



****AMENDED****
AGENDA

HIGHLAND CITY PLANNING COMMISSION
Tuesday, May 24, 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 Tim Irwin
- Pledge of Allegiance – Commissioner Roger Dixon

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:

1. CU-11-03 Michael Raymond is requesting a Conditional Use Permit for a Church of Jesus Christ of Latter-Day Saints Stake Center located at 5850 West 10400 North. *Administrative. The applicant is requesting that this item be continued to the June 28, 2011 Planning Commission meeting.*

PUBLIC HEARING ITEMS:

2. TA-11-07 Ross Welch is requesting to amend the Highland City Development Code Article 4.9 Professional Office District to allow outdoor RV Storage as part of a self-storage facility. *Legislative.*
3. FP-11-03 Joe Totorica is requesting preliminary and final plat approval for a two lot non-residential subdivision located at the northwest corner of Parkway East Drive and Alpine Highway (SR74). *Administrative.*

OTHER BUSINESS:

4. SP-11-02 Joe Totorica is requesting site and architectural plan approval review for a 3,360 square foot fast food restaurant (Arctic Circle) located at the northwest corner of Parkway East and Alpine Highway (SR74). *Administrative.*
5. FP-11-04 James Swindler is requesting to amend Lot 10 Mystic Cove Plat A and Lot 8 Hidden Oakes Phase 2 Plat B by reducing the lot size of Lot 10 Mystic Cove from 31,428 square feet to 10,303 square feet and increasing Lot 8 Hidden Oakes from 32,709 square feet to 43,844 square feet. The lots are

located at 10199 North Hidden Oak Drive and 10228 Mystic Hollow.
Administrative.

APPROVAL OF MINUTES:

- February 22, 2011 – Regular Meeting
- April 12, 2011 – Regular Meeting

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: June 28, 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 19th day of May, 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



COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: May 19, 2011

TO: Planning Commission

FROM: Nathan Crane, Community Development Director

SUBJECT: Agenda Item #1
Conditional Use Permit – LDS Stake Center (CU-11-03)

REQUEST:

The applicant has requested that this item be continued to the June 28, 2011 Planning Commission meeting to allow additional time to address some outstanding issues.

In order to keep the public notification valid a formal motion and vote is required.

RECOMMENDATION:

Staff recommends that the Planning Commission continue case CU-11-03 to the June 28, 2011 Planning Commission meeting.

PROPOSED MOTIONS:

I move that the Planning Commission **CONTINUE** application CU-11-03 to the June 28, 2011 Planning Commission meeting.

| HIGHLAND CITY PLANNING COMMISSION MEETING MAY 24, 2011 | | | |
|---|---|-----------------------|--|
| REQUEST: | ORDINANCE – Amending the Highland City Development Code Article 4.9 Professional Office (PO) Zone, allowing uncovered outdoor storage as part of a self-storage facility. | | |
| APPLICANT: | Ross Welch, Patterson Construction | | |
| FISCAL IMPACT: | None | | |
| GENERAL PLAN DESIGNATION Office | CURRENT ZONING Professional Office | ACREAGE 9.65 acres | LOCATION Northwest Corner of Sunflower Drive and Highland Boulevard |

BACKGROUND:

An Annexation and Development Agreement for the property was approved in May 2003. The PO District was also approved by the Council in 2003. The PO District included a master site plan which was also approved in December 2003 and amended in 2005. The master site plan included 26.22 acres; 4.51 acres of office uses, 9.655 acres of storage units, and 8.13 acres of open space.

A Development Code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The proposed amendment will allow uncovered outdoor storage as part of a self-storage facility as follows:

3-4913: Substructures; Storage / Refuse Collections, Etc.

- (1) The following articles shall relate to the screening and location of storage and refuse collection areas:
 - (a) No outdoor storage is allowed in the professional office zone.
- (2) **Storage Area:**
 - (a) All substructures erected for the purpose of screening storage areas shall be accomplished with materials and architecture which are compatible with that of the primary building structure.
 - (b) There shall be no visible storage (as seen from Highland Boulevard) of motor vehicles, trailers, recreational vehicles, airplanes, boats, and garbage receptacles. ~~or their composite parts~~: There shall be no storage of loose rubbish, garbage, junk, or their receptacles; tents, or building materials except those items permitted by this ordinance in the storage shed site. Covered Storage (roofs without side walls) of boats and recreational vehicles on the storage shed site is allowed, as long as it is visually screened as by the walls as seen from Highland Boulevard. ~~described herein.~~

3-4929: Storage Facilities: The following articles shall apply to the storage facilities within the Professional Office zone.

- (1) All goods and wares shall be stored within an enclosed building, except that boats, recreational vehicles and trailers may be stored within the open space of the facility provided it is not visible from Highland Boulevard. ~~in structures containing a roof with no side walls where screened from outside view.~~ This provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperable vehicles.

CITIZEN PARTICIPATION:

Notice of the Planning Commission hearing was published in the Daily Herald on May 8, 2011. No comments have been received.

