



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, April 12, 2011 – Regular Meeting 7:00 p.m.

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah

CALL TO ORDER: Tim Irwin, Chair

- Attendance – Tim Irwin, Chair
- Invocation – Commissioner Abe Day
- Pledge of Allegiance – Commissioner Steve Rock

APPEARANCES:

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to two (2) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. TA-11-03 Dave Williamson is requesting to amend the Highland City Development Code Section 3-4108 Conditional Use in the R-1-40 Zone to allow funeral homes subject to a conditional use permit and Section 10-102 Definitions by adding a definition for funeral homes. *Legislative.*
2. CU-11-01 Dave Williamson is requesting a Conditional Use Permit for a funeral home in the R-1-40 Zone. The property is located west of the southwest corner of 6000 West and SR 92 adjacent to the Highland City Cemetery. *Administrative.*

OTHER BUSINESS:

APPROVAL OF MINUTES:

3. February 22, 2011 – Regular Meeting
4. March 22, 2011 – Regular Meeting

PLANNING STAFF REPORT:

- Website
- City Council Action Update:
 - TA-11-06 Large Animals

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: April 26, 2011 at 7:00 pm City Council Chambers

Legislative: An action of a legislative body to adopt laws or polices.

Administrative: An action reviewing an application for compliance with adopted laws and polices.

FOR SPECIAL ACCOMMODATIONS

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 3rd day of February, 2011. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 3rd day of February, 2011 the above agenda notice was sent by email to local newspapers located in Utah County and posted on the Highland City website at www.highlandcity.org.

Gina Peterson, City Recorder

HIGHLAND CITY PLANNING COMMISSION MEETING APRIL 12, 2011			
REQUEST:	PUBLIC HEARING – An amendment to Section 3-4108: Conditional Uses to allow funeral homes in the R-1-40 District subject to a conditional use permit (TA-11-03)		
APPLICANT:	Grant Williamson		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION R-1-40 District

BACKGROUND:

A development code amendment is a legislative process.

SUMMARY OF REQUEST:

1. Funeral homes are currently not permitted in Highland City. The proposed amendment would allow funeral homes in the R-1-40 District subject to a conditional use permit as follows:

Section 3-4108: Conditional Uses

....

(16) Funeral Homes subject to the following requirements:

1. The property fronts onto an arterial street and the primary access is from an arterial street.
3. Crematories are not permitted.
4. A caretaker’s residence may be permitted as an accessory use, provided that the caretaker’s residence shall be contained within the mortuary building.
5. The architecture shall be compatible with residential uses.

ANALYSIS:

- The Development Code currently allows several non-residential uses in the R-1-40 District subject to a conditional use permit including: churches, libraries, museums, art galleries, country clubs, and public buildings including storage and repair yards.
- Funeral Homes and Mortuaries have traditionally been located in residential districts because they have been needed on a community-scale level.
- The land use characteristics of funeral homes are similar to churches. The potential impacts of a funeral home warrant additional public involvement and the requirement of a conditional use permit.

- Funeral homes have a similar impact on adjacent residential uses as churches. Impacts can be mitigated through a conditional use permit.
- The required findings of a conditional use permit provide appropriate assurance that any proposed funeral home is properly located and designed to ensure safety and compatibility with the surrounding neighborhood.
- Requiring funeral homes to front onto arterial streets will mitigate traffic impacts on residential neighborhoods.
- The proposed amendment will allow additional services to be offered in the R-1-40 district subject to conditional use permit approval.

CITIZEN PARTICIPATION:

A notice of the Planning Commission hearing was published in the Daily Herald on March 27, 2011. No comments have been received.

FINDINGS:

- The proposed amendment is consistent with the purpose and intent of the Development Code and will not adversely affect the community.
- The proposed amendment appropriately allows for the mitigation of any potential impacts which will result in compatible land uses.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and recommend **APPROVAL** of the proposed text amendment.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the case TA-11-03, a request to amend Section 3-4108: Conditional Uses permitting funeral homes in the R-1-40 District subject to a conditional use permit.

ATTACHMENTS:

Attachment A – Proposed Amendment

Proposed Amendment

Section 3-4108: Conditional Uses

....

(16) Funeral Homes subject to the following requirements:

1. The property fronts onto an arterial street and the primary access is from an arterial street.
3. Crematories are not permitted.
4. A caretaker's residence may be permitted as an accessory use, provided that the caretaker's residence shall be contained within the mortuary building.
5. The architecture shall be compatible with residential uses.

HIGHLAND CITY PLANNING COMMISSION MEETING APRIL 12, 2011			
REQUEST:	A conditional use permit for a funeral home (CU-11-01).		
APPLICANT:	Mr. Grant Williamson		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	LOCATION
Low Density Residential	R-1-40	1.06 Acres	East side of the Highland City Cemetery located west of the southwest corner of 6000 West and SR 92

BACKGROUND:

The property is part of the Reisner Subdivision which was approved in 2006. A funeral home was planned for this lot when the property was subdivided.

Funeral homes are currently not permitted in the R-1-40 Zoning District. A request to amend the R-1-40 District to allow funeral homes subject to a conditional use permit will be considered as a separate agenda item (TA-11-03). This report assumes the amendment is approved.

A conditional use permit is an administrative action. Consideration is limited to compliance with existing development standards and regulations and three required findings.

SUMMARY OF REQUEST:

1. The applicant is requesting a conditional use permit for a funeral home in a new 12,000 square foot (approximately) single story building with a basement. The building will accommodate two viewing rooms, a chapel, a caretaker apartment and auxiliary rooms.
2. Normal operating hours will be Monday through Friday from 9:00 am to 5:00 pm. Because of the nature of the service there will be evening and weekend services. The applicant has indicated that one or two employees will be onsite during normal business hours. Additional employees may be added if needed.

REQUIRED FINDINGS:

The City Council must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff’s analysis.

1. **The use will not 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.**

The subject property is designated as Low Density Residential on the Land Use Map of the General Plan and the property is zoned R-1-40 Residential. The existing R-1-40 zoning is consistent with the land use designation on the General Plan. Funeral homes are permitted in the R-1-40 District subject to a conditional use permit.

The property to the north and east is vacant and zoned R-1-40. The property to the south is vacant and zoned R-1-20 and has been subdivided for single family homes. The property to the west is zoned R-1-40 and is the Highland City Cemetery.

The proposed use will not adversely affect the desired character of the surrounding area or be detrimental to the health, safety, or general welfare of persons residing in the vicinity.

2. The use complies with all applicable regulations in the Development Code.

Primary access to the site is available from SR92. The applicant is currently working with UDOT to finalize the design and location of the access. A secondary access is planned to 10930 North through an existing access easement. This access will be gated and only used to access the cemetery. This was an important issue during review of the preliminary and final plat. Staff believes that in order for the site to be compatible with the surrounding land uses primary access should be from SR92 and access to 10930 N should be limited to access to the cemetery only.

UDOT is completing improvements to SR92. Any improvements that are not completed by UDOT will be completed by the developer. SR92 has been designed to accommodate the proposed traffic. This was required as part of the subdivision approval.

The site includes 60 parking spaces. The Development Code requires sufficient parking as determined by the Planning Commission. In order to analyze whether or not there are enough parking spaces, staff researched other cities requirements for parking spaces. For this site, the typical number of required spaces would range from 54-88. With the south entrance road only being open for access to the cemetery, overflow parking, if needed, should not impact the existing neighborhood. Staff believes there is enough parking on site to accommodate the proposed use.

