

1 **Highland City Planning Commission**
2 **August 12, 2008**

3
4 Present:

- 5 Commissioner: Jennifer Tucker
- 6 Commissioner: Brent Wallace
- 7 Commissioner: Tony Peckson
- 8 Commissioner: Elizabeth Macfarlane
- 9 Commissioner: Melissa Wright
- 10 Commissioner: Roger Dixon

11
12 Alternate: Kelly Sobotka

- 13
- 14 City Administrator: Barry Edwards
- 15 City Planner: Lonnie Crowell
- 16 City Engineer: Matt Shipp
- 17 City Planner: Carly LeDuc
- 18 Secretary: Jill Stewart

19
20 Excused: Don Blohm, Abe Day

- 21
- 22 Meeting convened at 7:00pm
- 23 Pledge given by: Kelly Sobotka
- 24 Prayer given by: Melissa Wright

25
26 Visitors: Chris Dalley, Eric Shinsato, Carl Burney, Shelley Burney, Ken Berg, Tracy
27 Contino, Kathryn Schramm, Richard Harris, Jason Matheny, Danny Huebsch, John
28 Darrington

29
30 **Item 1: Approval of Meeting Minutes for July 8, 2008**

31
32 **Motion by Tony Peckson, Planning Commission to approve the Meeting Minutes**
33 **for July 8, 2008, as amended.**

34
35 **Seconded by Brent Wallace.**
36 **Unanimous vote, motion carried.**

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39 **Item 2: Highland Corner Sign Application ~ Sign Permit Approval**

40
41 Carly LeDuc explained that Allied Awning & Rental is requesting approval for two
42 monument signs located at Highland Corner. The signs will be identical. They have

1 presented us with two options for replacing the signs. The first sign option being
2 proposed is to add a third panel to the existing signs, however, the existing signs
3 exceed the permitted 42 square feet that is allowed for signs in this zone. Therefore,
4 this option will probably not work out; unless the applicant is willing to take down
5 some of the rock base and make sure it is all within the 42 square feet. The second
6 sign option was to replace the signs altogether as shown in the bottom picture of the
7 Planning Commission packet.

8
9 Jennifer Tucker clarified there are two signs; one at each entrance that will match.

10
11 Carly LeDuc said that is correct; there are two existing signs that match. They have
12 brought us two options. The first option exceeds the square footage for this zone, but
13 could be modified. The second option is 36 square feet and would be just fine for the
14 square footage requirement.

15
16 Brent Wallace had staff clarify the location of the second sign on the overhead
17 projector.

18
19 Melissa Wright asked if the current signs are too big.

20
21 Carly LeDuc said yes; the signs are 42.75 square feet and are only permitted to be 42
22 square feet.

23
24 Melissa Wright asked if this is personal preference for what the Planning
25 Commission would like to see.

26
27 Lonnie Crowell said yes.

28
29 Carly LeDuc explained that option one will not fit within the current ordinance
30 unless they modify it.

31
32 Kelly Sobotka asked why the issue is being brought up; do they want to add more
33 signage?

34
35 Lonnie Crowell explained that there is a need to have more room for new businesses
36 to place their signs.

37
38 Melissa Wright asked if the sign option one is chosen if the signs will be torn down
39 and rebuilt or if they will just modify the signs that are already there.

40
41 Carly LeDuc explained that if option one is approved with modifications then the
42 sign will just be modified and not completely replaced.

43

1 Eric Shinsato, representing Allied Awning & Rental, stated that they would modify
2 the existing sign; it would not be torn down.

3
4 Elizabeth Macfarlane asked if they construct a new sign, the second option that has
5 been presented, whether it would be within the correct amount of square footage.

6
7 Carly LeDuc stated yes, it would actually be a lot less than what is currently there.

8
9 Kelly Sobotka asked what the preference of the building's owner is.

10
11 Eric Shinsato said the first sign option is the client's preference because it is less
12 expensive and the client thinks the visibility is more advantageous with this design.
13 The second sign option would place the client's name slot on the bottom simply
14 because the other tenants were there before him and his name slot will not be as
15 visible with this design.