ANALYSIS:

- The subject property is designated as Office on the Land Use Map of the General Plan. The existing PO District is consistent with the Office designation of the General Plan.
- The parcel to the north is owned by the Church of Jesus Christ of Latter-day Saints and zoned R-1-40. The planned use for this property is two church buildings. The property to the east is zoned R-1-40 and has been subdivided. Many homes have been constructed on the adjacent lots.
- Self-storage facilities are not a typically considered office uses. The key consideration is whether or not uncovered outdoor storage is compatible with the surrounding land uses. Staff believes that uncovered outdoor storage can be compatible if it is screened from surrounding properties, organized on the site and limited to a specific area. In addition, any areas used for uncovered outdoor storage should be dust free. This can be accomplished by paving the area with asphalt or using four to five inches of gravel sprayed with a mag-chloride mix twice a year. Outdoor storage cannot be screened from a higher elevation unless it is covered. A stipulation has been included to address these issues. Staff believes these requirements should be incorporated into Section 3-4929.
- Over eight acres were approved as open space as part of this development. A portion of the open space is located within the self-storage facility. The open space is for a stream conservation easement. Staff does not believe that outdoor storage should be allowed on the approved open space. A stipulation has been included to address this issue.
- The approved development agreement, PO District and site plan only permit self-storage at this location within the PO District.

FINDINGS:

With the proposed stipulations, the proposed amendment meets the following findings:

- The proposed amendment is consistent with General Plan.
- The proposed amendment is consistent with the purpose of the Development Code and will not adversely affect the community.
- The proposed amendment is compatible with the existing and planned land uses in the PO District.

RECOMMENDATION:

The Planning Commission conduct a public hearing and recommend approval of the proposed amendment subject to the following conditions:

1. The proposed amendment shall be revised to include the following requirements:
 - a. A revised site plan shall be approved by the City Council designating a specific area for outdoor storage.
 - b. All vehicles shall be stored/parked in designated spaces as shown on a revised site plan.
 - c. All outdoor storage areas shall have a dust free surface. This can be accomplished by paving the area with asphalt or using four to five inches of gravel sprayed with a magnesium chloride mix twice a year.
 - d. Outdoor storage shall not be located within the designated open space area.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend approval **ADOPT** of case TA-11-07 a request to amend the PO District to allow uncovered outdoor storage subject to the one stipulation recommended by staff.

ATTACHMENTS:

Attachment A - Proposed Amendment

PROPOSED AMENDMENT

April 13, 2011

Highland Hideaway Storage
11251 N. Sunset Drive
Highland, UT 84003

Nathan Crane
Director of Community Development
5400 West Civic Center Drive, Suite 1
Highland, UT 84003

Dear Nathan:

Highland Hideaway Storage (HHS) is seeking a change to the Highland City Development Code to allow the storage of motor vehicles, trailers and boats at its facility. Many residents of Highland are unable to store their boats or recreational vehicles at their home and are seeking a location nearby to store them. Under the current ordinance, these residents will not be able to store them at the HHS facility in Highland; but rather they will have to travel to nearby cities to store their personal property.

This ordinance is also causing HHS a competitive disadvantage with surrounding storage facilities that do not have these constraints. A minor change to the ordinance will ensure that Highland residents are able to store their property at a local facility and it will not be a visible change to residents driving by the facility on Highland Boulevard.

There are a small number of homes, approximately 5, that can visibly look down upon the storage facility and see the storage of boats and RV's. We have been working in other areas to improve our impact on these neighbors. We have installed shields on our lights to lower the glare. We turn off our lights by 10:30 p.m. even though we are allowed by code to keep the lights on throughout the night. Though these few homes will see the boats and RV's, the rest of the community will not notice them.

Attachment "A" shows the changes required to the current ordinance in order to allow HHS the ability to provide a necessary service to citizens without demanding a significant capital expenditure that is not feasible in this economy.

Thank you for your consideration of this change.

Sincerely,



Wayne Patterson
Highland Hideaway Storage

ATTACHMENT "A"

Section 3-4913 (2) (b)

There shall be no visible storage (as seen from Highland Boulevard) of motor vehicles, trailers, recreational vehicles, airplanes, boats, ~~or their composite parts and garbage receptacles.~~ There shall be no storage of loose rubbish, garbage, junk, ~~or their receptacles;~~ tents, or building materials except those items permitted by this ordinance in the storage shed site. ~~Covers~~Storage (roofs without side walls) of boats and recreational vehicles on the storage shed site is allowed, as long as it is visually screened by the walls as seen from Highland Blvd. described herein.

3-4929: Storage Facilities: The following articles shall apply to the storage facilities within the Professional Office zone.

- (1) All goods and wares shall be stored within an enclosed building, except that boats, recreational vehicles and trailers may be stored within the open space of the facility provided it is not visible from Highland Boulevard. ~~in structures containing a roof with no side walls where screened from outside view.~~ This provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperable vehicles.

| HIGHLAND CITY CITY COUNCIL MEETING NOVEMBER 16, 2010 | | | |
|---|---|-----------------------------|--|
| REQUEST: | Minor Subdivision Approval - Timberline Subdivision a Two-lot Non-Residential Subdivision | | |
| APPLICANT: | Joe Totorica | | |
| FISCAL IMPACT: | None | | |
| GENERAL PLAN DESIGNATION Mixed Use | CURRENT ZONING Town Center Overlay/Town Center Commercial Retail District | ACREAGE 2.6 Acres | LOCATION Northwest Corner of Parkway East and Alpine Highway (SR74) |

BACKGROUND:

Subdivision review and approval is an administrative process.

SUMMARY OF REQUEST:

1. The applicant is requesting Minor Subdivision approval of a two lot non-residential subdivision. Lot one is 39,396 square feet and is the proposed location for a new Arctic Circle. Lot two is 74,065 square feet and is reserved for future development.
2. Vehicle access will be provided by Parkway East and Alpine Highway (SR74). Both streets have been constructed.
3. A cross access agreement has been included on north property line. This will facilitate the joint use of the access to the Alpine Highway (SR74) with the property to the north.

