

Highland City Planning Commission

October 10, 2006

Present:

Commissioner: Larry Mendenhall
Commissioner: Jennifer Tucker
Commissioner: Brian Braithwaite
Commissioner: Brent Wallace
Commissioner: Elizabeth Macfarlane
Commissioner: Roger Dixon
Commissioner: Jerry Gorrell

City Administrator: Barry Edwards
City Engineer: Matt Shipp
City Planner: Lonnie Crowell
Assnt. Planner: Hannah Thiel
Secretary: JoD'Ann Bates

Meeting convened at 7:12 pm
Prayer given by: Brent Wallace
Pledge given by: Derek Hendricks

Visitors: Chris Dalley, David Wright, Dwayne Horsley, Glen Goins, Peter McMullin, Bruce Tucker, Steve King, Shani Smith, Jim Davis, Lori Davis, Amy Dalley, Julie Hendricks, Mike Swasey, Fred Clark, Brad Buhler, Slade L. Buhler, Kathryn Schramm, Vern Hancock, Grant Ellingson, James Bullington, Gary Daniels, Sherri Berry, Joyce Parrish, Tom Hulbert, Bill West.

Larry Mendenhall reviewed the protocol in relation to actions taken by Planning Commission.

Item 1: Mountain Ridge Subdivision – Preliminary Approval

Larry Mendenhall reviewed the background and recommendations of the proposed subdivision.

Brent Wallace inquired regarding the proposed plat and the continuation of 5600 West. Lonnie Crowell stated that 5600 west would continue to the north up to

the school property. If the school district approves of that road, there is room to complete that road all the way to 10400 north.

Discussion ensued.

Elizabeth Mcfarlane stated that she feels the issue regarding the school district and 5600 west should be resolved before any approval is given. She also would like to see the traffic study before proceeding. Elizabeth concluded that she does not see how the trail connects to the park and feels she cannot give approval to something she hasn't seen.

Larry Mendenhall stated that 5600 west would end up as a service road/path with out the school district approval. Larry feels that this is a multiple access subdivision giving them plenty of access without 5600 west going all the way to 10400 north.

Jennifer Tucker stated she is still concerned with the traffic. The commission still has the option of not allowing the overlay and feels that by going with the R-1-40 it would reduce the traffic and concern of the existing residents. She still feels that the city is giving up alot in order to have a park. Jennifer agreed with the proposed location of the trail but would still like to suggest that 10100 No. not be a through street. She feels that the traffic should be pushed out to 10400 north and 9650 north and not through an interior street.

Brian Braithwaite stated that one of the requirements at the last meeting was that the developers supply the commission with a traffic study. Not seeing that study with this proposal, he feels it cannot move forward. Brian would like to hear from the developer regarding the desire of what kind of subdivision they would prefer, why they don't have a traffic study yet and if there are CC&R's required why they were not part of the information provided to commission.

Glen Goins a partner in the development stated they understand both the impact to the city and the emotion of the citizens. Glen stated 5600 west was left for a future option if the school district allowed that connection. The trail to the park had been changed to accommodate wishes to the existing subdivision to help with a buffer. They would be willing the work with the city to connect that trail to the park. As far as 10100 north they feel that it should be a traffic outlet and he feels it is unreasonable to assume that with any development that there will be no impact to the existing surroundings. To answer the question as to why they choose this zone, after meeting with the City Council and the Mayor this is the direction they felt would be best for the city and the area. It was their understanding that CC&R's would not be required until a request for final approval was submitted. Glen stated that the traffic report is currently being completed and the engineering group is in the process of compiling that information, it was their understanding that it was not a requirement to obtain preliminary approval. He feels that they have complied with the ordinance and

could receive preliminary approval with conditions that would have to be complied with before a request for final approval occurred.

Discussion ensued.

Glen Goins stated that the ordinance requires that the park be placed along major streets to alleviate the impact of the traffic visiting the park. Glen stated to answer commissioner Mcfarlane's comment regarding the size of the lots, the lot sizes being proposed meets the ordinance which states they can not be less than fourteen thousand square feet.

Larry Mendenhall reviewed some of the concerns that staff and commission have voiced. 1) 10190 North does have a claming affect the way it is presently proposed, 2) The school district road is just and option, 3) the developer has agreed to do a trail connection into the park, 4) The commission has the option of saying they would like 10100 north to be closed off although he is not in favor of closing off any street he feels that 10100 north needs to stay in place, 5) Choosing the zone is completely at the developer's discretion. Larry concluded that in looking at this proposal he feels the developer has met or in the process of meeting the condition of the ordinance and staff.

