the following requirements are met:

- (1) ~~All of the~~ **Additional** requirements ~~within this zone~~ are ~~exceeded~~ provided as follows:
 - (a) Building designs are consistent with traditional architectural styles with exceptional traditional architectural elements proposed; and
 - (b) Additional pedestrian elements are provided; and
 - (c) Significant landscaping features are provided such as large scale water features or statues; and
 - (d) Exceptional pedestrian links are provided between the parking lot area and the building front; and

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- (e) On-street parking is provided along the building front providing access to the front entry door; and
- (f) Planters, benches, bike racks and garbage cans are all provided along the building front; and
- (g) Commercial brick or commercial concrete landscape pavers in earth tone colors are provided along the building front connecting adjacent buildings.

3-450~~34~~: Prohibited Uses. In the R-P Zone, any use not expressly listed as a permitted use or a conditional use shall be deemed specifically prohibited including but not limited to the following:

~~Determination of Use -- Whenever a use has not specifically been identified in the foregoing classification, it shall be the duty of the City Planning Commission to determine if said use~~

~~(1) is consistent with the intended use of the R-P Zone; and~~

~~(2) is compatible with other listed uses; and~~

~~(3) is compatible with the uses of adjacent properties. Any person aggrieved by the determination may appeal that decision to the City Council.~~

(1) Slaughtering of animals or live animal processing

(2) Sexually Oriented Businesses

(3) Call centers

(4) Alcohol sales

(5) Thrift Stores or Pawn Shops

~~(6) Outside automobile, ATV or motorcycle sales of any kind~~

(7) Tattoos, non-medically prescribed body massages, or body piercing shops, parlors or facilities.

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P.O. Zone

3-4302 Permitted Uses. The only permitted uses allowed within the P.O. Zone which satisfy the primary intent or purpose for the Zone are subject to conditions as defined in this ordinance **and defined in the Commercial Design Standards** and shall be applied at site plan and architectural approval if applicable. Applicants seeking building permits for structures within the P.O. Zone shall first obtain site plan design and architectural design approval as defined in this ordinance prior to application for a building permit. Any business within a building included in the P.O. Zone that has undergone conditional use approval, site plan approval, and architectural approval processes and simply changing permitted uses will only require a business permit. This does not allow the applicant to be exempt from any regulations set forth in this ordinance pertaining to permitted and conditional uses. Hours of operation for all permitted uses in the P.O. Zone shall be limited to Monday through Saturday during the hours of six a.m. until twelve a.m. (midnight). The following list of uses shall be considered permitted for the P.O. Zone:

- (1) Professional offices and services including but not limited to: architects, engineers, contractors, real estate offices, property managers, and mortgage and title offices.
- (2) Financial or legal offices consisting of but not limited to: banks, insurance offices, and law or accounting offices.
- (3) Medically related offices/services consisting of but not limited to: doctor's office, dentist's office, pharmacy, physical therapy, optometrists, chiropractors, counselors, and psychiatrists.
- (4) Other types of Professional Services including but not limited to: information technology services, marketing, travel and employment agencies, journalists, collection agencies, educational services, music studios, photography studios, churches, colleges & schools (academic, pre-schools, special education, indoor instruction only).
- (5) Storage sheds not exceeding nine (9) acres as set forth in Exhibit "A".
- (6) Any other conditional uses or other types of professional services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.
- (7) **Computer Software Engineer and Software Developers.**

~~3-49023 Conditional Uses. The P.O. Zone is intended to allow the provision of professional services, and not general retail commercial. As noted in the following sections, the only uses allowed within the P.O. Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to special conditions as may be imposed by the planning commission or city council. All such conditional uses are subject to additional conditions considered appropriate and necessary by the Planning Commission and City Council. Those uses which are incompatible with the desired land use for the P.O. Zone are prohibited. Following is a list of conditional uses for the P.O. Zone, subject to the standards and procedures established in this Code.~~

3-4903 Conditional Uses. The following uses within the P.O. zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to conditions as defined in this ordinance and may be applied at site plan and architectural approval if applicable. Only those uses specifically identified as follows shall be considered for a Conditional Use:

