

Highland City Planning Commission

September 28, 2010

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Melissa Wright, at 7:00 p.m. on September 28, 2010. An invocation was offered by Jay Roundy and those assembled were led in the Pledge of Allegiance by Tim Irwin.

PRESENT: Commissioner: Melissa Wright, Chair
Commissioner: Abe Day
Commissioner: Roger Dixon
Commissioner: Tim Irwin
Commissioner: Steve Rock
Commissioner: Jay Roundy
Commissioner: Kelly Sobotka

EXCUSED: Alternate Commissioner: Christopher Kemp

STAFF PRESENT: City Administrator: John Park
City Planner: Nathan Crane
City Engineer: Matthew Shipp
Secretary: Kiera Corbridge

OTHERS: Christie Dalley, Scott Dunn, Paul Reynolds, Scott L. Smith, Kathryn Schramm, Ed Barfuss, Sandi Williams, Hayden Williams.

PUBLIC APPEARANCES (AGENDA ITEM A)

Melissa Wright invited comments from the public regarding items not on the agenda.

Paul Reynolds, resident of the Beacon Hill subdivision, expressed appreciation for this time to share his thoughts on the fence ordinance as he will not be able to stay for the public hearing. Mr. Reynolds stated that he has been part of a group that has been requesting that the City Council that the opportunity to reevaluate and revise the fence ordinance in relation to properties abutting open space. He explained that the hope is equal provisions for privacy and safety along the roadway corridors. Paul Reynolds referenced similar properties within Highland that are located along main roadways but have parkway detail rather than open space; parkway detail and open space both create a landscaped buffer between the homes and the road, but the properties adjacent to parkway detail can have six-foot privacy fences while the properties adjacent to open space are limited to four-foot privacy or six-foot open fences. He noted that since their initial request, Mayor Ritchie has organized the Open Space Committee to discuss this concern as well as other open space issues. Mr. Reynolds stated that there appears to be significant support of a change to the ordinance regarding open space fences. He requested clarification regarding the amendment process. Nathan Crane explained that the discussion during this meeting is designed

to gather information from the Planning Commission; a draft ordinance will be presented to the Planning Commission for consideration during the Planning Commission Meeting on October 12, 2010; the City Council will then review the draft ordinance following the Planning Commission Recommendation.

☞ **WITHDRAWALS AND CONTINUANCES (AGENDA ITEM B)**

Melissa Wright noted that there have been no withdrawals or continuances for this meeting.

☞ **CONDITIONAL USE PERMIT – OFFICE BUILDING IN THE PROFESSIONAL OFFICE ZONE ~ PUBLIC HEARING AND LEGISLATIVE ACTION (AGENDA ITEM C1)**

Nathan Crane explained that Scott Dunn, representing Patterson Construction, has submitted a request for a Conditional Use Permit to construct a two-story office building located at approximately 11442 North Highland Boulevard; this building location is consistent with the overall master site plan approved as Exhibit A of the Professional Office Zone in the Highland City Development Code. Mr. Crane indicated on an aerial map where the building would be located and noted that the property to the north is vacant, property to the west is owned by Micron and/or Lehi City, property to the east and south is zoned R-1-40 (single-family residential). He noted that the nearest residences are approximately three-hundred feet from the proposed building site and that about ninety feet of that property is city owned open space; this open space would act as a transitional buffer between the residential and office uses.

A Commissioner questioned whether the parking would be sufficient. Mr. Crane drew attention to the parking on the original site plan and noted that the proposed site plan has an additional row of parking due to the piping of the Bull River ditch. He noted that the plat will need to be amended prior to the issuance of a Certificate of Occupancy to address the change in slope on the rear side of the property. The site has been designed to provide safe access from the adjacent street and good circulation throughout the site. He further explained that there are thirty-one planned parking spaces, which is typical of an office building; although additional parking will need to be evaluated for future buildings. Nathan Crane added that because the parking will likely be shared by the buildings, as well as use of the trash receptacles, it would be wise to require a cross access agreement.

It was noted that Highland Boulevard was designed to accommodate traffic generated by the office uses.

Nathan Crane explained that the landscape plan indicates that sixty-one percent of the site is landscaped; the east side is native seed mixture, west side is turf and plants, and the substantial foundation planting. He noted that the plan also indicates the installation of berms adjacent to Highland Boulevard to screen the view of parking.

Nathan Crane stated that the key considerations on a lighting plan are the heights, types, and the amount of illumination the lights create. He noted that the submitted application indicates twelve

bollard lights in the parking lot that would be forty-two inches tall and would be fully shielded with the light directed downward; lights mounted on the building would also be directed downward. Mr. Crane mentioned that the light levels at the property lines should not exceed one foot candle, minimizing visual impact on views from neighboring properties.

Mr. Crane noted that the architectural design and proposed materials are consistent with that of the zone and should be similar to the existing building to the south.

