

1                   **Highland City Planning Commission**  
2                                   **June 12, 2007**

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4   **Present:**

5   Commissioner: Larry Mendenhall  
6   Commissioner: Jennifer Tucker  
7   Commissioner: Brian Braithwaite  
8   Commissioner: Brent Wallace  
9   Commissioner: Elizabeth Macfarlane  
10  Commissioner: Roger Dixon

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12  City Administrator: Barry Edwards  
13  City Engineer: Matt Shipp  
14  City Planner: Lonnie Crowell  
15  City Planner: Carly LeDuc  
16  Secretary: Dawn Corrigan

17  
18  Excused: Jerry Gorrell

19  
20  Meeting convened at 7:05 pm  
21  Pledge given by: Dawn Corrigan  
22  Prayer given by: Brian Braithwaite

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24  
25  **Visitors: Conley Christensen, Rob Clauson, Diana Graham, Randy Graham, David**  
26  **Henry, Cecilee Nelson, Lisa Robertson, Kathryn Schramm, Bonnie Thomson,**  
27  **Delwin Thomson.**

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30  **Item 1:       LDS Church ~ Day's Meadows Plat A ~ Conditional Use Permit ~**  
31  **Public Hearing & Recommendation**

32  
33  Larry Mendenhall said the first item would involve a public hearing and asked  
34  Carly LeDuc for some background on the issue.

35  
36  Carly LeDuc said the applicant is asking for a Conditional Use Permit in Lot 2 of  
37  Day's Meadow Plat A. She explained that staff's main concern is the 20-foot trail  
38  easement, which does not appear on the site plan and will need to be added.

39  
40  Larry Mendenhall invited the applicant to speak. Conley Christensen from  
41  Raymond Van Nosedol & Associates stepped forward. Larry Mendenhall asked if  
42  he'd read staff comments and Conley Christensen said yes.

1 Larry Mendenhall said the main concern is that the trail easement shown does not  
2 match the real easement, and showing the real trail easement will require  
3 significant changes to the site plan.

4  
5 Brian Braithwaite asked if the applicant knew there was an easement. Conley  
6 Christensen said not originally.

7  
8 Barry Edwards clarified that the city had purchased the trail easement from the  
9 developer, and Craig Larsen from the church office knew about the easement  
10 from the beginning, and objected to it from the beginning. He said the trail on this  
11 lot lines up with the trail across the street. He added that the architect may not  
12 have known about the easement, but that the church office, via Craig Larsen, has  
13 known that the trail and piping were going in right from the beginning.

14  
15 Conley Christensen read a statement from Craig Larsen, stating that it was his  
16 understanding after meeting with Barry Edwards and David Church that the city  
17 would pay for the easement and either pay for construction of the trail or  
18 reimburse the Church. Barry Edwards said the city is paying for the trail, which  
19 will be going in in two weeks.

20  
21 Conley Christensen asked if that meant the site plan had to be redesigned around  
22 the trail and Larry Mendenhall said yes.

23  
24 Jennifer Tucker asked about fencing. Conley Christensen said the church standard  
25 is chain link with privacy slats. Lonnie Crowell confirmed that historically the  
26 church has installed slats at the request of the city. Larry Mendenhall asked if it  
27 would be a four-foot fence and Conley Christensen said it would be six feet.

28  
29 Barry Edwards said that chain link hasn't been the standard in Highland, and that  
30 except on 11200, where it was allowed because of animals, chain link hasn't been  
31 used.

32  
33 Larry Mendenhall asked if the city's preference has been vinyl and Barry Edwards  
34 said typically the city has invited neighbors of the project to express their  
35 preference about fencing. In this case there aren't many neighbors yet because it's  
36 a new subdivision. Jennifer Tucker asked if the city allows chain link. Barry  
37 Edwards said the city allows it, but no one installs it.

38  
39 Larry Mendenhall observed that the ditch has been piped and asked if there were  
40 other comments from the commissioners.