CITIZEN PARTICIPATION:

Notice of the January 5, 2011 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on April 28, 2011. This meeting was cancelled to allow the applicant to revise his application. However, one comment was received (Exhibit B).

Notice of the May 11, 2011 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on April 28, 2011. One comment has been received (Exhibit C).

Notice of the Planning Commission public hearing was published in the Daily Herald on May 8, 2011. Notice of the May 24, 2011 Planning Commission public hearing was mailed to all property owners within 500' of the proposed plat on May 9, 2011.

ANALYSIS:

- Access to the Alpine Highway (SR74) is controlled by the Utah Department of Transportation (UDOT). Because of the limited amount of frontage between Parkway East and the southernmost driveway in the Kolhers Development and the location of 10900 North, UDOT is requesting that the driveway align with 10900 North. Additional access to the Alpine Highway Way (SR74) will not be allowed. A cross access easement will be provided to allow the property to the north access to Alpine Highway (SR74).
- Three different easements are shown on the plat. The first easement is a 20 foot easement along the frontage of the Alpine Highway (SR74). This easement will accommodate the parkway detail. The second easements are public utility easements along the borders of the lots. The third easement is a cross access easement location along the north property line. Staff is recommending that cross access easements also be provided between lots one and two and the other adjacent property as required by the Development Code.
- The Town Center exaction fees will be required as part of this development. The fees are to provide reimbursement of the cost of public improvements that have been constructed by others.
- Water shares and exaction fees are required to be dedicated/paid as part of the final plat approval. A stipulation has been included to address this issue.

FINDINGS:

The proposed plat meets the following findings with stipulations:

- It is in conformance with the Town Center Overlay District and the Highland City Development Code.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and recommend approval of the proposed subdivision subject to the following stipulations:

1. The recorded plat shall conform to the final plat date stamped May 16, 2011 except as modified by these stipulations.
2. All landscaping for Lot 3 and the median and the median in front of lot one shall be installed or bonded for prior to recordation of the final plat.
3. Water shares shall be dedicated, or documentation of dedication shall be provided, prior to recordation of the final plat as required by the Development Code.
4. Cross access easements shall be provided between all lots of the subdivision and adjacent property.
5. The final plat shall be recorded prior to issuance of a certificate of occupancy.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVE** of case FP-11-03 a request for minor subdivision approval for the Timberline Subdivision subject to the five stipulations recommended by staff.

ATTACHMENTS:

- Exhibit A – Proposed Plat
- Exhibit A – Letter from Sara McGill dated January 5, 2011
- Exhibit A – Letter from Paul Burnside dated May 11, 2011

January 5, 2011

Dear Highland City –

I am writing in response to the letter received about the proposed Arctic Circle. I live directly across the street from the Alpine Credit Union and will be directly affected by this business. I plan on living here for the rest of my life and so want to make my opinions known.

First, I know the area across the street is zoned commercial. I know that we cannot change that as much as I hate seeing the land change. I know that I cannot restrict what is built if they fall under the city ordinances – that being said, I don't know that Arctic Circle would be my first choice of business. As a homeowner, I have been very grateful that the food establishments have stayed away from my home. I am fine with the Credit Unions and Ace because of the hours they keep and the type of people that come to those businesses. I have great concern about the effect of a chain fast food restaurant on my property value. It is not the type of business I hoped to give up our precious Highland land to. However, worse than that would be a gas station or convenience store. PLEASE (I'm begging you) change/amend the zoning to NOT ALLOW a convenience store or gas station to go in behind Kohlers. If I had my choice, I would ask that offices or something more consistent with the Ace and Alpine Credit Union be put in rather than food or convenience. Keep those out in the main four corners area.

One of my main concerns is the exterior lighting. I have no idea who inspected and approved the Ace and the Alpine Credit Union upon inspection, but they both have exterior security lighting that in my opinion violated city code. As I have read the code, the lights must point down. Both of these businesses currently have installed and are using high power security lighting that shines straight out from the building. In past years I called, emailed, complained, etc. They installed "shields" to help the light shine down. These shields have had little effect on the light pollution that now shines for the past years directly into my master bedroom window which is on the west of my house. I still have GREAT frustration with the lighting situation, which I plan to address in the near future. My bedroom is never completely dark, and not often even fairly dark, except when the Credit Union bulbs burn out. Whatever business is built MUST be held to code and have exterior lighting that does not compound this problem for all of us along the highway. UCCU is a great example of satisfactory lighting.

Second, the "drive through" of whatever business is built as well as the parking etc. MUST MUST be on the WEST side of the building. The traffic headlights coming east out of that area are a huge concern. I am adjusting to gazing at businesses and have no desire to have the view from my bedroom, kitchen, and family room be parking lots of fast food restaurants.

Third, the building must be set back from the road than proposed so as to allow a buffer for us. This is important to help with the lighting issue as well. The area along the street must be well landscaped as to help with the buffer and appeal. Alpine Credit Union did a nice job of this.

Fourth, it must be build with the exterior having high quality, high end materials such as the stone, stucco etc. with landscaping like the Alpine Credit Union, and quality appearance of the buildings around it, like the Taco Time. I can't imagine another dumpmy Arctic Circle being allowed to stand on the earth let alone on our precious Highland land. The Burger King down the road by Smith's is a great example of what must NOT be built (or pretty much any Arctic Circle that I have ever seen.)

