

Highland City Planning Commission

December 8, 2009

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

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

OTHERS: Michael Mock, Lafe Harris, Trixie Walker, Lynn Ritchie, Kathryn Schramm, Scott L. Smith, Cole Peck, Dan Baxter, Nathan Hutchinson, Grant Gifford, Paul Gifford, Wesley Burt, George Wilson.

Meeting Convened at 7:02 pm
Prayer given by: Melissa Wright
Pledge led by: Roger Dixon

Item 1: Approval of Minutes for November 10, 2009

Kelly Sobotka moved to approve the Meeting Minutes for November 10, 2009, as amended. Seconded by Abe Day. Unanimous vote, motion carried.

Item 2: Accessory Structures ~ Public Hearing and Recommendation

Lonnie Crowell explained that the City Council has requested that the Planning Commission determine what should be permitted and required for accessory structures and recommend a revised version of the ordinance. The Commissioners were provided with a worksheet requesting conditions, regulations, allowances, etc. that could be considered for the accessory structure ordinance; the draft ordinance presented to the Commissioners is based on the submitted recommendations and recommendations from the previous meeting.

Mr. Crowell observed that if changes to the current ordinance to reflect stricter setbacks, sizes, and heights were adopted, then existing accessory structures may become non-

conforming. Staff estimates that about twelve percent of homes in Highland City have one or two accessory structures on their property. Staff further estimates that 35 - 40 percent of those structures are built to the maximum capacity: equal to the size of the footprint of the home or five percent of the total lot area, whichever is less. The current ordinance also restricts the construction of multiple level structures to avoid construction of illegal apartments above a detached garage or similar structure. The Planning Commission may include language indicating that structures legally constructed prior to the adoption of the new ordinance will not be considered non-conforming.

Lonnie Crowell noted that changes will be made to the International Building Code and International Residential Code which will take effect in January 2010 subsequently increasing the minimum square footage of a “structure” from 120 feet to 200 square feet. Mr. Crowell added that changing the minimum square footage in the ordinance is simply an option.

The revised draft ordinance presented to the Planning Commissioners is as follows:

Accessory Buildings (Amended: 9/5/00, 1/15/02, 9/17/02) All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

- (1) An accessory building is any building or structure which is not attached to the main dwelling on the lot that is:
 - (a) Greater than 200 square feet, or
 - (b) That is attached to a permanent foundation as defined by the building code.
- (2) **Size.** Accessory buildings shall not cover more than five percent (5%) of the total gross lot area.
- (3) **Height.** No accessory building shall be erected to a height greater than twenty-five feet (25') from grade.
- (4) **Setbacks.** All accessory buildings shall comply with the following setbacks:
 - (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30').
 - (b) All accessory buildings shall be set back from the rear property line a minimum of ten feet (10').
 - (i) The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling.
 - (c) All accessory buildings shall be set back from the side property line a minimum of ten feet (10').
 - (i) All accessory buildings shall be set back at minimum an amount consistent with the primary dwelling or set back no less than thirty feet (30') from the side lot line which abuts a street, whichever is less.
 - (d) All accessory buildings shall be placed no closer than six (6) feet from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.
- (5) **Materials.** Accessory buildings shall be constructed out of exterior materials compatible and consistent with the neighborhood.
- (8) Any accessory buildings used for a home occupation shall comply with the regulations governing a home occupation business.

Large Animal Shelter is any structure for the purpose of sheltering large animals which may also be used for storing hay and farm equipment in addition to large animals. Any detached structure requiring a foundation shall be considered an accessory structure and shall be subject to Section 3-4109 / 3-4209. A large animal shelter is a minimum of 50% open on one side. Large animal shelters do not need a building permit, but are required to meet minimum setback requirements as follows: A large animal shelter shall be a minimum of 100' from an adjacent residential dwelling unit; 75' from the owner's residential structure; 10' from a side or rear property line; 30' from any street; and 10' from a trail easement. A large animal shelter shall not be constructed within an easement. A large animal shelter shall be one of the following architectural elevations or similar construction. (Added 12/7/04)

In the previous meeting, Commissioners questioned the requirement that any accessory structure must be constructed no closer than six feet from an adjacent building. The building inspector has clarified that the purposed of the setback is to eliminate the need for additional building and fire code requirements necessary if the structures were closer than six feet apart. In addition, the distance mitigates potential concerns of access between the primary dwelling and the accessory structure if emergency access is needed.

Another question presented was regarding the height of the accessory structure in relation to the height of the main dwelling; the Planning Commission may want to discuss whether an accessory structure should be taller than the home.

Also in the previous meeting, the Planning Commission determined that the requirements for the accessory structure materials should remain as currently written: R-1-40 must be exterior materials compatible and consistent with the neighborhood; R-1-20 must be compatible with the main dwelling. Additionally, the Commissioners agreed that the height of the structure should determine the number of "stories" in an accessory structure and that the maximum square footage should be determined by the size of the lot rather than the size of the "main floor living area" of the primary dwelling.

Lonnie Crowell noted that public hearings are advertised on the Highland City website, the Utah Public Meeting Notice website, in the newspaper, and on the Highland City bulletin board.

A Commissioner suggested striking 4(b)(i) "The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling," as the size of the structure is no longer related to the area of the rear yard.

A Commissioner noted that the majority of lots located within an R-1-40 open space subdivision are significantly smaller than the standard R-1-40 lot and proposed that the requirement of exterior materials used to construct the structure be based on the size of the lot rather than the zoning.

Brent Wallace opened the public hearing at 7:10 p.m.

Michael Mock, resident of Highland City, expressed his opposition to increased side setbacks on corner lots and requested that corner lots not be subject to additional restrictions. Mr. Mock stated that he has concluded over the last few months that reduced

setbacks for accessory structures would not pose a safety issue on corner lots in Highland City, nor does he feel that reduced setbacks would be an aesthetic concern. Mr. Mock explained that he would like to construct a brick garage in his yard; however, under the current ordinance, the garage would be located in the center of his rear yard. He further explained that his desire is to construct the garage closer to the side property line and utilize his rear yard to his benefit. Michael Mock reiterated that he does not see a concern with reducing side setbacks on corner lots, aesthetic or otherwise; reduced setbacks would not affect the “openness” of Highland, even in the smaller lots of an open space subdivision. Mr. Mock referred to the staff’s comments, stating that if only twelve percent of the homes in Highland have accessory structures, “this has made a mountain out of a mole hill”.