41  
42 Roger Dixon mentioned that the commission had received a citizen letter  
43 requesting a fence, and asked for an overview of where the roads go.  
44 Barry Edwards explained that the layout of the subdivision is such that west of the  
45 church it forms a cul de sac. There's just one stubbed road, to the south.

1  
2 Brent Wallace asked if redesigning the site plan will adversely affect the number  
3 of parking spaces. Conley Christensen said it would have an effect but they will do  
4 their best to maximize parking. Barry Edwards observed there's plenty of room to  
5 the south, since the site is larger than what the church normally requires.

6  
7 Conley Christensen said that on the current site plan the area to the south is part  
8 lawn and part zeriscape. Brent Wallace asked if they would be moving into that  
9 area for parking and Larry Mendenhall observed that's an issue for the architect to  
10 work out.

11  
12 Brian Braithwaite asked about the staff notes for this item on the agenda, noting  
13 that the language regarding hours of operation was confusing. Lonnie Crowell  
14 clarified the notes should have said that between 12:00 a.m. and 6:00 a.m., the  
15 facility would be used for emergencies only.

16  
17 Brian Braithwaite asked if that was acceptable to the applicant and Conley  
18 Christensen said yes.

19  
20 Larry Mendenhall observed that the other item of note about this application is  
21 the trash enclosure, which sits on the public utility easement on the current site  
22 plan, and will need to be corrected.

23  
24 Larry Mendenhall opened the public hearing.

25  
26 David Henry said he lives in the southeast corner. He said he was glad to see  
27 lighting directed away from residential property, and asked if that includes  
28 parking light. Lonnie Crowell confirmed that's the intent and Larry Mendenhall  
29 said the lighting will be shielded.

30  
31 David Henry said he was also concerned to see the dumpster next to his property,  
32 and Conley Christensen said it will be moved because of the easement. David  
33 Henry thanked Conley Christensen and asked if he knew where the new location  
34 would be. Conley Christensen said he didn't know yet.

35  
36 David Henry asked if he would be able to see the revised plan. Lonnie Crowell  
37 gave instructions for finding Highland City meeting agendas online, and Brian  
38 Braithwaite explained that surrounding residents would not be notified by mail  
39 again before the next meeting, so it would be necessary to be proactive to learn  
40 when the next meeting is scheduled.

41  
42 David Henry added that his vote would be for a higher quality fence than chain  
43 link with slats.

44  
45 Larry Mendenhall closed the public hearing.

1  
2 Barry Edwards observed that City Council won't be meeting again until the third  
3 week in July, so Planning Commission could have the applicant visit again with  
4 corrections without slowing the applicant's progress with City Council.

5  
6 **Motion by Brian Braithwaite, Planning Commission to recommend that the**  
7 **applicant return to a future Planning Commission meeting with the following**  
8 **changes: that all staff recommendations be met; that the regular hours of**  
9 **operation be clarified, with emergency-only hours defined between 12 am and 6**  
10 **am; that the applicant be required to provide a 6-foot fence of vinyl or a similar**  
11 **material; that the applicant show a revised plan including the correct trail**  
12 **easement; and that the revised plan show the new location of the trash enclosure**  
13 **and dumpster.**

14  
15 **Seconded by Roger Dixon.**  
16 **Unanimous vote, motion passed.**

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18  
19 **Item 2: Olsen Estates Subdivision Request ~ Final Recommendation**

20  
21 Larry Mendenhall invited the commission and Lonnie Crowell to speak on this  
22 issue. The commissioners had no comments, nor did Lonnie.

23  
24 Lisa Robertson explained that she was in attendance on behalf of the Olsens, who  
25 are out of town.

26  
27 Larry Mendenhall observed that the final bullet point in the staff notes on the  
28 agenda should have said "for Final Approval from City Council."