16
17 Roger Dixon stated that this makes sense to him because as soon as there is any
18 growth on the foliage or landscaping it is going to obstruct the view of the bottom of the
19 sign. He said it seems to him sign option one makes the most sense.

20
21 Kelly Sobotka asked if the stone on sign option one counts as part of square footage.

22
23 Carly LeDuc said yes, except for one foot; they are allowed to have one foot of rock.

24
25 Melissa Wright stated that she likes sign option one because of the landscape concern
26 and for the fact that people driving by can simply look up and easily see the signs.

27
28 Carly LeDuc asked Eric Shinsato, from Allied Awning & Rental, if he is willing to
29 modify sign option one by cutting down the rock base and expand the width to allow
30 for the extra sign panel on the end and adhere to the 42 square foot requirement for
31 this zone.

32
33 Eric Shinsato said that is feasible.

34
35 Kelly Sobotka asked how the signs originally exceeded the square footage.

36
37 Lonnie Crowell explained that the signs were originally shorter; about 1 year ago
38 approximately 2 feet was added to the sign and it brought it approximately ½ foot
39 above the allowed square footage. He said he does not remember if the square
40 footage was adopted prior to or after the modification was made.

41
42 **Motion by Kelly Sobotka, Planning Commission to approve the Highland Corner**
43 **Sign Application with modifications to sign option one which is to meet the**
44 **square footage requirements of the city, as well as per the recommendations of**
45 **staff and Planning Commission as follows:**

- 1 **1. That the applicant construct a sign consistent with plans approved by Planning**
- 2 **Commission; and**
- 3 **2. That the monument sign does not exceed forty-two (42) square feet in size or**
- 4 **six (6) feet in height; and**
- 5 **3. That the monument sign be installed at least 100 ft from the intersection of SR-**
- 6 **92 and SR-74; and**
- 7 **4. That the monument sign be located outside of the vehicle safety sight triangle;**
- 8 **and**
- 9 **5. That the monument sign operational hours be between 6:00 am and 12:00 am.**

10
11 **Seconded by Roger Dixon.**

12 **Unanimous vote, motion carried.**

13
14 **Item 3: Country French Estates Plat C ~ Public Hearing &**
15 **Preliminary Approval**

16
17 Lonnie Crowell explained that Patterson Construction has submitted an application
18 to develop two lots in the PO Zone. We advertised for a 3-Lot subdivision, but it is
19 actually for two lots; there is one last parcel in between the storage units and this
20 subdivision. Churches are being proposed for both lots; one will be a ward house
21 and the other a stake house. Both churches will come back to the Planning
22 Commission at a later time for Conditional Use Permits and Site Plan review after
23 the subdivision has received approval.

24
25 Roger Dixon asked the reason for lot one's odd shape.

26
27 Lonnie Crowell explained that there has been significant discussion about access in
28 that corner.

29
30 Discussion ensued using the site plan on the overhead projector concerning access
31 points for the proposed lots.

32
33 Lonnie Crowell stated that staff was concerned about access with the vehicles and
34 speed on that corner. In lieu of creating a whole new road, staff suggested doing a
35 driveway access for the ward buildings and they would then share parking. He used
36 the overhead projection of the site plan to show what he had just described.

37

1 Roger Dixon asked about the capacity of those roads assuming there will be six
2 wards operating out of these churches, is that manageable?

3
4 Matt Shipp explained that there are two entrances; one with a co-access across the
5 street off of the Country French Plat B Subdivision. He then referred to the overhead
6 projector to show where a right in, right out entry is being considered as the second
7 entrance location. He confirmed as previously stated that the two buildings would
8 be sharing parking; each site is just slightly over 3 ½ acres.

9
10 Discussion ensued using the overhead projection of the site plan regarding accesses.

11
12 Matt Shipp explained that at the location where they are looking at the right in, right
13 out entry there would be a deceleration lane and an acceleration lane.

14
15 Roger Dixon stated that maybe it would be feasible to separate the two buildings by
16 placing one at the north and one at the south and have the assisted living in between
17 the two.

