

Highland City Planning Commission

May 25, 2010

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Vice Chair, Kelly Sobotka, at 7:03 p.m. on May 25, 2010. An invocation was offered by Jay Roundy and those assembled were led in the Pledge of Allegiance by Roger Dixon.

PRESENT: Commissioner: Kelly Sobotka, Vice Chair
Commissioner: Abe Day
Commissioner: Roger Dixon
Commissioner: Steve Rock
Commissioner: Jay Roundy
Alternate Commissioner: Christopher Kemp

EXCUSED: Commissioner: Tim Irwin
Commissioner: Melissa Wright

STAFF PRESENT: City Planner: Lonnie Crowell
City Engineer: Matthew Shipp
Secretary: Kiera Corbridge

OTHERS: Christie Dalley.

PUBLIC APPEARANCES

Kelly Sobotka invited comments from the public regarding items not on the agenda and no one chose to speak.

3-617: AMENDMENTS TO ZONING CODE; CHAPTER 9 AMENDMENTS TO TITLE AND ZONE MAP – CODE AMENDMENT ~ DISCUSSION (AGENDA ITEM 5)

Lonnie Crowell explained that there are two sections within the Highland City Development Code that define the process to Amend ordinances; both of these sections contradict Utah State Law. In 2005, the Utah State Legislature passed an amendment to the Utah Land Use Development Management Act requiring the Planning Commission to hold a public hearing for all land use code amendments. Staff would recommend deleting Chapter 3-617: Amendments to Zoning Code and amending Chapter 9: Amendments to Title and Zone Map to be consistent with Utah State Law.

Mr. Crowell noted that the amendment to Utah State Law in 2005 also specifically states that only one public hearing is required to Amend a Land Use Ordinance and that the public hearing must be held before the Planning Commission; the Planning Commission then makes a Recommendation to the Legislative Body (the City Council).

A draft of the amended ordinance was presented to the Planning Commission for review. Staff included Chapter 10: Definitions to reflect the definition of terms as provided by Utah Code.

It was noted that Highland City has been following the appropriate procedure despite the ordinance being outdated.

Commissioners discussed the amount of area the required vicinity map should illustrate. Lonnie Crowell clarified that the vicinity map is used only for reference and is not directly correlate with the area of the city that receive notification of an application; Highland City typically notifies residences located within five-hundred feet of the proposed location.

It was also noted that Highland City hired a consultant to determine the actual costs involved in completing each process (i.e. meetings, staff research, etc.) and the fees associated with applications were established based on the consultant's findings; the applicant pays an amount that covers the costs of the application process so tax dollars aren't used.

A Commissioner stated that the word "amendment" seems to be used in two different ways throughout the ordinance and requested that it be clarified in Chapter 10: Definitions of the Highland City Development Code.

A Commissioner requested clarification regarding the time period required for public notification of a meeting. Lonnie Crowell explained that notification to "affected entities", such as the Alpine School District, the Utah Department of Transportation, the Timpanogos Special Service District, irrigation companies, and residents within five-hundred feet of the proposed location, must be notified a minimum of ten days before the public hearing; notification in a newspaper must be printed ten days prior to the meeting; notification on the Utah State Public Notice Website must be posted fourteen days before the public hearing. Mr. Crowell added that while public hearings require advanced notification, public meetings are only required to be "noticed" twenty-four hours before the meeting. A Commissioner voiced concern regarding the short time period required for a public meeting, stating that it is not enough time for residents to arrange their schedules to attend the meeting. Lonnie Crowell stated that meetings are generally advertised more than twenty-four hours prior to the meeting; although, he suggested leaving the shorter time frame to provide for "emergency items" to be added when necessary.

A Commissioner shared experience regarding the development of a property stating that during the application process, it was decided that the zone of the property be changed. This Commissioner questioned whether the Planning Commission may decide to change the zone of a landowner's property or if the owner must apply to begin the process. Lonnie Crowell explained that if the ordinances addressing the zone are changed/amended, the property owners are not notified and it is the property owners' responsibility to become aware of those changes; however, if a specific property is being re-zoned, the owner and property owners within five-hundred feet of the property are individually notified.

A Commissioner referred to the recent Zone Change / Zoning Map Amendment Application associated with The Pointe Performing Arts Academy and noted that the Planning Commission did not Recommend to the City Council that the zoning of the property be changed; however, when the application came before the City Council, it was approved. The Commissioner questioned whether the Recommendation of the Planning Commission holds bearing on the

decision of the City Council. Lonnie Crowell explained that Utah State law requires that all applications be granted due process (complete the application process), which may include the Appeal Authority and/or Court if the applicant chooses; Utah State law only requires that the Planning Commission make a Recommendation, regardless of the outcome.

