

Highland City Planning Commission

July 13, 2010

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Melissa Wright, at 7:02 p.m. on July 13, 2010. An invocation was offered by Melissa Wright and those assembled were led in the Pledge of Allegiance by Abe Day.

PRESENT: Commissioner: Melissa Wright, Chair
Commissioner: Abe Day
Commissioner: Tim Irwin
Commissioner: Jay Roundy
Commissioner: Kelly Sobotka
Alternate Commissioner: Christopher Kemp

EXCUSED: Commissioner: Roger Dixon
Commissioner: Steve Rock

STAFF PRESENT: City Administrator: John Park
City Planner: Lonnie Crowell
Secretary: Kiera Corbridge

OTHERS: Troy Jacobson, Elisa Vuyk, Carl Burney, Shelley Burney, Greg Parkinson, Liza Anne Hall, Yong-In Spencer Shin, Carmilla Shin.

PUBLIC APPEARANCES

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

PLANNING COMMISSION POLICIES AND PROCEDURES ~ AMENDMENT (AGENDA ITEM 5)

Lonnie Crowell explained that the Planning Commission has requested that the Planning Commission Policies and Procedures Manual be placed back on the Planning Commission Agenda for the purpose of making the aforementioned manual consistent with the recent amendments to the Highland City Development Code regarding noticing requirements for public hearings.

MOTION: Tim Irwin moved to Amend the Planning Commission Policies and Procedures to be consistent with recent amendments to the Highland City Development Code. Motion seconded by Jay Roundy. Those voting aye: Abe Day,

Tim Irwin, Christopher Kemp, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

∞ **PROFESSIONAL OFFICE ZONE; 3-4902: CONDITIONAL USES – CLARIFICATION/CODE AMENDMENT ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 6)**

Lonnie Crowell explained that Highland Hideaway Storage, representing UHAUL, has requested the opportunity to provide UHAUL services in association with the Highland Hideaway Storage facility. It is proposed that the UHAUL services provided from within the existing storage facility and the UHAUL vehicles would be located entirely within the storage unit area, not visible from Highland Boulevard. In addition, the applicant is proposing to sell typical retail items associated with moving, packing and storage.

Mr. Crowell noted that the Professional Office Zone was approved several years ago (2003), including a master site plan and building elevations/renderings. It is not proposed that the site plan or architecture be changed from the original approval for the storage facilities; simply that the proposed use be permitted within the zone.

Lonnie Crowell stated that the Professional Office (P.O.) Zone allows for “professional offices and services”. Staff is not confident that the existing language would permit the proposed uses; however, the Planning Commission may determine “if said use is consistent with the intended use of the P.O. Zone, and is compatible with other listed uses, and is compatible with the uses of adjacent properties” (per the Highland City Development Code).

Melissa Wright opened the public hearing at 7:08 p.m.

Greg Parkinson, resident of the Dry Creek Highlands subdivision, voiced his opposition to the proposal of permitting UHAUL services to operate from the Highland Hideaway Storage facility. Mr. Parkinson stated that he sees the change as only benefiting the applicant while creating nuisances like additional traffic, noise, safety hazards, and unattractive views for the residents. He stated that many of these nuisances already exist; bright lights on the buildings are intrusive to the neighboring residences; poorly maintained vehicles driving along Highland Boulevard create traffic and safety hazards; massive recreational vehicles are stored along the northern property line, creating an eyesore for the bordering properties. Greg Parkinson stated that when he originally purchased his lot, he was not made aware of any future plans for development beyond residential use. He expressed the opinion that changes to the zoning of properties in the surrounding areas are often made in secret; only a few of his neighbors received notifications of this public hearing. Mr. Parkinson claimed that it seems there is a constant flow of applications to build something in Highland Hills that does not fit the zone. Greg Parkinson would like to establish zone boundaries and make it clear that the boundaries will not be changed; he stated that Highland City should be adding restrictions rather than removing them. Mr. Parkinson noted that property within the

Town Center Overlay Zone is still available and emphasized that commercial uses should be located within the commercial zones. He stated that a UHAUL supplier should not be located next to million-dollar homes, reiterating that approval of the application would only benefit one party, and Mr. Parkinson clearly stated that he could consider pursuing legal action if the application were to be approved.

Yong-In Spencer Shin, resident of the Dry Creek Highlands subdivision, stated that he is also opposed to the operation of UHAUL services from Highland Hideaway Storage. Mr. Shin explained that he can already hear noise from the trucks and is concerned that any additional traffic would disturb his family.

Liza Ann Hall, also a resident of the Dry Creek Highlands subdivision, noted that she did not receive a notification of the public hearing either. She mentioned that she can see the Highland Hideaway Storage facility from her deck and stated that the bright lights from the facility are an intrusion on her privacy. She commented that there are several industrial and commercial businesses located along SR-92 and that Highland Hideaway Storage should be closer to these facilities rather than the expensive homes planned for the surrounding properties.