A Commissioner questioned whether the homes within the three-hundred feet received notification of the Conditional Use Application. Staff noted that all property owners within five-hundred feet were mailed a notification on September 15, 2010, regarding the Conditional Use Application as well as the Planning Commission Public Hearing.

A Commissioner noted that the staff report states that the use will not substantially change the look or character of the surrounding area but expressed the opinion that a new building will always change the appearance of an area. Nathan Crane explained that the statement implies that the proposed use is compatible with the existing and intended uses for the area (ex: fast food in a residential zone is non-compatible; new home in a residential zone is compatible).

Melissa Wright opened the public hearing at 7:18 p.m. and hearing no comment closed the public hearing.

MOTION: Roger Dixon moved to Recommend that the City Council Approve the Conditional Use Permit for Sunset Mountain Office Building #2 based on the acceptance of the findings that the use will not be detrimental to the health, safety, or general welfare or persons residing or working in the vicinity or injurious to property or improvements in the vicinity; and that the use complies with all applicable regulations in the Highland City Development Code; and that Conditions are imposed to mitigate any detrimental effects. These Conditions are that the development shall conform to the site plan, lighting plan, and landscaping plan date stamped September 23, 2010; and that in accordance with Section 4-109 of the Highland City Development Code, the Conditional Use Permit shall expire one year from the date of its issuance if substantial construction activity has not commenced. Motion seconded by Tim Irwin. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Steve Rock, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

☞ TEXT AMENDMENT – HIGHLAND CITY DEVELOPMENT CODE SECTION 3-622: PUBLIC, PRIVATE, AND INDIVIDUAL UTILITIES ~ PUBLIC HEARING AND LEGISLATIVE ACTION (AGENDA ITEM C2)

Nathan Crane explained that the proposed amendment could allow Alternative Energy Conversion Systems – roof and ground mounted solar and wind systems – as a permitted use in all zoning districts if the use meets all applicable development standards; applications that do not comply with the development standards would be permitted subject to a conditional use permit. He stated that Utah State Code requires that an applicant is entitled to approval of a conditional

use permit if the application meets all development standards and reasonable conditions to mitigate detrimental effects. Staff believes that the existing development standards ensure that any detrimental effects are mitigated; therefore, a conditional use permit should not be required, allowing the Alternative Energy Conversion System to be approved with the building permit.

Mr. Crane explained that the proposed amendment would also modify the setback requirement for the Small Wind Energy Conversion Systems by measuring setbacks from structures on adjacent property rather than structures on the applicant/owners' property.

He added that a minor change in the ordinance would be to increase the permitted height of Small Wind Energy Conversion Systems from fifty-one feet, eight-inches to fifty-two feet due to an oversight of the four inch generator equipment located on standard structures. Another minor change is requiring that the emergency procedure sign be visible from the meter panel.

A Commissioner questioned whether the ordinance should restrict the amount of kilowatts produced. It was noted that the height restriction for Small Wind Energy Conversion Systems may resolve concerns regarding excessive production.

Concerns were expressed regarding Alternative Energy Conversion Systems that may be installed by uninformed or inexperienced residents. Nathan Crane explained that the building permit requires plan from a structural engineer that are reviewed and approved by the Highland City Building Inspector. John Park added that a licensed contractor is required to install and connect the system to the electrical grid/panel. It was further noted that the electrical system would have to be connected to a transfer switch of sorts because fire safety regulations require that all power to a house can be shut off with one or two switches.

Melissa Wright opened the public hearing at 7:52 p.m.

Ed Barfuss, resident of Highland City, questioned whether the Planning Commission had considered the noise concern; or whether there is a safety precaution to ensure that the power from the Alternative Energy Conversion System turns off in case of an emergency and does not kick back to hurt a utility worker; or whether the ordinance will override the Covenants, Conditions, and Restrictions of a subdivision. Nathan Crane responded that a noise evaluation is required with the application for a Small Wind Energy Conversion System and is not permitted to exceed sixty decibels. A Commissioner stated that a disconnect switch would be included with the installation; although a manual switch could potentially cause a hazard to utility workers handling electrical lines. Staff then explained that the Covenants, Conditions, and Restrictions of a subdivision are private contracts between the property owners in a subdivision and the homeowners association of the subdivision; the city has no right or responsibility to enforce the Covenants, Conditions, and Restrictions, but the residents within the subdivision can file a civil case against the offending resident.

Scott L. Smith, Highland City resident and City Councilmember, requested that the Planning Commission consider the input of the neighbors; he stated that he would want to voice his objection to an Alternative Energy Conversion System located on his neighbors' properties. Mr.

Smith also asked that the Commissioner consider the aesthetics of a city filled with Small Wind Energy Conversion Systems.

