



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION MINUTES


Tuesday, June 27, 2023

Approved July 25, 2023

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

VIRTUAL PARTICIPATION

 YouTube Live: <http://bit.ly/HC-youtube>

 Email comments prior to meeting: planningcommission@highlandcity.org

7:00 PM REGULAR SESSION

Call to Order – Audrey Moore, Chair

Invocation – Commissioner Claude Jones

Pledge of Allegiance – Commissioner Christopher Howden

The meeting was called to order by Commissioner Audrey Moore as a regular session at 7:01 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Claude Jones and those in attendance were led in the Pledge of Allegiance by Commissioner Christopher Howden.

PRESIDING: Commissioner Audrey Moore

COMMISSIONERS

PRESENT: Claude Jones, Jerry Abbott, Audrey Moore, Trent Thayn, Chris Dayton, Christopher Howden, and Debra Maughan

CITY STAFF PRESENT: City Planner and GIS Analyst Kellie Smith, Assistant City Administrator and Community Development Director Jay Baughman, City Attorney Rob Patterson, and Planning Commission Secretary Jill Powell

OTHERS PRESENT: Doug Cortney, Alexis Verson, Matt Seipold, Zach Fackrell

1. UNSCHEDULED PUBLIC APPEARANCES

There were no public appearances.

2. PRESENTATIONS

- a. Alpine & Highland Active Transportation Plan - Horrocks Engineering**
Horrocks Engineering will present the final draft for a proposed Active Transportation Plan for Alpine and Highland. The topics discussed will be informational only. No final action will be taken on presentation items.

Alexis Verson, Project Manager and Planning Lead for Horrocks gave a brief overview of the Active Transportation plan for the cities of Alpine and Highland. She explained that Alpine and Highland cities determined the need for a comprehensive plan to advance active transportation facilities within each community and between the communities.

The cities applied jointly to the MPO, MAG (Mountainland Association of Governments). Funding was awarded by MAG and the city released a request for proposals. Horrocks submitted a proposal and was selected to provide these planning services.

Active transportation is defined differently between communities. We worked closely with our steering committee and City Staff to define it for this effort. We defined it as human-powered transportation including walking, biking, scootering, bike-sharing, rolling in a wheelchair, jogging, and horseback riding.

What does this plan do?

1. Provides an implementation plan for phasing active transportation improvements.
2. Aids with decision-making for city staff, developers, and other interested parties.
3. Planning-level assessment of best practices and facility types.

Next steps?

1. Partner with Alpine, as needed, to determine what project to advance next.
2. Identify funding sources to facilitate final design of facility.
3. Identify funding sources (CIP, grants, local match requirements).
4. Apply for funding, advance to final design and construction.

Ms. Verson reviewed the planning process:

We followed a robust and transparent planning process that used quantitative data, public engagement, and stakeholder recommendations to create backbone structure.

1. Development of vision and guiding principles.
2. Data collection and existing plans review.
3. Ongoing stakeholder and public engagement.
4. Development of the 'backbone' network.
5. Development of support facilities and traffic-calming options.
6. Refinement and project prioritization.
7. Cost estimation and funding resources for the top 3 projects.
8. Final plan.

The Vision Statement for the project is: This plan will develop the critical framework to develop connected networks for people walking, biking, and on horseback through user engagement, research, best practices, and creative solutions. Regardless of social, economic, or demographic differences, this plan will unite Alpine and Highland in developing facilities that offer safe passage for all ages and abilities to recreation, schools, local destinations, and between jurisdictions comfortably on foot, bike, or horse.

The guiding principles used in making this vision statement were:

1. Walking and biking facilities are a critical component of a functional transportation network.
2. Alpine and Highland have created an important opportunity to expand walking and biking facilities, but it will take a collaborative effort by both communities.
3. Creating comfortable and connected walking and biking facilities will prompt more people to choose active modes of travel.
4. Active transportation connections are important to Alpine and Highland cities and reflect the values of these active, healthy, and connected communities.

Ms. Verson gave examples of the existing conditions data collection, public involvement, and survey findings overview that Horrocks used for the project, primarily crash data between cars, bikes, pedestrians, and cars. They also worked with Alpine School District to integrate Safe Routes To School.

Ms. Verson reviewed the various forms of public involvement such as open houses, surveys, a booth at the Halloween event, in-depth interviews with stakeholders, and working groups. Horrocks found that the majority strongly agreed that creating a safe and inclusive connection between cities is important. Most people are biking and walking recreationally to access trails or for exercise. There are many people going to work, schools, and parks as well. People prefer multi-use pathways. A lot of people prefer dedicated bike lanes. The takeaway is that we need different types of facilities.