29  
30 **Motion by Roger Dixon, Planning Commission to recommend that City Council**  
31 **grant final approval of the Olsen Estates subdivision, subject to recommendations**  
32 **of staff.**

33  
34 **Seconded by Elizabeth Macfarlane.**  
35 **Unanimous vote, motion carried.**

36  
37  
38 **Item 3: Grapevine Estates Plat B Subdivision Request ~ Final**  
39 **Recommendation**

40  
41 Larry Mendenhall invited Carly LeDuc to speak about this item. Carly LeDuc said  
42 under the Code Amendment that City Council passed on May 15, 2007, this  
43 subdivision meets the requirements of the R-1-20 ordinance.

1 Lonnie Crowell added that this subdivision was never part of Grapevine, so staff  
2 recommends that the name be changed.

3  
4 Delwin Thomson said he hadn't named the plat and was open to suggestions. He  
5 asked if Evergreen would work. Barry Edwards said anything would work as long  
6 as it doesn't have the word "Highland" in it.

7  
8 Larry Mendenhall asked what the time frame requirement would be for the  
9 applicant to change the name. Barry Edwards indicated it could be done anytime  
10 up until the applicant is ready to record the plat. The new name just needs to be  
11 on the plat, and not conflict with anything else on record with the County. Lonnie  
12 Crowell added that the County will let the city know if the name is okay.

13  
14 Brian Braithwaite asked for confirmation that the proposal meets the ordinance  
15 and Lonnie Crowell confirmed it does.

16  
17 **Motion by Brian Braithwaite, Planning Commission to recommend that City**  
18 **Council grant final approval of the yet-to-be-named subdivision referred to here**  
19 **as Grapevine Estates Plat B, subject to recommendations of staff.**

20  
21 **Seconded by Elizabeth Macfarlane.**  
22 **Unanimous vote, motion carried .**

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25 **Item 4: Town Center Overlay Code Amendment ~ Discussion**

26  
27 Larry Mendenhall explained that this item was continued from a previous  
28 meeting. He stated he's read the materials closely, and that Lonnie Crowell is to  
29 be congratulated. The proposed code changes are well crafted. He suggested that  
30 some work sessions might be required to finalize the code, but that he liked the  
31 way it's cleaned up in Lonnie's proposal.

32  
33 Roger Dixon asked if the commission would work through the document page by  
34 page. Larry Mendenhall said he thought so, in a work session. In the meantime,  
35 the commission could discuss any sections they had marked.

36  
37 Roger Dixon said he had three general comments. The first is that the numbering  
38 in the document goes back and forth between using letters and numbers for sub-  
39 paragraphs. It should be consistent. Next, the names of streets as identified in the  
40 document are very different from what's on the signs; for example, Town Center  
41 Street East versus Town Square East.

42  
43 Matt Shipp said that would be his domain. Roger Dixon asked if the signs prevail  
44 and Barry Edwards said no, the ordinance does. The incorrect signs will need to  
45 be replaced.

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Roger Dixon said his final general comment was that the term *paseo* was misspelled. It should be *paseo*. Commission Dixon added that having said those things, he also wanted to agree with the Chair that the proposal reflects a great improvement and needed to be done.

Brent Wallace pointed to section 3-4706, where it specifies that landscaping will be maintained, and asked who will enforce that and what teeth will they have.

Barry Edwards replied that there's a Town Center association, and that group should maintain it, essentially policing themselves. Brent Wallace observed that section was cut in the proposal, and Barry Edwards said it should probably be reinstated. Larry Mendenhall suggested there should be a paragraph about maintenance.

Brent Wallace said there's language indicating that whoever comes in first puts the street in, and asked if they were meant to bear the whole burden.

Barry Edwards said City Council is in the process of reviewing that question. Council has directed staff to meet with developers and renegotiate exaction fees so they get a refund and so the city isn't acting as a bank. He concluded that they are moving back toward a "maintain your own frontage" policy.