Christie Dalley, resident of Highland City, questioned whether the city staff reviews each application for conflicts with the Covenants, Conditions, and Restrictions of a subdivision prior to approval. Staff reiterated that Highland City can only enforce the ordinances within the Municipal and Development Codes.

Melissa Wright closed the public hearing at 7:58 p.m.

A Commissioner requested clarification regarding the difference between “public” and “private” utilities. John Park explained that locations of public utilities installed by the Public Work Engineer are assumed to be approved by the Highland City Council; however, if a nearby municipality, utility company, homeowners association, etc. requests to construct a private utility within Highland City, they must receive City Council approval and be located within a Public Utility Zone.

It was noted that a large concern from residents regarding the current ordinance is the fee associated with the conditional use permit. Nathan Crane reiterated that the existing development standards should ensure that any detrimental effects are mitigated, making approval by the Zoning Administration a reasonable alternative to a conditional use permit.

A Commissioner expressed concern as to the visual impact of large lots being given the capacity to have multiple Alternative Energy Conversion Systems. It was noted that there may be a concern regarding Small Wind Energy Conversion Systems being installed on adjacent properties because the turbines may lose effectiveness when placed too close together; would the property owner who installed the Small Wind Energy Conversion System first have more “rights” to the wind?

A Commissioner shared that previous work assignments had provided large amounts of experience with Small Wind Energy Conversion Systems and explained if a system generates more power than is used, the excess is credited to the power company; the power company then pays back the resident at the highest current rate for power. Another Commissioner mentioned that during previous discussions, an installer had indicated that the power companies would not pay for power unless the resident had signed an agreement. The previous Commission emphasized that paying at the highest power rates is mandatory.

The Commissioner then noted that the height of the Small Wind Energy Conversion System would affect the productivity of the generator; wind speeds vary by elevation. He then stated that each applicant would be wise to have a wind study conducted on their property prior to installing a Small Wind Energy Conversion System.

It was then noted that if an applicant didn’t meet the development standards, they could apply for a conditional use permit and seek approval from the City Council. Staff restated, however, that public comment during the public hearing for a conditional use permit must be based on professional testimony rather than public clamor.

Commissioners expressed confusion regarding the formatting of the current ordinance. Nathan Crane noted that staff reviewed the ordinance and proposed amendments to the applicable portion rather than the ordinance as a whole. He explained that the public notification and posted agenda indicated that the amendment would specifically address setbacks, heights, and conditional uses; it's appropriate to constrict what is being reviewed at a public meeting but if the Planning Commission would like to expand the topics being discussed, additional public notification is required. John Park suggested that the Commissioners submit their formatting and typographical changes to staff and that staff would revise the ordinance for review at a future meeting.

MOTION: Tim Irwin moved to Recommend that the City Council Approve the Amendments to Section 3-622 Public, Private, and Individual Utilities of the Highland City Development Code as follows based on the findings that the proposed text amendments are consistent with the purpose of the Highland City Development Code and will not adversely affect the community; and that the existing and proposed development standards will ensure that public health, welfare, and safety and mitigate and potential detrimental effects:

3-622: Public, Private, and Individual Utilities. (Amended 11/11/03, 4/20/04, 8/6/04) Public, Private and Individual Utilities shall be regulated and governed as indicated below. Objects that are placed upon an individual lot for the sole purpose of serving that individual property are exempt from locating within a Public Utility Zone.

(4) **Alternative Energy Conversion Systems.** Individual alternative energy conversion systems that are placed upon an individual lot for the sole purpose of serving that individual property and not for creating profit or for commercial purposes are ~~required to obtain a Conditional Use Permit and~~ not required to locate within a Public Utility Zone. Individual alternative energy conversion systems include:

(a) **General Requirements.**

(i) **Safety.** There shall be sufficient safety measures in place established by the property owner to prevent any alternative energy towers from becoming a climbing hazard or from twisting or falling over due to natural events.

A. **Emergency Procedure Sign.** Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel **and visible from the meter panel.**

B. **Existing Power Line Facility.** The applicant shall obtain approval for the local power company indicating that the proposed location for the tower(s) will not interfere with the existing electric utility facilities.

(ii) **Net Metering.** Net metering or interconnect systems shall meet any cost or regulation require by the local power company's guidelines.

(iii) **Trees.** It is not recommended that trees are removed or destroyed for the purposes of better access for alternative energy.

(iv) **Guy Wires.** Alternative Energy Facilities shall not use guy wires or other similar peripheral supporting devices to provide structural support bit shall be installed upon on independent pole that is adequately engineered to support that system.