Fifth, the road needs to be finished so that the traffic doesn't only flow out to the east. That will ease the noise and the light for us.

Sixth, the closing time needs to be enforced so that we don't have traffic after 11:00 pm.

Seventh, PLEASE PLEASE PLEASE keep the Sunday ordinance in effect so that we can have one day of peace.

I moved to Highland because there so few businesses here. It is one of the main reasons we came. I don't want high volume commercial businesses close to me. I understand that we need tax revenues. I have owned two small, successful businesses. But the rural and pristine feeling of Highland is what brought most of the residents here and we came to get away from the rush and commercial centers. We don't mind driving to get what we need. We tried to have voice and influence previous elected officials, but to no avail. We were notified not 48 hours in advance of the rezoning of this property some years ago. I can't tell you the amount of unacknowledged concerns we have raised, unanswered emails and communications we have sent. It has been difficult.

I am so grateful for the generous amount of time you provided in sending out this notice. It is pleasing to the see the progress being made by the new administration and those working in Highland. It is getting better I believe. I have some hope. I cannot attend today's meeting as I am taking my son to the MTC at that time, but want you to know of the concerns and hopes we have for this area. Please use all your power, wisdom, best judgment, etc. as if you were going to be the one living in my house and this project would go in across the street from you. You may contact me with any follow up questions at 801-492-4054. I will be contacting you in the near future about the lighting situation at the Credit Union and Ace.

Respectfully-



Sara McGill

Paul Burnside
801-499-6009
10913 N. 5250 W.

RECEIVED

MAY 11 2011

-
1. Request Parkway East Drive to be completed with Asphalt from Ace Hardware to Town Center East.
 2. Request for Drive through on West side of building instead of east.
 3. Highly object to Proposed entrance at 10900 N on West side of Alpine Hwy as an entrance. This will create additional traffic problems and maybe even a need for another traffic light.
 4. we would appreciate a farther setback from Alpine Highway.

Paul J. Burnside

May 11, 2011

| HIGHLAND CITY PLANNING COMMISSION MEETING MAY 24, 2011 | | | |
|---|--|------------------------------|--|
| REQUEST: | Site and Architectural Plan Approval Review for a 3,360 square foot fast food restaurant (Arctic Circle) (SP-11-02). | | |
| APPLICANT: | Joe Totorica | | |
| FISCAL IMPACT: | None | | |
| GENERAL PLAN DESIGNATION Mixed Use | CURRENT ZONING Town Center Overlay/Town Center Commercial Retail District | ACREAGE 0.91 acres | LOCATION Northwest Corner of Parkway East and Alpine Highway (SR74) |

BACKGROUND:

In the Town Center Overlay (TCO) District the City Council is the approval body for a site plan, after receiving a recommendation from the Planning Commission. The Planning Commission is the approval body for the architectural review.

Site and architectural plan review are administrative actions. Consideration is limited to compliance with existing development standards and regulations.

SUMMARY OF REQUEST:

1. The applicant is requesting site and architectural plan approval for a 3,360 square fast food restaurant. The building dimensions are 35' X 96'. Arctic Circle has been identified as the end user.
2. Vehicle access will be provided from a new driveway on Parkway East which aligns with the existing driveway for Ace Hardware and the Alpine Credit Union. An additional driveway will be provided on the Alpine Highway (SR74) which aligns with 10900 North. Each driveway will provide full turning movements. The site will be two-feet lower than the elevation of SR74.
3. The proposed architecture is comprised of a stucco building with a stone veneer. The proposed colors are different shades of brown and tan. The building has includes architectural treatments on all four sides of the building. Accent features include window awnings, a cornice cap, architectural accent lighting and spandrel windows. As required by the Development Code, over 50% of the east and south elevations include over 50% of the elevation includes windows.
4. The building height is 20'-4" at its tallest point. The majority of the building is 16'-4". This is less than the maximum height allowed by the Development Code of 40 feet.
5. There are two public entrances into the building. The main entrance is on the west side of the building and a secondary entrance is on the east side of the building. The main entrance includes

a portico and the secondary entrance is covered by an awning. A pedestrian connection has been provided from the sidewalk on the Alpine Highway (SR74) to the secondary entrance.

6. A dual drive-thru lane is proposed on the east side of the building. The drive-thru lane is screened by a three foot berm. In addition, three foot shrubs will be planted on the berm. The second lane is used as a bypass lane that allows users to use the parking on the south side of the site and exit the drive-thru.
7. A total of thirty-one parking spaces have been provided. The Development Code does not include parking regulations for restaurant uses. A typical requirement for restaurant uses is one space per one hundred square feet. The applicant is proposing to use a berm instead of a wall to screen the parking lot along Parkway East.
8. There are four fifteen foot pole mounted lights in the parking lot and two twenty foot street lights. The light standards match the goose neck lighting that is required for the Town Center. Light levels from on-site lighting are less than one foot candle at the property line.
9. The Development Code requires a minimum of fifteen percent of the site to be landscaped. The applicant is providing thirty-four percent.

CITIZEN PARTICIPATION:

Notice of the January 5, 2011 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on April 28, 2011. This meeting was cancelled to allow the applicant to revise his application. However, one comment was received (Exhibit G).

Notice of the May 11, 2011 Development Review Committee meeting was mailed to all property owners within 500' of the proposed plat on April 28, 2011. One comment has been received (Exhibit H).