Brent Wallace asked if that meant the language in section 3-4709 will change.

Barry Edwards observed that at this point, all the roads are installed, so new tenants would just have to connect up. However he added that staff will review the section. Lonnie Crowell added that the ordinance is the same for a residential subdivision, where the rule is, you want to subdivide, you put in the road.

Brent Wallace asked Lonnie Crowell if the buildings he came up with were the result of the work session of several months ago. Lonnie Crowell said yes, they did result from the work session, as well as from recent work on the CR Zone, and the existing Town Center Overlay ordinance.

Brent Wallace asked staff to confirm that the proposed changes don't exclude anyone not in the Town Center already, and that new applicants would simply need to apply following the ordinance. Lonnie Crowell agreed that was correct. The commission asked Lonnie Crowell to clarify the proposed edits to section 3-4711 A, and Lonnie explained that in that section, the old item 12 becomes item 1 on the list.

Larry Mendenhall suggested that in section 3-4711-1, where conditional uses are listed, it might make more sense to juxtapose 1 and 2, so accessory buildings aren't discussed first.

1  
2 Regarding section 3-4718-3, Brent Wallace asked if it's typical to always require a  
3 landscape architect, and whether that would put an undue burden on the  
4 developer. Lonnie Crowell said it is typical to involve a landscape architect for  
5 commercial development.

6  
7 Brent Wallace asked for a definition of hardscaping, and Lonnie Crowell said it's  
8 elements such as benches, sculptures, or fountains, and that he would add a  
9 specific definition to the code.

10  
11 Brent Wallace asked about the last sentence in section 3-4728, where he found  
12 the language "A change of use considered permitted," confusing. Barry Edwards  
13 explained that if a conditional use permit had been granted for, say, an art  
14 gallery, and new tenants wanted to have a convenience store, that would be  
15 considered a permitted use for the space and wouldn't require a new permit.

16  
17 Brent Wallace asked if the city has a Development Review Committee, such as is  
18 mentioned in section 3-4730. Roger Dixon added that the term occurs throughout  
19 but isn't defined until the end of the document, and asked if it could be defined  
20 earlier. Lonnie Crowell agreed.

21  
22 Brent Wallace mentioned that in the Overall Architectural Outline, in section 3-  
23 4730-A, it was difficult for him to judge different styles, and asked who evaluates  
24 that. Lonnie Crowell answered that the materials would be in a packet, and the  
25 commissioners would have pictures defining what the elements are.

26  
27 Larry Mendenhall observed that one of the handouts Lonnie distributed to the  
28 commissioners previously included the kind of information Commissioner Wallace  
29 was asking about, showing photos of buildings that use certain architectural styles  
30 and identifying which elements are characteristic of the style. Lonnie Crowell said  
31 he wanted to find out which elements the commissioners were interested in using  
32 before listing everything.

33  
34 Roger Dixon asked if a lot had been left out and Lonnie said yes, there are at least  
35 a hundred different styles. He added that the idea of this section is just to give  
36 applicants a sense of how to start designing for Highland. He said the problem up  
37 until now has been that the ordinance said "design for Highland" and people  
38 didn't know what that meant.

39  
40 Jennifer Tucker said that in the Wal-Mart discussion, people said it was ugly, but  
41 then they stuck columns on it and called it Colonial. She asked if Highland is  
42 leaving itself open to that sort of thing. Lonnie Crowell assured her it is not. He  
43 said there are other aspects of the code that will help protect the city from poor  
44 design, and added that the changes aren't too different from what the city has  
45 now.

1  
2 Elizabeth Macfarlane said she thought Lonnie had chosen the most elegant styles,  
3 and Larry Mendenhall agreed they're styles that don't wear out.

4  
5 Brent Wallace asked about section 3-4736-B3, which indicates that "No certificate  
6 of occupancy will be issued unless the building and all required site improvements  
7 are completed." But farther down, it talks about security, and what if it's not  
8 finished, which seems contradictory. Lonnie Crowell clarified that subsection (4)  
9 refers to security on site improvements, as opposed to getting a certificate of  
10 occupancy.