(v) **Building Permit.** All Ground Mounted Alternative Energy Facilities (GMAEF) shall be required to include the following information:

- A. All GMAEF applications and plans shall be stamped by a qualified engineer indentifying each specific site indicating that the tower will withstand a minimum of a 100 m.p.h. wind load; and
 - B. The qualified engineer, or his designee, shall be present during installation and verify in writing that the construction of the tower meets or exceeds the minimum wind load and/or requirements as indicated within the submitted plans; and
 - C. Manufacturer specifications for components and installation shall be required with each application; and
 - D. Net metering locations and connection details; and
 - E. The application shall include a detailed site plan showing the location of the proposed tower with elevations; and
 - F. GMAEF must comply with applicable Federal Aviation Administration (FAA) regulations; and
 - G. All other information required to be submitted and inspected by the current International Building Code related to the specific alternative energy facility proposed.
- (vi) **Abandonment.** If an alternative energy facility is not functional, operational, or maintained for a period of one (1) year then the owner shall have the facility immediately removed from the property.
- (b) **Roof Mount Solar Energy System.** A roof mounted solar system may be installed upon the roof of the primary structure or an accessory structure within any zone.
- (i) **Sloped Roof.** On a sloped surface, in no instance shall any part of the system extend beyond the lower or upper roofline. Panels shall not exceed more than one (1') foot in height measured from the finished roof to the top of the panel.
 - (ii) **Flat Roof.** On a flat surface, panels shall be set back a minimum of five (5') feet.
- (c) **Ground Mount Solar Energy System (GMSES).** Ground mounted solar systems are permitted within all commercial zones and only permitted within a residential zone if the following applies:
- (i) **Number.** Each homeowner may install one (1) Ground Mount Solar Energy System on their lot based upon the size of the lot as follows:
 - A. Lots 20,000 square feet or less may have on (1) ground mounted alternative energy facility installed on that property; and
 - B. Lots between 20,000 – 40,000 square feet may have two (2) ground mounted alternative energy facilities installed on that property; and
 - C. A property owner may install one (1) additional ground mounted alternative energy facility for each additional acre above 40,000 square feet.
 - (ii) **Rear Yard.** All GMSES shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure; and
 - (iii) **Height.** The height of the system is not to exceed twenty-two feet (22') in height at its maximum peak; and
 - (iv) **Setbacks.** In all cases the minimum setback shall be no less than ten feet from a property line, and one-hundred ten percent (110%) of the height of the solar facility from all overhead utility lines; and
 - (v) **Density.** The GMSES shall be considered an accessory structure when determining the size within a residential lot. The GMSES combined with any accessory structures shall not exceed five percent (5%) of the size of the lot.

- (d) **Small Wind Energy Conversion Systems (SWECS).** A SWECS shall be any wind tower and wind generator that is specifically constructed as an individual utility as specifically defined in this ordinance. A small wind energy conversion system (SECS) shall not be permitted that is designed without an automatic braking, governing, or managing system for the purpose of preventing uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotator blades, and turbine components. The following regulations shall apply to all small wind energy conversion systems:
- (i) **Number.** Each homeowner may install one (1) Small Wind Energy Conversion System on their lot.
 - A. Lots 20,000 square feet or less may have on (1) ground mounted alternative energy facility installed on that property; and
 - B. Lots between 20,000 – 40,000 square feet may have two (2) ground mounted alternative energy facilities installed on that property; and
 - C. A property owner may install one (1) additional ground mounted alternative energy facility for each additional acre above 40,000 square feet.
 - (ii) **Setbacks.** Except as provided for in this ordinance, no portion of the SWECS shall be set back a distance no less than fifty percent (50%) of the total height from a property line, and one hundred ten percent (110%) of the tower height plus the turbine blade length from all overhead utility line, dwelling, and roads. **The setback from accessory structures on adjacent property shall be one hundred ten percent (110%) of the tower height plus the turbine blade length.**
 - (iii) **Location.** No part of the SWECS shall be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.
 - (iv) **Height.** A SWECS may not exceed a total of ~~fifty-one feet eight inches (51'8")~~ **fifty-two feet (52')** in height from grade to the highest point of the facility including the generator and turbine blades.
 - A. The minimum distance between the ground and any protruding blade utilized on a small wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.
 - (v) **Material.** SWECS towers shall maintain either a galvanized steel finish or a finish in a color approved by the Home Owner's Associate/Architectural Approval Board of the subdivision the property is located in (if one exists) and ~~Planning Commission~~ **City Council** as part of the Conditional Use Permit Process, and shall not be artificially lighted unless required by the FAA.
 - (vi) **Noise.** SWECS shall not exceed sixty (60) decibels as measured at the closest property line except during short term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.
- (e) **Roof Mount Wind System.** Roof mount wind energy conversion systems are prohibited in residential zones but are permitted in commercial zones on a flat roof however each facility shall be set back a minimum of five (5') feet from the roofline.