Carl Burney, resident of the Dry Creek Highlands subdivision, noted that the subdivision still has many undeveloped lots that have direct views of the Highland Hideaway Storage facility. He expressed the opinion that the bright lights, the view of the facility and the recreational vehicles, and the general aversion to businesses in neighborhoods are the reasons that so many lots remain unsold. Mr. Burney requested clarification regarding the notification process for public hearings. Lonnie Crowell explained that staff obtains property owner information from the Utah County Recorder's Office and notifies property owners within 500 feet of the application address. Mr. Burney questioned whether Ivory Homes would also receive a notification. Lonnie Crowell stated that if Ivory Homes is the owner of any property within that 500 foot radius, they would also receive a notification of the public hearing. Carl Burney clarified that he'd inquired as to Ivory Homes' notification because he would think that any additional destruction of the residential ambiance would make it harder to sell the empty lots. Mr. Burney explained that when he was sold his home, he was informed that Patterson Homes had constructed Country French Estates subdivision across the street and that they also owned the property to the south; he felt he was lead to believe that homes similar to those constructed in the Country French Estates subdivision would be constructed on the property to the south as well. Carl Burney stated that there is not a need for UHAUL services; he located several moving truck companies within ten minutes of Highland City. Mr. Burney summarized that continuing to amend zones and rezone properties will lead to gas stations, convenience stores, etc, and pleaded to confine commercial uses to the commercial zones and keep the residential atmosphere intact.

Elisa Vuyk is the manager of the Highland Hideaway Storage facility. Ms. Vuyk clarified that the facility already has trucks arriving daily from UHAUL, Ryder, Mayflower, etc., and that the intent of offering UHAUL services from within the facility is simply to improve the quality of services provided. She explained that the plan would be to provide

one truck that is strictly reserved as a Highland Hideaway Storage truck for local resident that would be stored in the rear of the building; all other UHAUL vehicles would have scheduled arrival and departure times. Elisa Vuyk emphasized that Highland Hideaway Storage is not looking to store UHAUL trucks or trailers; however, if there is some overlap, the vehicles will be stored in the undeveloped portion on the north side of the property until they are picked up. Ms. Vuyk informed the Planning Commission that she lives onsite at the Highland Hideaway Storage facility and is familiar with the light and noises of the facility. She stated that the lighting for the facility is on a timer that she recalls shutting off at 11:00 p.m.; however, Ms. Vuyk noted that the lighting issue could be addressed with the neighbors. She then suggested that the truck noise the neighbors may be hearing could be the Patterson Construction trucks. Elisa Vuyk reiterated that she does not feel permitting UHAUL services from operating within Highland Hideaway Storage an additional impact because the trucks she has seen has well maintained, there will not be any additional signage, and the people will simply driving the trucks in to drop off belongings and someone else will load items up and drive the truck away. She summarized stating that the need for this type of facility has been growing as people are downsizing and providing this additional service improves the quality of their business.

A Commissioner requested clarification regarding the signage on the vehicles. Elisa Vuyk explained that the UHAUL vehicles will have the standard UHAUL company logo and that only one truck will have a Highland Hideaway Storage logo, but none of the vehicles will be intended as signage in front of the facility.

Troy Jacobsen, employee of UHAUL International, commented that the idea has been proposed simply because it compliments the existing business. He stated that the number of vehicles onsite will vary by day, but that they are willing to coordinate schedules to ensure that they meet the requirements Highland City imposes.

Greg Parkinson voiced his concern that storing the vehicles in the north portion of the property will be pressing into the residential neighborhood. He insisted that visualizing the magnitude of the visual impact based on a map was impossible and urged the members of the Planning Commission to visit the property.

Melissa Wright closed the public hearing at 7:41 p.m.

The Planning Commissioners reviewed maps of the property provided by staff and via GoogleEarth and/or other internet map sites.

A Commissioner observed that while visiting the site, truck and trailers from various companies were moving belongings in and out of the facility. This Commissioner commented that the proposed addition of UHAUL services would likely have a much smaller impact than the public perceives.

Another Commissioner contended that other rental companies often don't have vehicles in the parking lots during the weekdays; however, vehicles that arrive during the weekends are often left in the parking lots and may not be moved until the beginning of

the next week. If this were the case with the Highland Hideaway Storage facility, there are not many parking spaces behind the main building for trucks and trailers.

Elisa Vuyk explained that people schedule specific drop-off/pick-up times in advance, so she would be aware of the number of trucks needed for the day; trucks that would be leaving could be parked behind the main building and brought out front, while the trucks that would not be needed could be temporarily stored in the north portion of the lot with the recreational vehicles. Ms. Vuyk then explained that UHAUL has a universal database to track the location of the trucks and trailers; this would allow her to request additional vehicles when necessary and have vehicles removed when there are excess.