Motion by Jennifer Tucker, Planning Commission grants Preliminary Approval for the Mountain Ridge Estates Subdivision subject to all conditions and recommendations of staff and additional conditions as follows: 1) 10100 north be turned into a dead end and the residents to west of that subdivision be responsible for any turnabout or requirements made by the city for that dead end.

Seconded by Roger Dixon

Motion to Amend: Roger Dixon moved to amend the conditions that 10100 north remain as a through street.

No Second, No action.

Motion by Brian Braithwaite, based on the finding of fact that applicant has met or will meet all of the conditions currently outlined in the Parkland Overlay, Planning Commission grants preliminary approval for the Mountain Ridge Subdivision per the conditions and recommendations of staff.

Seconded by Brent Wallace.

Motion to Amend: Brian Braithwaite moved to amend the conditions to include 1) Applicant to work with staff and Planning Commission to identify pathway to the park from the current proposed trail.

Seconded by Roger Dixon.

Motion to amend passed with Larry Mendenhall, Brian Braithwaite, Brent Wallace, Roger Dixon voting in favor, Jennifer Tucker and Elizabeth Macfarlane voting opposed.

Amended Motion: Based on the finding of fact that applicant has met or will meet all of the conditions currently outlined in the Parkland Overlay, Planning Commission grant preliminary approval for the Mountain Ridge Subdivision per the conditions and recommendations of staff to include 1) Applicant to work with staff and Planning Commission to identify pathway to the park from the current proposed trail.

The Amended Motion passed by Larry Mendenhall, Brian Braithwaite, Brent Wallace, and Roger Dixon voting in favor, Jennifer Tucker and Elizabeth Macfarlane voting opposed.

Item 2: McMullin Homes Model Home - Conditional Use Permit and Public Hearing

Larry Mendenhall reviewed the information of the proposed request.

Peter McMullin of McMullin Homes stated they have an existing home they would like to use as a model home.

Larry Mendenhall inquired if that existing home was currently being used as a model home. Peter McMullin stated that yes they are currently using that home as a model home due to ignorance. This is the first time building in this area and he did not realize this type of permit was required. Larry inquired as to the length of time this home has been used as a model home. Peter responded they have had this as a model home for about 2 months.

Peter McMullin stated they own 6 lots left in the subdivision that this model home is used for and is currently only open 3 days a week. Peter indicated that the only condition he is concerned with is the off street parking, all they have available would be the driveway of the home. Larry Mendenhall inquired to staff if they felt the option of the off street parking would be sufficient. Hannah Thiel stated that she had been out to this home and feels that for the area the driveway parking would be sufficient.

Larry Mendenhall opened public hearing. Hearing no comments Larry closed the public hearing and brought the item back to commission for further discussion.

Motion by Roger Dixon, Planning Commission recommend City Council grant McMullin Homes a Conditional Use Permit for a Model Home subject to all conditions and recommendations of staff.

**Seconded by Brent Wallace.
Unanimous vote, motion carried.**

**Item 3: Coventry Homes Model Home – Conditional Use Permit
and
Public Hearing**

Larry Mendenhall reviewed the information of the proposed request.

Lonnie Crowell indicated that the applicant had called and apologized that he would not be able to make it to the meeting.

Larry Mendenhall opened the public hearing. Hearing no comments Larry closed the public hearing and brought the item back to the commission for further discussion.

Motion by Brian Braithwaite, Planning Commission moves to continue this item to the next regularly scheduled Planning Commission meeting.

**Seconded Brent Wallace.
Unanimous vote, motion carried.**

**Item 4: Buhler Ranch Subdivision – Preliminary Approval and
Public Hearing**

Larry Mendenhall reviewed the information and recommendations of the proposed subdivision.

Jared Bishop explained they are in the process of cleaning up the property and would like to start the process of a residential subdivision.

Jennifer Tucker inquired regarding the cleanup and if any of the existing possessions will remain on the property. Jared Bishop stated there will be CC&R's that would restrict the way things will be built and what can be placed on those lots. The existing home will be torn down and the new home will have to comply with those CC&R's.

