

Highland City Planning Commission

April 11, 2006

Present:

Commissioner: Steve Draper
Commissioner: Larry Mendenhall
Commissioner: Brian Braithwaite
Commissioner: Jennifer Tucker

City Administrator: Barry Edwards
City Planner: Lonnie Crowell
City Planner: Hannah Dick
Secretary: JoD'Ann Bates

Excused: Matt Shipp, Mike Walch, Bryce Flanary

Meeting Convened at 7:11 pm
Prayer given by Brian Braithwaite
Pledge given by Jennifer Tucker

Visitors: Chris Dalley, Lafe Harris, Brittany Thompson, Jill Thompson, Nathan Brennan, Michael Reese, Zach Gish, Jarson McGary, Rob Richards, Tony Oakman.

Item I: Board of Adjustments - Code Amendment & Public Hearing

Barry Edwards stated that recent LUDMA amendments allow the cities to designate an appeals authority other than a board of adjustments. This will allow the city to create an appeal authority that would be an adjudicator, administrative law judge where they can come in and deal with the ordinances. The city finds that the current board of adjustments has worked well but they have a new opportunity to replace them with an individual who is versed in the law. The current board of adjustment are sometimes put in uncomfortable situations with acquaintances or neighbors. Barry concluded that after various conversations with the Mayor, his feeling is that he would like to go in this direction. Lonnie Crowell commented that the law requires the city to have an appeal authority. This is just replacing the language in the ordinance.

Steve Draper stated it is his understanding that the board could remain in place as it is currently constituted. Steve stated his opinion is a little different than Barry and the Mayor, he feels by bringing in an outside party, especially one individual having the ability to make a decision where they may not be versed in Highland. He feels that by having this board of city members they have insight and compassion on one hand and the ability to rule on the other hand. He feels that the ordinance is cut and dried as to how they can make that decision. He would like to voice his opposition to this change and he feels the city is better served by a three to five member board.

Barry Edwards stated that it could be up to three individuals. This change gives the city the flexibility to have professionals or have the board remain as it currently stands. Lonnie Crowell stated that this is just changing the current ordinance to meet the law.

Larry Mendenhall stated his only concern is that it could end up being a one person board. He feels that puts a lot of power in the hands of one person. He is not suggesting that the person would do anything against the public interest he is just not sure that one person can see all the views. He doesn't have a problem with the code amendment he just doesn't want this appeal authority to be one individual or an individual without some ties to the city.

Barry Edwards stated that the Commission is dealing with just a policy issue at this time; the actual implementation would be up to the Mayor. Barry concluded that those concerns and views need to be expressed to the Mayor.

Discussion ensued.

Steve Draper inquired regarding the 5 year term of office language. Lonnie Crowell stated that could be changed, that language had been carried over from the existing ordinance. Barry agreed that the 5 year term seemed excessive, he would recommend a two year term.

Brian Braithwaite inquired regarding the language that the Mayor may remove any appeal authority for cause, is the Mayor the only one that can remove them for cause? Lonnie Crowell responded that yes that would be up to the Mayor, but they would be allowed a public hearing if one is requested.

Steve Draper opened the public hearing. Hearing no public comments, Steve closed the public hearing and brought it back to the commission for further discussion.

Steve Draper inquired regarding a timetable for a decision made by the appeal authority. It is required to begin the appeal process within 10 day of the initial appeal. He questioned if there was any reason why they shouldn't have some parameters regarding a certain amount of days in which the appeal authority would have to make their decision, for the protection of the applicant making the appeal. Lonnie stated the only reason that would be that way is if the appeal authority had a question regarding the ordinance. Steve stated there is nothing that says within a certain period of time they have to make a decision or let their ruling be known. Larry stated that it does state that they are given 10 more days for the interpretation of the ordinance. Steve feels that there should be some closer to the decisions. Barry feels that they should be able to rule on anything within 60 days.

Discussion ensued.

Steve Draper questioned the language on page 7 paragraph 1 regarding the "other beneficial interests" and asked Lonnie to clarify that language. Lonnie stated that was taken word for word out of the State code. Barry commented that it is something they

would have to have a standing in somewhere.

Motion by Brian Braithwaite, Planning Commission recommend City Council approve Chapter 2 Article 3 Board of Adjustment Code Amendment as recommended by staff with the following modifications, 1) Under 2-302 line one, remove the word “an” 2) Line two change the term of office to two (2) years, 3) Under 2-303 modify #4 to read “ A decision of an appeal authority takes effect on the date when the appeal issues a written decisions, or within a reasonable time period thereafter, whereas otherwise provided.

Second by Jennifer Tucker.