18
19 Ken Berg, representing Patterson Construction, explained that they have created a
20 driveway that serves lots one and two, it is a private driveway, but it is going to be of
21 a width to accommodate the traffic funneling down from those church sites onto the
22 major collector road. He expressed that they have a major church campus situated
23 right next to the collector road. He said that yes, everyone does leave at the same
24 time and there may be some stacking within the church complex as they are waiting
25 to leave, but there is not anyone parking along the road. The church has looked at
26 this site and they have several site plans they have worked on and they are
27 comfortable with this.

28
29 Lonnie Crowell expressed that we have several ward buildings that are similar to
30 this; the Avonmore building, the one on 6000 West and 9600 North, and the one on
31 11200 North.

32
33 Kelly Sobotka asked if staff was concerned about only having two accesses for two
34 buildings. He also asked why this is broken up into two lots if the church is buying
35 both.

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Lonnie Crowell said it is being broken up because it is in the R-1-40 zone. We are concerned and are trying to control the access and circulation inside the lots instead of along the Boulevard. We are trying to funnel the traffic out carefully so that we do not create a traffic hazard around the corner on Highland Boulevard.

Kelly Sobotka asked if there will be traffic lights put in where the intersection will be put on the north side.

Matt Shipp stated that right now we do not have any plans for traffic lights.

Kelly Sobotka expressed that he is concerned that people who are forced to exit to the south are going to be looking for a place to turn around and head back north.

The overhead site plan was used for further discussion on accesses.

Jennifer Tucker opened the public hearing.

Carl Burney said he likes the idea of having a stake house and a ward house there, but it seems that there will be a huge influx of traffic because of people arriving at the same time and also departing at the same time.

Jennifer Tucker said that the Commissioners agree with his concerns; we are seeing if we can help with those.

Jennifer Tucker closed the public hearing.

Brent Wallace stated a couple of concerns; one being when there is stake conference on 6800 West and 9600 North there are people parked up and down the street; 90% of the time it is not a problem, but when there is an event like this it will compound the amount of congestion. The second concern being that it might be considered to require as part of the approval that meetings be staggered so that two meetings are not starting and ending at the same time; he knows this has been done in Draper.

1 Lonnie Crowell explained that we are reviewing a subdivision application for an R-1-
2 40 zone and that the Conditional Use Permit will come before the Commission at a
3 later time when all of these types of concerns can be addressed. Right now it needs
4 to be looked at as to whether or not this subdivision meets the requirements of the R-
5 1-40 ordinance.

6
7 Jennifer Tucker stated that Lonnie Crowell makes a good point; the uses are not
8 before us, only the subdivision. We have a pretty good idea of what will go there, so
9 if we have suggestions of how the lots are divided or something along those lines
10 now would be a good time to address those.

11
12 Jennifer Tucker asked Lonnie Crowell if there is a possible different configuration for
13 the lots.

14
15 Lonnie Crowell said that is something that will have to be discussed with the
16 applicant. There is not a lot of flexibility because the applicant went through an
17 entire rezoning process to have the property to the south of these lots rezoned from
18 R-1-40 to the PO zone. He explained that the reason it is designed this way is
19 because we are very concerned about this corner. Originally the applicant had a
20 different location for accesses and staff did not feel comfortable with that. When the
21 assisted living facility comes in on the remaining 3rd lot it will create another access
22 for this site. This access will be across from the other access to Country French
23 Estates.

24
25 Lonnie Crowell used the overhead projection to explain what had been discussed.

26
27 Jennifer Tucker expressed her concern that when the Conditional Use Permits come
28 to the Planning Commission that the traffic issues will not be addressed.

29
30 Lonnie Crowell said that is exactly where these concerns should be addressed. There
31 will be a site plan that is attached with the Conditional Use Permit to review.

32
33 Roger Dixon asked if we are saying that the applicant is going to accept that the
34 parking lot for the assisted living facility is going to be used as another access for the
35 church.

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Lonnie Crowell explained that we are going to require that when they come in.

Roger Dixon asked if they are okay with that.

Lonnie Crowell stated that they had already proposed something similar this whole time anyways.

Kelly Sobotka asked if the intent is to attach parking from the assisted living to the proposed church lots.

Lonnie Crowell said no, they would basically share accesses and circulation.

Discussion ensued regarding entering and exiting the proposed site.

Ken Berg explained that the church was looking for over an 8 acre site so that they could create a Highland Church Campus.