The building architecture is similar to a traditional rambler home and has been designed to be compatible with the existing residential uses. Materials include stucco and with brick accents. The main color is off-white shade called "almond". The roof is a "slate" colored asphalt shingle roof. The building is 23'-6" which is below the maximum height of 35'. The building includes a portico on the west side of the building.

The applicant is proposing a future 12'X 26' expansion to the viewing room on the east side of the building. The site plan has been designed to accommodate the expansion. Administrative architectural and site plan approval will be required as part of the building permit application.

The landscaping along SR92 will meet the requirements of the parkway detail. The site will provide a minimum 35% landscaping as required by the Development Code. The final design will be completed with the construction drawings.

The applicant is proposing four 15' tall parking lot lights and architectural lighting around the building. All lights will be shielded and directed downward and light levels will not exceed one foot candle at the property line.

The applicant has agreed to install a 6' wall along the south property line and a fence with the gate along the access easement. The design of the wall and fence will be determined at the time of construction plan approval. In addition, a five foot landscape buffer will be installed along the south property line.

With the proposed stipulations, the use meets all development standards set forth in the Development Code, including setbacks and landscaping.

3. Conditions are imposed to mitigate any detrimental effects.

Nine stipulations have been included to ensure compliance with the Development Code and compatibility between land uses.

CONCLUSION:

The proposed conditional use appears to meet the required findings for approval.

CITIZEN PARTICIPATION:

A notice of the Planning Commission hearing was published in the Daily Herald on March 27, 2011. Notification letters were mailed out to 20 property owners on March 29, 2011. One request for additional information was received.

RECOMMENDATION:

The Planning Commission should conduct a public hearing and recommend **APPROVAL** subject to the following stipulations:

- 1) The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations date stamped March 15, 2011 except as modified by these stipulations.
- 2) Primary access to the site shall be provided from SR92. If access to SR92 is not approved, the conditional use permit shall be void.
- 3) The 10930 North access shall only be used for access for patrons from the site to the cemetery.
- 4) The final landscape plans shall show a five foot buffer along the south property line, landscaping along SR92 to comply with the parkway detail and a minimum of 35% landscaping. The final landscaping plans shall be approved prior to issuance of a building permit.
- 5) The developer shall install all a six foot wall along the south property line. In addition, the applicant shall install a fence along the east boundary of the access to 10930 North with a gate to control access. The design of the wall, fence and gate shall be approved prior to issuance of a building permit.
- 6) All improvements to SR92 not completed by UDOT shall be completed by the developer.
- 7) In accordance with Section 4-109 of the Development Code, the Conditional Use Permit shall expire within one year from the date of approval if the use has not commenced.

- 8) Administrative architectural and site plan approval will be required as part of the building permit application for the future expansion area.
- 9) All signage shall require a separate permit.
- 10) All lighting shall be shielded and directed down. Light levels shall not exceed one foot candle at the property line. Light poles shall not exceed fifteen feet in height.
- 11) The civil construction plans shall meet all requirements as determined by the City Engineer.

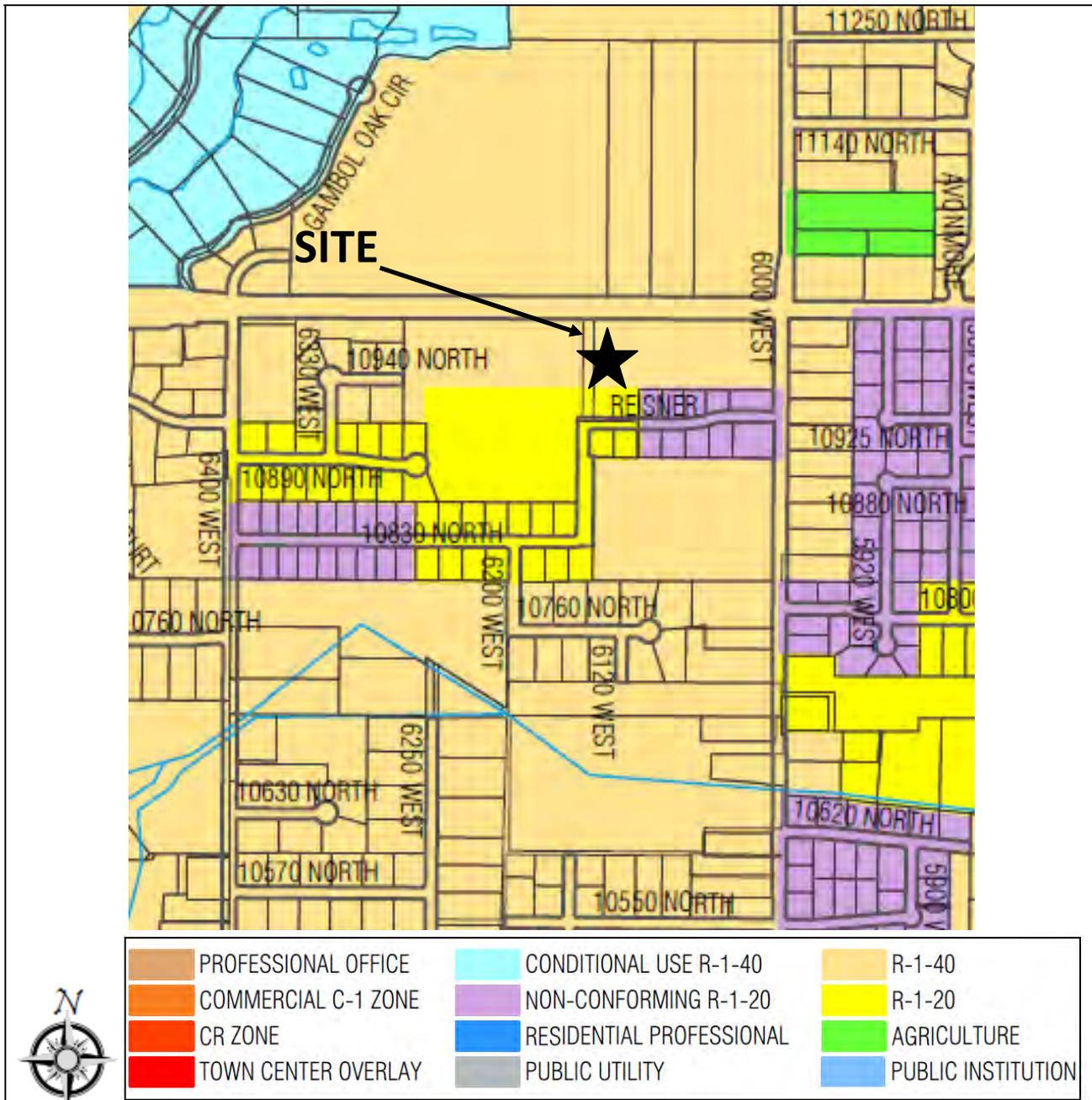
PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommended **APPROVAL** of case CU-11-1, a request for a conditional use permit for a funeral home, subject to the eleven stipulations recommended by staff.

ATTACHMENTS:

- Attachment A – Zoning Map
- Attachment B – Aerial Photo
- Attachment C – Project Narrative date stamped March 15, 2011
- Attachment D – Site Plan date stamped March 15, 2011
- Attachment E – Landscape Plan date stamped March 15, 2011
- Attachment F – Elevations date stamped March 15, 2011
- Attachment G – Expansion Plan date stamped March 15, 2011
- Attachment H – Color and Material Palette date stamped March 15, 2011
- Attachment I – Floor Plan date stamped March 15, 2011

HIGHLAND CITY ZONING MAP



AERIAL



The Project

Anderson and Sons Lone Peak Funeral Chapel

The property is Lot #3 of the Reisner Heights Sub-division located at 6125 West 11000 North. It should blend in well with adjacent properties as the Highland Cemetery borders it on the West and Lots 1 and 2 of the sub-division on the South. The land to the East is undeveloped at this time.

