



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, August 9, 2011 – Regular Meeting 7:00 p.m.

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

CALL TO ORDER: Tim Irwin, Chair

- Attendance – Tim Irwin, Chair
- Invocation – Commissioner Abe Day
- Pledge of Allegiance – Commissioner Tim Irwin
- Opening Statement – Tim Irwin, Chair

APPROVAL OF MINUTES:

- July 12, 2011 – Regular Meeting

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

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 two (2) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. TA-11-11 Jay Erwin is requesting to amend the Highland City Development Code Article 4.7.4 Town Center Overlay Urban Subdivision Section 3-4746 to reduce the number of twin homes and increase the number of detached dwellings in the Town Center Overlay Urban Subdivision. *Legislative*
2. TA-11-09 A request to amend the Highland City Development Code Chapter 2 Municipal Planning to add Section 6 Development Review Procedure relating to neighborhood meeting and pre-application meeting requirements. *Legislative*
3. TA-11-10 A request to amend the Highland City Development Code Article 4.3 C-1 Zone to revise permitted and conditional uses in the C-1 Zone. *Legislative*

OTHER BUSINESS:

ADJOURNMENT:

NEXT MEETING: August 23, 2011 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 polices.

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 4th day of August, 2011. 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 26th day of July, 2011 the above agenda notice was sent by email to local newspapers located in Utah County and posted on the Highland City website at www.highlandcity.org.

Gina Peterson, City Recorder

HIGHLAND CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2011

REQUEST:	PUBLIC HEARING – Amend the Section 3-4746 to reduce the number of twin homes and increase the number of single family detached dwellings in the Town Center Overlay District (TA-11-11).		
APPLICANT:	Jay Erwin, Greencrest Development		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION Mixed Use	CURRENT ZONING Town Center Overlay – Town Center Urban Overlay	ACREAGE 1.76 acres	LOCATION Highland Village Subdivision SEC of 5600 West and Park Center Drive

BACKGROUND:

The Highland Village Subdivision was approved by the City Council in March 2003. Four plats for a total of five twin homes and nineteen single family lots.

A development code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The proposal will amend Section 3-4746 as follows (strikethrough is removed text and underline is new text):

3-4746: Size of Dwellings (Amended: 6/7/05). The size of any building in this subdivision shall conform to the floor plans depicted in addendum “A”. The developer shall provide a minimum of 13 ~~13~~ twin homes (utilizing 26 ~~18~~ of the 45 ~~43~~ total lots) and 19 ~~19~~ detached dwellings (utilizing 19 ~~25~~ of the 45 ~~43~~ lots) within this subdivision. Unfinished areas shall not be allowed in the minimum required space. However, unfinished basements are allowed.

ANALYSIS:

- The purpose of the a residential component of the Town Center Overlay is to provide residential opportunities that will complement the town center and meet the housing needs of those wishing a more urban housing experience. Town center housing is be characterized by low profile, single family, owner occupied units. The proposed amendment is consistent with the district.
- The proposed amendment does not increase the density of the subdivision. The amendment does not exceed the maximum of 45 total units.
- The proposed amendment allows the developer to respond to the changes in the real estate market.

- The amendment does not affect the other regulations in the subdivision and the developer will be required to meet all applicable provisions.

FINDINGS:

Staff believes the proposed text amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the General Plan and Development Code and will not adversely affect the community.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on July 24, 2011. No comments have been received.

RECOMMENDATION:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case TA-11-11 a request to amend Section 3-4746 relating to reduce the number of twin homes and increase the number of single family detached dwellings in the Town Center Overlay District.