A Commissioner questioned what would happen to a UHAUL vehicle that arrived in a state of disrepair. Elisa Vuyk stated that the vehicle would promptly be reported and removed from the site; the Highland Hideaway Storage location would not fix or maintain UHAUL vehicles.

Greg Parkinson stated that he was lead to believe that the whole property would be developed as residential. Lonnie Crowell explained that the property was annexed into Highland City during 2001-2002; Suncrest requested an access to utility lines, thus creating Highland Boulevard. Mr. Crowell stated that the General Plan was then amended in 2003 for the creation of the Professional Office Zone; the Professional Office Zone included the site plan which indicated the locations of several future buildings and the construction of a storage facility. Lonnie Crowell summarized that Ivory Homes' development was approved after the zone was created.

Commissioners noted that the Planning Commission should consider the whether other business owners within this zone would appreciate "ancillary sales of items" (ex: dentist selling toothpaste, hair stylist selling shampoo, etc.).

Elisa Vuyk addressed the previously mentioned lighting concern, stating that her residence faces the rear of the property and she does not recall that the lights are on at night; however, she emphasized that she is willing to review the concern with the neighbors. Lonnie Crowell stated that staff will refer to the ordinance regarding the approved lighting plan and fixtures.

A Commissioner expressed concern that because this location is serving residents in Highland, Lehi, Draper, American Fork, and Cedar Hills, it may become a convenient "midway point" for renters to drop-off rental vehicles rather than driving them to the appropriate facilities. Elisa Vuyk clarified that the Highland Hideaway Storage location would be strictly based on scheduled appointments; renters cannot drop-off a vehicle any time they want.

A Commissioner questioned whether City Staff has received complaints from business owners in the Professional Office Zone regarding ancillary sales. Lonnie Crowell stated that when the zone was created, the ordinance did not specify that the sales were or were not permitted.

It was clarified that the signs on the trucks don't count as signs; although, the truck cannot be parked specifically to act as a sign.

MOTION: Kelly Sobotka moved to Recommend that the City Council Adopt an Ordinance Amending Section 4-4902: Conditional Uses within the Professional Office Zone as follows:

ARTICLE 4.9

Article 4.9 Adopted: 12/16/2003

PROFESSIONAL OFFICE ("P.O.") ZONE

3-4902: Conditional Uses. The P.O. Zone is intended to allow the provision of professional services, and not general retail commercial. As noted in the following sections, the only uses allowed within the P.O. Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to special conditions as may be imposed by the planning commission or city council. All such conditional uses are subject to additional conditions considered appropriate and necessary by the Planning Commission and City Council. Those uses which are incompatible with the desired land use for the P.O. Zone are prohibited. Following is a list of conditional uses for the P.O. Zone, subject to the standards and procedures established in this Code.

- (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, music studios, photography studios, churches, colleges & schools (academic, pre-schools, 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".
 - (a) Ancillary uses specifically related to the storage sheds, which may include the following:**
 - (i) Enclosed and heated storage facilities that include residential living quarters as permitted by this ordinance; and**

- (ii) **Moving services including moving trucks if located entirely within the fenced storage unit complex; and**
- (iii) **Retail sales of storage, packing or moving supplies if located entirely within the existing main storage facility.**
- (7) Any other conditional uses or other types of professional services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.

Motion seconded by Tim Irwin.

SUBSTITUTE MOTION: Melissa Wright moved to Recommend that the City Council Adopt an Ordinance Amending Section 4-4902: Conditional Uses within the Professional Office Zone per the above Recommendations with the following Amendments:

3-4902: Conditional Uses. The P.O. Zone is intended...

- (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".
 - (a) Ancillary uses specifically related to the storage sheds, which may include the following:
 - (i) Enclosed and heated storage facilities that include residential living quarters as permitted by this ordinance; and
 - (ii) Moving services including moving trucks if located entirely within the fenced storage unit complex.
- (7) **Subsidiary retail sales of ~~storage, packing or moving supplies if located entirely within the existing main storage facility~~ items which are associated exclusively to the primary use.**
- (8) Any other conditional uses or other types of professional services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.

Motion seconded by Kelly Sobotka.

Commissioners discussed whether it was appropriate for the ordinance to limit the number of vehicles stored on the property at a time. Elisa Vuyk stated that her concern with restricting the number vehicles on-site is that rental trucks and trailers from non-UHAUL companies are also coming and going through the facility all day as well, making the overall vehicle number hard to manage.