Both the site and the building are designed to blend with the surrounding area. There is ingress and egress on both the North and South sides of the property. The building is placed on the site so that all sides are available for access by emergency vehicles. There are approximately 85 parking stalls proposed. Lighting is designed to illuminate the site without imposing excessive light on adjacent properties. The site has excellent vehicular and pedestrian flow and delivery areas are out of flow patterns. There should be minimal impact on public services. No outside storage areas are proposed. Fencing and plantings will be designed to buffer the site from adjacent properties.

Normal operating hours will be 9:00 am. to 5:00 pm. Monday through Friday. Because of the nature of the services offered there will be evening and weekend memorial services from time to time as requested by clients. Normal operations require 1 to 2 employees but more may be used if needed.

The business that is conducted at this facility is designed to provide care, preservation and memorial services for the dead. It involves making arrangements for funeral and memorial services and providing merchandise, caskets, vaults, programs, grave markers etc. No excessive noise, smoke odor, dust, is required.

We feel that this will be a valuable addition to Highland City and allow Anderson and Sons to enhance the services it is providing to the community and its residents.

RECEIVED

MAR 15 2011

Anderson & Sons Mortuary Inc.

49 East 100 North - American Fork, Utah 84003

Telephone (801) 756-3564 Fax (801) 763-0799

The business that will be conducted at the Highland facility will be as follows:

Hold and conduct funeral ceremonies and memorial services.

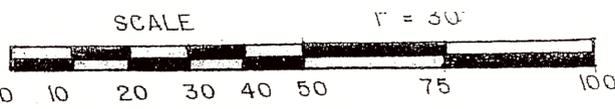
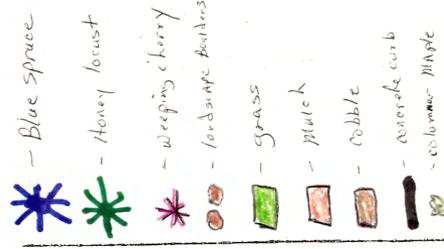
Handle funeral merchandise, caskets, vaults, programs gravemarkers etc.

Meeting and arranging for funerals

Assisting families plan and execute all aspects of caring for the dead.

Preservation of the human remains and public health.

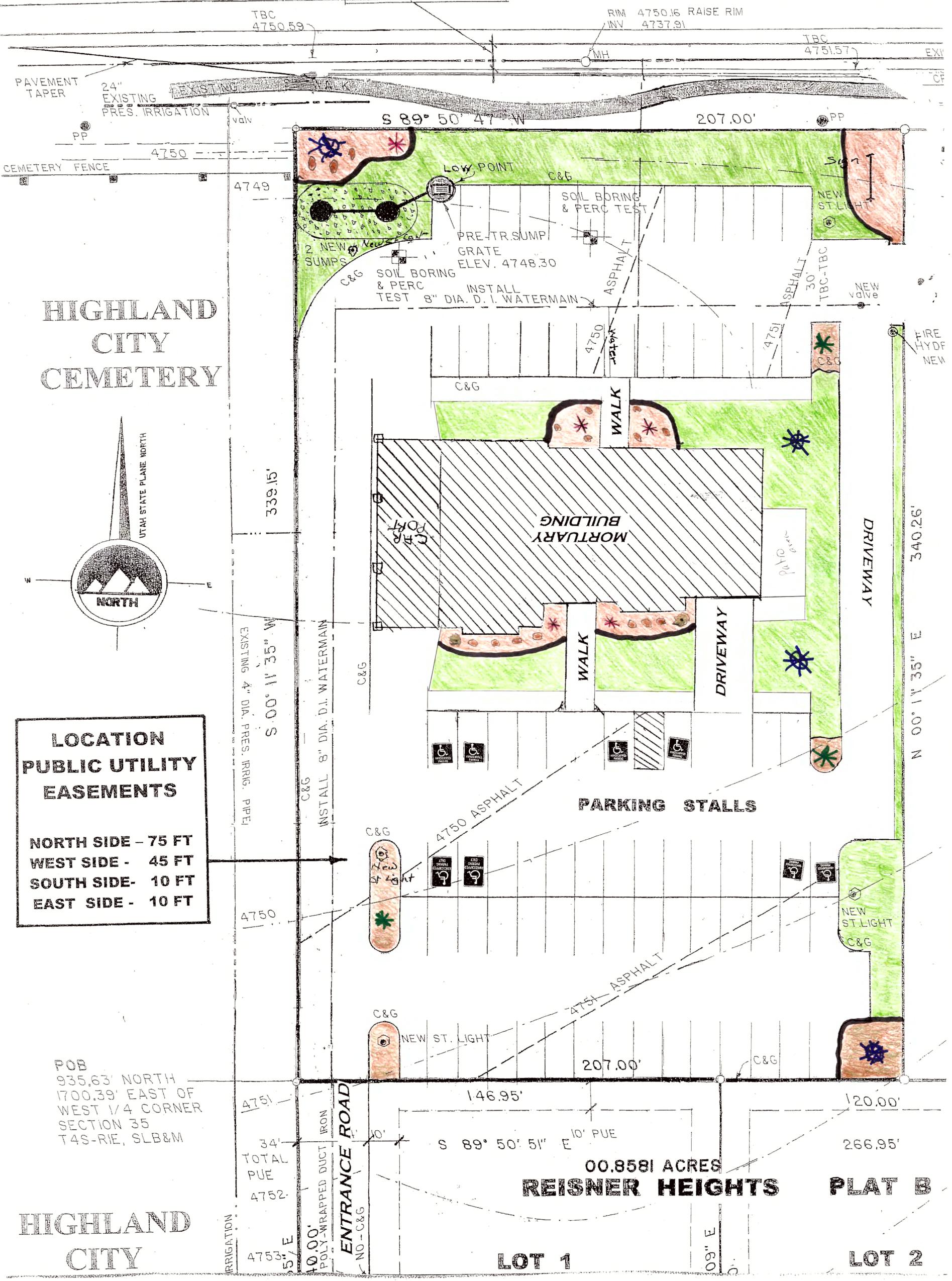
TOP OF SURVEY CAP
NW CORNER LOT 1
ELEV. 4750.49



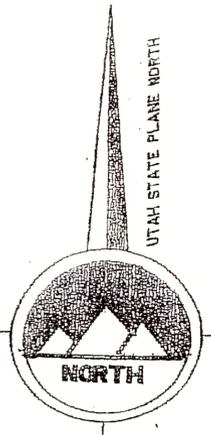
Note
Plants to have
final shades or plants
at owner's discretion.
- All trees 2" caliper
or equivalent