ATTACHMENTS:

Attachment A – Proposed Highland Village Plat E
Attachment B – Original Highland Village Plat E

HIGHLAND CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2011

REQUEST:	PUBLIC HEARING – Chapter 2 Municipal Planning to add Article 6 Development Review Procedure relating to neighborhood and pre-application meeting requirements (TA-11-09).		
APPLICANT:	Highland City		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION Citywide

BACKGROUND:

A development code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The request is to add Article 6 Development Review Procedures to Chapter 2 Municipal Planning. The intent of this article is to have all review processes in one location. This amendment proposes to add requirements for pre-application and neighborhood meetings.
2. Pre-application meetings take place prior to the filing of an application.
3. Pre-application meetings are required for all land use applications. However, there are some instances in which a pre-application may not be needed. Direction will be used as each request is considered.
4. Neighborhood meetings are used for general plan amendments, rezonings, and conditional use permits. Preliminary plats were not included, but could be added, since a Development Review Committee meeting is required. Neighborhood meetings will take place a minimum of 15 days prior to a public hearing.
5. For all city initiated applications, the Planning Commission public hearing will serve as the neighborhood meeting.

ANALYSIS:

- The proposed neighborhood meeting addresses recent concerns regarding citizen participation. However, neighborhood meetings will increase the amount of time it takes to process an application.
- Neighborhood meetings are designed to ensure that applicants pursue early and effective citizen participation; ensure that citizens and property owners have adequate opportunity to learn about the applications; and facilitate communication between, staff, the applicant, and citizens.

- Pre-application meetings are held to familiarize the city with the request; determine application requirements and discuss the application procedures; identify land use and development polices which may affect the outcome of the request; and provide a cursory review of the application. Pre-application meetings will expedite the review of land use applications.

FINDINGS:

Staff believes the proposed text amendment meets the following findings:

- The proposed amendment provides additional opportunities for citizen involvement.
- Pre-application meetings will improve the development review process.
- The proposed amendment is consistent with the purpose of the General Plan and Development Code.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on July 24, 2011. No comments have been received.

RECOMMENDATION:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommended **APPROVAL** of the ordinance amending the Highland City Development Code Chapter 2 Municipal Planning to add Article 6 Development Review Procedure relating to neighborhood meetings and pre-application meeting requirements.

ATTACHMENTS:

Attachment A – Proposed Amendment

**Proposed
Pre-Application and Neighborhood
Meeting Requirements**

(Revised 8-3-11)

2-601. Reserved

2-602. Reserved.

2-603. Pre-application.

Prior to application for any general plan amendment, rezoning request, special district, conditional use permit, subdivision plat, variance, appeal, design review, or any other review or permit process, a pre-application review with City Staff will be required. The purpose of the pre-application review is:

- 1) To familiarize City Staff with the request;
- 2) To determine application requirements and familiarize the applicant with the review process and procedures;
- 4) To identify land use and development policies which may affect the outcome of the request;
- 5) To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts; and
- 6) To identify the requirements for citizen participation and familiarize the applicant with related issues.

2-604. Neighborhood Meeting

The Neighborhood Meeting is an opportunity for the applicant to meet with citizens and other interested parties to share details of the planning approval request and receive comments regarding the proposal. The neighborhood meeting shall be held as early in the review process as feasible to give citizens ample opportunity to comment on the development, but late enough in the review process to ensure that the proposal will not significantly change between the Neighborhood Meeting and the start of the adoption process. Neighborhood Meetings shall conform to the following standards:

- 1) Neighborhood meetings shall be required for all conditional use permits, rezonings, and general plan amendments. For all city initiated applications, the Planning Commission public hearing shall serve as the neighborhood meeting.
- 2) The neighborhood meeting shall be held a minimum of fifteen (15) calendar days prior to the first public hearing before the Planning Commission. The Planning Administrator shall notify applicants when they may proceed with a neighborhood meeting.
- 3) Neighborhood Meetings shall be scheduled between Tuesday and Thursday after 6:00 pm. The applicant shall arrange for the facilities and bear all costs associated with the meeting, including all required notifications.
- 4) Neighborhood meetings shall be advertised as follows:
 - a. Mail Distribution - Notices must be mailed to all property owners within 500 feet of the subject property at least 15 days prior to the neighborhood meeting or hearing. Staff will review a copy of the draft letters prior to mailing. The applicant is responsible for the

- mailing of the notices and shall provide information to the Planning Administrator that the mailings have been completed.
- b. On-site Posting – The applicant shall post a 24” X 36” sign upon the subject property at least 15 days prior to the neighborhood meeting. The applicant is responsible for site postings and shall provide a dated picture of said sign placed on the property to the Planning Administrator.
- 5) Within four (4) business days following any neighborhood meeting, the applicant shall provide a report summarizing any questions, issues or concerns expressed at the meeting and copy of the sign-in sheet from the neighborhood meeting showing all who attended.