~~Conditional Use Permit requirement for Alternative Energy: If the minimum standards defined above can not be met and it is indicated in this ordinance that a Conditional Use Permit application is available, the Planning Commission and City Council may required additional conditions (in addition to those conditions defined in Chapter 4, Conditional Use in this Code) as follows:~~

- ~~(i) Additional landscaping along an affected property line not exceeding ten feet (10') in height to help mitigate any visual or other impact created by the new facility; and~~
- ~~(ii) Painting, coloring, and other agreed upon method of concealing the material the pole is constructed from to mitigate any visual or other impact created by the new facility; and~~
- ~~(iii) Increased engineering stability and construction requirement exceeding the above specifications may be included if it is proven that the requirement above are not adequate for a specific location.~~
- ~~(iv) The City may require the facility to be reasonably moved within the property boundary to help mitigate aesthetic concerns of adjacent property owners only if it does not negatively affect the power output of the facility significantly.~~
- (f) Additional Standards.** The Zoning Administrator or City Council may require additional conditions to mitigate potential impacts including but not limited to the following:
 - (i) Additional landscaping along an affected property line not exceeding ten feet (10') in height to help mitigate any visual or other impact created by the new facility; and**
 - (ii) Painting, coloring, and other agreed upon method of concealing the material the pole is constructed from to mitigate any visual or other impact created by the new facility; and**
 - (iii) Increased engineering stability and construction requirement exceeding the above specifications may be included if it is proven that the requirement above are not adequate for a specific location.**
 - (iv) The City may require the facility to be reasonably moved within the property boundary to help mitigate aesthetic concerns of adjacent property owners only if it does not negatively affect the power output of the facility significantly.**
- (g) Conditional Use Permit Requirements for Alternative Energy.** If the minimum standards defined above can not be met, a Conditional Use Permit shall be required.

And that the additional reformatting as discussed will be presented to the Planning Commission at a future meeting. Motion seconded by Jay Roundy. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Steve Rock, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

Commissioner Roger Dixon volunteered to assist staff in revising and reformatting the ordinance.

🌀 TEXT AMENDMENT – HIGHLAND CITY DEVELOPMENT CODE SECTION 3-708: WALL SIGNS AND TABLE 3-707A ~ PUBLIC HEARING AND LEGISLATIVE ACTION (AGENDA ITEM C3)

Nathan Crane explained that during the Planning Commission Meeting on September 14, 2010, the Planning Commission requested that staff rewrite the wall and window portion of the sign ordinance to provide additional equity between businesses in Highland City and adjacent communities. Mr. Crane stated that staff conducted research regarding the sign regulations in

other cities in Utah Valley and that the proposed amendments to the ordinance would provide similar advertising opportunities for businesses in Highland

Nathan Crane presented illustrations depicting the appearance of window signs covering fifty percent of the window area. He clarified that the percentage would be calculated based on the total window area, not per windowpane. A Commissioner stated that businesses often receive prefabricated signs from their headquarters and that the ordinance should not dictate what can be hung; another Commissioner countered that business headquarters often send an excessive number of signs and that the businesses would likely have several options of what to hang in a window.

Mr. Crane also presented illustrations depicting the portion of a building façade that would be identified for a wall sign. He noted that the ordinance would permit signs to be single or multiple lines provided that the aggregate sign area fits within the approved field. He also noted that he ordinance permits channel, reverse channel, and custom cabinet signs; however, raceway mounting is prohibited.

Melissa Wright opened the public hearing at 8:57 p.m. and hearing no public comment closed the public hearing.

MOTION: Roger Dixon moved to Recommend that the City Council Approve the Amendments to Section 3-708 and Table 3-707A of the Highland City Development Code relating to the requirements for window and wall signs as follows based on the findings that the proposed text amendments are consistent with the purpose of the Highland City Development Code and will not adversely affect the community:

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 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 signs are allowed only on the exterior elevations of the space occupied by the business.**
- (b) A wall sign ~~may~~ **shall** be affixed parallel to a permanent part of the exterior of a building and shall project less than 18 inches from that wall.
- (c) ~~Shopping centers or office buildings shall provide a band of 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.~~
Wall signs shall be centered horizontally and vertically within the architectural frontage and located over the tenant space. The overall length of any sign shall not exceed 80% of the architectural frontage on which it is placed. The overall height shall not exceed 70% of the narrowest portion of the vertical fascia height on which it is placed.
- (d) **A minimum of 3" line spacing shall be used between all multiple lines.**

- (e) A wall sign may never extend above the eave, horizontal rood line or roof parapet or located within twelve (12) inches from the eave or parapet.
 - (f) **Wall signs shall be prohibited for structures with integral roofs.**
 - (g) **Wall signs are prohibited on rear or side elevations adjacent to single family residential uses.**
- (2) **Size Sign Area:**
~~The size of a sign is calculate by the building frontage from which the application 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).~~
The sign area for each business shall not exceed fifteen (15) percent of façade of the business wall elevation along the street frontage on which the sign is displayed. In no event shall the sign area for a side or rear elevation exceed the area permitted on the front elevation.
- (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.~~
- (a) **Signs shall be either individual pan channel letters and logos; reverse pan channel letters and logos, or custom cabinets.**
 - (b) 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.
 - (c) 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.
 - (d) **Signs shall be individually mounted. Raceways are prohibited except on existing buildings with existing raceways.**
- (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 one wall sign 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. Any individual business may not install more than one wall sign per exterior building wall with the maximum number of wall signs not to exceed three (3). The allowable sized of any wall sign is defined in table 3-707A in this code.~~