Brent Wallace inquired if it would be reasonable to ask that there be soil test done in this subdivision. Barry Edwards indicated that as far as the annexation, they are recommending that the developers do a second level environmental assessment to test the soil. Jared Bishop stated that they have done a phase one

test, due to the amount of things on the property it was difficult to test. Jared stated they will have the test done again at a later date.

Brian Braithwaite inquired regarding the requirement of cleaning up the property. Barry Edwards stated that the condition the City Council placed on this property is that it will not be annexed until it is cleaned up. This subdivision is conditioned upon annexation, annexation is conditioned upon it being cleaned up and having the phase 2 soil testing done.

Roger Dixon inquired regarding why the road is not completed along 5890 west. Jared Bishop stated they are only required to construct a 40' road along the undeveloped property leaving the balance to be finished by the future development to the west.

Larry Mendenhall opened the public hearing. Hearing no comments, Larry closed the public hearing and brought the item back to the commission for further discussion.

Motion by Brian Braithwaite, Planning Commission grants Preliminary approval for the Buhler's Ranch Subdivision subject to all conditions and recommendations of staff and additional conditions as follows: 1) Subdivision is subject to annexation, 2) The existing property to be cleaned off, 3) Completion of a soil test be done, 4) Parcel on southwest corner be deeded to the parcel to the west, 5) Developer align the street on the east property line with the Mount Ridge Subdivision.

**Seconded by Roger Dixon.
Unanimous vote, motion carried.**

**Item 5: CR Zone – General Plan Amendment and
Zone Map Amendment**

Larry Mendenhall reviewed the proposal for amendment.

Elizabeth Mcfarlane inquired if this amendment would only apply to this area or would it be available for other areas around Highland. Barry Edwards stated the amendment would only affect the corner of 11000 North and the Alpine Highway.

Brian Braithwaite questioned a comment made regarding 24 hour opening. Barry Edwards indicated that the applicant would have to discuss that with the city council.

Motion by Roger Dixon, Planning Commission recommends City Council amend the General Plan and Zoning Map to include the attached parcels identified on the overhead into the CR Zone.

**Seconded by Elizabeth Macfarlane.
Unanimous vote, motion carried.**

Item 6: CR Zone – Architectural Review and Approval

Larry Mendenhall reviewed the information regarding the proposed request.

Larry Mendenhall feels the development of this piece of property is going to require that the commission establish and use this as an exercise in helping them establish an identity for Highland. Larry commented that he feels the corner needs to help create that identity and does not feel that what has been proposed for the corner lot fits that need.

Pierre Langue, a principal architect with Axis Architects proceeded to explain to the commission which elevations belong to the numbers of lots.

Discussion ensued.

Larry Mendenhall thanked Mr. Langue for the explanation and discussion. Larry stated he is not sure there is enough information to make a decision at this time although he felt that the developer is proceeding in the right direction. Larry suggested the developer continue to develop the architectural design of the larger buildings and return before the Planning Commission for further discussion.

Motion by Brian Braithwaite, Planning Commission moved to continue the Architectural Review of the CR Zone to the next regularly scheduled Planning Commission meeting.

**Seconded by Brent Wallace.
Unanimous vote, motion carried.**

Item 7: CR Zone – Preliminary Subdivision Approval

Larry Mendenhall reviewed the information & recommendations of the proposed subdivision.

Discussion ensued.

Motion by Brian Braithwaite, Planning Commission grant Preliminary subdivision approval conditionally dependent upon City Council's approval of CR Zone and any requirements or ordinances that will be associated with the creation of that zone in its final form with the understanding that if the Council does not approve this zone or this property in its entirety, then this subdivision is not considered

legal in the R-1-40 Zone and is null and void. Subject to all of the recommend conditions of staff to include, 1) applicant understand that the Planning Commission and City Council may significantly alter what is shown in the proposal based upon future discussion.

**Seconded by Roger Dixon.
Unanimous vote, motion carried.**

Item 8: Hollow Acres Subdivision Plat B – Final Subdivision Approval

Larry Mendenhall reviewed the information and recommendations.

Motion by Brent Wallace, Planning Commission recommend City Council grant Final Approval for the Hollow Acres Subdivision Plat C subject to all conditions and recommendations of staff.

Seconded by Brian Braithwaite.