SR - 92 UDOT HIGHWAY

NOTE
INSTALL
9 FT. PAVEMENT & BASE
UDOT SPECIFICATIONS



HIGHLAND CITY CEMETERY



**LOCATION
PUBLIC UTILITY
EASEMENTS**

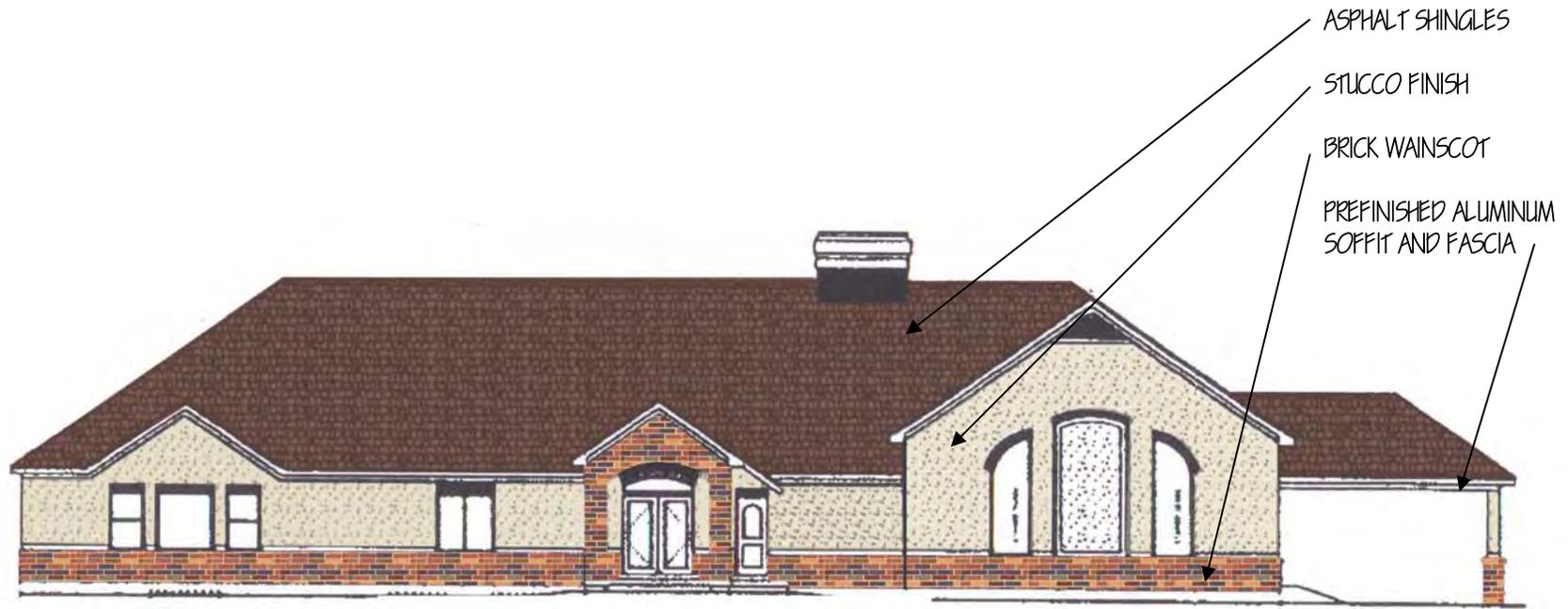
NORTH SIDE - 75 FT
WEST SIDE - 45 FT
SOUTH SIDE - 10 FT
EAST SIDE - 10 FT