ANALYSIS:

- The site is designated as Mixed Use on the General Plan Land Use Map and the site is zoned Town Center Overlay/Town Center Commercial Retail District. Fast food restaurants are a permitted use in the TCO District. The proposed use is consistent with the General Plan and existing zoning.
- The property to the north and west is vacant and zoned TCO. The property to the south is also zoned TCO and is developed as the Alpine Credit Union and Ace Hardware. The property to the east is zoned R-1-20 Single Family Residential. The closest home is located approximately 96 feet away. The drive-thru window and menu board will be over 130 feet away. The menu board will face south.
- Access onto SR74 is reviewed and approved by the Utah Department of Transportation. A stipulation has been included requiring approval from UDOT of the driveway placement prior to issuance of a building permit.
- SR74 and Parkway East have been improved to their full width. Sidewalk, landscape improvements, and street lighting will be installed adjacent to SR74. Parkway East is planned to

be extended from Ace Hardware to City Hall when the adjacent property is developed.

- The site plan provides adequate access and onsite circulation for the proposed use. Cross access easements will be provided that allow circulation between different parcels. Staff believes there is sufficient parking for the use.
- The first menu board is located at the entrance to the drive-thru. This would require a vehicle using the menu board to conflict with the main entrance to the site. Ideally there would be enough queuing space for a minimum of two to three vehicles from the menu board. Staff is recommending a stipulation places the first menu board a minimum of twenty feet from the curb.
- There is an existing irrigation ditch along the east property line. The ditch is operated by the Lehi Irrigation Company. The applicant and the property owner to the north have indicated that the ditch is not needed. The applicant will need to provide a letter of approval from the irrigation district.
- The applicant has indicated that the trash enclosure will be screened by a six-foot wall consistent with the building. However, the wall is not shown on the site plan. A stipulation has been included to address this issue.
- The proposed architecture meets the requirements of the Town Center and Designs Guidelines. Awnings are not proposed on the south elevation.
- The gooseneck street lights are required as part of the Town Center. However, alternative lighting can be used onsite. In order to reduce the amount of light pollution, the applicant has agreed to use shoebox pole mounted lights in the parking lot. This will reduce off-site glare. The applicant has also agreed to install a shield on the gooseneck lights to reduce glare. The shield will be similar to what was installed by the City on the lights adjacent to Toscana. A stipulation has been included requiring all lighting, except street lighting, to be fully shielded and directed downward.
- All signage will require a separate permit. A comprehensive sign plan will be required prior to issuance of any sign permits.

FINDINGS:

The proposed site plan with the recommended stipulations meets the following findings:

- It is in conformance with the Town Center Zoning District and Design Guidelines.
- It is in conformance with the Highland City Development Code.
- It is compatible with existing and future development within the Town Center.

RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** the architectural plan subject to the following stipulations:

1. The development shall conform to the elevations and materials board date stamped May 18, 2011, except as modified by these stipulations.
2. All roof mounted mechanical equipment shall be shown on the construction plans and screened by the parapet.

Staff recommends that the Planning Commission recommend **APPROVAL** of the site plan subject to the following stipulations:

1. The development shall conform to the site plan, landscape plan, and lighting plan date stamped May 18, 2011, except as modified by these stipulations.
2. Final landscape plans shall be approved prior to issuance of a building permit.
3. The final plat shall be recorded prior to issuance of a certificate of occupancy.
4. All ground mounted mechanical equipment shall be screened and painted to match the building.
5. Prior to issuance of a building permit approval from UDOT for the location of the driveway on SR74 shall be provided.
6. Prior to issuance of a building permit approval from the Lehi Irrigation shall be provided.
7. The trash enclosure shall be screened by a six-foot wall designed to match the building. The gate shall be opaque.
8. All signage shall require a separate permit. In addition a comprehensive sign plan shall be reviewed and approved prior to issuance of a building permit.
9. The first drive-thru menu board shall be placed a minimum of twenty feet from the entrance to the drive-thru.
10. The civil construction plans shall meet all requirements as determined by the City Engineer.

PROPOSED MOTIONS:

I move that the Planning Commission accept the findings and **APPROVE** the architectural plan for case SP-11-02 subject to the two stipulations recommended by staff.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the site plan for case SP-11-02 subject to the eight stipulations recommended by staff.