Brent Wallace asked what stage the assisted living is at.

Ken Berg explained that the Pattersons are evaluating their Alpine facility that has been operating for just over a year now and they are in the process of making revisions. They have a good feel for what the market is and are incorporating any improvements to their Highland building design.

Lonnie Crowell explained that the 3rd access that will be created by the assisted living facility will resolve a lot of problems.

Brent Wallace addressed Ken Berg by stating that another potential problem he sees is that people will be using the parking lot of the assisted living as a road to drive through to the churches. This will make for a dangerous situation for the patrons of the assisted living. He asked if the road is pretty wide.

Ken Berg reiterated that the two entrances to the church do not lead straight into the parking lot; there is basically a road that leads in and opens up into the parking lots.

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Brent Wallace asked if it is going to be of similar width for the assisted living facility.

Ken Berg stated that there are options for that. The existing site plan has a drive that goes in front of the building where people can be dropped off and then there is that same drive that comes off of the lower entrance to Country French that blends into the back that has an entrance to the parking for the assisted living. He expressed that could be changed to have that be an access way that loops up and possibly has to go through some of the open space or along that edge to go around the back side of the assisted living so that it does not have to go through the assisted living parking lot; that could work.

Jennifer Tucker expressed concern that since she has been on the Planning Commission that there has been talk of the assisted living center and it has not happened yet and it could be another 5 years before that is built out and we are counting on a road that may or may not happen.

Elizabeth Macfarlane asked if this could be approved with a condition of approval being that the additional road be put in.

Jennifer Tucker clarified what Commissioner Macfarlane is asking is whether we can require a third access when we get further down the road with the Conditional Use Permits.

Lonnie Crowell said yes that could be required. You can require a third access and a cross access easement on this subdivision tonight and follow it up with a condition on the Conditional Use Permits when they come through. We can actually have that condition recorded on the plat.

Lonnie Crowell stated that we need to emphasize that the medians are installed when the improvements are put into the subdivision and that the parkway detail is completed.

Melissa Wright asked for a recap of what was determined regarding the 3rd access.

1 Jennifer Tucker explained that Commissioner Macfarlane asked if we can tie a 3rd
2 access to our approval this evening, which we cannot. Lonnie Crowell explained
3 that we could very well require a 3rd access when they come back for the Conditional
4 Use Permit.

5
6 Melissa Wright clarified that Lonnie Crowell said that the 3rd access can be recorded
7 on the plat as a requirement.

8
9 Jennifer Tucker said yes.

10

11 Lonnie Crowell made clear that we cannot require them to develop offsite
12 improvements on the lot to the south, but we can require a condition that says when
13 that lot develops they will include access to the south as well as a cross access
14 easement through that property.

15

16 Jennifer Tucker stated that we are just approving the subdivision of that one large lot
17 into two lots.

18

19 **Motion by Tony Peckson, Planning Commission to grant preliminary approval of**
20 **the Country French Estates Plat C subdivision as per the recommendations of**
21 **staff and Planning Commission as follows:**

22

- 23 **1. That the DEVELOPER shall be responsible to install all of the improvements**
24 **with this development to the east property line along Highland Boulevard**
25 **including parkway detail before occupancy will be given to lots 1 & 2; and**
- 26 **2. That the DEVELOPER shall be responsible to complete and construct the**
27 **medians within Highland Boulevard from the south border of Plat C to the north**
28 **property line, meaning the entire Boulevard section adjacent to Country French**
29 **Estates Plat C before occupancy is permitted for lots 1 & 2; and**
- 30 **3. That the private driveway locations to the church buildings and assisted living**
31 **facility be installed upon agreement with the City Engineer; and**
- 32 **4. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and**
- 33 **5. That any easements shown on the title report should be clearly identified on the**
34 **Final Plat; and**
- 35 **6. That the applicant obtain from the City a demolition permit for any buildings**
36 **to be removed; and**
- 37 **7. That the applicant will need to complete the remaining requirements for the**
38 **Final Plan per any Planning Commission requirements and per the checklist prior**
39 **to submitting for Final Approval from the Planning Commission.**

40

1 **Seconded by Brent Wallace.**

2
3 Roger Dixon asked if we can amend the motion to state that we are notifying the
4 developer that when the Conditional Use Permits come in that we expect to see
5 another entrance on that plan.