POB
935.63' NORTH
1700.39' EAST OF
WEST 1/4 CORNER
SECTION 35
T4S-RIE, SLB&M

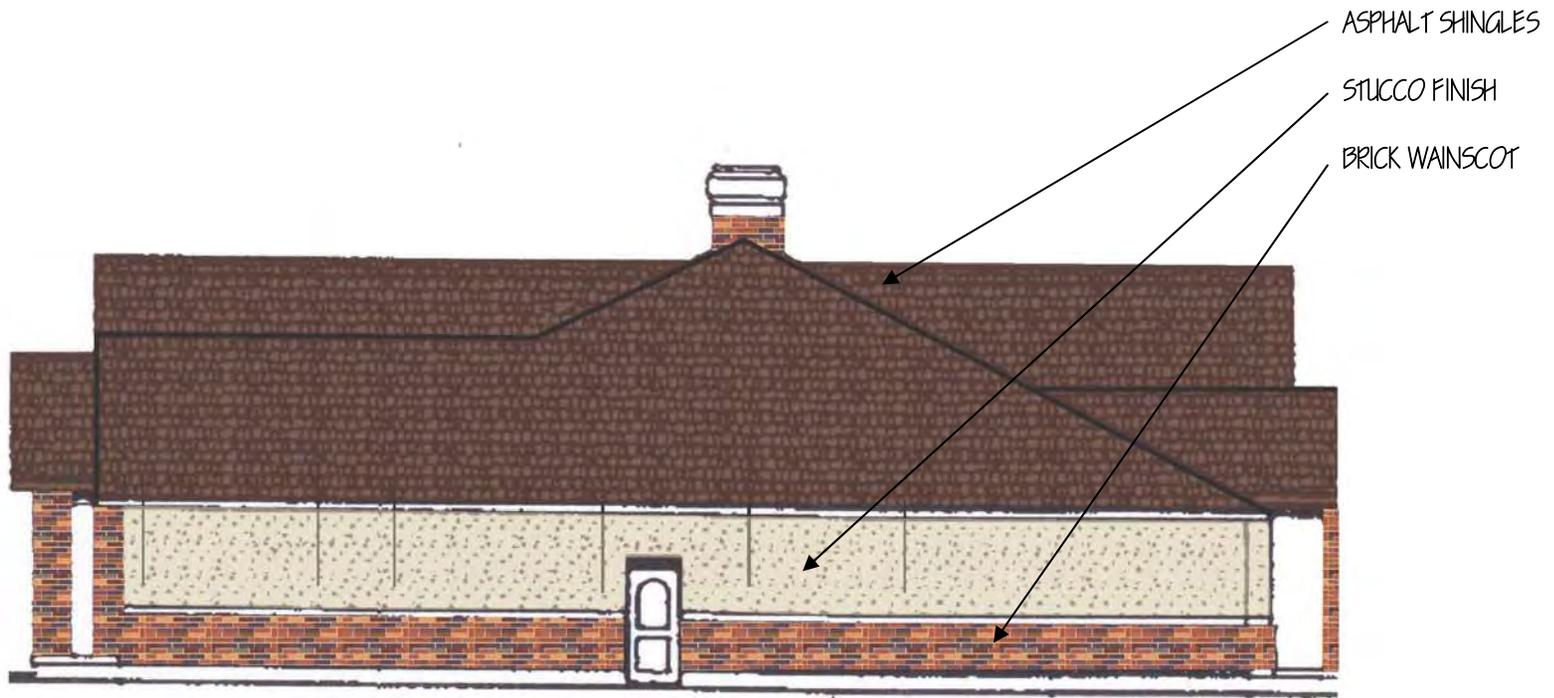
HIGHLAND CITY



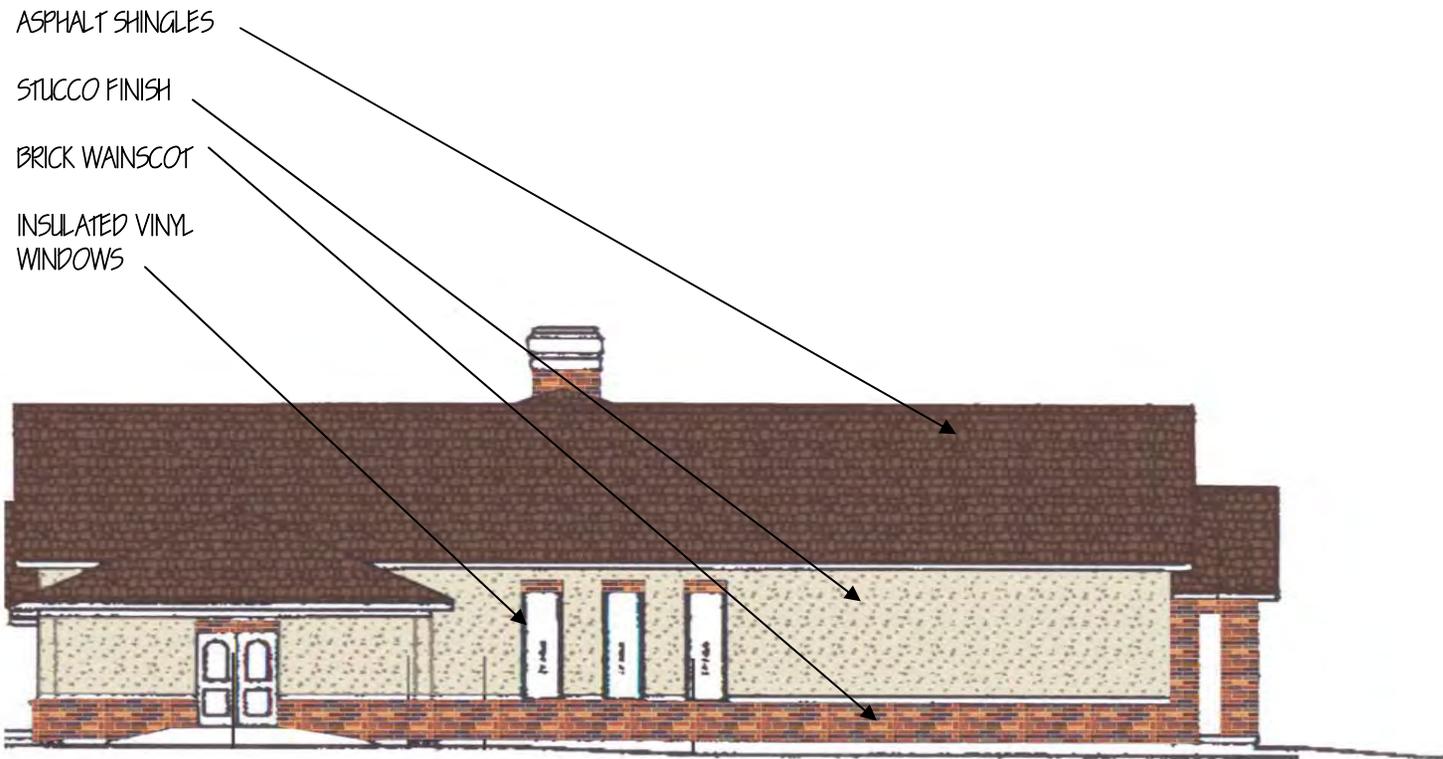
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

MATERIALS / COLORS



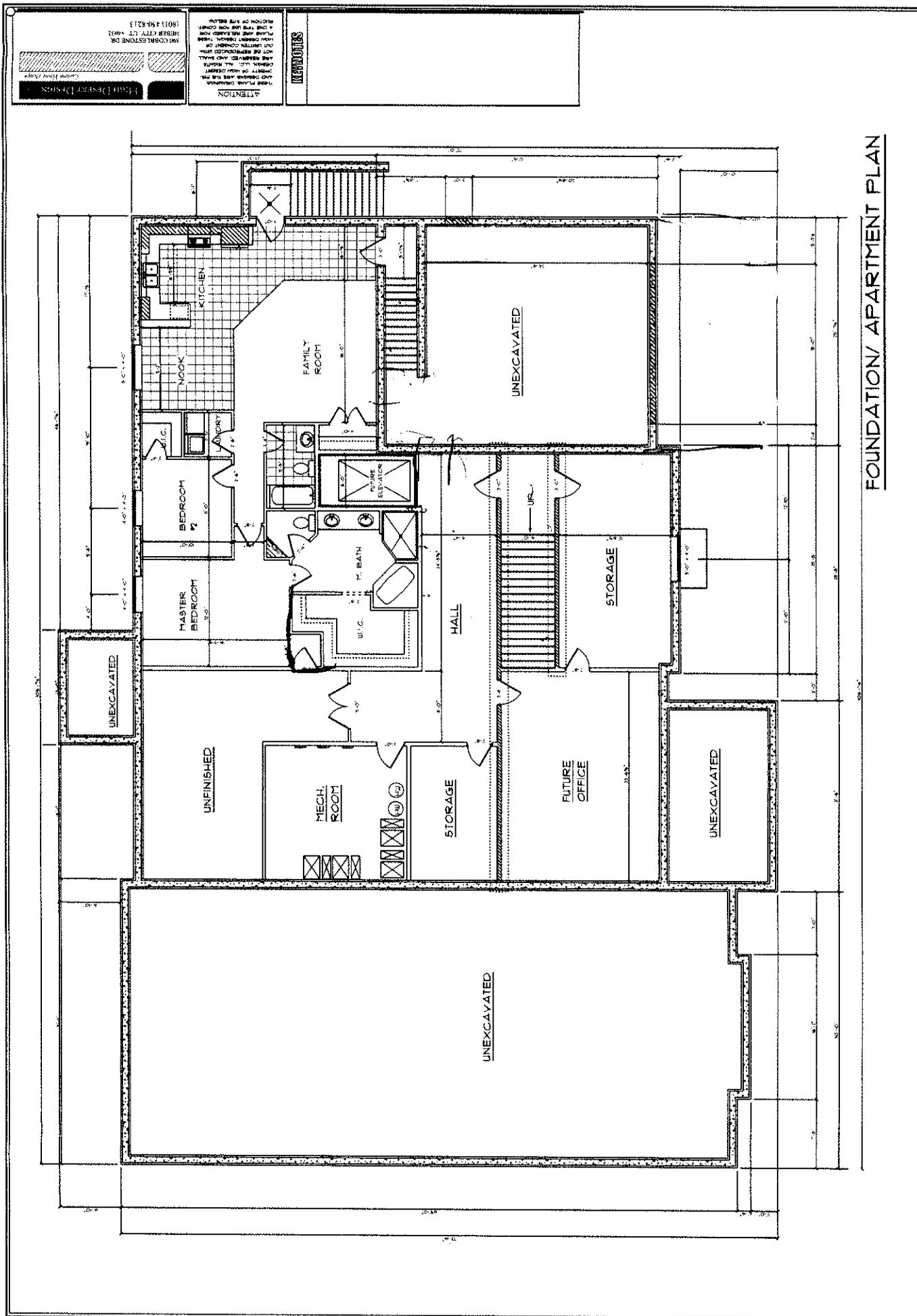
Asphalt Shingles
TAMKO Heritage Series - "Rustic Slate"



Stucco / Prefinished Aluminum Soffit and Fascia
SYNERGY EIFS - "Almond"



Brick
INTERSTATE BRICK - "Charleston"