Matt Seipold, spoke about developing the network. The network represents 3 buckets. The first bucket is the Backbone which is off-street such as a side path or shared use path; on-street which is a buffered or separated bike lane; and on-street or off-street facilities. The second bucket is Local Support Facilities which are low volume, low-speed roads that provide access for residents. These roads are usually already calm and comfortable, and the plan has overlapped into the Safe Route to School. The third bucket is traffic calming/crossing improvements. A traffic calming toolbox has been provided in the plan for suggested improvement options.

Mr. Seipold also talked about the suggested priority projects and mentioned the recommendations for each project are in the plan. The areas are:

1. 6000 West/200 North
2. Westfield Road
3. Alpine Highway/Main Street

Mr. Seipold used the aid of a PowerPoint to show examples of which traffic calming measures could be used and where they would be recommended for use.

The plan also shows potential funding sources for trails and recreation as well as budget recommendations. Evaluation metrics are important. The plan offers metric options that Cities could use to measure the success of a project.

In closing, Mr. Seipold reviewed the next steps which are:

1. Formally adopt the plan
2. Identify internal funding sources
3. Partner to identify grants
4. Partner to identify local match dollars
5. Apply for grants to design and/or construct facilities

The Planning Commission asked questions on how the trails were selected, whether the trails were actually viable at this time, as some of the suggested trails are on private property, if the trail connections had been toured by staff, funding, speed buffers, etc. Ms. Verson and Mr. Seipold answered that some of these trails might not be feasible now but would be in a long-range plan.

Ms. Smith explained that the steering committee took site tours and identified areas that would be nice to have connections. Several lines are conceptual and might be 10-20 years in the future, depending on future City Council and Planning Commission decisions. These would be ideal connections for the 2 cities.

There was a discussion regarding additional funding required from the cities. Ms. Verson stated that cities are usually required to do a local match with state, local, and federal grants. The two cities will need to have discussions about funding splits.

The Planning Commission discussed traffic calming measures, where they should be used, and how to get funding. Once both cities have adopted this plan, there could be a joint meeting to discuss prioritization and funding for projects.

The Planning Commission thanked Horrocks for their thorough work.

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. Approval of Meeting Minutes** *General City Management - Gretchen Homer, Planning Commission Secretary*
Regular Planning Commission Meeting – May 23, 2023

Commissioner Jerry Abbott MOVED to approve the May 23, 2023 minutes. Commissioner Chris Howden SECONDED the motion. All present were in favor. The motion carried unanimously.

4. ACTION: ZONING APPROVAL - ZAANA JEWELRY *Land Use (Administrative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will consider a request by Zachary Fackrell to allow Zaana Jewelry—a jewelry retail and ecommerce business—as a permitted use in the Professional Office Zone. The Planning Commission will take appropriate action.

Kellie Smith, Planner & GIS Analyst, stated that Highland City received a commercial business license application for ZAANA Jewelry in the professional office zone (off Highland Blvd.). The code gives the Planning Commission discretion to identify whether this business is compatible with the zone.

The proposed use presented on the application is a retail jewelry store, an ecommerce business (primarily meant to be through their website). ZAANA would like to have a store front, but they do a lot of business by appointment. ZAANA provided information on the potential impact they may have on nearby businesses--they anticipate approximately 5-10 customers a day with 3-4 employees. The hours of operation would be 9-5 p.m., with no expected off-site impacts from this use.

In Highland City’s General Plan, the land use designation for this area is office. The zoning is professional office. In the development code the intent of this zone is to allow the provision of professional services and not general retail commercial. The code doesn’t provide a specific definition for what general retail means.

In the PO zone of the development code, there are no specific permitted uses. There are conditional uses and prohibited uses. The Planning Commission may add additional requirements to mitigate any possible impacts of that use on the surrounding properties.

Professional Office zone has a specific list of what professional office is defined as:

1. Financial/legal offices
2. Medical offices
3. Other types of professional services
4. Arts and crafts galleries/studios for the teaching of arts and crafts
5. Storage Sheds

The prohibited uses are: “In the PO zone, any use not expressly listed as a conditional use shall be evaluated by the Planning Commission for compatibility.” Residential Occupancy is the one outlined prohibited use.

Staff has determined that retail jewelry, shipping and sending out of packages didn’t necessarily fit any of these uses that are listed in the conditional use so we have determined that it needed to come to the Planning Commission before any approval can be given.