Table 3-707A:

Type/Zone	PO	TC	C-1	CR	RP	PU	PI
Wall	See Section 3-708						
Window	Not Permitted	50% Maximum	50% Maximum	50% Maximum	Not Permitted	Not Permitted	50% Maximum

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

∞ **DESIGN REVIEW – ARCHITECTURAL PLAN REVIEW FOR AN OFFICE BUILDING IN THE PROFESSIONAL OFFICE ZONE ~ DISCUSSION AND ADMINISTRATIVE ACTION (AGENDA ITEM D4A)**

MOTION: Tim Irwin moved to grant Architectural Approval for the Sunset Mountain Office Building #2 subject to the stipulation that the development shall conform to the elevations and materials board date stamped September 21, 2010, with the exception that all roof mounted mechanical equipment shall be screened; all mechanical equipment and screening shall be shown on the construction plans. This Approval is based on the findings that the application meets the objectives of the Highland City General Plan; and meets the requirements of the Professional Office Zone; and meets the requirements of the Highland City Development Code. Motion seconded by Roger Dixon.

A Commissioner expressed hesitation regarding approval of a green roof, stating that it may not be compatible with the structures in the surrounding area.

Scott Dunn, representing Patterson Construction, explained that the color scheme submitted on the color board is the color choice of the potential buyer; however, the architect had originally chosen a grey roof.

The Commissioner stated that a brown or grey roof of the same shading would seem more appropriate for the area.

Scott Dunn noted that the shingles on the existing building to the south is more of a slate color. The Commissioner felt that slate may blend too much with the building color.

Christie Dalley voiced her opinion that permitting diversity in the appearance of buildings is a good idea.

AMENDED MOTION: Abe Day moved that an additional stipulation require the roof color be in the brown or grey tones. Motion seconded by Roger Dixon. Those voting aye: Abe Day, Roger Dixon, Melissa Wright; those voting nay: Tim Irwin, Steve Rock, Jay Roundy, Kelly Sobotka. Motion failed for lack of a majority.

VOTE ON THE ORIGINAL MOTION: Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Steve Rock, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

∞ **DESIGN REVIEW – SITE PLAN REVIEW FOR AN OFFICE BUILDING IN THE PROFESSIONAL OFFICE ZONE ~ DISCUSSION AND ADMINISTRATIVE ACTION (AGENDA ITEM D4B)**

A Commissioner questioned whether installing two-foot tall berms would act as a sufficient screen for parking. Nathan Crane stated that the berm is intended to screen the front grills on the majority of vehicles.

Commissioners express concerns regarding the amount of impact piping the Bull River ditch will have on the brush and scrub oak. Scott Dunn explained that the fill will extend just beyond the existing ditch so some of the vegetation may be affected, but the developer will disturb as little as possible.

A Commissioner observed that the buildable property appears narrow. Scott Dunn agreed that it will be, but that they have engineered the property to have structural fill under the parking lot and curb ways with a minimum slope that will also be re-vegetated. Mr. Dunn explained that a retaining wall on the south side of the property will connect to the existing retaining wall and to the building, while the a retaining wall on the north side of the property will wrap around to the stairs and slope. A Commissioner inquired as to how much flat ground will be located outside of the basement floors. Scott Dunn indicated that there will be thirty-five linear feet of flat patio and grass.

A Commissioner suggested some sort of cement stoppers in the parking lot to prevent drivers from driving off the slope. Scott Dunn indicated that the parking lot will likely match the cement curb bordering the parking lot to the south.

MOTION: Tim Irwin moved to Recommend that the City Council Approve the Site Plan for the Sunset Mountain Office Building #2 subject to the following stipulations: the development shall conform to the site plan, conceptual landscape plan, and lighting plan date stamped September 23, 2010, except as modified by these stipulations; and that final landscape plans shall be approved prior to issuance of a building permit; and that a cross access agreement shall be recorded prior to the issuance of a certificate of occupancy; and that all ground mounted mechanical equipment shall be screened; all mechanical equipment and screening shall be shown on the construction plans; and that handicap accessible parking shall be provided as required by the Americans with Disabilities Act; and an amended plat shall be approved and recorded prior to issuance of a certificate of occupancy; and that a minimum of 35% open space shall be provided as part of the amendment to Plat C; and that the civil construction plans shall meet all requirements as determined by the City Engineer. This Recommendation of Approval is based on the findings that the application meets the objectives of the Highland City General Plan; and meets the requirements of the Professional Office Zone; and meets the requirements of the Highland City Development Code. Motion seconded by Abe Day. Those voting aye: Abe Day, Roger Dixon, Tim Irwin, Steve Rock, Jay Roundy, Kelly Sobotka, Melissa Wright. The motion passed with a unanimous vote.