FOUNDATION/ APARTMENT PLAN

LEIGH CORNER DESIGN
 1000 CORNER DESIGN DR
 HERBIA CITY, TX 78002
 (801) 494-2113

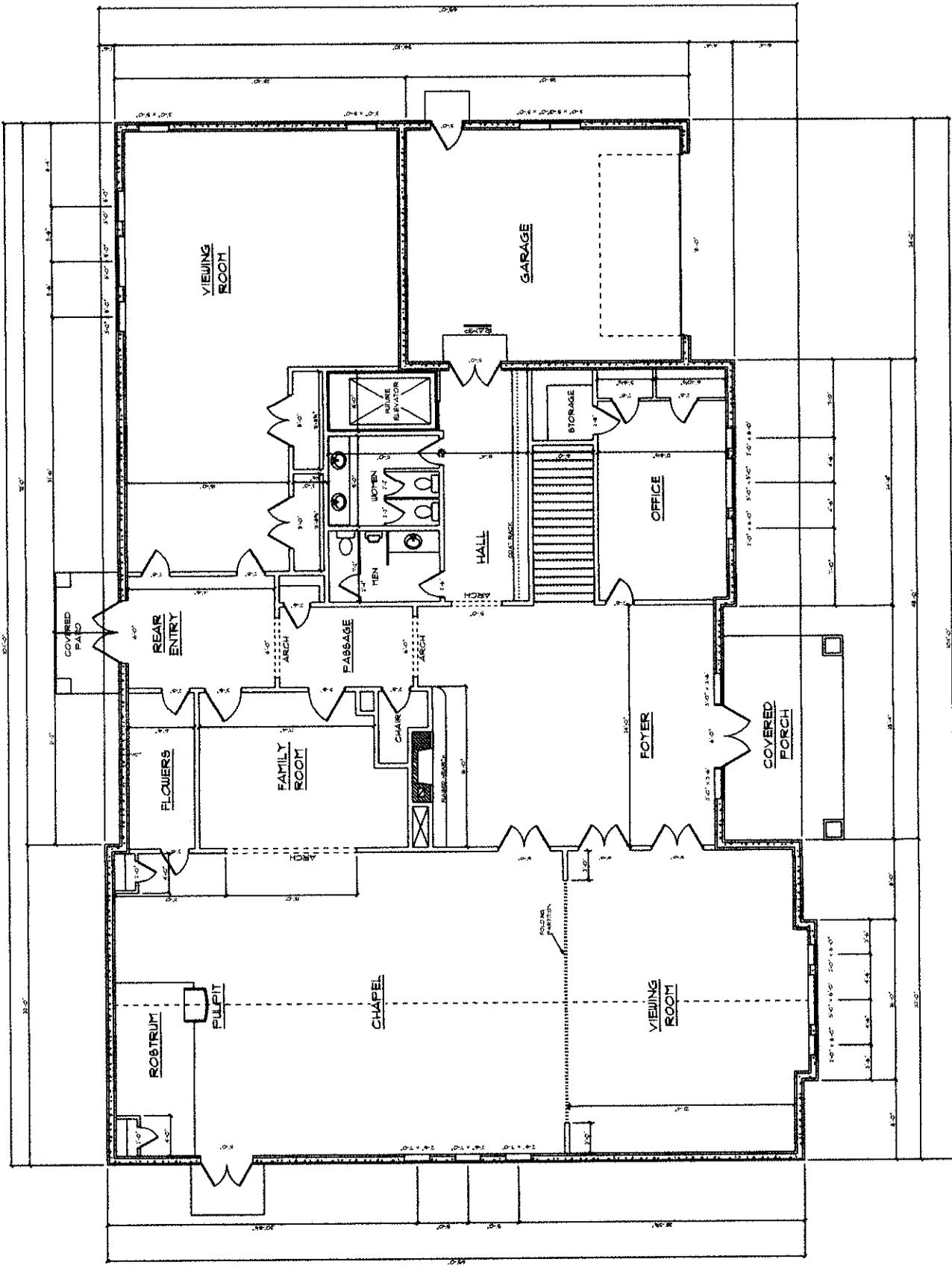
ATTENTION
 THESE PLANS SHOW THE FOUNDATION AND GRADE AND THE MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR ANY CHANGES TO THE FOUNDATION AND GRADE AND THE MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS. A ONE (1) INCH SCALE SHALL BE USED FOR ALL DIMENSIONS UNLESS OTHERWISE NOTED.

REVISIONS

THESE PLANS, SPECIFICATIONS, CONTRACTS AND THE PERMITS THEREON ARE THE PROPERTY OF HALL BROTHERS, INC. AND SHALL NOT BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HALL BROTHERS, INC.

ATTENTION:
 ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
 ALL FINISHES ARE TO BE AS SHOWN ON THE FINISH SCHEDULE.
 ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

HALL BROTHERS, INC.
 1000 WEST 10TH AVENUE
 DENVER, COLORADO 80202
 (303) 441-1111



MAIN LEVEL PLAN

1 **Highland City Planning Commission**
2 **March 22, 2011**
3
4

5 The regular meeting of the Highland City Planning Commission was called to order by Planning
6 Commission Chair, Tim Irwin, at 7:30 p.m. on March 22, 2011. An invocation was offered by
7 Commissioner Kelly Sobotka and those assembled were led in the Pledge of Allegiance by
8 Commissioner Jay Roundy.
9

10
11 **PRESENT:** Commissioner: Kelly Sobotka
12 Commissioner: Roger Dixon
13 Commissioner: Tim Irwin
14 Commissioner: Abe Day
15 Commissioner: Jay Roundy
16 Commissioner: Steve Rock
17 Commissioner: Christopher Kemp
18 Alternate Commissioner: Trixie Williams
19

20 **EXCUSED:** City Administrator: John Park
21
22

23 **STAFF PRESENT:** Community Development Director: Nathan Crane
24 City Engineer: Matt Shipp
25 Secretary: JoD'Ann Bates
26
27

28 **OTHERS:** Chris Dalley, Susan Burns, Lara Mortensen, Robert Martinez, Brian Braithwaite,
29 Kymberlee Richins, Willard England, Steve Cameron, John Holman, Dennis Horan, Sylvia Fairbanks,
30 Weston Gleave, Lance Gleave, David Larsen, Mike Lone, Mark Van Wagoner, Marc Arnoldson Mike
31 Gagon, Bret Rydalch, Darren Wooden, Scott Smith, Spencer Cahoon, Jamie Brown.
32
33

34 **PUBLIC APPEARANCES**
35

36 Tim Irwin invited comments from the public regarding items not on the agenda. Hearing no comments
37 Tim proceeded with the agenda.
38
39

40 **WITHDRAWALS AND CONTINUANCES**
41

42 Tim Irwin noted that there were no withdrawals or continuances for this meeting.
43

44 Tim Irwin indicated that due to the majority of the audience in attendance was for item #2 regarding
45 large animals he asked that item be addressed first.
46
47

1 **PUBLIC HEARING ITEMS:**

2
3 **2. TA-11-06** The Highland City Planning Commission is requesting an amendment to
4 Section 3-4102.7 Keeping of Large Animals to increase the number of large animals from two (2) to
5 three (3) on lots with a minimum area of 30,000 square feet. *Legislative.*

6
7 Nathan Crane reviewed the proposed amendment stating that residents have asked the commission to
8 consider a change to the R-1-40 district to increase the number of large animals on a 30,000 square
9 foot lot from two to three. Nathan reviewed statistics from neighboring cities stating Alpine
10 requirements are similar; American Fork requires dedicated area for animals; Lehi is two animals per
11 acre and Pleasant Grove is similar to American Fork regulations. Animal health and care is one issue
12 that often comes up. Zoning laws are not designed to address animal health, nor do we have the
13 resources to enforce standards as it relates to the care and keeping of animals. The issue before the
14 Commission is to address land use compatibility.

15
16 Tim Irwin opened the public hearing.

17
18 Kymberlee Richins commented on the space for a large animal. She referenced a letter from the
19 Rocky Mountain Large Animal Clinic, that horses in large amounts could be considered safe and
20 humane if they were placed in 12x12 stalls with little turnout. They could actually live there and be
21 ok. This letter had been read at the last commission meeting. She also wanted to thank the
22 commission for their time in hearing this issue.

23
24 Mike Long stated that he does not have horses but lives next to a gentleman that does. Occasionally he
25 can smell the manure, and has been asked if it bothers him and his answer is no, that's why he moved
26 to Highland. He enjoys the rural character of the community which includes being able to have large
27 animals.