It was noted that a neighboring property owner has large trees along the adjacent property line. A Commissioner suggested that the Highland Hideaway Storage facility be required

to plant large trees along the north boundary. Lonnie Crowell indicated that only the northeast section of the property line was adjacent to residential properties. Elisa Vuyk suggested that approving UHAUL services to operate at the Highland Hideaway Storage facility should not have any additional impact on the views of the neighborhood because any storage of a UHAUL vehicle would be temporary. Lonnie Crowell mentioned that storage of recreational vehicles or any uncovered storage was not included in the approval of the Professional Office Zone; the intent was that all storage was to be covered.

A Commissioner noted that issues such as landscaping and covered storage are topics to be discussed during a Conditional Use Permit; issues to be applied to the entire zone should be discussed during the Code Amendment. A Commissioner suggested adding hours of operation under (6)(a)(ii).

AMENDED SUBSTITUTE MOTION: Melissa Wright moved to Recommend that the City Council Adopt an Ordinance Amending Section 4-4902: Conditional Uses within the Professional Office Zone per the Substitute Motion with the addition of Hours of Operation from 9 a.m.-6 p.m. Motion seconded by Tim Irwin. Those voting aye: Tim Irwin, Christopher Kemp, Jay Roundy, Kelly Sobotka, Melissa Wright; those voting nay: Abe Day. The Amended Substitute Motion passed with a majority vote, 5:1.

☞ **UHAUL CONDITIONAL USE PERMIT APPLICATION ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 7)**

Lonnie Crowell explained that Highland Hideaway, representing UHAUL, has requested a Conditional Use Permit to permit UHAUL to operate within the existing Highland Hideaway Storage facility; every use within the Professional Office (P.O.) Zone requires a Conditional Use Permit. The applicant is proposing to have enough trucks to provide for the demand and unused trucks will be parked inside of the gated storage unit. It is proposed that one truck would be parked in front of the main building to provide advertising; however, staff noted that this is specifically not permitted by the current sign ordinance in the Highland City Development Code.

It is not suggested that Highland Hideaway add any additional employees; the UHAUL services will be operated by the existing two employees associate with Highland Hideaway Storage.

Mr. Crowell noted that the Professional Office Zone was approved several years ago (2003), including a master site plan and building elevations/renderings. It is not proposed that the architecture be changed from the original approval for the storage facilities; simply that the proposed use be allowed to operate within the existing use as approved.

A Commissioner noted that the original approval of the site plan did not indicate an area for open vehicle storage and questioned whether this conditional use application is valid

while the applicant is in violation of the ordinance. Lonnie Crowell stated that the conditional use application should not be affected because the UHAUL services would be operated from within the main building. Another Commissioner pointed out that if the applicant were to approach the Planning Commission and City Council regarding open vehicle storage and was denied, the space for temporary parking of the UHAUL vehicles would be drastically reduced.

Melissa Wright opened the public hearing at 8:26 p.m.

Greg Parkinson stood and accused the Planning Commission of arriving at the meeting with predetermined votes and turning a deaf ear to the comments of the public. Mr. Parkinson listed the grievances of Patterson Homes: bright lights that may not comply with the ordinance; recreational vehicles stored in the open; a massive sign on the roof of the corporate building; using Christmas lights for advertising. He challenged that if Patterson Homes is not following the current ordinances, why would they keep promises that they are making tonight?

Carl Burney stated that although his neighbor has trees along the back property line, the difference in elevation between the Ivory Homes development and the Highland Hideaway Storage property is substantial enough that vegetation will not be a viable solution. Mr. Burney explained that when he was in the process of purchasing his home, he was lead to believe that the property to the south would be developed into residences much like those in the Country French Estates subdivision; had he known that it would be a storage facility, he would not have purchased the home. Carl Burney suggested that the Planning Commission take the opportunity to visit the site.

Shelley Burney, resident of the Dry Creek Highlands subdivision, added that several homes have decks that face the storage facility and are more affected by the bright lights and view than would be visible from the street.

Elisa Vuyk expressed appreciation for the comments from her neighbors, but also wanted to remind her neighbors and the Planning Commission that the portion of the facility where the recreational vehicles are parked is simply an incomplete phase; it will become covered storage in the future.

Yong-In Spencer Shin agreed with Mrs. Burney and stated that the facility is an eyesore. He expressed his support of planting additional trees and vegetation to screen the view.

Carmilla Shin, resident of the Dry Creek Highlands subdivision, extended an invitation to the Planning Commissioners to visit her home and see her view. She stated that their family moved to Highland because of the beautiful city and the beautiful view, but now the view of the storage facility is a burden on her and her family.

Elisa Vuyk stated that she feels many people store their recreational vehicles at Highland Hideaway Storage because they can't park the vehicles on the street at home. A

Commissioner asked approximately how many recreational vehicles are currently at Highland Hideaway Storage; Ms. Vuyk estimated fifty-two.