Commissioners and staff noted typographical corrections.

This item has been scheduled for a public hearing during the Planning Commission Meeting on June 8, 2010.

☞ **DEFINITION OF A FAMILY – CODE AMENDMENT ~ DISCUSSION** (AGENDA ITEM 6)

Lonnie Crowell explained that during the recent Legislative Session, the Utah State Legislature Adopted State Bill 45 defining a “family” as follows:

10-9a-505.5. Limit on single family designation.

- (1) As used in this section, “single-family limit” means the number of unrelated individuals allowed to occupy a unit in a zone permitting occupancy by a single family.
- (2) A municipality may not adopt a single-family limit that is less than:
 - (a) three, if the municipality has within its boundary:
 - (i) a state university; or
 - (ii) a private university with a student population of at least 20,000; or
 - (b) four, for each other municipality.

To be consistent with Utah State Law, staff recommends that the definition in the Highland City Development Code be amended to permit four persons rather than two (as seen below). Staff has also included suggested language at the end of the second sentence to provide for groups of people that are legally considered to be treated as a “family”, such as residences for persons with a disability:

Highland City Development Code

10-102: Definitions (Amended: 3/2/04, 3/1/05, 6/7/05, 3/7/06, 8/1/06, 10/3/06, 5/15/07, 7/15/08) The following words, as used in this Title, shall have the meaning ascribed to them:

- (20) Family -- An individual or four or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household. A family may include **four**, but not more than **four**, non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group **except as permitted by law**.

Commissioners requested additional clarification regarding the definition in Bill 45 and the effect on related individuals. Lonnie Crowell stated that the definition in the Highland City Development Code can be clarified. A Commissioner suggested the following language:

- (20) Family -- ~~An individual or four or more p~~Persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household.; **however, A**a family may include **four**,

but not more than **four**, non-related persons living with the residing family. The term "family" shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group **except as permitted by law**.

It was noted that Residences for the Disabled and/or Residential Rehabilitation and Treatment Facilities for the Disabled are protected by separate laws and the restriction of the number of persons permitted within the facilities does not conflict with the proposed ordinance.

This item has been scheduled for a public hearing during the Planning Commission Meeting on June 8, 2010.

∞ **MODEL HOMES (CONDITIONAL USE PERMITS 3-108; 3-208) – CODE AMENDMENT ~ DISCUSSION** (AGENDA ITEM 7)

Lonnie Crowell explained that the Planning Commission previously expressed concern regarding the limited time allowed for model homes to operate within a subdivision. Staff presented the following alternate language for the Planning Commission to review:

~~No model home use shall exceed two years.~~ A Model Home Conditional Use Permit shall expire when the final lot has been sold within the subdivision the home is located in.

A Commissioner expressed concern that a developer may chose not to sell the final lot in order to continue using the Model Home. Another Commissioner noted that it may not be economically beneficial for a developer to pay a sales agent to sit in the sales office if the remainder of the lots have been sold. Lonnie Crowell stated that the current economic market has indicated a need for a Model Home in an incomplete subdivision to operate for a period of time longer than two years; however, Mr. Crowell warned not to allow the Model Homes to operate for an indefinite period of time because the neighbors may complain.

The Planning Commission suggested providing the developer the opportunity to reapply for a two-year Conditional Use Permit for a Model Home, permitting the Model Home to operate until the final lot is sold.

∞ **WALL AND WINDOW SIGNS – CODE AMENDMENT ~ DISCUSSION** (AGENDA ITEM 8)

Lonnie Crowell explained that over recent years, Highland City business owners have voiced frustration regarding the current ordinances addressing wall and window signs. The Planning Commission has reviewed the ordinances in the past, evaluating illustrations of different sign sizes and locations. Approximately half of the Permanent Sign Applications over the past couple of years have indicated the merchants' request for wall signs to be larger than five percent of a wall. Business owners have also expressed the desire to install more than one sign per wall as well as the ability to use an entire window for advertising space (the current ordinance permits twenty-five percent of each window to be used for advertising). Mr. Crowell noted that large developments with grocery stores in nearby cities appear to permit the frontage sign to cover about ten percent of the primary wall space and an unlimited number of signs per wall. He

suggested that it may be prudent to prepare the commercially zoned areas of Highland City to be more attractive to future commercial businesses.