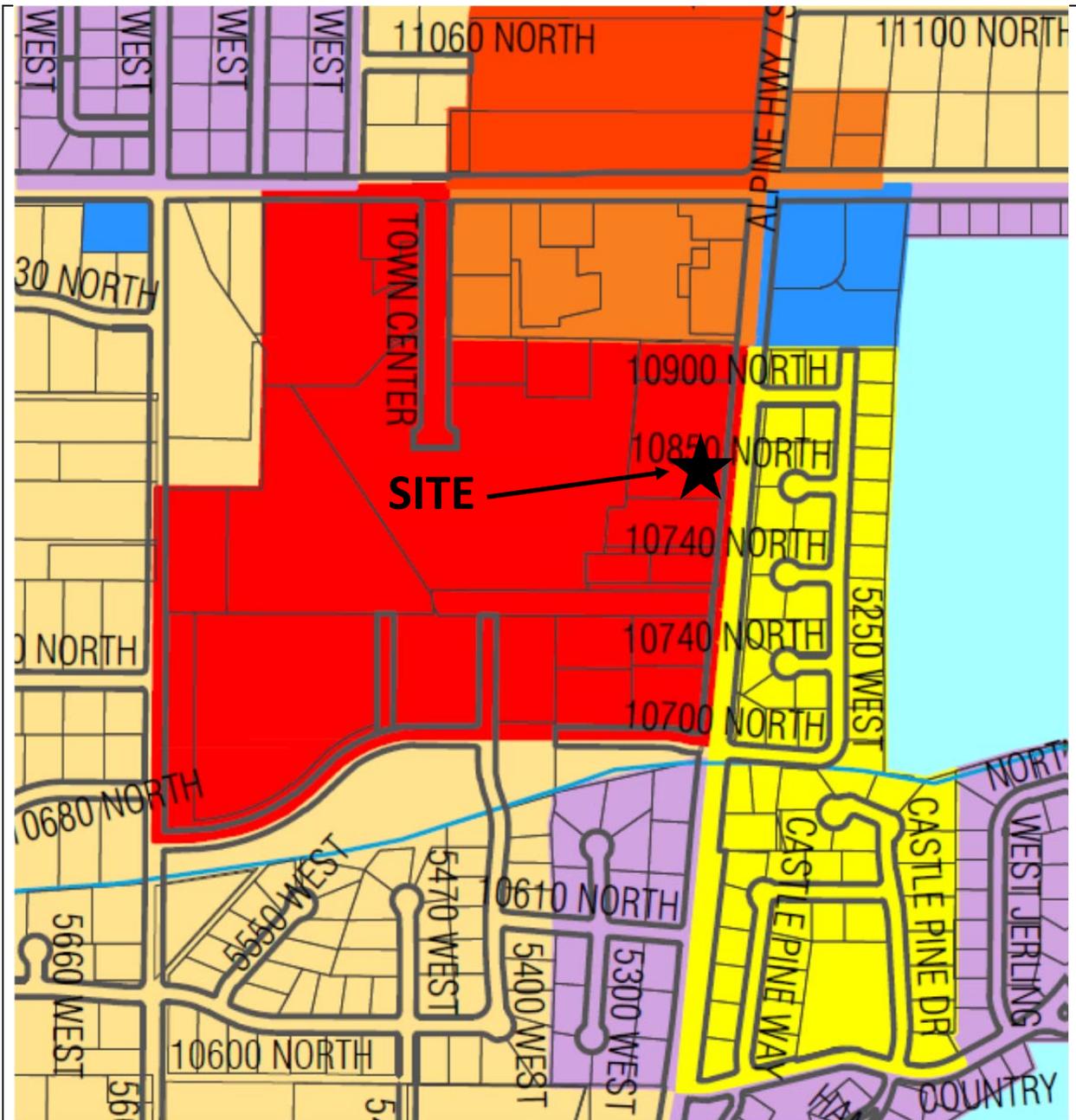
ATTACHMENTS:

- Exhibit A – Zoning Map
- Exhibit B – Aerial Photo
- Exhibit C – Site Plan date stamped May 18, 2011
- Exhibit D – Landscape Plan date stamped May 18, 2011
- Exhibit E – Building Elevations date stamped May 18, 2011
- Exhibit F – Lighting Plan date stamped May 18, 2011
- Exhibit G – Letter from Sara McGill dated January 5, 2011
- Exhibit H – Letter from Paul Burnside dated May 11, 2011

FULL SIZE (11 X 17) COPIES: (Commission Only)

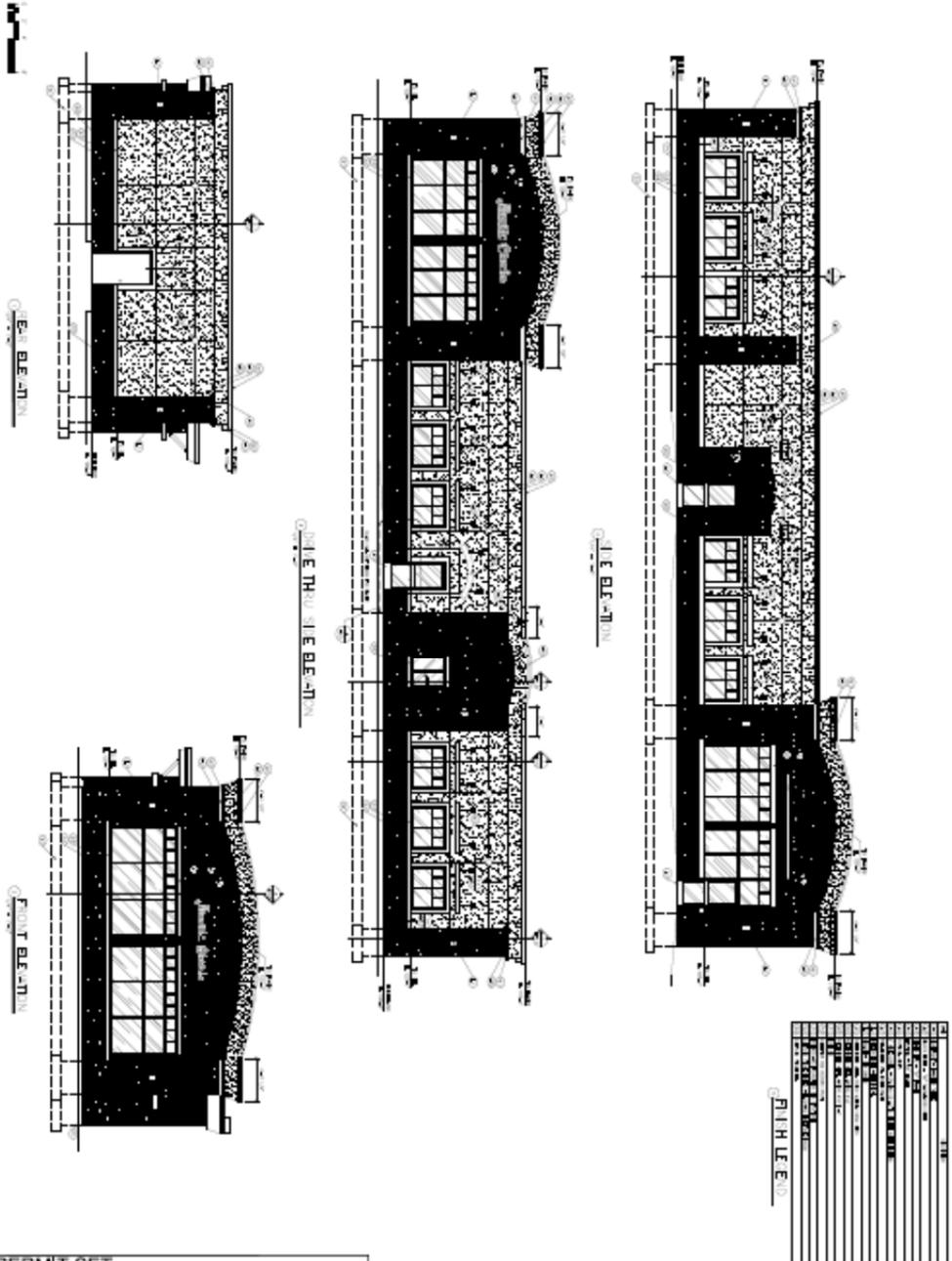
Site Plan, Elevations and Preliminary Landscape Plan date stamped November 9, 2004