Lonnie Crowell noted that recreational vehicles are permitted to be stored at Highland Hideaway Storage if they are in a covered unit.

Melissa Wright closed the public hearing at 8:45 p.m.

A Commissioner questioned whether Highland Hideaway Storage has to be brought into compliance before the conditional use permit can go into effect. Lonnie Crowell stated that compliance could be recommended with this use, although he suggested focusing on how and where the UHAUL vehicles should be located on the property.

A Commissioner reasoned that if uncovered storage is not approved for the zone, UHAUL vehicles should not be permitted to be parked in the northern portion of the property; any temporary or excess parking must be designated in a separate area of the facility.

Several Commissioners agreed that their support of the conditional use permit would require covered storage of the UHAUL vehicles, compliant with the original plan.

A Commissioner suggested that the property owner hire a licensed landscape architect to create a landscape screening plan to create some level of buffer for the adjacent residents. Lonnie Crowell indicated on the site plan the location of a 58 foot water easement along the border of the northern property line; trees cannot be planted within the easement.

Commissioners requested that staff review the ordinance regarding the times during which the lights can be on and the fixtures that can be used in the zone.

Questions arose regarding the approved site plan in relation to what currently exists onsite.

MOTION: Abe Day moved to Continue the discussion regarding the UHAUL Conditional Use Permit Application as submitted to provide the Planning Commission additional time to review comments from the public and for staff to obtain additional information regarding the original site plan. Motion seconded by Tim Irwin. Those voting aye: Abe Day, Tim Irwin, Christopher Kemp, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

MODEL HOMES (CONDITIONAL USE PERMIT APPLICATION 3-108, 3-208, 3-4748, AND 3-4768) – CODE AMENDMENT ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 8)

Lonnie Crowell explained that the Planning Commission has previously requested a review of the restrictions regarding the time frame in which a Model Home can operate.

During previous discussions, several Commissioners expressed concerns that removing a model home prior to the sale of the last lot in a subdivision may make it more difficult to sell the property and would result in remaining empty lots. The Planning Commission was presented a draft ordinance that may address this concern.

Melissa Wright opened the public hearing at 9:05 p.m.

Greg Parkinson, resident of the Dry Creek Highlands subdivision, stated that he had repeatedly voiced complaints regarding a model home in his neighborhood. He expressed the opinion that a model home is taxing on the residents of a subdivision; a model home creates excessive traffic with “hundreds of cars” resulting in a safety concern for children of the neighborhood. Mr. Parkinson stated that he feels a model home should be closed after two years and that the developer should pursue alternative sales approaches. He expressed disdain at considering extensions when the ordinance regarding expirations does not appear to currently be enforced; he accused City Staff and the Elected Officials of being “pro-developer” and only enforcing ordinances that benefit developers. Commissioners requested clarification regarding the influx of traffic as described by Mr. Parkinson. Greg Parkinson stated that during peak sales, he’d observed a flow of vehicles numbering in the low hundreds.

Carl Burney, resident of the Dry Creek Highlands subdivision, agreed that at times there were a large number of cars visiting the model home; however, he stated that he did not observe hundreds of vehicles.

Melissa Wright closed the public hearing at 9:17 p.m.

A Commissioner voiced extreme offense the accusation of being pro-developer and stated that his actions as a Planning Commissioner are based on the betterment of Highland City as a whole.

Commissioners clarified that the purpose of the review is to promote the success of businesses in Highland, not per the requested of a developer. The amendment would simply create the potential for reapplication. The Conditional Use Permit to operate a Model Home will still expire after two years, but the developer will have the option to apply for an extension; if the application does not meet all of the requirements, the extension will be denied and the model home will close.

A Commissioner noted that an operating model home ensures that the property is well maintained as opposed to a foreclosed or abandoned home.

MOTION: Tim Irwin moved to Recommend that the City Council Adopt an Ordinance Amending Sections 3-108, 3-208, 3-4748, and 3-4768 of the Highland City Development Code as follows:

**ARTICLE 4.1
R-1-40 RESIDENTIAL ZONE**

3-4108: Conditional Uses.

- (14) Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:
- (a) Model home is used for lot/home sales within the city.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision where the model home is located.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.**
 - (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
 - (f) Signage shall be regulated by existing sign ordinance.
 - (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 - (h) Garages used as sales office shall be converted back before occupancy is permitted.
 - (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.
 - (j) All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.

**ARTICLE 4.2
R-1-20 RESIDENTIAL ZONE**

3-4208: Conditional Uses.

- (12) Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:
- (a) Model home is used for lot/home sales within the city.
 - (b) The maximum number of personnel shall not exceed three at any given time.