28
29 Lara Mortensen, a resident of approximately 5 years, stated she choose to live here because of the
30 ability to have animals and the quiet lifestyle. She loves the environment and being able to raise her
31 children around animals.

32
33 Weston Gleave stated he moved here before Highland was a city. He raises horses; but keeps them on
34 his property in Richfield. When the mares are ready to have their colts he has them on his property
35 here in Highland and would like to have the opportunity to continue what he is doing with his horses
36 and appreciates the Commissions time in hearing this issue.

37
38 Jamie Brown commented that she has lived here for 31 years and feels that she lives in Highland
39 suburbia. She does not own animals but have neighbors that have had all kinds of animals. She loves
40 that her children had the opportunity to live around animals and horses. She loves where she lives and
41 thinks that's what gives Highland that unique rural atmosphere.

42
43 Sylvia Fairbanks stated that he has lived in Highland for 30 plus years and moved here because they
44 have horses and love animals. They have tried not to let their animals interfere with their neighbors,
45 and the neighbors watch out for each other and their animals. They have horses, calves, rabbit's
46 chickens, dogs and cats and feel they can have all that and still have a wonderful beautiful city. Its
47 important to her and her family to be able to continue to keep these animals in the area.

1 Willard England commented that he moved here 14 years ago specifically to have horses on his
2 property. He feels it is a great opportunity to live in a community where they can have animals and
3 enjoy them. He thinks that 30,000 square feet for three horses is adequate, appropriate and supports
4 this amendment. He hopes they can continue to have horses and large animals on their property
5 keeping this type of environment for their families and for every one to enjoy.
6

7 David Larsen stated when highland was first incorporated in 1977, the whole spirit of Highland was
8 acre density and the ability to have livestock. He hopes they don't lose that spirit, things can change
9 but he hopes this is one thing that does not. He doesn't even think that Highland City had an
10 ordinance until 1991. A lot of residents that have been here previous to that should be able to continue
11 to have their livestock and enjoy the spirit of the city that they voted for back then.
12

13 Marc Arnoldson commented he has lived here about 12 years and the reason they moved to Highland
14 was to pursue this type of lifestyle. They have lots of kids at their house that enjoy livestock and they
15 raise and take lambs to the fair every year. He stated he grew up in Orem with a lot of livestock and
16 you don't see that anymore over there. He would suggest looking at the ordinance to consider that
17 sheep and goats be considered something other than a large animal.
18

19 Dennis Horan moved to Highland almost 40 years ago and feels this is a great place to live. A lot of
20 things have changed over the years regarding animals but the problem they are discussing has always
21 been here. People move in that are not comfortable with the animals and conditions that are there and
22 they want to make changes. He would like to see the regulations written in such a way for those that
23 were here and to inform those that move here of those existing conditions they will be moving into.
24 He realizes it is a dilemma and wished the Commission luck in their efforts. He feels that
25 consideration should be given to the comments received by the animal clinics regarding any number of
26 animals being able to live on any size of lot and be healthy. He hopes the commission would be fair
27 and equitable to those that have been here for years.
28

29 Hearing no other comments Tim Irwin closed the public hearing and turned the item back to the
30 Planning Commission for further discussion.
31

32 Kelly Sobotka voiced his concern regarding the definition of small animals. In their packet they are
33 typically stated as farm type animals and is concerned with the definitions not including dogs or cats.
34

35 Nathan Crane indicated that dogs are addressed separately. This issue was advertised to address large
36 animals and if the Commission would like to address small animals in future they can address it later
37 as a separate issue.
38

39 Abe Day stated his concern with a comment brought up by a resident of sheep and goats not
40 necessarily being a large animal or a small animal, he feels they do need address a possible medium
41 animal definition in the future.
42

43 Jay Roundy voiced a concern regarding small versus large animals. He recently spent some time going
44 over some laws that were just approved wherein there was discussion of a provision of service animals
45 which include miniature horses which now have the same standard as service dogs and feels they need
46 to fine tune the ordinance to reflect current changes in the law. He feels that the current ordinance
47 does not include the option of having a miniature service horse and would like to include an exception
48 to those animals provided under the Department of Justice standards.
49

1 Kelly Sobotka stated he does not know of a better process that has come through the Planning
2 Commission than this issue; where a citizen has come in and asked for a request and that request has
3 gone through the proper process and included citizen comments. He feels Highland is a special place
4 and is unique in the ability to allow residents to have animals. He feels the proposed ordinance could
5 be written in a more simple form by just stating that they are allowed three animals on 30,000 square
6 feet and one per every thousand square feet after that.

7
8 Roger Dixon commented that the issue regarding goats and sheep and animals that size should be in a
9 different class. He feels there should be three groupings for definition of animals.

10
11 Nathan Crane indicated that the discussion in past meetings have been regarding large animals, this
12 issue has been advertised for large animals and the resident that are here are here for large animals. He
13 feels in their goal of being transparent in what they are doing the Commission needs to address the
14 large animal ordinance and if they want to change other issues then they need to do that as a separate
15 item on a future agenda.

16
17 Roger Dixon feels that part of the decision should be to accept large animal proposal and also specify
18 that the Commission intends in the future to review the definition of medium and small animals.

19
20 **MOTION: Abe Day moved the Planning Commission recommend City Council approve the**
21 **amendment to Section 3-4102.7 Keeping of Large Animals to increase the number of large**
22 **animals from two (2) to three (3) on lots with a minimum area of 30,000 square feet. The**
23 **Planning Commission in the future will continue to look at the definition of large animal to**
24 **possibly include a category for medium animals. This amendment shall not preclude State or**
25 **Federal laws regarding service animals. Motion seconded by Roger Dixon .**

- 26
27
28 1. **GP-11-02** The Highland City Council is requesting to amend the General Plan
29 Recommended Transportation Network Map top show the alignment of the Murdock
30 Connector. The Murdock Connector provides an east-west corridor connecting the
31 North County Boulevard (4800 West) at Harvey Boulevard alignment in Cedar Hills to
32 the Alpine Highway (SR74) at the 9680 North alignment in Highland (Highland City –
33 4800 Sotuh/SR74 East-West Connector Road). *Legislative.*

34
35 Nathan Crane reviewed the proposed amendment. The purpose of the request is to amend the
36 General Plan Map to property show the alignment of the Murdock Connector. The City Council has
37 approved an interlocal agreement with Utah County for the construction of the Murdock Connector.
38 The Development Code requires that public expenditures be consistent wit the General Plan. As a
39 result, the City Council has directed staff to prepare a general plan amendment so the alignment on the
40 Recommended Transportation Network Map is consistent with the current design.

41
42 Tim Irwin opened the public hearing.

43
44 Scott Smith a resident living in Pheasant Hollow which is the most impacted area stated he was the one
45 that pushed to have this amendment public hearing. There has been some discussion that when you
46 have a general plan it is just that, a general plan. A number of years ago the Transportation Committee
47 at that time had a map that showed the Murdock Connector going through the north end of the Fox
48 Hollow Golf course. In the last year the borders have been changed in that area of the golf course. He
49 feels that when you build a road according to the General Plan there is a big difference between

1 building a road through a golf course and building a road through a neighborhood. He and his
2 neighbors would prefer the road going through the golf course and feels that the map should be
3 adjusted to show the road being built where it is really going to be built. For various reasons the road
4 is not going to be built on the golf course property; there were concerns of 6F property and the golf
5 course being administered by three cities. As a citizen of this neighborhood it's hard for him to see
6 that golf course holes are more important than homes. He feels that if they are going ahead with the
7 connector which the Council has voted to approve with the interlocal agreement with the County, then
8 they need to make sure the general plan is consistent. Highland City has been growing and feels that it
9 needs to have this road and he is encouraging the Commission to vote for this amendment. Scott
10 concluded that he is not thrilled to have this road in his back yard but feels that when we do a project in
11 the city we need to be open and transparent and follow all the rules, this amendment will indicate a
12 more accurate line as to where the road will go on the General Plan map.