Cole Peck, Highland resident, explained that he owns a three acre lot on which he would like to build a modest home and a large storage structure; however, he learned that under the current ordinance the structure could not be larger than the footprint of the home. A Commissioner indicated that the draft ordinance would remove that restriction and the size of the structure could be as large as five percent of the total lot. Lonnie Crowell added that if Mr. Peck would like a structure larger than five percent, he also would have the option to attach to structure to the home. Lonnie Crowell clarified that the home must be constructed prior to the accessory building.

Brent Wallace closed the public hearing at 7:26 p.m.

A Commissioner questioned setbacks regarding a neighboring lot with three corners. It was clarified that the thirty foot setback would apply to all street facing sides. Commissioners noted that several homes within Highland were constructed closer than thirty feet from the property line and suggested permitting accessory structures to be constructed consistent with the primary dwelling.

A Commissioner questioned whether the American Association of State of Highway Transportation addressed corner restrictions. Matthew Shipp explained that line-of-sight is the primary concern; however, stop signs, mechanical lights, street speed, etc. add variance.

Commissioners discussed an appropriate differentiation of lot size in relation to the exterior materials used to the construct the structure.

Typographical corrections were addressed.

Tony Peckson moved to Recommend that the City Council Adopt an Ordinance Amending Sections 3-4109 and 3-4209: Accessory Structures per the following recommendations:

- 1. Section 3-4109(4)(a) and 3-4209(4)(a) shall read: All accessory buildings shall be set back from the front property line a minimum of thirty feet (30’) or consistent with the primary dwelling, whichever is less.**
- 2. Deletion of Section 3-4109(4)(b)(i) and 3-4209(4)(b)(i): The area of the rear yard shall be calculated as the area between the rear property line and any portion of the main dwelling.**

3. **Based on the finding of fact that there is not any compelling safety reason for a larger side yard setback, Section 3-4109(4)(c)(i) and 3-4209(4)(c)(i) shall read: All accessory buildings shall be set back at minimum an amount of ten feet (10') from the side lot line which abuts a street or ten feet (10') from the parkway detail.**
4. **Section 3-4109(5) and 3-4209(5) shall read: Accessory buildings shall be constructed out of exterior materials consistent with the primary dwelling if the lot is ½ acre or less.**

Seconded by Abe Day. Those voting aye: Don Blohm, Abe Day, Roger Dixon, Tony Peckson, Kelly Sobotka, Melissa Wright. Those voting nay: Brent Wallace. The motion passed with a majority vote, 6:1.

Item 3: 9600 North Final Subdivision Application – Alpine School District/LDS Church ~ Recommendation

Lonnie Crowell explained that Lafe Harris from Butler Architects, representing the Alpine School District and the Church of Jesus Christ of Latter-Day Saints, is requesting Preliminary Subdivision Approval the 9600 North Subdivision, a proposed three lot subdivision located at approximately 9600 North 6900 West. The two residential lots are approximately 38,000 square feet in size and the remaining lot, proposed for a church building, is 156,590 square feet. The three properties exceed the R-1-40 Zone minimum frontage requirement of 130 feet. The applicant has proposed a 40 foot right-of-way, as is typical for this type of development.

An item of concern that will need to be addressed by the applicant is regarding an existing ditch along the north end of the proposed subdivision. It is currently understood that the end user is located immediately to the west of the proposed development; the applicant may either pipe the ditch per the requirements of the ditch company or work with the end user regarding pressurized irrigation options.

The applicant will also need to address the existing fence along the east property line; the property owners adjacent to the proposed road have animal rights and currently have large animals contained by an electric fence. These property owners have expressed concern regarding the safety of their animals and the potential safety hazards for the users of the proposed church building and residences if the electric fence were to remain. The applicant should work with the property owner to the east regarding a fence to mitigate this concern. Lonnie Crowell noted that the City has typically required that a vinyl fence be installed with the proposed use.

The road would be stubbed for future development as the parking lot of the proposed church would provide adequate turn-around for emergency vehicles. The Planning Commission should consider requiring a sign at the end of the stubbed road indicating that the road will continue when the property to the north is developed.

Benjamin Fietkau owns the property to the east of the subdivision, adjacent to the proposed road. He expressed concern regarding access and use of the existing ditch/canal. Cole Cooper, neighboring property owner, echoed Mr. Fietkau's concern. Lonnie Crowell explained that the applicant will be required to work with the ditch company to ensure access to all users.

Cole Peck, Highland City resident and owner of property to the west of the subdivision, requested clarification on the materials of the proposed fence. A Commissioner asked Mr. Fietkau if he felt a chainlink fence would be more appropriate than a vinyl fence. Benjamin Fietkau stated that he would not be opposed to a vinyl fence but, having never used vinyl for a fence, he was unsure of its durability. Other Commissioners observed that vinyl fences seem easily damaged by children; large animals would be capable of significantly more damage. It was noted that a primary concern regarding the existing fence is the accessibility of the large animals and that a solid fence would be more appropriate.

A Commissioner requested clarification regarding the location of the proposed fence. It was noted that if the fence were constructed along the property line, the fence would need to be relocated; however, constructing the fence along a future development line would diminish the Fietkau's yard. Lonnie Crowell indicated that the placement would be decided between the property owner and the applicant. Lafe Harris, applicant, stated that the fence would be located along the property line and any discussion of a gate (providing additional access to the ditch) would also be discussed with the property owner.

A Commissioner asked Lafe Harris what materials the developer had proposed. Mr. Harris stated that the material used is in discussion with the property owner; however, vinyl is not recommended as horses may eat it and become very ill. The Commissioner noted that chainlink may also be a dangerous material as horses or other large animals could get a leg stuck in the holes of the chainlink; a steel panel fence was recommended.

Benjamin Fietkau requested additional clarification regarding any landscaping requirements or maintenance along the road in relation to the fence location. Lonnie Crowell stated, should the fence be located along the property line, that no landscaping would be required between the road and the fence.

Concerns were voiced regarding the single ingress/egress of the subdivision. Lonnie Crowell explained that the length of the street is short enough that a second access is not required; in addition, the parking lot of the proposed use would act as a sufficient turn-around.