∞ **PROPOSED AMENDMENTS TO HIGHLAND CITY DEVELOPMENT CODE SECTION 3-612: FENCES, WALLS, AND HEDGES ~ DISCUSSION (AGENDA ITEM D5)**

Nathan Crane explained that the current fencing requirements have led to several concerns by property owners with homes that abut open space and are adjacent to a public street or large open space area; the concerns expressed have focused on privacy and security issues. Mr. Crane noted that the Open Space Committee is recommending that the fencing requirements be changed to allow six-foot opaque fences adjacent to main transportation corridors.

Nathan Crane further explained that the purpose and intent of open space fencing is to establish clear views of what would otherwise be a poorly lit, fenced off areas which may create potential safety and security issues for users of the open space or trail. If an open space of trail is open to public view from an adjacent street, the purpose of the open space fencing is met and an opaque fence would be appropriate; however, if the open space or trail is not open to public view, open space fencing would be needed to address potential safety and security issues.

Mr. Crane noted that permitting opaque fencing along arterial and collector streets would have a direct impact on the quality of life for the residents by providing a sense of privacy and security as well as improving the overall aesthetics of the community.

This item has been brought before the Planning Commission for discussion and staff will draft an ordinance based on the comments for consideration at a future meeting.

Nathan Crane explained the concept of “defensible areas” and “non-defensible areas”. Defensible areas are open spaces that are clearly visible to the public, accessible from public streets, where a police officer could drive by and see what is going on; fencing properties adjacent to defensible areas may minimally affect the overall feel of the public space. A non-defensible area is less visible to the public, more enclosed areas; view or open fencing would be more appropriate to avoid creating an “alleyway” feeling.

A Commissioner voiced the concern that view fencing limits the privacy for residents adjacent to non-defensible areas; it creates a presumed responsibility for the adjacent residents to defend those using the open space.

John Park indicated that the purpose of Open Space subdivision was to create completely open areas but that current staff feels there are some areas that could be fenced without violating the look and feel of the open space.

Nathan Crane suggested that developers install fences along open space properties prior to selling the lots so that homebuyers know exactly what they are buying.

A Commissioner observed that there are portions of open space that appear to be “orphaned”; properties that are not being maintained by the city.

Nathan Crane acknowledged that the open space topic is very broad; maintenance concerns, design concepts, future development, and fencing of existing properties are only some issues to be discussed. The current goal is to create an ordinance that is applicable for existing open space and clear for future development as well. Commissioners suggested that the fencing

requirements be determined based on whether the property is a defensible area or non-defensible area.

Scott L. Smith, resident of Highland City and member of the Open Space Committee, stated that the committee has met eleven times. He noted that there is a new Open Space Maintenance Agreement being proposed and a transitional agreement for the orphan open space properties. Mr. Smith continued, stating that there is substantial resident support regarding six-foot privacy fencing along the main corridors, but that the committee is divided on the topic of the alleyways.

A Commissioner pointed out that the word “alleyway” has a negative connotation; “narrow trails” is more positive. It was noted that the language used will affect the way the public feels about the decisions.

A Commissioner inquired as to the amount of open space that exists in non-defensible areas, as it would seem the majority of the residents requesting fences would be along narrow trails and other spaces with less privacy. John Park stated that the acreage has not yet been determined and noted that there are also easements for trails that have not yet been built.

John Park noted that community policing is a deterrent to crime; an area that is highly visible is less prone to crime than an area that is narrow and closed off.

A Commissioner expressed the opinion that requiring a common theme wall along a long strip of open space is less attractive than promoting diversity in the fencing, stating that it’s a homeowner who owns the property and it should be the homeowner who determines what type of fence is installed.

A Commissioner reiterated that the balance is unclear between residents defending their privacy and being delegated responsibility to protect those using the open space.

A Commissioner inquired as to the advantages of having a front setback of fourteen feet from the back of curb. Matthew Shipp clarified that it is an arbitrary number that is only referenced when discussing the site triangle of a corner. The Commissioner requested that reducing the setback be taken into consideration. John Park noted that the Planning Commission comments will be incorporated into the draft ordinance for the Planning Commission to review at a future meeting.

🌀 PLANNING COMMISSION REVIEW OF THE HIGHLAND CITY GENERAL PLAN ~ DISCUSSION (AGENDA ITEM D6)

Commissioner Kelly Sobotka presented his report on the Community Design Element of the Highland City General Plan. Several of the main points were as follows:

- Focus points from public input: desire to a maintain rural community feeling, to maintain surrounding views, establish pedestrian friendly streets, create attractive gateways to the city, limit commercial development to the city center, and a desire for better maintenance of large lot properties.