Motion to Amend: Brian Braithwaite moved to include the previous Planning Commission conditions. Motion seconded by Brent Wallace. The motion to amend passed by Larry Mendenhall, Brian Braithwaite, Brent Wallace, Roger Dixon and Jennifer Tucker voting in favor, Elizabeth Macfarlane voting opposed.

Amended Motion: Planning Commission recommends City Council grant Final Approval for the Hollow Acres Subdivision Plat C subject to all conditions and recommendations of staff to include the previous Planning Commission conditions. Amended Motion passed by Larry Mendenhall, Brian Braithwaite, Brent Wallace, Roger Dixon and Jennifer Tucker voting in favor, Elizabeth Macfarlane voting opposed.

Item 9: RP Zone – Architectural Review and Approval

Larry Mendenhall reviewed information and recommendations of the proposed architectural review.

Planning Commission reviewed a color board and elevations as provided by applicant.

Discussion ensued.

Motion by Brian Braithwaite, Planning Commission grants Architectural Approval for Lot 3 of the Highland Corner Commercial Office Building as submitted with the following changes: 1) The store

front window system showing red color be toned down to be more of a brown/rust element, 2) The efface accent to be darker for more of and accent, 3) Elevations on the east of the building reflect changes to the roof line to include additional gables in at least two different areas.

**Seconded by Brent Wallace.
Unanimous vote, motion carried.**

Item 10: Highland Square – Site Plan Review and Recommendation

Larry Mendenhall reviewed information regarding the proposed site plan request.

Lonnie Crowell stated that the Town Center Master Plan shows a variety of different things. This particular area was originally planned for retail shops to be on both sides of the road.

Bill West of Knight West Construction stated they feel they really looked hard at this property. As they evaluated this site, they originally laid it out having retail stores but they felt with the location of the proposed Credit Union and way the property is configured it was very difficult. Bill indicated they had been in contact with the adjoining properties to the north and they indicated to him that with their property having more frontage they are planning on providing retail. Bill felt with the lay out of their property the professional offices made more sense over retail.

Larry Mendenhall inquired if the developer were to continue to suggest having office buildings if it would still comply with the zone. Hannah Thiel stated the main level is planned to have retail but could have office space above. Barry Edwards indicated that the Town Center only has a certain amount of retail space shown on the Master Plan. Barry stated that the problem is, if you give up retail space you can't get it back in other areas. Lonnie Crowell stated that the city had a vision years ago and therefore came up with the Town Center Master Plan. Lonnie felt there needs to be some direction, if this is what the city continues to want or if they want to make a change.

Discussion ensued.

Larry Mendenhall stated he feels that the commission does not have the basis to take any action at this item.

Brian Braithwaite inquired if this was considered a gateway. Lonnie Crowell indicated that this area is indeed considered a gateway. Brian continued to stated that in the planning elements for the Town Center it states that "the gateway district provides residents the use of the Town Center with a sense of arrival and

identity, the two primary entries from main highways should incorporate buildings that have a sense of monumentality and the scale that begins the transition to a more pedestrian oriented environment”. Brian continued stating that he feels the proposed Credit Union off the highway does not fit that description.

Brent Wallace indicated that if they stick with the Master Plan they could be looking at dirt for a while. He is inclined to have something nice be built versus dirt.

Discussion ensued.

Larry Mendenhall stated that there had been some issues raised through this discussion. One of those issues is if the architecture meets the gateway and architectural requirements of the Town Center. Larry stated that in fairness to the developer he suggested the commission meet with staff to find out what is required and have staff then communicate with the developer. Larry concluded that if the proposal fits then they will continue on, if it doesn't fit they will go from there.

Motion by Roger Dixon, Planning Commission moves to continue this item to the next regularly scheduled Planning Commission meeting.

**Seconded by Brent Wallace.
Unanimous vote, motion carried.**

Item 11: Highland Square – Architectural Review and Approval

Larry Mendenhall stated that due to discussion regarding the previous item he would entertain a motion to continue this item to the next Planning meeting.

Motion by Roger Dixon, Planning Commission moves to continue this item to the next regularly scheduled Planning Commission meeting.

**Seconded by Brent Wallace.
Unanimous vote, motion carried.**

Item 12: Approval of Meeting Minutes for September 26, 2006

Motion by Brian Braithwaite, Planning Commission approved the meeting minutes for September 26, 2006 as amended.

**Seconded by Roger Dixon.
Unanimous vote, motion carried.**

Meeting adjourned at 10:30 pm