Roger Dixon moved to Recommend that the City Council Grant Final Subdivision Approval for the 9600 North Subdivision per the following recommendations:

- 1. That the applicant complete the improvements along 9600 North as part of Lot 1 within this subdivision (as shown on the submitted plan); and**
- 2. That the applicant work with the end user(s) of any existing ditches and the ditch company and pipe any ditch on the north end of the property per their recommendations or continue the water right as negotiated with the user(s); and**

3. That the Owner/Developer/Applicant install a sign at the north end of the proposed “6900 West Street” at a location and type per the Public Works Director indicating that “6900 West Street is intended to continue to the west and be connected to a future development prior to selling property; and
4. That the applicant work with the property owner to the east regarding any fencing that may be intentionally/not intentionally moved during construction and may be necessary due to the existing large animals on that property and that the fence be constructed along the property line; and
5. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a noted be placed on the Final Plat stating: “Property owners adjacent to this subdivision have existing large animal rights which may include horses, cows and goats. These rights are protected by both the Municipal and Development Codes of Highland City. There are noises, smells and other events associated with these animals that can occur all hours throughout the day and night, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property’; and
6. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and
7. That any easements shown on the title report should be clearly identified on the Final Plat unless located within the right of way.

Seconded by Tony Peckson . Unanimous vote, motion carried.

Item 4: 9600 North LDS Church – Conditional Use Permit Application ~
Public Hearing and Recommendation

Lonnie Crowell explained that Lafe Harris from Butler Architects, representing the Church of Jesus Christ of Latter-Day Saints, is requesting a Conditional Use Permit to construct and operate a church at approximately 6900 West 9600 North. A Conditional Use Permit is required for the proposed use, as stated within the Highland City Development Code:

- 3-4108: Conditional Uses.** (Amended 2/18/97, 4/21/98, 11/3/98, 1/15/02, 12/2/03, 3/2/04, 6/15/04, 12/2/08) The following buildings, structures and uses of land shall be allowed in the R-1-40 Zone upon compliance with provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code:
- (2) Churches, not including temporary facilities.

Lonnie Crowell further explained that the Planning Commission may recommend “reasonable” conditions to “mitigate reasonably anticipated detrimental effects of the proposed use” per the Highland City Development Code and the Utah Code and Constitution with standards set forth in an applicable ordinance. The Highland City Development Code reads as follows:

**CHAPTER 4
CONDITIONAL USE PROCEDURE**

4-101: Purpose of Conditional Use Provisions

4-102: Application

4-103: Fee

4-104: Public Hearing

4-105: General Requirements

4-106: Granting Permit

4-107: Appeals

4-108: Inspection

4-109: Expiration

4-101: Purpose of Conditional Use Provisions. Certain uses which may be harmonious under special conditions and in specific locations within a Zone, but be improper under general conditions and in other locations, are classed as conditional uses within the various Zones and require conditional use permits for approval. A conditional use permit shall be required for all uses listed in this Code as conditional uses. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval thereof.

4-105: General Requirements. The Planning Commission may recommend to the City Council additional requirements to mitigate the reasonably anticipated detrimental effects of the proposed use as defined.

- (1) The Planning Commission may recommend to the City Council a conditional use to be located within Zone in which the particular conditional use is allowed by the provisions of this Title governing that Zone. In recommending any conditional use, the Planning Commission shall impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. A conditional use permit shall not be granted unless the evidence presented by the applicant is such as to show all of the following:
- (2) That such use will not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- (3) That the proposed use will comply with regulations and conditions specified in this Code for such use.
- (4) Upon the recommending of any conditional use permit, the Planning Commission shall itemize, describe, and justify the conditions imposed on the use.
- (5) The recommendation of the Planning Commission shall be forwarded to the City Council. The City Council may then grant, modify, or reject the permit. (Amended: 4/21/98)

Utah Code and Constitution reads as follows:

10-9a-507. Conditional Uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that required compliance with standards set forth in an applicable ordinance.
- (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably

- anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal of the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

*Amended by Chapter 245, 2005 General Session
Renumbered and Amended by Chapter 254, 2005 General Session*

In the past, the City Council and Planning Commission have required the following Conditions in the past with an LDS Church Conditional Use Permit Applicant:

- A vinyl fence surrounding any property adjacent to residential property; and
- A general restriction on time of operation; and
- A minimum of thirty-five percent landscaping as required in the ordinance; and
- A minimum number of 200 parking stalls; and
- That the applicant bury and resolve any water/ditch issues existing on the property per the ditch company that owns the ditch; and
- That the lights be designed so that they are not directed toward the adjacent property owners.

There is an additional concern regarding the existing large animal rights of the property to the east. The concern is that the proposed development may create what is commonly referred to as an attractive nuisance, where those who participate in the use of the proposed church may be attracted to the horses or other large animals on the adjacent property. The current fence has been adequate due to its distance from the nearest road and/or sidewalk; however, the proposed development would position the road immediately adjacent to the existing “farm” fence. Staff suggests that the Planning Commission recommend as part of this Conditional Use Permit that the applicant work with the neighboring property owner to construct a fence that would be adequate for safety. It has been discussed during a previous meeting that a concrete or block wall may be necessary to contain horses while providing an adequate barrier between the animals and pedestrians on the road.

Lonnie Crowell explained that the site plan shows 198 parking stalls; however, the typical church building has been required to provide a minimum of 200 parking stalls. The submitted site plan includes over thirty-seven percent landscaping, meeting the minimum requirement of thirty-five percent per ordinance. Also, the architecture and building materials proposed are similar to previously approved churches.

Lafe Harris, applicant, clarified that the proposed church building would not be a stake center.

A Commissioner expressed concern that the proposed pavilion appears too close to the property line. Lafe Harris indicated that the pavilion is located ten feet from the property line.

Brent Wallace opened the public hearing at 8:09 p.m. and hearing none closed the public hearing.

ORIGINAL MOTION: Melissa Wright moved to Recommend that the City Council Approve the 9600 North LDS Church Conditional Use Permit Application per the following recommendations:

- 1. That the applicant work with the property owner to the east to construct a fence that will appropriately contain and protect the existing large animals on that property when the proposed road is constructed as well as protect those persons that may be passing by; and**
- 2. That the applicant understand that a Building Permit will not be finalized until all improvements for the subdivision are complete; and**
- 3. That the proposed pavilion be located outside of the ten foot (10') minimum setback and that he pavilion be similar in architectural style to that of the main building; and**
- 4. That construction plans and details are not approved with this site plan process. The applicant will need to follow the process for subdivision improvements through the public works department and construction plans need to be approved by the City Engineer prior to the acceptance of a building permit; and**
- 5. That lighting be no taller than fifteen feet (15') in height and be designed to be directed away from adjacent residential property and that parking lot lighting be no taller than fifteen feet in height; and**
- 6. That hours of operation between 12:00 a.m. and 6:00 a.m. be limited to emergencies; and**
- 7. In such case a monument sign is installed, the sign must adhere to the requirement of the sign ordinance; and**
- 8. That the applicant provide a minimum of 35% of landscaping as required for a conditional use permit per ordinance; and**
- 9. That the applicant provide 200 parking stalls as typically required; the applicant currently has 198.**

Seconded by Kelly Sobotka.