- Seven Community Design Concepts:
 - Maintain and Enhance the Scenic Backdrops to the North and the East – Maintaining a clear visual relationship with the surrounding landscape is the most critical design action to be undertaken.
 - Maintain and Enhance Focused View Corridors Throughout the Community and Beyond – Localized viewing opportunities help maintain the rural feel of the community.
 - Improve the Sense of Arrival Into the Community – Special gateway treatments and entry notes should be developed along the key roadway corridors.
 - Create Appropriate Corridor Treatments Along Key Roadways (SR-92, Alpine Hwy, 4800 West) – Each should be developed with a special streetscape, providing an attractive travel experience.
 - Maintain and Enhance Traditional Development Patterns and Local Heritage Images – A range of farmsteads, pastures, hollows, watercourses, and open spaces are dispersed throughout Highland City, contributing greatly to the overall feel of the community. Four keys areas have been identified as contributors to the open feel: Mitchell Hollow, American Fork River, Dry Creek, and the Murdock Canal.
 - Ensure that the Highland Town Center Evolves Into a Community Destination and “Heart of the Community” – The development of the Highland Town Center is ongoing. The pace of development has provided time for consideration for mixed-use residential. It should also be implemented with an understanding that an even larger mixed-use site may be considered for the community at the Lone Peak School Trust Land site. Proposed function of the area is much different than the Highland Town Center, but each area should be designed in a manner that acknowledges the other.
 - Encourage Special Design Treatments at Key Community Destinations – Key destinations include city hall, Lone Peak High School, Elementary and Jr. High Schools, recreational facilities, parks, etc. Mr. Sobotka mentioned the sculpture out front of the city hall as an example of a special design treatment.

Commissioner Steve Rock presented his report on the Affordable Housing Element of the Highland City General Plan. Several of the main points were as follows:

- Affordable Housing is a term used to describe dwelling units whose total housing costs are affordable to those earning a median income. The formula for moderate income housing is that no more than thirty percent of a household income should pay towards the payment, utilities, and taxes.
- The median income of Utah County is \$59,980. According to that figure, the average person in Utah County could qualify for a housing loan of approximately \$230,000. Mr. Rock noted that Toscana at the Highlands is currently selling within this price range.
- Much of the discussion during the Town Center work session revolved around Affordable Housing. Utah State mandates that a city includes affordable housing. The optimum position for Highland City would be seventeen percent; the current position is under two percent. Steve Rock noted, however, that this percentage does not

- include legally approved apartments or homes that are no longer mortgaged; these residences can be included as Affordable Housing.
- Steve Rock mentioned that he did not notice any penalty or repercussions if the Utah State mandate was not followed, although a citizen could press a civil suit.
- Nathan Crane added that a variety of housing types helps with affordability and allows people to live in the city during their entire lives.

☞ **APPROVAL OF MEETING MINUTES FOR SEPTEMBER 14, 2010 (AGENDA ITEM E)**

This item was continued to the next Planning Commission meeting.

☞ **PLANNING COMMISSION AGENDA STAFF REPORTS AND PACKETS ~ DISCUSSION (AGENDA ITEM F)**

Commissioners expressed appreciation for the revised format of the Planning Commission Agenda Packets; however, they requested that the agendas be printed in full color for easier review.

☞ **PLANNING COMMISSION COMMENTS AND SUGGESTIONS ~ DISCUSSION (AGENDA ITEM G)**

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.
- **Amendments to Public, Private, and Individual Utilities Ordinance** – The Planning Commission has requested that staff reformat the ordinance addressing alternative energy systems for public, private, and individual use.
- **Highland Glen Park – Environmental Assessment**
- **Red Curbing the Entrances to Churches**

CONTINUED/ONGOING ITEMS TO CONSIDER

- **Commissioner Reports on the Highland City General Plan:**
 - October 12, 2010 - Economic Element – Christopher Kemp
 - Parks, Recreation Facilities and Trails Element – Roger Dixon

- October 26, 2010 - Senior Housing Element – Abe Day

The Planning Commission has also requested the opportunity to present ideas, concerns, and proposed Code Amendments/Additions over which they have authority. The following items were discussed:

Beacon Hills Park: A Commissioner requested an update on the progress of the park being designed and constructed in the Beacon Hill subdivision. Matthew Shipp stated that the goal is to be grading and planting by spring of 2011.

City Maintained Open Space: A Commissioner inquired whether the city had an improvement plan for maintenance of the open space. John Park stated that staff is seeking further direction from the City Council regarding funding and future plans for what is planted and how it should be maintained.

 **ADJOURNMENT**

Roger Dixon moved to adjourn. Seconded by Abe Day. Unanimous vote, meeting adjourned at 10:01 p.m.