6
7 Lonnie Crowell said we can specifically say that a condition upon approval of this
8 subdivision will require a 3rd access through the property to the south when that
9 property develops and an access easement from the south. He said we just cannot
10 require anything until that property develops.

11
12 **Motion by Roger Dixon, Planning Commission to amend the original motion to**
13 **state as a condition of approval for this subdivision a 3rd access and a cross access**
14 **easement shall be required on the property to the south at the time that property**
15 **develops.**

16
17 **Seconded by Tony Peckson.**

18
19 **Unanimous vote, amendment carried.**

20 **Unanimous vote, motion carried.**

21
22 **Item 4: 3-614: Home Occupations - Code Amendment ~ Public Hearing &**
23 **Planning Commission Recommendation**

24
25 Lonnie Crowell explained that there have been recent concerns regarding accessory
26 structures and home occupations. He was asked by the administration to amend the
27 ordinance to limit home occupations to the main residence.

28
29 Jennifer Tucker opened the public hearing.

30
31 Richard Harris asked if this amendment is saying that you cannot have anyone
32 occupy a basement apartment.

33
34 Lonnie Crowell said no, this is for persons who run home occupations out of their
35 home. The code currently allows individuals to use half of an accessory structure to
36 run a home occupation. This was requested to be eliminated due to some growing
37 accessory structures; that is the only purpose. The basement apartment ordinance is
38 in progress and is a whole separate issue.

1 Kathryn Schramm asked where she could have found out information regarding this
2 agenda item.

3

4 Lonnie Crowell explained a copy of the agenda can always be obtained at the city
5 administration building, in the city's planning/zoning office, or on the city's website.
6 We also advertise in the newspaper for public hearings.

7

8 Elizabeth Macfarlane asked Lonnie Crowell if this grandfathers in those that
9 currently have a home occupation in an accessory structure.

10

11 Lonnie Crowell said yes, this is to prevent future growth of accessory structures.

12

13 Elizabeth Macfarlane asked if we can add to the ordinance that if the property is sold
14 that the right to operate a home occupation out of an accessory structure cannot
15 transfer to the new homeowner.

16

17 Jennifer Tucker stated that it becomes a non-conforming use at that time. A non-
18 conforming use cannot be transferred.

19

20 Elizabeth Macfarlane said on record that is true, but we all know in the real world
21 that is not the case.

22

23 Lonnie Crowell stated legally they can continue the use, they cannot enlarge the use;
24 if they discontinue the use for 180 days it is considered null and void. If they follow
25 those procedures they can continue forever.

26

27 Brent Wallace asked even through ownership change.

28

29 Lonnie Crowell said no, a Conditional Use does not change ownership.

30

31 Elizabeth Macfarlane explained that people are selling their homes and telling
32 interested buyers that they run this business out of their home and the buyer could
33 too.

34

35 Richard Harris asked what the problem is with this issue.

1 Brent Wallace explained that for example we end up with semi trucks parked up and
2 down streets because people run transportation businesses out of their houses.

3

4 Richard Harris said that is why he was inquiring; he has an accessory structure and it
5 is not malignant at all.

6

7 Lonnie Crowell explained that the way the code was written prior to about 8 weeks
8 ago it allowed an accessory structure to be built that was considered part of the home
9 with very minor modifications. We have received several complaints. People were
10 building and building while still having it technically attached to their home for the
11 purpose of running their business and they basically would end up building out their
12 entire lot; that is the problem we are experiencing.

13

14 Tony Peckson asked if someone has an existing business operating out of an
15 accessory structure, but have not applied for a business license if they would be
16 grandfathered under this.

17

18 Lonnie Crowell said they would not be; they would be out of compliance.

19

20 Kathryn Schramm stated that she thought the ordinance needed to be more specific
21 regarding the daily or weekly vehicular traffic.