- (1) A permitted use listed in 3-4302 above that has not located in Highland previously.
- (2) Accessory structures and uses necessarily and customarily incidental to the above uses and specifically provided for in the Conditional Use Permit. All uses must be compatible with the

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Zone as follows:

- (a) All accessory structures shall be attached to the primary building or a masonry wall; and
- (b) Accessory structures shall be designed and constructed consistent with all aspects of the primary building;
- (c) Accessory structures shall only be located behind the primary structure and shall be significantly screened by landscaping from any right-of-way;
- (d) In all cases, an accessory structure shall be a minimum of fifty (50) feet from the nearest right-of-way.

A. The Planning Commission may recommend the additional requirements for Conditional Uses within the P.O. Zone as listed below. The City Council shall approve a Conditional Use permit if the following requirements are met:

- (1) ~~All of the~~ **Additional** requirements ~~within this zone~~ are ~~exceeded~~ provided as follows:
 - (a) Building designs are consistent with traditional architectural styles with exceptional traditional architectural elements proposed; and
 - (b) Additional pedestrian elements are provided; and
 - (c) Significant landscaping features are provided such as large scale water features or statues; and
 - (d) Exceptional pedestrian links are provided between the parking lot area and the office front; and
 - (e) On-street parking is provided along the office front providing access to the front entry door; and
 - (f) Planters, benches, bike racks and garbage cans are all provided along the front of the building; and
 - (g) Commercial brick or commercial concrete landscape pavers in earth tone colors are provided along the building front connecting adjacent buildings.

~~(1) Professional offices and services including but not limited to: architects, engineers, contractors, real estate offices, property managers, and mortgage and title offices.~~

~~(2) Financial or legal offices consisting of but not limited to: banks, insurance offices, and law or accounting offices.~~

~~(3) Medically related offices/services consisting of but not limited to: doctor's office, dentist's office, pharmacy, physical therapy, optometrists, chiropractors, counselors, and psychiatrists.~~

~~(4) Other types of Professional Services including but not limited to: information technology services, marketing, travel and employment agencies, journalists, collection agencies, educational services, music studios, photography studios, churches, colleges & schools (academic, pre-schools, special education, indoor instruction only).~~

~~(5) Art and craft galleries, and studios for the teaching of arts and crafts.~~

~~(6) Storage sheds not exceeding nine (9) acres as set forth in Exhibit "A".~~

~~(7) Any other conditional uses or other types of professional services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.~~

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3-490~~3~~4: Prohibited Uses. In the P.O. Zone, any use not expressly listed as a permitted use or a conditional use shall be ~~evaluated by the planning commission for compatibility.~~deemed specifically prohibited including but not limited to the following:

- ~~(1) Determination of Use -- Whenever a use has not specifically been identified in the foregoing classification, it shall be the duty of the City Planning Commission to determine if said use~~
~~(a) is consistent with the intended use of the P.O. Zone; and~~
~~(b) is compatible with other listed uses; and~~
~~(c) is compatible with the uses of adjacent properties. Any person aggrieved by the determination may appeal that decision to the City Council.~~
~~(2) Residential occupancy is not allowed in the professional offices or storage sheds themselves, but living quarters for full-time employees having onsite responsibilities for this storage facility may be permitted as part of the conditional use process:~~
- (1) Slaughtering of animals or live animal processing
 - (2) Sexually Oriented Businesses
 - (3) Call centers
 - (4) Alcohol sales
 - (5) Thrift Stores or Pawn Shops
 - ~~(6) Outside automobile, ATV or motorcycle sales of any kind~~
 - (7) Tattoos, non-medically prescribed body massages, or body piercing shops, parlors or facilities.

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Seconded by Elizabeth Macfarlane.

Roger Dixon read a statement from Commissioner Brent Wallace, who was not present, stating that he is in favor of approving the code amendments.

Unanimous vote, motion carried.

Item 3: Basement Apartment Ordinance - Code Amendment ~ Public Hearing and Recommendation

Carly LeDuc explained staff has tried to encompass all of the Commissioner’s comments. She pointed out on page 24 under letter (i) it should read “one off street parking space” instead of just “one parking space”.