Commissioners requested clarification regarding the fencing material being approved. Lonnie Crowell explained that the proposed material is a vinyl coated chainlink with slats. He noted that Highland typically requires a vinyl fence bordering the church. Several Commissioners expressed concern regarding the durability of a vinyl fence bordering animal property.

Cole Peck questioned which party would be responsible for repairing damage or wear to the fences; horses would damage chainlink and vinyl over time. Mr. Peck requested the use of a more substantial material, such as concrete.

Commissioners noted that property owners surrounding the proposed location have large animal rights.

AMENDMENT TO THE MOTION: Melissa Wright moved to change the wording of the first recommendation to read:

- 1. That the applicant work with ~~the property owner to the east~~ **all surrounding property owners** to construct a fence that will appropriately contain and protect the existing large animals on that property when the proposed road is constructed as well as protect those persons that may be passing by; and**

Seconded by Roger Dixon. The amendment passed with a unanimous vote.

Brent Wallace called for a vote on the original motion. Unanimous vote, motion carried.

Item 5: Miller's Acre Plat B Subdivision Application – Consideration for Final Approval ~ Recommendation

Lonnie Crowell explained that Mr. and Mrs. Burt, prospective owners of approximately 4565 West 11150 North (currently part of the Miller property), are requesting Final Approval of a two lot subdivision. The proposed Lot 2 is approximately 33,700 square feet and proposed Lot 3 is approximately 43,560 square feet in size. The existing residence has approximately 173 feet of frontage along 11200 North and the proposed Lot 3 will have approximately 215 feet of frontage along the proposed "Canterbury Road" which would connect to Spruce Drive. The alignment of the existing road in the Spruce Estates subdivision and the road alignment for the proposed Millers Acre Plat B subdivision were determined years ago during the Final Approval stages of the Spruce Estates Subdivision and a proposed Mountain View Meadows development to the west.

A concern during the development of the Spruce Estates subdivision was in regards to the ditch along the south end of the proposed subdivision and north end of the Spruce Estates Subdivision Plat. According to the Lehi Ditch Company, the Petersens (owners of property to the west) are the only end user remaining on this ditch. The applicant and the Petersens have come to an agreement regarding the ditch; the applicant will continue the pressurized irrigation system to the Petersens property so the ditch will no longer be needed and will most likely be buried.

A major item of discussion is related to the installation of improvements along 11200 North. Meeting Minutes from the City Council Meeting on March 28, 1995 reflect that the City Council moved that "future improvements be guaranteed with a cash bond or irrevocable letter of credit" as a condition of approval for the Miller's Acre Subdivision; these funds would be used to construct the improvements for 11200 North at such time that the City understood where and how 11200 North would be developed. The City has a draft record that the Miller's may have posted a \$3100.00 bond with the Bank of American Fork for the improvement of curb, gutter, and sidewalk along the frontage of Miller Acres Plat A; however, neither the Bank of American Fork or the Highland City has a copy of official/signed records indicating that the bond was posted nor of an agreement regarding the delay for the improvements. George Wilson, surveyor for this

subdivision and for the original Millers Acre Plat A subdivision provided the following information:

“Millers Acre was recorded July 25, 1995 by the city of Highland. I happened to be the surveyor involved. Boyd Wilson was the City Engineer at the time. If you would go out and look at the street, you will see it climbs about 8 – 10 percent grade and then drops off into the gravel pit. There was no way anyone could design curb & gutter grades along this stretch of street without knowing the final elevation of the reclaimed gravel pit to the east that is why Boyd Wilson decided to delay construction, rather than guess and run the risk of taking it all out later. Of course an agreement was given, or the city never would have recorded the plat. That is certainly a form of proof an agreement was given. Lloyd Hanson and Boyd Wilson should be contacted to see if they can remember the details. I remember discussing it with Boyd Wilson and that he signed off on it so the plat could be recorded, which it was. Proposed Plat “B” is part of this vertical curve at the very end of the street.”

Lonnie Crowell clarified that the applicant can request a delay agreement from the City Council regarding the improvements; however, the City can not accept a Letter of Credit. The City Council will need to determine whether a delay agreement is a suitable option.

During the development of Spruce Estates, the developer and the owner of Westroc were in negotiation regarding an access from the northeast side of the bulb at the end of Spruce Drive. This would provide Westroc with additional options when they decide to cease the gravel operation and develop the property as a residential subdivision. This may or may not be a possibility in the future per the decision of the City Council; however, this should be noted on the plat for potential land owners if it does occur in the future.

Lonnie Crowell also relayed concerns expressed by Maren Mouritsen, owner of the adjacent property owner to the south. She is concerned that the City will require the road to be built on her property at a future point in time and has stated that she is not interested in developing her property. Mr. Crowell explained that this would leave almost half of the proposed “Canterbury Road” unfinished and create potential access to Ms. Mouritsen’s property. Staff is concerned that someone may try to drive onto her property once “Canterbury Road” is installed along the applicant’s property. The applicant is interested in delaying the construction of the additional 38 feet of right-of-way that extends beyond the required 130 feet of frontage until the road is continued to the west. Although this may partially resolve the concern of access to Ms. Mouritsen’s property, staff feels it may be difficult to obtain the funds from the property owners at the time of the road construction. Staff believes a temporary fence may resolve the concern by identifying the edge of the street and the edge of Ms. Mouritsen’s property. The City Attorney provided an email stating that if the development of the street and subdivision directly creates a public or private nuisance which can be ameliorated by the placement of a barrier, then the developer could be required to provide the fence/barrier; however, if the barrier is only installed to satisfy aesthetic or privacy preferences of a property owner and does not serve a public purpose, it would be difficult to justify forcing the developer to build and pay for a barrier as a condition of development.

Lonnie Crowell stated that George Wilson had previously explained that there is a 300 foot vertical curve along 11200 North which begins along the west portion of the

proposed Miller's Acre Plat B and raises about 12 feet as it reaches the eastern boundary of Miller's Acre Plat A. Mr. Wilson indicated that the 30 inch irrigation line and other utility lines located within the road would need to be removed or lowered and expressed his opinion that completing those improvement would be more financially feasible for a large development than for the Millers.