22

23 Discussion ensued about specific home businesses in the city and some of the
24 problems that have been seen.

25

26 Jennifer Tucker expressed what Lonnie Crowell attempted to do was put some good
27 balances in the ordinance by saying you can have a home occupation, but you need
28 realize you have neighbors and to not do things that are not going to interfere with
29 their lives. She said she thinks the ordinance is pretty well rounded and there are
30 always going to be exceptions, in which they can come in for a variance or whatever
31 needs to be the case, but this is a good starting point.

32

33 Melissa Wright voiced her concern as to how do we say what daily or weekly
34 vehicular traffic is?

1 Jennifer Tucker stated that home occupations are looked at on a case by case basis;
2 some home businesses create more traffic than others and that is taken into
3 consideration.

4

5 Lonnie Crowell explained that all home occupations are looked at by the city
6 administrator; he will look at each for impact. If there is any question at all it will go
7 to City Council.

8

9 Melissa Wright asked if it could be added that on a case by case basis you may or
10 may not be able to have a basement apartment and a home occupation as determined
11 by the city administrator.

12

13 Lonnie Crowell said sure.

14

15 Chris Dalley asked for clarification that you can have a business out of your home if
16 you do not use more than 25%, but you can have a business that also occupies an
17 accessory structure or a basement apartment.

18

19 Jennifer Tucker said that is right, however, we are going to change that.

20

21 Lonnie Crowell explained that right now the ordinance says you can use 50% of your
22 accessory structure for a home occupation; we are saying it is okay to have it in your
23 house just not your accessory structure due to all of these other issues we are having.

24

25 Chris Dalley said unless you use an accessory structure you can still have a home
26 occupation in your home and a basement apartment.

27

28 Lonnie Crowell said you can now, but not the way Commissioner Wright has
29 amended it, so that will just have to be in the motion and that would probably be
30 very feasible based on impact.

31

32 Kathryn Schramm encouraged the Commissioners to think about some of the
33 ramifications that some of these specific requirements would create.

34

35 Jennifer Tucker closed public hearing.

1 **Motion by Melissa Wright, Planning Commission to recommend that City**
2 **Council grant approval of the Home Occupations Code Amendment to Section 3-**
3 **614 of the Highland City Development Code as submitted by staff and amend**
4 **Chapter 5.08.050(C) within the Municipal Code to be consistent with the**
5 **proposed modifications to the Development Code with the change under letter K**
6 **that home occupations may permitted for residents that also contain a basement**
7 **apartment if determined by the city administrator not to create undue burden upon**
8 **residents of the immediate area.**

9
10 **Seconded by Roger Dixon.**

11
12 Elizabeth Macfarlane stated that if we do that, can we amend in on the home
13 business for some kind of approval by residents within 500 feet.

14
15 Lonnie Crowell explained that there are different classes of businesses licenses.
16 Those are spelled out in the municipal code; they are classified on impact. In some
17 instances they will be required to go to City Council.

18
19 **Unanimous vote, motion carried.**

20
21 **Item 5: Swimming Pools - Code Addition ~ Public Hearing & Planning**
22 **Commission Recommendation**

23
24 Lonnie Crowell explained that similar to the discussion that we had here at the
25 Planning Commission the City Council had the same concern regarding swimming
26 pools when we changed the ordinance for accessory structures. It was determined
27 that we do not want to include swimming pools as an accessory structure. A
28 building permit is still required for a swimming pool. Accessory structures are a
29 separate issue.

30
31 Kelly Sobotka asked if an automated pool cover is required by our ordinance at this
32 time.

33
34 Lonnie Crowell said he will have to check the building code for an answer to that.

35
36 Brent Wallace asked why we are not requiring a higher fence.

37

1 Kelly Sobotka stated that he thinks a 4 foot fence keeps out the kids who would be in
2 danger.

3

4 Lonnie Crowell explained in Salt Lake County that a 6 foot fence is required around
5 the pool, but in Utah County they do not require anything. Our building code is all
6 we have to go by.

7

8 The Commissioners discussed what they would like to see for requirements for
9 swimming pools. They determined they want a fence of a height to be determined
10 and an automated pool cover.

11

12 Jennifer Tucker opened the public hearing.

13

14 Richard Harris said he agrees with not including the pool as part of the accessory
15 structures. He is concerned about a Commission deciding what makes a pool safe.
16 He thinks the Commissioners need to be careful about all of the requirements; he is
17 hoping the Commissioners will consider the purpose of a pool along with the safety.