Brian Braithwaite and Jennifer Tucker voting in favor, Larry Mendenhall and Steve Draper opposing.

Motion resulted in a tie vote.

Steve Draper asked if anyone would care to introduce new information or make a new motion.

Steve Draper stated he is still struggling with the idea of a single person being the appeal authority. He stated that it was portrayed to him at the beginning of the meeting that this is where they want to go; this is where the Mayor wants to go is to this single entity. He wanted to voice his opposition to going in that direction. He feels that a board of citizens as they have had in the past is working and will continue to work. He thinks that the constituents that are currently serving on that board have done it for some time with success.

Brian Braithwaite stated that he understands that this would change what is currently in place; it does provide the opportunity for the City Council and the Mayor to make a change if needed. He feels that having someone who is an expert in the law looking at the requirements and restrictions that they already have placed upon the applicant it is not restrictive to what is suppose to be accomplished with this function.

Jennifer Tucker commented that this may allow the option of having somebody have more legal clout behind them so if the appeal is taken further the courts can see that there is a valid reason for the decisions behind the arguments. She feels that it strengthens the cities position as to the discussions that have been made.

Lonnie Crowell stated that the Boards of Adjustments decisions are regulated by state law. They can't make their decisions arbitrarily regardless of personal circumstances, residence or standing in the community.

Steve Draper commented that in his opinion what is currently in place works well and should not be required to change. Barry Edwards stated that they are required by law to adopt this ordinance. If they are not comfortable the commission can vote it down and it still goes before the City Council. Steve stated he is in favor of keeping the Board of Adjustments the way they currently stand but doesn't mind changing the name to the Appeal Authority. Barry stated the decision rather to keep it the way it currently

stands or change it is not the subject of this ordinance, nor is it subject to the authority of the Planning Commission.

Discussion ensued.

Larry Mendenhall stated he does not have a concern with the language or changes proposed in order to come into compliance with State law. He feels they need to give the Mayor the courtesy of accepting the fact that he will act in the best interest of Highland City. His only concern is that he is uncomfortable with not having two additional members to the appeal authority to give some local flavor as to what is going to occur as they render judgments on the things that come before them.

Discussion ensued.

Motion remained dead locked and will be passed on to the City Council in 30 days as an affirmative action.

Item 2: Lone Peak Fire Station - Site Plan Review & Approval

Lonnie Crowell stated that in the city's Town Center Master Plan it has been planned for years for a fire station to be located on the North East corner of 5600 west and Parkway West. The architect has met with staff and City Council for some time working on the plans. As far as staff is concerned the plans and product before the commission should fit into the Town Center very well.

Discussion ensued.

Motion by Larry Mendenhall, Planning Commission recommends City Council approve the Lone Peak Fire Station site plan with a specific location being 5582 West Parkway West, subject to all staff conditions.

Second Brian Braithwaite.

Unanimous vote, motion carried.

Item 3: Lone Peak Fire Station - Architectural Design Review & Approval

Steve Draper reviewed the landscaping and elevations of the building.

Steve Draper had a concern regarding the monument sign stating both the Highland Town Center and Fire Station. Lonnie stated that there are three gateway districts into the Town Center. One is on the east side of Parkway East, one by Wendy's and this one by the Fire Station. Steve felt there would be some confusion that the fire station building would be mistaken for the city building.

Discussion ensued.

Lafe Harris presented a sample of the two colors of brick and the type of material that has been proposed by staff. The trellis would be made out of wood with a pre-finished metal across the top. The trellis is also used as a mechanical enclosure. Steve Draper recommended a different kind of wood for the trellis that would withstand the weather longer.

Discussion ensued regarding the landscaping and lighting.

Motion by Brian Braithwaite, Planning Commission grant approval for the Architectural Design of the Lone Peak Fire Station subject to the following conditions, 1) The trellis base material match the building base, the post be similar in look and feel to the building, the material for the trellis be of substantial material that will require minimal maintenance and have significant durability. 2) The contractor work with staff in establishing signage that is similar in appearance to the signage used across the street to the south, 3) The elevation being approved is the one shown in the packet as the "site plan", 4) Entire base course of brick to be the same all the way around in the panels between the columns, 5) Lighting fixture being the Antique Street Lamp Unit EMI7SPGS based upon approval from staff, 6) The generator enclosure have a similar appearance as the exterior of the building at that elevation.

Second by Jennifer Tucker.

Unanimous vote, motion carried.

Item 4: Approval of Meeting Minutes for March 28, 2006

Motion by Jennifer Tucker, Planning Commission approves the meeting minutes for March 28, 2006 as amended.

Second by Larry Mendenhall.

Unanimous vote, motion carried.

Meeting adjourned at 8:56 pm