Matthew Shipp clarified that although the improvements would be fairly isolated if constructed at the time Miller's Acre Plat B was developed, the remaining improvements along 11200 North would be installed when the surrounding properties were developed and would be required to connect to the Miller's improvements. Mr. Shipp reiterated that City ordinances require the improvements to be installed; however, the City Council could consider a delay agreement and a bond for the improvements to be installed at a future time with the assurance that the funds would be accessible when needed.

Typographical concerns were addressed.

A Commissioner requested clarification regarding the purpose of the proposed "Canterbury Road" and its relation to the layout of roads in future development of the properties to the west. Lonnie Crowell explained that cul-de-sacs are very expensive and impede traffic flow; "Canterbury Road" would provide an access point for future development.

Commissioners implored that Wesley Burt reconsider using the name "Canterbury" due to the extensive number of street names that are similar. Mr. Burt simply stated that the name confusion would not be a concern. Matthew Shipp confirmed that Utah County was willing to accept the name and that the road would continue as "Canterbury Road" if it were continued through a future development.

Concern was expressed regarding the half-road and fence along Maren Mouritsen's property. Matthew Shipp stated that the proposed road width meets the city specifications and noted that the discussed gate would mitigate concerns of access to Ms. Mouritsen's property. Lonnie Crowell added that the applicant can also work with Matthew Shipp, Highland City Engineer, regarding additional barriers as needed.

Roger Dixon moved to Recommend that the City Council Grant Final Subdivision Approval for the Miller's Acre Plat B Subdivision per the following recommendations:

- 1. That the City Council determine whether the Owner/Developer/Applicant be required to provide a cash bond in an amount per an estimate approved by the Public Works Director to be placed into escrow for the purpose of completing the improvements along 11200 North at the time 11200 North is improved consistent with the approval of the Millers Acre Plat A subdivision, or if these improvements shall be required to be installed as typical; and**
- 2. That the Owner/Developer/Applicant provide evidence to the City that they have fulfilled the agreement with the Petersens as submitted and according to any requirement per the Lehi Ditch Company regarding the**

- existing ditch at the north end of “Spruce Drive” and the south property boundary of the proposed subdivision; and
3. That the existing ditch along the south property boundary be covered/buried when abandoned by the Owner/Developer/Applicant; and
 4. That the Owner/Developer/Applicant follow any ditch company requirements for piping of any ditches along 11200 North in front of “Lot 2” if applicable; and
 5. That the Owner/Developer/Applicant install a sign at the end of the proposed “Canterbury Road” at a location per the Public Works Director indicating that “Canterbury Road is intended to continue to the west and be connected to a future development” prior to selling property; and
 6. That the City Council determine whether the Owner/Developer/Applicant construct a temporary fence and gate at the head of “Canterbury Road” per the Public Works Director with keys provided to the Owner/Developer/Applicant, Maren Mouritsen, and the City until the south property develops and/or the improvement of the road continues to the west; and
 7. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “Notice is hereby given that the purchaser/owner of a lot within Miller Acres Plat B subdivision is subject to typical operating conditions of a gravel pit immediately adjacent to the east of this proposed subdivision”; and
 8. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “Property owners adjacent to this subdivision have existing large animal rights which may include horses, cows and goats. These rights are protected by both the Municipal and Development Codes of Highland City. There are noises, smells and other events associated with these animals that can occur all hours throughout the day and night, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property”; and
 9. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “Wildlife including mule deer, rocky mountain goats and bighorn sheep have historically and consistently wintered and/or migrated through this area and may continue to do so. There are potential concerns that may surface associated with the existing wildlife, and the prospective buyers of property in this subdivision should be aware of this prior to purchasing property”; and
 10. That a BUYER/SELLER Acknowledgement be provided by the SELLER and a note be placed on the Final Plat stating: “The Developer of the adjacent Spruce Estates Subdivision to the south and the owner of Westroc Gravel Company to the east were considering providing a road connection to access the Westroc property for the purpose of future development options and that this access may be requested and provided at some point in time to be located on the east portion of the road knuckle where Spruce Drive connects with Canterbury Road”; and
 11. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and

12. That any easements shown on the title report should be clearly identified on the Final Plat unless located within the right of way; and
13. That the draft of a delay agreement or bond for the improvements along Miller's Acre Plat A be considered unsubstantiated and void.

Seconded by Don Blohm. Unanimous vote, motion carried.

Item 6: Highland Town Center Plat B Final Subdivision Application (Amendment to Plat A, Vacation of Lots 1 & 4) ~ Recommendation

Lonnie Crowell explained that Grant Gifford is requesting a Subdivision Plat Amendment for the purpose of realigning existing lots within the Highland Town Center Plat A Subdivision, located at approximately 10900 North 5525 West, and incorporating two additional parcels to the south. This amendment would require the vacation of the existing Lot 1 and Lot 4 of the Highland Town Center Subdivision as the original configuration would be altered. The Town Center Overlay does not require a minimum lot size or minimum frontage. A majority of the subdivision improvements have been completed along Town Center Boulevard, as indicated in the Highland City Commercial, Retail, Office, and Residential Town Center Overlay Zone Design Standards as approved by City Council on April 7, 2009. The additional improvements required include street lights, tree grates, portions of sidewalk, and landscape planters between the trees and lights. The improvements along SR-92 would be installed when the lot is developed. The proposed Subdivision Plat Amendment complies with all requirements of the Town Center Overlay Zone, the underlying R-1-40 Zone, and all other requirements within the Highland City Development Code.

The proposed configuration allows the property owners to develop in accordance with the Town Center Overlay Districts; existing Lot 2 and 3 and the proposed Lot 1 would be considered to be within the Town Center Commercial Retail District and proposed Lot 2 would be considered to be located within the Town Center Flex Use District as defined within the Town Center Overlay.

Lonnie Crowell noted that there is a 20 foot irrigation easement indicated on the plat for the purpose of realigning the existing irrigation pipe and ditch per the requirements of the Lehi Ditch Company; the applicant will need to work with the Lehi Ditch Company regarding the placement. The submitted subdivision plan also indicates an existing 24.6-foot access easement for Utah Power and Light, now known as Rocky Mountain Power, along the west property boundary. The applicant will need to provide documentation that the easements have been satisfied and the owner of the easement has agreed to any realignment and/or access as originally intended.

A Commissioner expressed concern regarding the traffic impact to 5600 West if a south access is approved along Parkway West; The Pointe Dance Academy was recently approved, and the combined traffic increase may cause significant traffic congestion.

A Commissioner questioned whether the ground floor units of the proposed use could be converted to non-residential units.

It was noted that this item is a simple subdivision and that the above concerns are related to the next items of discussion.