- (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
- (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision where the model home is located.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.**
- (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
- (f) Signage shall be regulated by existing sign ordinance.
- (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
- (h) Garages used as sales office shall be converted back before occupancy is permitted.
- (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.
- (j) All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.

**ARTICLE 4.7.4
TOWN CENTER OVERLAY URBAN SUBDIVISION**

3-4748: Conditional Uses.

- (3) Model homes used for the sale of homes/lots within the Town Center Urban Subdivision in Highland, provided that the model home thereof conforms to the following requirements and subject to a conditional use permit:
 - (a) Model home is used for lot/home sales within the Town Center Urban Subdivision Overlay.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall**

expire when the final lot has been sold within the subdivision where the model home is located.

(i) If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.

- (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
- (f) Signage shall be regulated by existing sign ordinance and in addition to said ordinance, no model home shall display banners, flags, or balloons. Each model home sign shall be allowed within the immediate front yard with a maximum size of 48" x 96" with a height from ground level not to exceed 10'.
- (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
- (h) Garages used as sales office shall be converted back before occupancy is permitted.
- (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.

ARTICLE 4.7.6

TOWN CENTER TRANSITIONAL HOUSING OVERLAY

3-4768: Conditional Uses.

- (3) Model homes used for the sale of homes/lots within the Town Center Urban Subdivision in Highland, provided that the model home thereof conforms to the following requirements and subject to a conditional use permit:
 - (a) Model home is used for lot/home sales within the Town Center Urban Subdivision Overlay.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision where the model home is located.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this**

ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.

- (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
- (f) Signage shall be regulated by existing sign ordinance and in addition to said ordinance, no model home shall display banners, flags, or balloons. Each model home sign shall be allowed within the immediate front yard with a maximum size of 48" x 96" with a height from ground level not to exceed 10'.
- (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
- (h) Garages used as sales office shall be converted back before occupancy is permitted.
- (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.

Motion seconded by Jay Roundy. Those voting aye: Abe Day, Tim Irwin, Christopher Kemp, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

3-708: WALL SIGNS AND TABLE 3-707A – CODE AMENDMENT ~ PUBLIC HEARING AND RECOMMENDATION (AGENDA ITEM 9)

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 commercial developments 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).

During the Planning Commission Meeting on May 25, 2010, Commissioners suggested that if Highland City wants to be business-friendly, it would be wise to follow what the Highland City merchants have requested per the survey.

It was noted that signs are not permitted on roof tops.

Melissa Wright opened the public hearing at 9:28 p.m.

Greg Parkinson requested clarification regarding the enforcement of temporary signs. Lonnie Crowell stated that the Highland City Council has placed a moratorium on the enforcement of the temporary sign ordinance.

Mr. Parkinson expressed his opinion that the residents should have also received a survey regarding the wall and window sign heights, locations, etc.

Melissa Wright closed the public hearing at 9:31 p.m.

A Commissioner expressed hesitation about amending the Sign Ordinance when only a portion of the ordinance is being enforced. Lonnie Crowell clarified that the City Council's moratorium on enforcement of the temporary sign ordinance was intended to assist Highland City businesses succeed; provides an additional avenue for advertising.

It was noted that window signs are not permitted in the Professional Office Zone.

MOTION: Abe Day moved to Recommend that the City Council Adopt an Ordinance Amending Section 3-708: Wall Signs and Table 3-707A in the Highland City Development Code per the following Recommendations:

3-708: Wall Signs (Amended 7/15/08). This Section shall permit a business within a commercial zone to apply for a permit to install a permanent wall sign upon their place of business in Highland City (see wall sign definition within this Section). A wall sign shall be installed by a licensed sign contractor* for a commercial business if the following requirements are met (additional requirements may apply within separate zones B see above Table 3-707A). The applicant shall be the owner of the business for which the sign will be installed or a licensed sign contractor representing the said owner. All wall signs within commercial zones of a sign type that has not been previously

approved shall require specific approval by the Highland City Planning Commission. The following restrictions shall apply to all wall signs:

- (1) **Location:** A wall sign may be affixed parallel to a permanent part of the exterior of a building and shall project less than 18 inches from that wall. Shopping centers or office buildings shall provide a band or other sign location within the architecture of the building to provide for a wall sign for individual businesses. A wall sign may not extend above or below the “band” or designated sign area. A wall sign may never extend above the eave, horizontal roof line or roof parapet or located within twelve (12) inches from the eave or parapet.
- (2) **Size:** The size of a wall sign is calculated by the building frontage from which the applicant for the wall sign operates business. A wall sign is calculated by a percentage of the front wall of the business from eave or cornice to grade multiplied by the linear foot of building width or width of a leased space whichever is less. The maximum size for a wall sign is defined in Table 3-707A (above).
- (3) **Material:** A wall sign shall consist of typical can type with single letters (may be applied onto a pan channel or similar device to mount the sign to be internally lighted) or solid single letters of any quality metal material. Wall signs may incorporate an insignia, business logo or registered trademark as a cabinet type sign. Only 20% of the sign size shall be permitted to be the insignia, business logo or registered trademark as a cabinet type sign.
 - (a) Wall signs shall be designed to be consistent with a sign theme for each commercial development project. If a sign theme has not been officially established, then all signs shall be consistent with the majority of the existing signs within an existing development project.
- (4) **Lighting:** A wall sign shall be internally illuminated from within the individual letters, down-lighted by an architecturally significant fixture(s), or may be installed without lighting. All wall sign lighting may only operate between the hours of 6:00 a.m. and 12:00 a.m. (7:00 a.m. until 10:00 p.m. in the P.O. Zone). Sign lighting shall not create light pollution beyond the sign area.
- (5) **Number of Signs:** A business may have **three (3)** wall signs for each exterior wall face that is leased or owned by that business. The size of each wall sign is determined by the leased or owned area of the façade the sign will be placed on. The allowable size of any wall sign is defined in Table 3-707A in this code.

3-708: Wall Signs The following table will define the differences for permanent/temporary and permitted signs within each separate commercial zone in Highland City. (Amended 8/15/06, 4/3/07, 7/15/08)

Table 3-707A

Zone	PO Zone	Town Center	C-1 Zone	CR Zone	RP Zone	PU Zone	PI Zone
Monument Sign	Height: 6ft. max. Size: 24(business)/60 (identification) sq.ft. max. Frontage: 130 ft. min. Number: one sign to be a building directory for each building and one to advertise the office park in general. Material: stone, wood (accent), masonry (brick, architectural concrete), architecturally suited metals.	Height: 6ft. max. Size: max. 42 sq. ft. per side; 25 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-62 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60 from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Height: 6ft. max. Size: max. 42 sq. ft. per side; 25 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-62 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60 from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Height: 6ft. max. Size: max. 42 sq. ft. per side; 25 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-62 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60 from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Height: 6ft. max. Size: max. 42 sq. ft. per side; 25 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-62 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60 from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Not Permitted	Height: 10ft. max. Size: Up to 250 sq. ft. 33% may be digital or electronic. Frontage: 130 ft. min. Location: Min. 300 from an adjacent monument sign.
Wall Sign	Size: 12% of facade or 100 sq.ft. max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	Size: 12% of facade or 100 sq.ft. max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	Size: 12% of facade or 100 sq.ft. max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	Size: 12% of facade or 100 sq.ft. max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section. Material: persign theme as recorded	Size: 3% of facade or 60 sq. ft. max. Number: 2 max. Location: see Wall Sign in this Section.	The most restrictive requirements for the size and location of signs or sign supports required by any state or federal law or regulation shall apply.	Size: 12% of facade or 100 sq.ft. max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.
Window Sign	Not Permitted	Temporary: 50% of window/window area max. Permanent: 50% of window max.	Temporary: 50% of window/window area max. Permanent: 50% of window max.	Temporary: 50% of window/window area max. Permanent: 50% of window max.	Not Permitted	Not Permitted	Temporary: 50% of window/window area max. Permanent: 50% of window max.
Awning	Size: 50% of door/window sq.ft. max. see 3-711(2) Clearance: 8ft. min. above grade. Location: above door or window. Material: see 3-711(3-4)	Size: 50% of door/window sq.ft. max. see 3-711(2) Clearance: 8ft. min. above grade. Location: above door or window. Material: see 3-711(3-4)	Size: 50% of door/window sq.ft. max. see 3-711(2) Clearance: 8ft. min. above grade. Location: above door or window. Material: see 3-711(3-4)	Size: 50% of door/window sq.ft. max. see 3-711(2) Clearance: 8ft. min. above grade. Location: above door or window. Material: see 3-711(3-4)	Size: 50% of door/window sq.ft. max. see 3-711(2) Clearance: 8ft. min. above grade. Location: above door or window. Material: see 3-711(3-4)	Not Permitted	Not Permitted
	Size: 3 sq.ft. max. Number: one per business.	Size: 3 sq.ft. max. Number: one per business.	Size: 3 sq.ft. max. Number: one per business.	Size: 3 sq.ft. max. Number: one per business.	Size: 3 sq.ft. max. Number: one per business.		

Motion seconded by Tim Irwin. Those voting aye: Abe Day, Tim Irwin, Christopher Kemp, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

It was noted that additional portions of the Highland City Sign ordinances would be presented for review at future meetings.