11  
12 Brent Wallace observed that in the edits, one thing wiped out is language about  
13 an inspector. Lonnie Crowell said it was cut because it's required by the Building  
14 Code, so it doesn't need to be in the Development Code as well.

15  
16 Roger Dixon observed that in section 3-4710-C5 it specifies that in the Gateway  
17 Commercial District, drive through restaurants are not permitted. However,  
18 there's already one there. Lonnie Crowell said conditional use permits are granted  
19 based on the ordinances at the time the permit is issued, so the Wendy's drive  
20 through would be grandfathered in. He said other drive throughs could be  
21 allowed if the commission wanted them.

22  
23 Roger Dixon asked if the specs for driveway and curb openings in section 3-4717  
24 are the same as those for Highland Marketplace. Lonnie Crowell said no, the  
25 Marketplace specs are very different.

26  
27 Roger Dixon directed attention to section 3-4718-2 where a minimum caliper for  
28 trees is defined. He suggested that perhaps the types of permitted trees could be  
29 specified as well, citing data that shows that there is often an almost 100%  
30 mortality rate for trees planted in cities because they are not suited to the  
31 environment. Lonnie Crowell said he thought it would be very helpful to have  
32 such a list for commercial areas.

33  
34 Roger Dixon asked about section 3-4729, where the location of gas pumps is  
35 specified as not less than fifty (50) feet from a residential boundary line. He said  
36 that seemed close, and asked if it was based on a state ordinance. Lonnie Crowell  
37 said no, and asked if the commission would like to change it.

38  
39 Barry Edwards said the only potential conflict would be on the block east of the  
40 fire station and across from the mansion homes. That road is 56 feet, so there the  
41 minimum will be 76, even with 50 feet. Larry Mendenhall suggested the  
42 commission stipulate that staff confer with the Fire Marshall on this question, and  
43 Roger Dixon agreed that was a good idea.

44

1 Roger Dixon asked about section 3-4730-E1, where it says all buildings shall be  
2 set back a maximum of five feet from the right of way, and wondered if that was  
3 too close.

4  
5 Lonnie Crowell said the purpose of that language is to ensure the buildings are  
6 along the sidewalk with parking behind, and Brent Wallace observed they'll be  
7 fifteen feet from the curb.

8  
9 **Motion by Roger Dixon, Planning Commission to request a work session with City**  
10 **Council regarding the proposed Town Center Overlay Code Amendments, with**  
11 **current property owners invited to attend that work session prior to a public**  
12 **hearing.**

13  
14 **Seconded by Brent Wallace.**  
15 **Unanimous vote, motion passed.**

16  
17  
18 **Item 5: Approval of Meeting Minutes for May 22, 2007**

19  
20 Roger Dixon raised the question of having alternate Planning Commissioners,  
21 particularly during the summer when people have vacations scheduled, and in  
22 light of the fact that there have been several absences lately. He said the  
23 commission discussed this possibility six or eight months ago but he wanted to  
24 revisit it.

25  
26 Larry Mendenhall observed that four is a quorum, and that one problem with  
27 alternates is the level of involvement tends to be lower. He suggested the  
28 commission continue with seven members.

29  
30 Barry Edwards added the mayor is aware he can make additional appointments,  
31 and that thus far he's chosen not to. It is a continual item on the mayor's agenda.

32  
33 Roger Dixon said he would follow up with the mayor.

34  
35 **Motion by Elizabeth Macfarlane, Planning Commission to approve the Meeting**  
36 **Minutes for May 22, 2007 as written.**

37  
38 **Seconded by Brent Wallace.**  
39 **Unanimous vote, motion carried, with Jennifer Tucker abstaining.**

40  
41 Meeting adjourned at 8:21 p.m.