Kelly Sobotka moved to Recommend that the City Council Grant Final Approval for the Highland Town Center Plat B Subdivision and Amendment to Plat A, Vacating Lots 1 and 4 per the following recommendations:

- 1. That the applicant work with the Lehi Ditch Company to address any requirements for the location and improvement required for the existing the ditch and irrigation pipe located on Lot 1; and**
- 2. That the applicant provide documentation indicating that the 24.6' access easement for "Utah Power and Light" is still provided, accepted, and pr abandoned by Rocky Mountain Power; and**
- 3. That the applicant be responsible for the remaining public improvements within the adjacent right-of-ways along Town Center Boulevard, Town Square West and Parkway East per the Design Standards and the Town Center Overlay Ordinance and the Public Works Department which may include street lights, tree grates, additional sidewalk and some landscape planters between the trees and street lights as required by ordinance; and**
- 4. That the applicant show all of the easements indicated in the Title Report on the Final Plat to the City Council unless they are located within and existing or proposed right-of-way; and**
- 5. That the applicant provide a Public Utility Easement within a drive to the rear of the property once the site plan has been approved and prior to recording of this subdivision.**

Seconded by Roger Dixon. Unanimous, motion carried.

Item 7: Toscana at Highland – Site Plan Application ~ Review and Consideration for Approval

Lonnie Crowell explained that Grant Gifford is requesting Site Plan Approval for a single-family attached townhome development located at approximately 10900 North 5525 West within the Town Center Flex-Use District within the Town Center Overlay Zone, as permitted by ordinance. This is a permitted use only requiring the review and approval from the Planning Commission for architecture and site plan per the requirement of the Town Center Overlay Zone and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Design Standards; a public hearing is not required or permitted by ordinance. The Town Center Overlay Zone has been discussed for nearly two decades and has been recently amended by the City Council specifically to create a fluid process for developers willing to locate within the Town Center. It is the purpose of the Planning Commission and Staff to determine whether the application meets the requirements of the regulating documents mentioned above. The applicant has submitted a plan for the project per the requirements of the Town Center Overlay Zone.

The applicant has expressed the intent to provide Highland City with a high-end single-family attached townhome development that will last for many years. It would be a private development, secured and only accessible by the residents and their guests.

There are several items specifically related to the site plan that are required within the Town Center Overlay Zone and Design Standards of which the Planning Commission should consider while reviewing the site plan, identified by Section as follows:

3-4704(2): Town Center Flex Use District

3-4704(2)(g) indicates this is a permitted use. The applicant is required to obtain site plan and architectural approval from the Planning Commission based upon the requirements of the Development Code and Design Standards.

3-4710: Lot Coverage

The Town Center Overlay Zone requires structures to be located a maximum of five feet from an adjacent right-of-way and 20 feet from a “rear” property line (see 3-713(5)). Density is determined by the ability to provide parking; the ordinance requires 1.5 parking stalls per unit. The applicant has proposed 2.0 parking spaces within a rear entry garage per unit and additional spaces for visitors.

3-4716: Residential Uses

The ordinance requires residential access to be located separately from any ground floor non-residential use or future non-residential use. The applicant has provided architecturally significant entrances along each building that are separate from future non-residential use.

3-4718: Substructures; Storage/Refuse Collections, Etc.

The applicant is proposing that each unit be serviced by individual trash receptacle, similar to any other single-family use; this would negate the need to provide dumpsters. The trash receptacles must be stored within the garage to comply with the ordinance as defined in 3-4718(3)(d).

3-4719: Utilities/Equipment

The Town Center Overlay Zone specifically requires the utilities to be located at the rear of the property rather than along the sidewalk. The applicant will need to provide an easement for the utilities as part of the subdivision application after receiving site plan approval that is consistent with the ordinance. Typically the public utility easement would be located within a driveway and provided for along the rear of the property.

3-4721: Parking

In addition to the parking mentioned above, on-street parking exists along Town Center Boulevard and the applicant is providing further on-street parking along Parkway West; this parking would be available for access by potential future non-residential use.

3-4723: Driveway and Curb Openings

It is Staff’s opinion that the proposed plan complies with this requirement.

3-4724: Landscaping

The applicant has indicated a substantial amount of landscaping, exceeding the required fifteen percent. Tree grates, landscape planters between the tree grates, and lighting along the right-of-ways are also required; the Planning Commission may require the applicant to submit detail specifications and locations. The ordinance also requires the minimum of a four foot landscaped wall along any portion of the property where parking is adjacent to the right-of-way. The applicant has proposed a landscaped wrought iron fence along these locations, providing some visibility to soften the mass of the buildings.

3-4725: Landscaping Maintenance

The Planning Commission may require the applicant to submit Conditions, Covenants, and Restrictions that will specifically identify the party responsible for maintenance for all on-site landscaping improvements.

3-4726: Hardscape

The site plan indicates that there will be a substantial amount of hardscape as required by the ordinance.

3-4731: Action of Site Plan and Architectural Building Elevations

The applicant has submitted the required documents, including a traffic study. The Utah Department of Transportation has been aware of the proposed development for several months as has incorporated the impact into their traffic design and studies; the proposed development may significantly aid in obtaining a traffic light that would provide access between Town Center Boulevard and The Highland Marketplace, connecting Highland's major commercial zones.

Design Standards, Multi-Family Residential, Page 36

The Design Standards require ground floor front doors, windows, etc. to be located along the nearest right-of-way and that the entry to each unit be recessed a minimum of twelve inches; the submitted application meets these requirements.

Grant Gifford, Paul Gifford and Nate Hutchinson, applicants, presented color boards and material boards illustrating the site plan and architectural elevations of the proposed development. Grant Gifford explained that are proposing a three-story townhome development with a timeless Tuscan theme. He explained the five floorplans, from 1512 square feet to 1900 square feet, each with two balcony patios, an attached two-car garage, and 2-3 bedrooms. Mr. Gifford noted that each ground floor (entry, parlor, and garage) could be retrofitted to be a non-residential use as the ordinance requires. Grant Gifford added that the parking proposed would exceed the code by fifty percent (322 enclosed garage parking plus 45 additional stalls for guests) and the landscaping would exceed the code requirement by seven percent. Mr. Gifford stated that they had made a great effort to ensure that the architecture would be beautiful and indicated that the development would be a tremendous benefit for Highland City; 160 families within walking distance of Highland's commercial zones could be an injection of energy in the Town Center commercial base. Grant Gifford summarized that providing single-family housing from the \$169,00 to \$190,00 would fill a need in the city; young families and Highland youth could afford to stay in Highland.