18

19 Kelly Sobotka asked if there is a state law that requires a fence around swimming
20 pools.

21

22 Lonnie Crowell explained that it is the International Building Code that requires
23 one.

24

25 Richard Harris asked if the Commissioners are thinking of a fence around the
26 immediate pool or just around the yard.

27

28 Kelly Sobotka said either.

29

30 The Commissioners said that they are thinking of giving a choice of a 4 foot fence
31 around the pool, a 6 foot fence around the yard, or a pool cover.

32

33 Elizabeth Macfarlane said that the homeowner's insurance will probably require two
34 of those three.

35

1 Discussion ensued, the Commissioners added to the list of requirements that the gate
2 on the fence be self closing and locking.

3

4 Lonnie Crowell stated that the building code will require at least a 4 foot fence.

5 Dan Huebsch asked whether City Council approved the fact that swimming pools
6 are no longer a part of accessory structures.

7

8 Lonnie Crowell explained that when the accessory ordinance change went to City
9 Council they asked that pools be reviewed separately.

10

11 Dan Huebsch asked if the pools are still bound by the 5% of the accessory structure
12 calculation.

13

14 Lonnie Crowell stated no, the only restrictions are that a pool is placed outside of an
15 easement. The City Council has not reviewed this particular language yet; that will
16 follow this meeting.

17

18 Dan Huebsch stated in regards to the safety factors, this will be his 3rd swimming
19 pool and he takes the safety part very seriously. He said that is he going to put a 6
20 foot fence around his property regardless of whether or not it is required, but does
21 not feel a 4 foot fence does any good; any child can get over a 4 foot fence. He is
22 going to put a cover on his pool and have a self closing latching gate on his fence.
23 He said he feels that if the fence is not immediately around the pool that it should
24 only have to be 5 feet and not 6 feet. Also, if the fence is around the perimeter of the
25 yard and not immediately around the pool then a pool cover should be required.

26

27 Elizabeth Macfarlane clarified that the ordinance does not say where fence is
28 required as to whether it is around the perimeter of the property or if it is around the
29 pool.

30

31 Lonnie Crowell said that is correct.

32

33 Richard Harris said he agrees with a cover, but sees a problem if a cover is made a
34 requirement. That will limit the kinds of pools that can be built. He said he is not

1 aware of pool covers that can go on pools with a shape other than square or rectangle
2 or jacuzzis.

3
4 Dan Huebsch stated that the type of pool he is putting in has curves and turns and it
5 has an automated pool cover. He said any pool can be designed with curves and
6 turns and then a rectangle is drawn on the outside of the pool perimeter to cover the
7 pool. The cover is actually rectangular, but the design inside of the pool cover is
8 dropped down 4 inches and can be made any shape. He said it looks great and is not
9 an eyesore.

10
11 Jason Matheny asked about section 3-411 (3a) of the ordinance that refers to pool
12 equipment storage that is not over 14 feet high and wanted to clarify that it is not
13 considered an accessory structure.

14
15 Lonnie Crowell stated that if it is smaller than those specifications listed in the
16 ordinance then it is not considered an accessory structure.

17
18 Angelo Contino stated that he is in full support of this and concerning safety he
19 thinks the exterior fence height of 6 feet is fine and then either an interior fence
20 immediately surrounding the pool or a pool cover should be required.

21
22 The Commissioners gave consideration as to what they thought the requirements
23 should be concerning swimming pools.

24
25 Lonnie Crowell suggested stating on number 5 of code sections 3-411 and 3-4211
26 that if the fence is not located within 5 feet of the pool then a cover is required.

27
28 Jennifer Tucker stated that they want to give people the option of a 6 foot fence
29 around the pool or an automated cover.

30
31 Richard Harris stated that placing a fence within 5 feet of a pool basically defeats the
32 entire purpose of having a pool.

33
34 The Commissioners agreed.

35

1 Dave Huebsch suggested that the fence should incorporate the entire pool, but it does
2 not need to be immediately surrounding the pool

3

4 Lonnie Crowell suggested saying all swimming pools shall be fully enclosed.

5

6 Discussion ensued about the fence height and where it should be located, as well as
7 what homeowner's insurance may require.