HIGHLAND CITY
PLANNING COMMISSION MEETING
AUGUST 9, 2011

REQUEST:	PUBLIC HEARING – Amend Section 3-4302 relating to permitted, and conditional uses in the C-1 Zoning District (TA-11-10).		
APPLICANT:	Highland City		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION C-1 Zoning District

BACKGROUND:

A development code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The proposal will amend Section 3-4302 by identifying permitted, conditional, and prohibited uses in the C-1 Zoning District.
2. The C-1 Zoning District applies only to the Kohlers Shopping Center and the Kountry Corner Gas Station. Currently all uses in the C-1 District are conditional uses. Staff is proposing to identify permitted, conditional, and prohibited uses in order to allow tenants to change without requiring a conditional use permit.

ANALYSIS:

- Conditional uses are tools that are meant to give limited flexibility to a development code. Specific zones usually have lists of permitted and conditional uses. It is possible to have zones that have no conditional uses. If a use is allowed as a conditional use in the zone, it is assumed that the conditional use is desirable but that it may require an extra level of review. Most conditional uses have off-site impacts that are addressed through site design. This includes landscaping, walls, lighting, etc.
- The proposed uses are similar to the CR Zoning District. The proposed uses included: specialty stores, retailers, service uses, restaurants, etc. The type and intensity of the uses are compatible with the surrounding uses.
- The majority of the uses in these locations are retail, office, service, or restaurants. Staff does not believe that these uses warrant a conditional use permit.
- The C-1 District is the only zoning district where all uses are a conditional use. Staff believes this creates an unfair advantage. The proposed amendment will encourage future investment in the property and facilitate economic development.

- A conditional use permit requires a public hearing before the Planning Commission and a public meeting before the City Council. This process takes six to eight weeks. According to the property owner, the length of the process is problematic when trying to find tenants to fill existing spaces.

FINDINGS:

Staff believes the proposed text amendment meets the following findings:

- The proposed amendment is consistent with the purpose of the Development Code and will not adversely affect the community.
- The proposed amendment will encourage economic development.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on July 24, 2011. No comments have been received.

RECOMMENDATION:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case TA-11-10 a request to amend Section 3-4302 relating to permitted, conditional, and prohibited uses in the C-1 Zoning District

ATTACHMENTS:

Attachment A – Proposed Amendment
Attachment B – Existing Regulations

Proposed C-1 Uses

(Revised 8-4-11)

3-4302: Uses

1) Permitted Uses

- a. Accessory uses which are customary and incidental to the principal use of the property.
- b. Antiques, crafts, and collectible sales
- c. Art galleries and art studios
- d. Bakeries, retail only
- e. Education learning centers (ex. Sullivan Learning Center)
- f. Financial institutions, excluding non-chartered financial institutions
- g. Fitness center
- h. Indoor recreational facilities
- i. Laundry, cleaning, and dry cleaning establishments
- j. Personal services such as barber, beauty shops, copy shops, mail shops, tanning salons, shoe repair, and tailor shops
- k. Professional, administrative, business, and medical offices
- l. Restaurants, excluding drive thru
- m. Retail grocery
- n. Retail sales of new merchandise
- o. Repair services for small appliances, bicycles, watches, musical instruments, and similar items.

2) Conditional Uses

- a. Gas station and convenience stores
- b. Drive thru restaurants
- c. Minor auto repair including lubrication, tires, engine tune-up, washing and polishing, brakes, muffler and maintenance of other similar accessories. This use does not include major engine repair, radiator repair, automotive painting and body repair, or transmission repair. All repair areas must be within an enclosed building. Service bays shall be screened from view from public streets.

Existing C-1 Uses

3-4302: Conditional Uses. 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. 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.

- (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.