Don Blohm asked about letter (j) on page 24 and why that would be any different than other residents.

Lonnie Crowell stated that it should probably say “permanent on street parking”.

Barry Edwards explained that this will give us a way of saying they must use their off street parking.

Melissa Wright asked about letter (ii) under letter (F) on page 24, she did not know what specifically this included.

Carly LeDuc said this is off of the international building code; the building inspector will have to go out and complete an inspection.

Melissa Wright expressed that letter (i) on page 24 should have the word “occupancy” at the end of the sentence.

Carly LeDuc agreed.

Jennifer Tucker opened the public hearing.

Chris Dalley asked if the renters will need to have separate utilities.

Jennifer Tucker said that requirement was taken out.

Barry Edwards stated we need to specify that the ordinance states that two separate city utility charges are required for a home that has a basement apartment. Barry

1 said concerning the garbage cans that if there are two garbage cans they both need to
2 be charged at the 1st can rate.

3 Jennifer Tucker closed the public hearing.

4
5 Melissa Wright asked under Code section 3-4101 number 3 if we should strike out
6 the words “multi-family dwellings”.

7
8 The Planning Commissioners reviewed and determined under Code section 3-4101
9 number 3 the wording “with the exception of approved basement apartments as
10 defined within Code section 4-105” should be added after “Multi-family dwellings”.

11
12 Roger Dixon requested we capitalize “City Fire Marshall” under Code section 4-105
13 letter (f) (i).

14
15 The Planning Commissioners determined under Code section 4-105 letter (m) to
16 change the text to “complaint from an adjacent property owner” from the plural
17 form it was stated in.

18
19 Roger Dixon asked that the word “countervailing” under Code section 4-106 number
20 3 letter (b) be removed.

21
22 **Motion by Elizabeth Macfarlane, Planning Commission to recommend that City**
23 **Council grant approval of the Basement Apartment Ordinance Code Amendment**
24 **as per the recommendations and changes of staff and Planning Commission.**

25
26 **Seconded by Tony Peckson.**

27
28 Roger Dixon read a statement from Commissioner Brent Wallace, who was not
29 present, stating that he thinks this ordinance can help solve a number of problems.
30 First it will help with the affordable housing dilemma, second it will help the city
31 manage the situation, and third it will assist certain households to better use their
32 square footage.

33
34 **Unanimous vote, motion carried.**

35
36 **Item 4: Town Center Park Amenities - Conditional Use Permit ~ Public Hearing**
37 **and Recommendation**

38
39 Matt Shipp explained that the purpose for the Town Center Park Amenities
40 Conditional Use Permit is for the restrooms and the pump house.

1 Melissa Wright asked what the purpose of the pump house is.
2
3 Matt Shipp explained that it will pump water through the river, through the
4 waterfall, and through the splash fountain.
5
6 Don Blohm asked what the size of the park is.
7
8 Matt Shipp said it is about 2 acres.
9
10 Matt Shipp used the picture on the overhead to answer the Planning Commissioners
11 questions regarding the park.
12
13 Don Blohm asked what the cost of the park is.
14
15 Barry Edwards stated \$1.3 million.
16
17 Don Blohm asked what the timeframe is.
18
19 Matt Shipp said the hope is for it to be in by spring.
20
21 Melissa Wright asked who is doing the construction.
22
23 Matt Shipp said we do not know yet, we are waiting to get the approval first.
24
25 Don Blohm asked who is helping to design this.
26
27 Matt Shipp said we are working with Ensign Engineering
28
29 Jennifer Tucker opened the public hearing.
30
31 Chris Dalley asked if we have the money set aside for this.
32
33 Barry Edwards said we do, it is in the budget.
34

1 Elizabeth Macfarlane, speaking as a resident, expressed concern about possible
2 predators being drawn to the restrooms. She asked who will close and lock the
3 restrooms at night.