A Commissioner expressed support of the homeowner option rather than a renter situation, but questioned if the financing available is solid enough to complete the development. Grant Gifford confirmed, stating that they have a significant investment in the project and that selling the development has never been a consideration. He explained that the development will be built in phases, starting with the units along Town Center Boulevard; the layout of the five floorplans can be adjusted to meet the demand of the housing market. Paul Gifford added that the financing for the subsequent phase would be available when the previous building was approximately seventy percent occupied.

Commissioners inquired as to the timing of the clubhouse and infrastructure. Grant Gifford stated that the ideal would be to construct it during the first phase if financially possible. Paul Gifford estimated that the clubhouse, infrastructure and landscaping would be crucial to the marketability and sales of the development.

A Commissioner suggested reconsidering the tricolor beaches, honey locusts, red lace maple leaf, and the boxwood trees.

A Commissioner voiced severe displeasure with the proposed use and objection to a multi-year construction project in the Town Center. Lonnie Crowell summarized the history of the Town Center ordinances and explained that the proposed development is a permitted use.

Commissioners requested clarification regarding the conversion of the ground floor units along Town Center Boulevard to non-residential use, as required by code. Paul Gifford explained that each unit will be recorded individually and can be converted as the housing/commercial market deems appropriate.

It was noted that the owners of the commercial property to the north have indicated that the proposed project will provide the “rooftops” need to support the development of additional commercial buildings.

A Commissioner expressed hesitation regarding the ordinance’s requirement that the front door of the residence be a maximum of five feet from the sidewalk and Town Center Boulevard. Lonnie Crowell clarified that the sidewalk, with tree grates and planters, is ten feet wide and that the entry ways would be a total of fifteen feet from the roadway.

A Commissioner voiced concern regarding the traffic impact. The applicants noted that a traffic study was presented at a previous meeting addressing the impact of 200 units; this revised site plan would have less impact (162 units) with the addition of an optional egress to the north.

Another item of concern was the length of the “driveways” behind each unit. A Commissioner observed that the space leading to each garage is only four to eight feet long and that any car parked in the space would overhang into the roadway. Paul Gifford explained that the driveways were not designed for parking and that there are designated parking stalls throughout the development. The applicants took time to privately address individual Commissioners’ concerns. Grant Gifford then addressed the Commission reiterating that the ordinance requires 200 parking spaces; the proposed plan provides for

400 parking spaces, over 45 non-garage stalls, plus any on street parking. Paul Gifford indicated on the provided site plan where additional parking stalls could be located. Grant Gifford added that the units are thirty-nine feet long and suggested that even parking across the lot wouldn't be more than a four minute walk.

Trixie Walker, reporter, observed that the parking sounds ample for the type of development.

Dan Baxter, Highland City resident, commented that the parking situation at his daughter's complex is generally not an issue; however, carrying items from a distant parking stall or parking during holidays and events becomes a problem.

A Commissioner agreed with both Ms. Walker's and Mr. Baxter's comments, stating that the appeal of similar developments is the price of the units, and that replacing potential units with surplus parking will raise the cost. Grant Gifford added that most townhomes have one covered parking stall per unit; the proposed development has two garage parking stalls and enough guest parking for the majority of the residents to have simultaneous visitors.

Although several Commissioners felt the need for additional review of the project, it was mentioned that large amounts of time and focus has been invested in the creation of the Town Center ordinances and that the item before the Commission is whether or not the proposed site plan is compliant with those ordinances.

Roger Dixon moved to Grant Site Plan Approval for the Toscana at the Highlands as submitted in accordance with the requirements of the Highland City Development Code and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards. Seconded by Abe Day. Unanimous vote, 6:0. Melissa Wright abstained, stating that she "has not had time to digest it all".

At the request of Melissa Wright, the Chair agreed to reconsider the above motion.

Melissa Wright moved to Grant Site Plan Approval for the Toscana at the Highlands as submitted in accordance with the requirements of the Highland City Development Code and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards with the Condition that the ingress/egress on Parkway West be full access, not right-in right-out. Seconded by Roger Dixon. Unanimous vote, 6:0. Tony Peckson abstained.

Item 8: Toscana at Highland – Architecture Application ~ Review and Consideration for Approval

Lonnie Crowell explained that Grant Gifford is requesting Architectural Approval for a single-family attached townhome development located at approximately 10900 North 5525 West within the Town Center Flex-Use District within the Town Center Overlay Zone, as permitted by ordinance. This is a permitted use only requiring the review and approval from the Planning Commission for architecture and site plan per the requirement

of the Town Center Overlay Zone and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Design Standards; a public hearing is not required or permitted by ordinance. It is the purpose of the Planning Commission and Staff to determine whether the application meets the requirements of the regulating documents mentioned above. The applicant has submitted architectural elevations for the project per the requirements of the Town Center Overlay Zone.

The applicant has expressed the intent to provide Highland City with a high-end single-family attached townhome development that will last for many years. It would be a private development, secured and only accessible by the residents and their guests.

There are several items specifically related to the architectural plan that are required within the Town Center Overlay Zone and Design Standards of which the Planning Commission should consider while reviewing the architecture, identified by Section as follows:

3-4704(2): Town Center Flex Use District

3-4704(2)(g) indicates this is a permitted use. The applicant is required to obtain site plan and architectural approval from the Planning Commission based upon the requirements of the Development Code and the Design Standards.

3-4713: Architectural Standards

- (1) Overall Architectural Outline. The applicant has submitted architectural elevations that use both Italianate and French Provincial architectural styles, which meet the requirements of the ordinance. The design has provided architectural elements such as entryways, entry doors, and windows that front onto the adjacent street.
- (2) Door and Window Openings. The applicant has provided elevations that indicate the proposed buildings meet the general needs of this requirement. The proposed elevations indicate large windows along the ground floor that may be retrofitted at a future date to provide as an access to a non-residential use.
 - (b) Entrance Element. The proposed elevations as submitted indicate that the applicant has provided the details required by this ordinance.
 - (c) Windows. The applicant has provided elevations that indicated that the proposed buildings meet the general needs of this requirement; however, specific details have not been provided for staff to determine whether the windows meet the requirement for window details. The Planning Commission should require a window detail verifying that the windows meet the requirements of 3-3413.
 - (d) Window Treatments. The applicant has not indicated that this portion of the ordinance has been met. The Planning Commission should require the applicant to submit a proposal meeting the requirements of ground floor window canopies and/awnings.
 - (f) Roof Design. The ordinance states, “At minimum, a roof may not continue the same height or style for a horizontal distance exceeding seventy-five (75) feet unless it would not be consistent with the architectural style associated with a single structure...”. The applicant has designed a break in the vertical wall place as required which also provides a gable roof

projection that may meet the requirement; the Planning Commission will need to determine whether this meets the intent of the ordinance.