The Planning Commission should consider the following:

1. Adequacy of the site.
2. The information provided tonight.
3. Compliance with the intent of the general plan.
4. Characteristics of the vicinity or neighborhood.

Staff’s findings in this review:

In the PO zone, there are certain nuisances that are prohibited. None of the proposed uses seems to contradict any of those listed items or create any of those nuisances.

Ms. Smith supplied a motion to approve or deny as the Planning Commission sees fit. Staff recommends the Planning Commission review both the requested use’s compatibility with the allowed Professional Office uses in the Development Code, and Staff’s review and findings, and either APPROVE or DENY the requested use.

Commissioner Moore invited Mr. Fackrell to supply any other information he felt the Planning Commission should hear before voting.

Mr. Fackrell talked about the name ZAANA which comes from his name of Zach and his wife’s name of Ana—together is ZAANA. He stated that they have been running this business for about two years but that he had done an apprenticeship with a gemologist in SLC for a few years also. The gemologist had a similar setup where they had an office building, but people would make an appointment to go in and design their jewelry.

Mr. Fackrell and his wife started an ecommerce business first (online exclusively). He stated that with the volume of orders they have been getting, they now want to have a warehouse to fulfill the orders. He stated that they have had a lot of interest from customers who would like to pick up the orders in person. He would like to have an area where customers could come in person and try jewelry on. He would like to have a nice store front inside the warehouse.

There was a discussion about where designated parking would be and how busy a retail store would make SR92. They discussed how they love the idea of ZAANA but this is not a retail area, and this would be setting a precedent. The Planning Commission suggested he open ZAANA as an order fulfillment warehouse and then as the business grows, move to a retail area. The Planning Commission gave several ideas for how to set this business up without it being retail.

Commissioner Trent Thayne moved that the Planning Commission APPROVE the requested use in the Professional Office Zone based on the following stipulations: anything referencing retail is removed, no showroom, no walk-in customers, only preorder and pick up of online orders. Consultation for design is allowed by appointment only.

Commissioner Moore seconded the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott

Yes

<i>Commissioner Chris Dayton</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Absent</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Jay Roundy</i>	<i>Absent</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Alternate Debra Maughan</i>	<i>Yes</i>

Motion carried 6:0

5. PUBLIC HEARING/ORDINANCE: TEXT AMENDMENT - PLANNING COMMISSION QUORUM VOTING *Development Code Update (Legislative) - Kellie Smith, Planner & GIS Analyst*

The Planning Commission will hold a public hearing to consider a proposal by Highland City Staff to amend Article 2 Planning Commission in the Development Code to add the requirement that the majority of the Planning Commission must be in favor in order for a motion to pass. The Planning Commission will take appropriate action.

Ms. Smith stated that staff recommends the Planning Commission hold a public hearing to consider a proposal by Highland City Staff to amend Article 2 in the Development Code to add the requirement that the majority of the Planning Commission must be in favor for a motion to pass.

Prior council direction:

At the City Council meeting on May 2, 2023—the City Council expressed that an amendment to the Code is appropriate to ensure clarity on the number of votes needed for a motion to pass. The City Attorney stated that it was an issue of quorum versus majority voting for an item to pass; the City Code does not address the issue, so the default is that a majority of those present is needed in order for an item to pass rather than a majority of the total makeup of the Commission. The Council briefly discussed the issue and communicated that an amendment to the code is appropriate to ensure clarity on the number of votes needed for a motion to pass.

The discussion among commissioners included the idea of making a distinction between legislative votes and recommendations. For legislative matters like architecture and plats, the proposal suggested a majority vote (at least four members), whereas for recommendations, a majority of those present (at least three members) would suffice. Some commissioners preferred keeping the city code simpler and adopting the City Council's voting rules to ensure unanimity on legislative matters.

The discussion weighed the pros and cons of unanimity versus flexibility and the importance of having a larger number of members' input. Commissioners recognized the need for unanimity in legislative decisions but also appreciated the flexibility provided by the majority voting for recommendations.

Commissioner Moore opened the public hearing at 8:17 p.m.

There were no public comments.

Commissioner Moore closed the public hearing at 8:17 p.m.

Commissioner Abbott *MOVED* that on legislative decisions where the Planning Commission is the approval body, there will be a requirement to have a majority of the Planning Commission vote. In the case where the Planning Commission is making recommendations to the City Council, the approval will come from the majority of those present.