4

5 Barry Edwards said they will have electronic locks.

6

7 Matt Shipp explained that you can get out once they lock, but you would not be able
8 to get back in.

9

10 Barry Edwards explained the restrooms will lock ½ hour after sundown.

11

12 Melissa Wright asked if we know what will go between Timpanogos Tire and the
13 park.

14

15 Barry Edwards said that we do not know.

16

17 Jennifer Tucker closed the public hearing.

18

19 **Motion by Elizabeth Macfarlane, Planning Commission to recommend that City**
20 **Council grant approval of the Conditional Use Permit for the Town Center Park**
21 **Amenities and Infrastructure as per the recommendations of staff.**

22

23 **Seconded by Roger Dixon.**

24

25 Abe Day asked how much it will cost to maintain the park.

26

27 Matt Shipp said he could not give a number at this time, but there will be some cost
28 associated with it.

29

30 Abe Day asked how the city views this as an investment.

31

32 Barry Edwards explained this is an investment for the city by drawing people in to
33 the Town Center.

34

35 Lonnie Crowell stated that foot traffic attracts retail.

36

1 **Majority vote, motion carried. Abe Day abstained.**

2
3 Abe Day expressed his concerns about whether this is something we really need and
4 if it is really going to benefit Highland; he is concerned about the \$1.3 million of
5 taxpayer's money.

6
7 Jennifer Tucker explained that those concerns are really up to the City Council. She
8 said that if it meets the terms of the Conditional Use Permit then it is pretty black
9 and white for the Planning Commission. We cannot take into account how much it
10 costs or if we have the money for that. The city staff was just nice enough to answer
11 our questions about cost.

12
13 Barry Edwards said that the question is whether there are any conditions you want to
14 put on this park's design.

15
16 Melissa Wright voiced an opinion that skateboards not be allowed in the park.

17
18 Abe Day said he would like to see a provision added to say there is an intention to
19 have the park used for public use; such as farmer's markets.

20
21 **Motion by Elizabeth Macfarlane, Planning Commission to reconsider and amend**
22 **the original motion.**

23
24 **Seconded by Abe Day.**

25 **Majority vote, motion carried. Roger Dixon abstained.**

26
27 **Motion by Elizabeth Macfarlane, Planning Commission to amend the original**
28 **motion to add the condition that no skateboards be allowed in the park; and the**
29 **finding that the park be used for community events; such as farmer's markets and**
30 **concerts.**

31
32 **Seconded by Melissa Wright.**

33 **Unanimous vote, motion carried.**

34
35
36
37
38 **Item 5: Attached Structure - Dwelling Unit ~ Definition Reconsideration of**
39 **Recommendation**

1
2 Lonnie Crowell explained this was taken to City Council and there was some
3 confusion as well as staff wanted some clarification. We are trying to define the
4 main dwelling and additions to the main dwelling. This will go back to City Council
5 on July 15, 2008 and we wanted you to see this prior to that.
6
7 Jennifer Tucker asked if the Planning Commission is going to recommend the new
8 definition.
9
10 Lonnie Crowell said yes.
11
12 Roger Dixon asked what is meant by an uninhibited interior access.
13
14 Lonnie Crowell said that there is no locked door or a completely separated structure.
15 Basically a wall is not closed off; you are able to pass through it.
16
17 Roger Dixon asked how the 60% is arrived at.
18
19 Lonnie Crowell explained that there was discussion with City Council, they agreed
20 with the concept, but they thought 100% was too much. They just recommended a
21 number.
22
23 Roger Dixon said he had a question from Commissioner Brent Wallace, who could
24 not be here tonight, is a two car garage a minimum building standard for Highland?
25
26 Barry Edwards said yes that is the minimum.
27
28 Lonnie Crowell explained that page 31 of the agenda packet has the recommended
29 definition from City Council.
30
31 **Motion by Elizabeth Macfarlane, Planning Commission to recommend that City**
32 **Council grant approval of the Attached Structure Dwelling Unit Definition as per**
33 **the recommendations of staff.**
34
35 **Seconded by Melissa Wright.**
36 **Unanimous vote, motion carried.**
37
38
39 Meeting adjourned at 9:49pm
40