

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Highland City Planning Commission

February 10, 2009

PRESENT: Commissioner: Jennifer Tucker, Chair
Commissioner: Brent Wallace
Commissioner: Tony Peckson
Commissioner: Melissa Wright
Commissioner: Don Blohm
Commissioner: Kelly Sobotka
Commissioner: Roger Dixon
Commissioner: Abe Day

STAFF PRESENT: City Planner: Lonnie Crowell
City Planner: Carly LeDuc
City Engineering Director: Nathan Lunstad
Secretary: Kiera Corbridge

EXCUSED:

OTHERS: Chris Dalley, Kathryn Schramm, Brian Braithwaite, Jon Ostenson, Tanner Ostenson, Ken Menlove, Lynn Ritchie

Meeting convened at 6:59 pm
Prayer given by: Jennifer Tucker
Pledge led by: Roger Dixon

Item 1: Approval of Meeting Minutes for January 27, 2009

Tony Peckson moved to approve the Meeting Minutes for January 27, 2009, as amended. Seconded by Kelly Sobotka. Unanimous vote, motion carried.

Item 2: Residential Infill Overlay Zone ~ Public Hearing and Recommendation

Lonnie Crowell explained, per City Council’s request, that Staff has drafted an ordinance to provide an Infill Overlay Zone that is compatible with the surrounding properties for the remaining property in Highland. This item has been discussed in the past and staff has amended the draft ordinance to reflect previous comments from the Planning Commission. The current draft provides a more reasonable opportunity for development of property that is less than 10 acres and does not impact adjacent properties as much as previous ordinances. This ordinance requires a larger frontage, as the width of the lot has the greatest aesthetic impact.

Jennifer Tucker opened the public hearing at 7:10 pm and hearing no public comment closed the public hearing.

1 The Commission discussed that the Infill Overlay Zone was created to address odd
2 shaped and “left over” parcels that may be hard to develop due to size. Some of the
3 Commissioners expressed concern that properties exceeding 6 acres may be too large to
4 qualify.

5
6 Lonnie Crowell provided clarification regarding the landscaping percentage requirements
7 for the front yard versus the entire property.

8
9 Several Commissioners expressed that a frontage requirement of 140 feet seems
10 excessively wide if most lots in the Infill Overlay Zone will tend to be smaller than the
11 surrounding properties. It was noted that the width at the front of the property maintains
12 the open feeling in Highland and also acts as a buffer to the surrounding properties. The
13 Commission resolved to require the same frontage as in the R-1-40 Zone.

14
15 Typographical corrections were noted by staff and the Commissioners.

16
17 **Roger Dixon moved to recommend that the City Council adopt an ordinance for the**
18 **addition of Section 4.15 Residential Infill Overlay Zone within the Highland City**
19 **Development Code with the following changes:**

- 20
21 1. **THAT 3-4155 (1) reads: The Residential Infill Overlay Zone shall only apply**
22 **to property less than ~~10~~ 6 acres in size;**
23 2. **THAT 3-4156 specify the Minimum Width at Setback Line be ~~140~~ 130 feet ;**
24 3. **THAT 3-4156 specify the Minimum Width at Front Property be ~~140~~ 130 feet**
25 **(Cul-de sac lots, entirely located within the bulb, shall have an exception with**
26 **a minimum width of ~~119~~ 110 feet at the Setback Line required.)**
27 4. **THAT 3-4156 (1)(b) reads: For subdivisions proposing three (3) lots, one (1)**
28 **of the proposed subdivision lots may be equal to 20,000 square feet or greater**
29 **while the remaining ~~one (1) lot is~~ two (2) lots are, at minimum, equal to the**
30 **ALSC or greater.**

31
32 **Seconded by Don Blohm. Unanimous vote, motion carried.**

33
34
35 **Item 3: Temporary Signs ~ Public Hearing and Recommendation**

36
37 Lonnie Crowell explained that the current temporary sign ordinance may not be
38 consistent with Federal sign law because it may be interpreted that signs are being
39 regulated by content. Sign ordinances may only regulate time, place, and manner. In
40 other words, the ordinance may regulate when a sign may be used (except 1st amendment
41 rights such as political or religious free speech); an ordinance may dictate where a sign
42 may be placed (on private property, on public property, etc.); an ordinance may define
43 how large a sign may be and how the sign may be located on property. If the ordinance is
44 based upon what the sign says it is considered to be content based and may be illegal.

45
46 Non-commercial sign regulations are more difficult to regulate and an ordinance must
47 also pass a four part test. The four part test is as follows:

- 48 (1) Does the ordinance fall within the First Amendment rights?