HIGHLAND CITY ZONING MAP



| | | |
|---|--|--|
|  PROFESSIONAL OFFICE |  CONDITIONAL USE R-1-40 |  R-1-40 |
|  COMMERCIAL C-1 ZONE |  NON-CONFORMING R-1-20 |  R-1-20 |
|  CR ZONE |  RESIDENTIAL PROFESSIONAL |  AGRICULTURE |
|  TOWN CENTER OVERLAY |  PUBLIC UTILITY |  PUBLIC INSTITUTION |





| NO. | DESCRIPTION | DATE |
|-----|----------------|------------|
| 1 | DATE PLOTTED | 10/10/2010 |
| 2 | DATE PRINTED | 10/10/2010 |
| 3 | DATE CHECKED | |
| 4 | DATE APPROVED | |
| 5 | DATE SUBMITTED | |
| 6 | DATE RECEIVED | |
| 7 | DATE ISSUED | |
| 8 | DATE REVISED | |
| 9 | DATE CANCELLED | |
| 10 | DATE EXPIRES | |

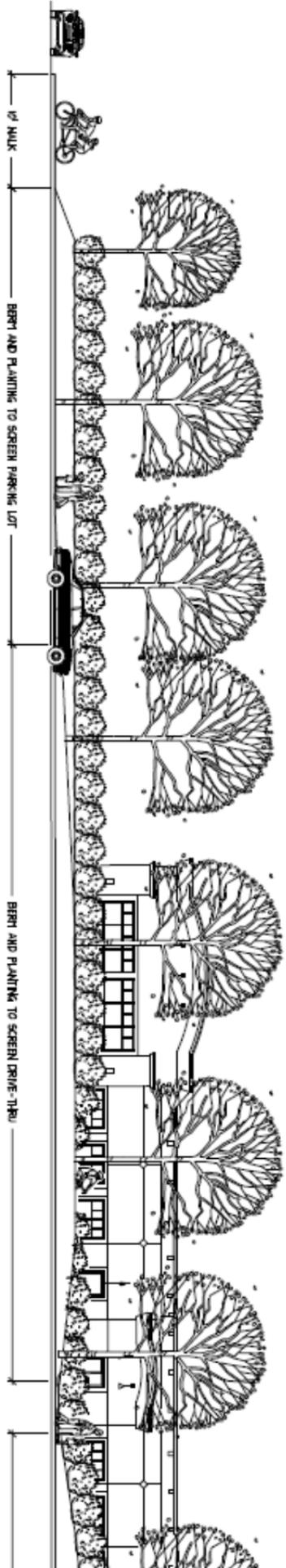
PERMIT SET

10/10/2010 10:11:00 AM

| NO. | DESCRIPTION | DATE |
|-----|----------------|------------|
| 1 | DATE PLOTTED | 10/10/2010 |
| 2 | DATE PRINTED | 10/10/2010 |
| 3 | DATE CHECKED | |
| 4 | DATE APPROVED | |
| 5 | DATE SUBMITTED | |
| 6 | DATE RECEIVED | |
| 7 | DATE ISSUED | |
| 8 | DATE REVISED | |
| 9 | DATE CANCELLED | |
| 10 | DATE EXPIRES | |

ARCTIC CIRCLE
 10/10/2010
 10/10/2010

design work
 10/10/2010 10:11:00 AM



A ELEVATION LOOKING WEST FROM SR-74
 SCALE: 1/8" = 1'-0"

January 5, 2011

Dear Highland City –

I am writing in response to the letter received about the proposed Arctic Circle. I live directly across the street from the Alpine Credit Union and will be directly affected by this business. I plan on living here for the rest of my life and so want to make my opinions known.