13
14 Brian Braithwaite addressed the Commission by stating that as they faced the need for this road he
15 encouraged anyone that was against this location to provide a better solution. A General Plan is
16 exactly that, a General Plan it is showing there is an east west connection for the city and no one was
17 able to present or provide a better solution for an east west road. He feels that this road should have
18 been in place years ago and may have been adjusted here and there for various reasons. This project
19 benefits the residents of Highland and adjusting this is critical to move forward with the whole project.
20 One of the conditions for approval of the project and the money from the County was to have the
21 General Plan amended and allow this to move forward. Brian strongly encourages the Commission to
22 vote for what this concept means which is putting an east west corridor in. This is something the city
23 of Highland needs and will be a huge benefit. It is critical to have this road in, the timing is now and
24 he strongly encourages the commission to vote in favor of this amendment.

25
26 Tim Irwin stated he had attended the City Council meeting where the agreement was discussed and
27 passed and feels the Council has done an excellent job in resolving all of the issues placed before them
28 and believes that both Councilman Smith and Councilman Braithwaite have represented what the
29 Council has approved and what the commission is being asked to do.

30
31 Hearing no other comments Tim Irwin closed the public hearing and turned item back to the Planning
32 Commission for further discussion.

33
34 Roger Dixon commented that on the map the line looks very precise and wondered if it was accurate. It
35 seems to show that part of the road still going through American Fork.

36
37 Matt Shipp, City Engineer stated when American Fork annexed the golf course on the east side, part of
38 the agreement was the south side of the road would end up being the border of the cities. The border
39 line that is shown is an old line and is not correct. The city boundary will run below the proposed line
40 of the connector road that is on property the city owns until it reached property currently owned by
41 Pheasant Hollow and east to the State property. This proposed line is as accurate as can be. The south
42 slope of the road is an easement that will go onto the golf course property.

43
44 Abe Day inquired as to how much property will be taken from the Pheasant Hollow private park.

45
46 Matt Shipp indicated that they are still working on the exact number for that area. The way the
47 Pheasant Hollow Park is split up; there is a corner of the actual developed park where the road is laid
48 out to go through. The other portion is on the south side of the spillway which is undeveloped.

1 Those negotiations have not been settled yet and there will be an agreement and a purchase with the
2 Pheasant Hollow HOA.

3
4 Scott Smith stated that the park is actually 7 acres in size and the city has talked about the purchase of
5 approximately 1.1 acres which some is developed and some is undeveloped.

6
7 Steve Rock inquired in the negotiations if there were any city funds that would be used.

8
9 Matt Shipp stated that this project will be funded by the County through the quarter cents sales tax.

10
11 Jay Roundy stated that it looked like a majority of this road is across State Trust Lands and land owned
12 by the Federal Government. Jay inquired if anyone had contacted either entity and received approvals.

13
14 Matt Shipp indicated the County is still working through that approval process with those entities. One
15 of the things they needed to move forward was to get the County agreement in place. Now this will
16 enable the county to take it back to the State and Federal entities and the County is currently in that
17 process.

18
19 Kelly Sobotka commented that originally the road was to go north and connect to the Knight Ave. and
20 inquired if that was still a possibility.

21
22 Matt Shipp indicated that until City Council changes the direction it was his understanding that they
23 were not to connect to Knight Ave. The council instructed them to ensure that the Knight Ave. not
24 connect to Murdock in order to keep traffic away from the Pheasant Hollow area.

25
26
27 **MOTION: Roger Dixon moved the Planning Commission accept the findings and recommend**
28 **City Council approve the proposed amendment. Motion seconded by Kelly Sobotka.**

29
30 **Jay Roundy stated that he needs to give a disclaimer and abstain from voting. He is the Regional**
31 **Lands Officer for the Bureau of Reclamation and should not be approving something that**
32 **someday he may be an authority on the other end of the approval.**

33
34 **Unanimous vote with Jay Roundy abstaining, motion carried.**

35
36 **OTHER BUSINESS:**

37
38 **APPROVAL OF MEETING MINUTES FOR FEBRUARY 22, 2011 – REGULAR MEETING**

39
40 Nathan Crane indicated that due to the meeting minutes not being available for review and approval he
41 suggested they be continued to the next Planning Commission meeting.

42
43 **PLANNING STAFF REPORT**

44
45 Nathan Crane indicated the following actions had been approved by the City Council

- 46 1. FP-11-02 Highland Marketplace Plat Amendment
47 2. TA-11-05 Temporary Uses
48 3. CU-11-02 Ivory Homes Model Homes

1
2 Nathan continued by stating that Kristen Warwick had resigned as Planning Commission Coordinator
3 due to medical issues. This is an unfortunate situation but she felt this was something she needed to do
4 for both her and the organization. He is in the process of filling that position.

5
6 Nathan concluded by reviewed information based off the 2010 Census numbers. Nathan indicated that
7 Highland City has a population of 15,523, with 3,675 units which equates to approximately 4.37
8 people per household.

9
10 **COMMISSION COMMENTS AND SUGGESTIONS**

11
12 Kelly Sobotka stated that at one point the Murdock Connector was to be part of phase II of the 4800
13 West expansion and inquired if this was still part of that construction and what the timeline was if
14 known.

15
16 Matt Shipp indicated that the timeline of the Murdock Connector boils down to the timing of the the
17 State Land property which is the biggest obstacle. They are looking at starting in the next construction
18 season of spring/summer 2012. There are some things beyond our control that the County will be
19 dealing with until then. Phase II for 4800 west widening is ready to go out for bid and move forward.
20 This phase will take the widening south from the Murdock Canal to State Street in American Fork
21 which then connects to I-15.

22
23 Abe Day commented that he would like to remind Nathan that the Commission wants to address small
24 and medium animals and inquired as to the priority it has with the schedule.

25
26 Tim Irwin stated that he does not see why they wouldn't place it on agenda in the near future unless
27 there is a reason as to why that should not be addressed.

28
29 Nathan Crane stated that this issue had been discussed previously and feels that Trixie Williams has
30 some background to this issue and asked that Trixie address the commission.

31
32 Trixie Williams stated that a number of years ago she did a story for the newspaper regarding goats.
33 She spoke with several goat owners and she also spoke with residents that had been cited for having to
34 many goats based on the current ordinance. There are indeed issues with goats that in her opinion
35 would require them to continue as a large animal. Goats carry parasites, they will not eat where they
36 have defecated and they need a large area. Goats can also be a smell issue. There was an issue where
37 a resident in Highland was breeding goats, and selling the milk, the traffic into the neighborhood
38 became an issue. Based on those facts she feels that goats should continue to be considered a large
39 animal. She concluded that she does not have as much information on sheep but in her opinion they
40 should be considered the same.

41
42 Nathan Crane stated that this was addressed a few years ago and was highly controversial. He
43 suggested that if this was something the Commission wanted to pursue, they should at least review
44 previous discussions and go from there.

45
46 Tim Irwin requested Nathan provide the research material to the Commission, they could review it
47 and then come back to Nathan and give direction rather they would prefer it to be on an agenda or not.
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49

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ADJOURNMENT

MOTION: Roger Dixon moved to adjourn. Motion was seconded by Jay Roundy. Unanimous vote, motion carried.

Meeting adjourned at 8:42 p.m.

DRAFT