- 1 (2) Does the ordinance serve a substantial governmental interest?
2 (3) Does the regulation directly advance the asserted governmental interest?
3 (4) Is the ordinance more extensive than necessary to serve that interest?
4

5 The draft presented to the Planning Commission includes input from the City Attorney
6 and previous Planning Commission discussions.
7

8 **Jennifer Tucker opened the public hearing at 7:30 pm.**
9

10 Kathryn Schramm stated that the proposed draft of the ordinance limits business owners'
11 spontaneity; business owners may not be able to obtain a temporary sign permit at the
12 time they would like to advertise a sale. She asked for more leniencies for the established
13 business/commercial zones. Mrs. Schramm also expressed concern that restricting the
14 locations of Grand Opening signs may limit the business owners to areas that are not
15 openly visible to passing traffic. She referred specifically to the Lone Peak Shopping
16 Center and observed that the foliage in the medians and berm can conceal the businesses
17 behind. Lonnie Crowell noted that a monument sign would alleviate that concern and has
18 been permitted in the shopping center for some time. Jennifer Tucker asked for a
19 recommendation of an alternative and Kathryn Schramm suggested that temporary signs
20 be permitted along the berm of Lone Peak Shopping Center. The Commission discussed
21 the City's authority to regulate where temporary signs are placed on property that is
22 leased.
23

24 Kathryn Schramm requested clarification regarding temporary directional signs in a
25 residential zone and suggested that a fee be charged for the City to pick up signs that
26 have been left out.
27

28 **Jennifer Tucker closed the public hearing at 7:51 pm.**
29

30 The Commission reviewed the Park City Sign Ordinance in contrast to the proposed
31 ordinance and discussed the differences and the potential benefits of additional
32 subheadings and time restrictions.
33

34 The Commission reviewed the ordinance in its entirety and made corrections as deemed
35 necessary.
36

37 **Roger Dixon moved to continue the item until the next meeting to allow time for**
38 **Planning Commission to review the recommended changes. Tony Peckson seconded**
39 **the motion. Unanimous vote, motion carried.**
40

41
42 **Item 4: Article 4.35 (Commercial Retail Zone) Code Amendment/Addition ~**
43 **Public Hearing and Recommendation**
44

45 Lonnie Crowell explained that during the City Council meeting on January 20, 2009 the
46 City Attorney determined that the Council should consider a different approach with the
47 language regarding the Code Amendment previously proposed to the Planning
48 Commission on January 13, 2009. The City Council adopted the previously proposed

1 Code Amendment on January 20, 2009 but requested that staff return with a more
2 favorable option per the recommendation of the City Attorney.

3
4 The Commission discussed that the intent is to locate sales tax generating businesses on
5 the corner lots in the CR Zone. This would exclude service oriented businesses, such as:
6 financial institutions, medical offices, real estate institutions, professional services,
7 insurance institutions, and other businesses that do not generate sales tax revenue.

8
9 **Jennifer Tucker opened the public hearing at 9:01 pm and hearing no public**
10 **comment closed the public hearing.**

11
12 **Tony Peckson moved to recommend that the City Council approve the Code**
13 **Amendment/Addition to Article 4.35 Commercial Retail Zone Section 3-4355 as**
14 **recommended by staff with the addition of the Service Oriented Businesses in**
15 **Section 3-4352 (7)(a)(v).**

16
17 3-4352: Prohibited Uses.

18 (7) The following Ground Floor Uses shall not be located on a corner lot within the
19 CR Zone:

20 (a) Office buildings for Professional Services which may include but not
21 limited to:

22 (i) Financial Lending Institutions; such as banks, credit unions, cash
23 lending institutions, or similar; or

24 (ii) Insurance institutions such as Insurance agencies, insurance
25 brokers, or similar; or

26 (iii) Professional services; such as Architects, Engineers, Law offices,
27 or similar; or

28 (iv) Real Estate Institutions; such as Mortgage Companies, Title
29 Companies, Real Estate Brokers or agents, or similar;

30 (v) Service Oriented Businesses;

31
32 3-4355: Site Coverage.

33 ~~(2) — A proposed use shall not be located on a Lot that is adjacent to the corner and~~
34 ~~intersection of SR 92 or SR 74 if the proposed use exceeds one drive through~~
35 ~~lane or drive through window/bay on any building elevation of the proposed use.~~

36 ~~(a) — A drive through window or menu board shall not directly face, be located~~
37 ~~adjacent to, or be attached to any portion of the building that faces SR 92~~
38 ~~or SR 74 in any circumstance including separation by parking, drive way,~~
39 ~~drive through or landscaping.~~

40
41 **Seconded by Kelly Sobotka. Unanimous vote, motion carried.**

42
43
44 Meeting adjourned at 9:02 pm.