8

9 Lonnie Crowell stated that fences in open space subdivisions cannot exceed 5 feet in
10 height; that will need to be taken into consideration.

11

12 Jennifer Tucker closed the public hearing.

13

14 **Motion by Elizabeth Macfarlane, Planning Commission to recommend that City**
15 **Council grant approval of the Swimming Pools Code Addition to Chapter 3-410**
16 **and 3-420 as proposed by staff with the following inclusion to Code Section 3-**
17 **4111 (5) and Code Section 3-4211 (5) that all swimming pool properties shall be**
18 **enclosed with a fence that is a minimum height of a 6 feet, unless in an open space**
19 **subdivision which will then be a minimum height of 5 feet; in either case, it will**
20 **include a self-closing locking gate and an automated swimming pool cover.**

21

22 Melissa Wright asked why this is in two different sections of the code.

23

24 Lonnie Crowell explained that it is because there are two zones; the R-1-40 and R-1-
25 20 zones.

26

27 Melissa Wright clarified that we want a self-closing locking gate and that we want it
28 to latch and not actually lock to the extent that a key is needed to enter it.

29

30 Roger Dixon said that is correct.

31

32 **Seconded by Brent Wallace.**

33 **Unanimous vote, motion carried.**

34

35 Commissioner Melissa Wright was excused at this time.

36

37

38

39

1 **-Item 6: Awning Signs ~ Discussion**

2
3 Lonnie Crowell explained that the discussion right now is whether or not the
4 Planning Commission is okay with awning signs or if we want to require all pan
5 channel signs. There were some discussions over time whether or not we wanted
6 them.

7
8 Jennifer Tucker said she thinks awning signs look nice if they are uniform.

9
10 Brent Wallace said though that we do not want everything to look like it came out of
11 a cookie cutter.

12
13 Jennifer Tucker expressed that she does not think awning signs and pan channel
14 signs go together well.

15
16 Lonnie Crowell said the best thing to do is to find out whether the Commission
17 wants to allow awning signs and then determine a way to implement a fairness
18 factor; he does not see that Dear Lizzies has a problem with the amount of signage
19 they have on their awnings, whereas MiloSport has a much smaller awning with
20 more signage on it.

21
22 Jennifer Tucker asked if this discussion was pertaining strictly to the area where these
23 businesses are located.

24
25 Lonnie Crowell said the sign ordinance has some specifics in it regarding awning
26 signs; they are not permitted in a lot of places. What the ordinance says now is that
27 you cannot advertise on the outside of an awning above the windows or doors; that
28 would have to be amended if the Commissioners are okay with advertising on an
29 awning sign.

30
31 Elizabeth Macfarlane asked if we are reviewing this because of Dear Lizzie and
32 MiloSport.

33
34 Lonnie Crowell said no, we are having this discussion to let staff know if the
35 Commission is okay with awning signs or if staff should go about having these two
36 businesses remove their awning signs.

37
38 Kelly Sobotka asked if this is something that could be reviewed on a case by case
39 basis.

40
41 Jennifer Tucker said no because then it becomes very arbitrary and capricious.

42
43 Tony Peckson said his opinion is that in order to be uniform and application to the
44 code we need to restrict it to the signs we currently allow and not allow for awning
45 signs.

1 Jennifer Tucker asked that he does not want to allow awning signs at all then.
2
3 Tony Peckson said that is correct.
4
5 Discussion ensued about the Commissioner's opinions about awning signs.
6
7 Tony Peckson stated a concern about awning signs; they weather over time and fade.
8
9 Lonnie Crowell said that awning signs have come a long way and hold up a lot
10 better than they used to due to different materials.
11
12 Brent Wallace asked if we could conclude that we think it should be pursued that a
13 percentage of signs in a shopping mall should be one of the considerations, another
14 being that no two businesses can be side by side with awning signs, and even possibly
15 limit the material for awning signs.
16
17 Lonnie Crowell stated that as long as all the Commissioners agree then this is
18 something we can pursue.
19
20 The Commissioners were in agreement to further pursue reviewing the ordinance
21 regarding awning signs.
22
23 Meeting adjourned at 9:17pm