Commissioner Moore *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Chris Dayton	Absent
Commissioner Tracy Hill	Absent
Commissioner Christopher Howden	No
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Jay Roundy	Absent
Commissioner Trent Thayn	Yes
Commissioner Alternate Debra Maughan	Yes

Motion carried 5:1

6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Highland Mains - Signage - Kellie Smith, Planner & GIS Analyst

Ms. Smith stated that the name Highland Marketplace has been changed to Highland Mains to fit with the Scottish heritage in the area. Previously, there was a text amendment submitted for Commercial Freestanding Signs stating they could be 35' tall. The Planning Commission compromised where the sign could be a maximum of 25' tall with a 3' rock base which makes the signage 22'. The City Council agreed with the Planning Commission and amended the code to reflect this change. There is a Development Agreement that is associated with Highland Mains (Highland Marketplace) that establishes architectural themes, signage, the landscape plan, and the overall master plan. This is something the City Council approved over 20 years ago, but they made an amendment last year updating those themes. As part of that, they updated the signage. Rather than doing the Commercial Freestanding Signs, they transitioned to something that was closer to a maximum of 10' tall. This was approved by the City Council as an amendment to that Development Agreement.

Recently, the City Council has been working with tenants who would like to go back to having the Commercial Freestanding Sign. In the Development Agreement, the wording has signage, landscaping, and architecture in the same section of the Development Code. Specifically for architecture, it says "If something is submitted that is not compliant, it will go to the Planning Commission for compliance with the CR Zone.

The Development Agreement does not give us any direction as far as whether the amendment code contradicted the signage code. Because of this, it made sense for Staff to follow the same process as architecture and submit this to the Planning Commission for compliance with the CR Zone.

There are two options here:

1. Go to the City Council and amend the Development Agreement.

2. Go with this interpretation and have the Planning Commission decide compliance with the CR Zone.

If the Planning Commission decides to go with option 2, we will bring this before you at the July Planning Commission meeting.

Mr. Patterson stated that the Staff's preference is to allow it since it is what the zone allows. Commissioners agreed and it was stated that this item should be brought back during the July meeting for consideration.

a. Sensitive Lands Text Amendment - *Rob Patterson, City Attorney*

Mr. Patterson said that many cities have a sensitive lands ordinance which states rules for sensitive land. Highland City does not have an ordinance of this type and staff feel it is important to adopt an ordinance to provide guidance and protect against problems in the future. We have had some concerns with homes slipping and property flooding. Staff will begin working on draft language for the text amendment. The new ordinance won't affect anything that has already been submitted.

b. Future Meetings

- July 18, City Council, 7:00 pm, City Hall
- July 25, Planning Commission, 7:00 pm, City Hall
- August 1, City Council, 7:00 pm, City Hall
- August 15, City Council, 7:00 pm, City Hall

Legislative: An action of a legislative body to adopt laws or policies.

Administrative: An action reviewing an application for compliance with adopted laws and policies.

ADJOURNMENT

Commissioner Maughan moved to adjourn the meeting.

Commissioner Thayn seconded the motion. All were in favor.

The meeting adjourned at 8:36 pm.

I, Jill Powell, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 27, 2023. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Jill Powell

Planning Commission Secretary

**Welcome to the Highland
Planning Commission Meeting
June 27, 2023**

Please Sign the Attendance Sheet




1



7:00 PM REGULAR SESSION

Call to Order – Audrey Moore, Chair
Invocation – Commissioner Claude Jones
Pledge of Allegiance – Commissioner Tracy Hill

2



UNSCHEDULED PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non-agenda items.

- Please state your name clearly.
- Limit your comments to three (3) minutes.

3



**ALPINE & HIGHLAND ACTIVE
TRANSPORTATION PLAN**

Item 2 – Presentation
Presented by – Horrocks Engineering

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CONSENT ITEMS

3a. Approval of Meeting Minutes: May 23, 2023 *General City Management*

5



**ZONING APPROVAL – ZAANA
JEWELRY Land Use (Administrative)**

Item 3 – Action
Presented by – Kellie Smith
Planner & GIS Analyst

6

Staff Recommendation

Staff recommends the Planning Commission review both the requested use's compatibility with the allowed Professional Office uses in the Development Code, and Staff's review and findings, and either **APPROVE** or **DENY** the requested use.

7

Proposed Use

- Retail jewelry and ecommerce business + packaging/shipments
 - Anticipated number of daily customers: 5-10
 - Number of employees working at the location: 3-4 primarily in order fulfillment but will attend to local pickup, customers, and appointments for custom consultations.
 - Hours of operation: 9:00 am – 5:00 pm
 - Expected off-site impacts from the use: None.