During the Planning Commission Meeting on November 10, 2009, Commissioners requested that staff invite the Highland City Merchants to attend a meeting to express their concerns and suggest amendments to the ordinances; staff attempted to contact the merchants/business owners but did not receive any reply. It has been suggested that the merchants/business owners may have not been able to attend a Planning Commission meeting due to scheduling difficulties, so staff created a survey and mailed it to every business owner/merchant in Highland City.

The surveys that were returned indicated that majority of businesses in Highland City would benefit from an increase in the percentage of wall space used for signage (from five percent to eleven percent), an increase in the number of signs permitted per wall (from one sign to three signs), and an increase in the percentage of window space used for advertising (from twenty percent to forty-three percent).

A Commissioner requested clarification regarding the percentage of window area that can be used for advertising; can a store with ten windows cover fifty percent of each window or completely cover five of the windows? Lonnie Crowell noted that the ordinance currently addresses each window individually; however, the ordinance can be written either way. Another Commissioner shared experience with researching historical architecture, stating that literally hundreds of photographs depict store fronts with signs in every window. The Commissioner expressed the opinion that the merchants want to have attractive exteriors and that signs in the windows don't detract from the appearance of the area.

Several Commissioners suggested following what the merchants have requested per the survey, stating that if Highland City wants to be a business-friendly city, it should listen to the comments of its merchants.

A Commissioner expressed concern regarding the appearance of electronic marquees and flashing signs. Lonnie Crowell noted that the previous administration considered installing a marquee sign along SR-92 to notify traffic of upcoming meetings as well as to alleviate issues revolving around monument signs in the Lone Peak Shopping Center.

∞ **PLANNING COMMISSION FUTURE BUSINESS, QUESTIONS AND RECOMMENDATIONS ~ DISCUSSION** (AGENDA ITEM 9)

The Planning Commission has requested a list of possible upcoming Planning Commission Items. Items are typically placed on the Planning Commission Agenda as soon as the applications are submitted; the follow items are exceptions:

FUTURE ITEMS OF BUSINESS TO CONSIDER

- **Amendments to Ordinances Addressing Fences**
- **Master Plan State Training School Property** – Located south of Lone Peak High School. Will be considered after the alignment of the East-West Corridor is determined.

- **Amendments to the Open Space Bonus Density Subdivision Ordinance** – Amending to create a more productive and user friendly ordinance.

CONTINUED/ONGOING ITEMS TO CONSIDER

- **Review of the Highland City General Plan**
- **Amendments to Chapter 3-617: Amendments to Zoning Code and Chapter 9: Amendments to Title and Zone Map** – Staff recommends to Amend the Development Code to be consistent with Utah State Law.
- **Amendment to the Definition of “Family” in the Highland City Development Code** – Utah State Law was recently amended regarding the definition of a family to include not less than four people, requiring Highland City to amend the existing definition.
- **Ordinances Addressing “Model Homes” - Conditional Use in R-1-40 and R-1-20 Zones** – Review limited time frame and requirements of a Model Home.
- **Amendment to the Permanent Sign Ordinance** – Per the request of the Highland City Merchants Committee and results of the Merchant Sign Survey.
- **Amendments Regarding Setbacks in R-1-40 Open Space Subdivisions** – Subdivision setbacks will be spelled out in the ordinances.
- **Planning Commission Final Approval and Recommendation of the Buhlers Ranch Subdivision** – Nineteen-lot subdivision located at approximately 5879 West 10400 North in Highland.

∞ **APPROVAL OF MEETING MINUTES FOR MARCH 9, 2010, AND APRIL 27, 2010 (AGENDA ITEM 10)**

MOTION: Steve Rock moved to Approve the Meeting Minutes for March 9, 2010, as amended. Motion seconded by Roger Dixon. Those voting aye: Abe Day, Roger Dixon, Christopher Kemp, Steve Rock, Jay Roundy, Kelly Sobotka. The motion passed with a unanimous vote.

MOTION: Jay Roundy moved to Approve the Meeting Minutes for April 27, 2010, as amended. Motion seconded by Abe Day. Those voting aye: Abe Day, Roger Dixon, Christopher Kemp, Steve Rock, Jay Roundy; Kelly Sobotka abstained. The motion passed with a unanimous vote.

∞ **ADJOURNMENT**

Abe Day moved to adjourn. Seconded by Jay Roundy. Unanimous vote, meeting adjourned at 7:53 p.m.