- (3) Architectural Elements. Staff has not been provided a materials board indicating the colors proposed. The applicant will present a materials board and details at this Planning Commission meeting.
- (4) General Requirements. Staff has not been provided a lighting plan or lighting details other than the street lighting, which is required to be the typical town center light. The Planning Commission will need to determine whether this product meets the requirements of this section and provide the applicant with ideas and direction.
- (5) Building Height and Location. The proposed structures meet the requirements of the building placement per the ordinance. The applicant has submitted elevations which they believe meet the requirements of the ordinance and provide additional architectural detail, improving the overall architecture of the building. The Planning Commission will need to determine whether the proposed elevations meet the requirements and if not, provide the applicant with ideas and/or direction.

3-4716: Residential Uses

Section 304716(a) states, “the roofline of all proposed structures that include residential uses shall be varied in height to provide a break in the visual appearance.” The elevations submitted indicate a change in the vertical wall, providing for variation in the roof along the buildings. The roofline as previously submitted was undulated; however, the most recently submitted elevations indicate a more uniform roofline. The Planning Commission will need to determine whether the current roof design meets the intent of the ordinance.

The applicant has provided an attached garage for each unit with additional parking stalls for guests. The building is three stories, as required by the Highland City Development Code. The applicant has designed the ground floor with the flexibility to convert the units into commercial, retail, office, live-work, etc. in the future without having to demolish the structure.

3-4718: Substructures; Storage/Refuse Collections, Etc.

The applicant has proposed individual trash receptacles for each unit as is typical with a single-family residence. The receptacles will be required to be stored within the units, garage or other, to meet the requirement of 3-4718(3)(c).

3-4719: Utilities/Equipment

The Town Center Overlay Zone specifically requires that mechanical equipment not be located within the front or side elevations of any structure or on any side facing an adjacent property.

3-4727: Submittal Requirements

The applicant has provided a majority of the necessary documents as required by this section. The Planning Commission may require material boards and/or examples of developments with similar materials and colors. The applicant has requested to give a presentation during this Planning Commission meeting to address additional questions.

A Commissioner suggested the use of tile shingles, colors, or other materials to create variation along the roofline. It was noted that snowload calculations limit the use of heavier materials, such as tiles. Paul Gifford, applicant, indicated that lower rooflines could be used as accents and that the buildings themselves will be different colors.

A Commissioner summarized that the Planning Commission is not usually the approving body; however, the Town Center ordinances clearly define the architectural details of the buildings and that an application compliant with those ordinances should be approved. Lonnie Crowell indicated that he feels the submitted applicant is compliant.

Kelly Sobotka moved to Grant Architectural Approval for the Toscana at the Highlands as submitted in accordance with the requirements of the Highland City Development Code and the Highland City Commercial, Retail, Office, Residential Town Center Overlay Zone Design Standards. Seconded by Abe Day. Unanimous vote, 5:0. Tony Peckson and Melissa Wright abstained.

Item 9: Consideration of Approval for a 6-Month Conditional Use Permit Extension for the LDS Church West Campus on Highland Boulevard (Country French Plat C) for the Purpose of Constructing Two (2) Church Buildings ~ Review and Consideration for Approval

Lonnie Crowell explained that on December 2, 2008, the Church of Jesus Christ of Latter-Day Saints received approval for a Conditional Use Permit to construct two church buildings on property located at approximately 11500 North Highland Boulevard. In Highland, a Conditional Use Permit expires after one year if the use has not been acted on based upon the permit; however, the Highland City Development Code permits the Planning Commission to grant one six-month extension. Chapter 4 Conditional Use Procedure, Article 109: Expiration of the Highland City Development Code reads as follows:

4-109: Expiration.

Substantial construction activity under a conditional use permit must have commenced within one (1) year of its issuance. If no such activity has been commenced within that time, the conditional use permit shall expire one (1) year from the date of issuance. The Planning Commission, at its discretion, grant one extension for any period not to exceed six (6) months, when deemed in the public interest.

- (1) All applications for renewal or extension of a conditional use permit must be made prior to the expiration of the original permit or any prior renewal thereof.
- (2) Except as provided herein, no conditional use permit granted pursuant to this Chapter may be transferred by the holder thereof.
- (3) Transfer of a conditional use permit, prior to completion of construction permitted there under, shall require prior approval of the Planning Commission.
- (4) No approval by the City shall be required for transfer of a conditional use permit after completion of construction. Provided, however, a conditional use permit which is expressly by its terms of by the terms

of the section under which it is issued made non-transferrable shall not by reason of this Section become transferrable.

- (5) The transfer of any conditional use permit, except as provided in subsection (3) above, shall cause the same to become immediately void. No transfer or approval of a transfer of such a permit shall operate to extend the term of the same. Such a permit shall expire at such time as though no transfer or approval had occurred.

Lonnie Crowell further explained that the proposed application, subdivision and zoning has have not changed since the original approval The City Council approved a six-month extension for Final Subdivision Approval on December 1, 2009.

Tony Peckson moved that the Planning Commission Grant a 6-Month Conditional Use Permit Approval Extension for the LDS Church West Campus on Highland Boulevard (Country French Plat C) for the purpose of constructing two (2) church buildings per the previous Conditions as Approved by City Council on December 2, 2008. Seconded by Melissa Wright. Unanimous vote, motion carried.

Item 10: Planning Commission Recommendations ~ Discussion

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

Distribution of Planning Commission Agendas – The Commissioners requested that the Planning Commission Agendas be distributed four or five days prior to the scheduled meeting.

Access to the Murdock Canal – A Commissioner requested an update regarding the status of the Provo River Water Users Association installing gates at access points to the Murdock Canal. Lonnie Crowell stated that Matthew Shipp has been in contact with the Provo River Water Users Association concerning the access points and the potential hazard they pose. The Commissioner requested a copy of written correspondence with the Provo River Water Users Association.

Item 11: Future Planning Commission Items ~ Information

The Planning Commission suggested the addition of a “Future Items” portion to the Planning Commission Agendas to allow the Commissioners additional time to prepare for discussions. The following items were presented:

Amendment to Permanent Sign Ordinance Sections in the Development Code per the request of the Highland Merchants Committee

Melissa Wright moved to adjourn. Tony Peckson seconded. Unanimous vote, meeting adjourned at 9:55 p.m.