8

Background

- General Plan Land Use - Office
- Zoning – Professional Office
 - Section 3-4902 of the Development Code states, "The P.O. Zone is intended to allow the provision of professional services, and not general retail commercial." The Development Code does not specifically define "general retail."

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Development Code – PO Conditional Uses

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, daycares, music studios, photography studios, churches, colleges & schools (academic, preschools, 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".

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Development Code – PO Prohibited Uses

In the P.O. Zone, any use not expressly listed as a conditional use shall be evaluated by the planning commission for compatibility.

1. 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.

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Conditional Use Review

- The site of the structure or use
 - Adequacy of the site
 - Adjoining Uses
- The impact of the proposed use on surrounding uses
 - Impact of patrons
 - Hours of operation
 - Off-site effects
- Compliance with the intent of the General Plan and Characteristics of the Vicinity or Neighborhood

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Findings

1. The use does not create any prohibited nuisances.
2. The site and building in which the use is being proposed received approval of a conditional use permit on December 3, 2019. The conditional use permit allowed for the conditional uses listed in the P.O. Zone. Neither retail, nor assembling and shipping are listed as conditional uses in the P.O. Zone.

13

Motion to Approve


I move that the Planning Commission **APPROVE** the requested use in the Professional Office Zone based on the following findings: (the Commission will need to draft appropriate findings).

14

Motion to Deny

I move that the Planning Commission DENY the requested use in the Professional Office Zone based on the following findings: (the Commission will need to draft appropriate findings).

15



TEXT AMENDMENT - PLANNING COMMISSION QUORUM VOTING *Land Use (Legislative)*

Item 4 - Public Hearing/Ordinance
Presented by - Kellie Smith
Planner & GIS Analyst

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Staff Recommendation

Staff recommends the Planning Commission hold a public hearing, accept the findings, and recommend **APPROVAL** of the proposed amendment relating to Planning Commission voting.

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Prior Council Direction

- May 2, 2023 - the City Council expressed that an amendment to the Code is appropriate to ensure clarity on the number of votes needed for a motion to pass.

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Municipal Code

Section 2.12.210:

1. The minimum number of affirmative votes required to pass any ordinance, resolution, or to take any other action by the city council, unless otherwise prescribed by law, shall be a majority of the members present but shall never be less than three affirmative votes.
2. Any ordinance, resolution or motion of the council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of those present.

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Proposed Amendment

- Section 2-205 Duties and Powers
 - The minimum number of affirmative votes required to make a recommendation to the City Council, or any other approval as outlined in this Code, shall be a majority of the members present but shall never be less than four (4) affirmative votes.

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Citizen Participation

- Public Hearing notices
 - State & City Websites
 - 3 public places
- No correspondence has been received.

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Motion to Recommend Approval

I move that the Planning Commission recommend **APPROVAL** of the proposed amendment to Section 2-205 Duties and Powers in the Development Code to add the requirement that the majority of the Planning Commission must be in favor in order for a motion to pass.

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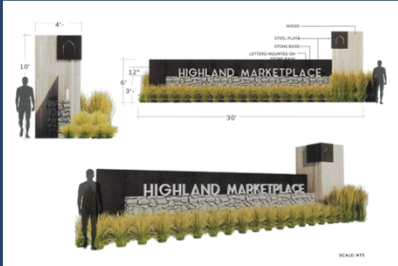


PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

- Highland Mains - Signage - Kellie Smith, Planner & GIS Analyst**
- Sensitive Lands Text Amendment - Rob Patterson, City Attorney**
- Future Meetings**
 - July 18, City Council, 7:00 pm, City Hall
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Highland Mains Signage (Dev Agreement)




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Highland Mains Signage

Commercial Freestanding Sign Size (Dev Code)

- Height: 25' max (3' rock base + 22' sign)
- Width: 16'
- Depth: 4'



The image shows a 3D architectural rendering of a tall, rectangular, freestanding sign structure. The sign is divided into several horizontal sections, each containing a different logo or brand name. From top to bottom, the logos include: 'LUX | DENTAL STUDIO', 'nineteen spaces', 'Jenny Maki Sues', 'Sunha & Alice', 'The Coffee Bean & Tea Leaf', 'The UPS Store', and 'The UPS Store'. To the left of the sign, a vertical height scale is shown, ranging from 0 to 25 feet. The sign is mounted on a base that appears to be made of stacked stones or bricks. The background is a clear blue sky with a few clouds. A small human figure is visible at the base of the sign for scale.

25