****The Planning Commission took a short recess at 9:40 p.m. and resumed at 9:48 p.m.****

🌀 PLANNING COMMISSION REPORTS, FUTURE BUSINESS, QUESTIONS AND RECOMMENDATIONS ~ DISCUSSION (AGENDA ITEM 10)

Commissioner Melissa Wright presented her report on the Introduction and Background Element of the Highland City General Plan. Several of the main points were as follows:

- The first goal of the Highland City General Plan is to reflect a comprehensive vision of the community. Public involvement in the development of the General Plan is critical; the General Plan helps define the values of the city and its residents as well as provide a future plan for the city. Mrs. Wright shared that she feels the values of Highland City are families, education, religion, responsible citizenship, etc.; she suggested that future revisions of

- the Highland City General Plan define additional values. Melissa Wright summarized that “Highland City is a bedroom community with large lots, single-family homes, natural areas and open space”.
- The second goal of the Highland City General Plan is to ensure that the comprehensive vision of the community is supported by future visions for the community. Mrs. Wright stated that the representatives of the city must look at the community as it exists and evaluate what will be needed in the future. She noted that the General Plan is reviewed/revised every ten years.
 - The third goal of the Highland City General Plan is to provide a framework for the development of the community. Mrs. Wright clarified that the role of the Planning Commission should be to help applicants develop their land in a manner that is consistent with the Highland City General Plan and the land use ordinances of the City.

Melissa Wright clarified the dual-administrative roles of the Planning Commission and City Council; the Planning Commission is an advisory body whose purpose is to shape policies.

Commissioner Jay Roundy presented his report on the Land Use Element of the Highland City General Plan. Several of the main points were as follows:

- The Highland City General Plan encourages the continuation of large lot developments and agricultural land that will developed in the future. Highland City was primarily an agricultural community that consisted of vacant land. Over time the land has been converted to single-family homes, parks, and open spaces; much of the land has been developed into smaller lots for residents who would like to stay in Highland City with a less property to maintain.
- Mr. Roundy emphasized that the city can not discriminate in its land use decisions without appropriate rational; courts will generally side with a city as long as the city is not arbitrary and capricious in its decisions. An applicant is **entitled** to approval of his or her application if the application conforms to all the local laws (as of the day of application) and the fees have been paid. He noted that “documents, public meetings, and public hearings, while they’re stressed to be important and in cases where they’re necessary, it must be kept in mind that there’s a difference between public *clamor* (emotion) and public *fact*. The factual and the emotional issues must be kept in perspective when looking at land use issues”.
- The Planning Commission makes recommendations to the City Council for adoption or amendment, but no other powers or duties are required to be given to the planning and zoning commission; the Planning Commission does not have any other inherent powers.
- Mr. Roundy clarified that land owned by the Bureau of Reclamation is not public land; it is maintained and developed for water conveyance. Public use may be coincidental but not authorized.

Jay Roundy summarized that once a general plan has been approved, all development, public or private, must conform to that current plan. Lonnie Crowell added that no application or amendment can be approved that would conflict with the general plan; the general plan must be amended first.

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 following items are exceptions:

FUTURE ITEMS OF BUSINESS TO CONSIDER

- **Amendments to Ordinances Regulating 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.
- **Capital Facilities Project** – Planning of future roads, parks, and city development.

CONTINUED/ONGOING ITEMS TO CONSIDER

- **Commissioner Reports on the Highland City General Plan**
- **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 AUGUST 25, 2009, FEBRUARY 23, 2010, AND JUNE 8, 2010 (AGENDA ITEM 11)**

MOTION: Abe Day moved to Approve the Meeting Minutes for August 25, 2009, as amended. Motion seconded by Kelly Sobotka. Those voting aye: Abe Day, Kelly Sobotka, Melissa Wright; Tim Irwin, Christopher Kemp, and Jay Roundy chose to abstain as they were not present at the meeting. The motion failed for lack of a majority.

MOTION: Tim Irwin moved to Approve the Meeting Minutes for February 23, 2010, as amended. Motion seconded by Jay Roundy. Those voting aye: Abe Day, Tim Irwin, Christopher Kemp, Steve Rock, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

MOTION: Tim Irwin moved to Approve the Meeting Minutes for June 8, 2010, as amended. Motion seconded by Jay Roundy. Those voting aye: Abe Day, Tim Irwin, Christopher Kemp, Steve Rock, Jay Roundy, Melissa Wright; Kelly Sobotka chose

to abstain as he was not present at the meeting. The motion passed with a unanimous vote.

 **ELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE CHAIRPERSON**

Per ordinance, the Planning Commission elects a Chairperson and Vice Chairperson during the first meeting in July; the position will be held for a year.

By ballot vote, Melissa Wright was re-elected as Planning Commission Chairperson and Kelly Sobotka was re-elected as Planning Commission Vice Chairperson.

 **ADJOURNMENT**

Christopher Kemp moved to adjourn. Seconded by Abe Day. Unanimous vote, meeting adjourned at 10:35 p.m.