First, I know the area across the street is zoned commercial. I know that we cannot change that as much as I hate seeing the land change. I know that I cannot restrict what is built if they fall under the city ordinances – that being said, I don't know that Arctic Circle would be my first choice of business. As a homeowner, I have been very grateful that the food establishments have stayed away from my home. I am fine with the Credit Unions and Ace because of the hours they keep and the type of people that come to those businesses. I have great concern about the effect of a chain fast food restaurant on my property value. It is not the type of business I hoped to give up our precious Highland land to. However, worse than that would be a gas station or convenience store. PLEASE (I'm begging you) change/amend the zoning to NOT ALLOW a convenience store or gas station to go in behind Kohlers. If I had my choice, I would ask that offices or something more consistent with the Ace and Alpine Credit Union be put in rather than food or convenience. Keep those out in the main four corners area.

One of my main concerns is the exterior lighting. I have no idea who inspected and approved the Ace and the Alpine Credit Union upon inspection, but they both have exterior security lighting that in my opinion violated city code. As I have read the code, the lights must point down. Both of these businesses currently have installed and are using high power security lighting that shines straight out from the building. In past years I called, emailed, complained, etc. They installed "shields" to help the light shine down. These shields have had little effect on the light pollution that now shines for the past years directly into my master bedroom window which is on the west of my house. I still have GREAT frustration with the lighting situation, which I plan to address in the near future. My bedroom is never completely dark, and not often even fairly dark, except when the Credit Union bulbs burn out. Whatever business is built MUST be held to code and have exterior lighting that does not compound this problem for all of us along the highway. UCCU is a great example of satisfactory lighting.

Second, the "drive through" of whatever business is built as well as the parking etc. MUST MUST be on the WEST side of the building. The traffic headlights coming east out of that area are a huge concern. I am adjusting to gazing at businesses and have no desire to have the view from my bedroom, kitchen, and family room be parking lots of fast food restaurants.

Third, the building must be set back from the road than proposed so as to allow a buffer for us. This is important to help with the lighting issue as well. The area along the street must be well landscaped as to help with the buffer and appeal. Alpine Credit Union did a nice job of this.

Fourth, it must be build with the exterior having high quality, high end materials such as the stone, stucco etc. with landscaping like the Alpine Credit Union, and quality appearance of the buildings around it, like the Taco Time. I can't imagine another dumpmy Arctic Circle being allowed to stand on the earth let alone on our precious Highland land. The Burger King down the road by Smith's is a great example of what must NOT be built (or pretty much any Arctic Circle that I have ever seen.)

Fifth, the road needs to be finished so that the traffic doesn't only flow out to the east. That will ease the noise and the light for us.

Sixth, the closing time needs to be enforced so that we don't have traffic after 11:00 pm.

Seventh, PLEASE PLEASE PLEASE keep the Sunday ordinance in effect so that we can have one day of peace.

I moved to Highland because there so few businesses here. It is one of the main reasons we came. I don't want high volume commercial businesses close to me. I understand that we need tax revenues. I have owned two small, successful businesses. But the rural and pristine feeling of Highland is what brought most of the residents here and we came to get away from the rush and commercial centers. We don't mind driving to get what we need. We tried to have voice and influence previous elected officials, but to no avail. We were notified not 48 hours in advance of the rezoning of this property some years ago. I can't tell you the amount of unacknowledged concerns we have raised, unanswered emails and communications we have sent. It has been difficult.

I am so grateful for the generous amount of time you provided in sending out this notice. It is pleasing to the see the progress being made by the new administration and those working in Highland. It is getting better I believe. I have some hope. I cannot attend today's meeting as I am taking my son to the MTC at that time, but want you to know of the concerns and hopes we have for this area. Please use all your power, wisdom, best judgment, etc. as if you were going to be the one living in my house and this project would go in across the street from you. You may contact me with any follow up questions at 801-492-4054. I will be contacting you in the near future about the lighting situation at the Credit Union and Ace.

Respectfully-



Sara McGill

Paul Burnside
801-499-6009
10913 N. 5250 W.

RECEIVED

MAY 11 2011

-
1. Request Parkway East Drive to be completed with Asphalt from Ace Hardware to Town Center East.
 2. Request for Drive through on West side of building instead of east.
 3. Highly object to Proposed entrance at 10900 N on West side of Alpine Hwy as an entrance. This will create additional traffic problems and maybe even a need for another traffic light.
 4. we would appreciate a farther setback from Alpine Highway.

Paul J. Burnside

May 11, 201

| HIGHLAND CITY PLANNING COMMISSION MEETING MAY 23, 2011 | | | |
|---|-------------------------------------|----------------|---|
| REQUEST: | Plat Amendment – Mystic Cove Plat E | | |
| APPLICANT: | James Swindler | | |
| FISCAL IMPACT: | None | | |
| GENERAL PLAN DESIGNATION | CURRENT ZONING | ACREAGE | LOCATION |
| Low Density Residential | R-1-20 | 1.46 acres | 10199 North Hidden Oak Drive and 10228 Mystic Hollow |

BACKGROUND:

Subdivision review and approval is an administrative process.

SUMMARY OF REQUEST:

1. The applicant is requesting an amendment to Lot 10 Mystic Cove Plat A and Lot 8 Hidden Oakes Phase 2 Plat B by reducing the lot size of Lot 10 Mystic Cove from 31,428 square feet to 10,303 square feet and increasing Lot 8 Hidden Oakes from 32,709 square feet to 43,844 square feet.

CITIZEN PARTICIPATION:

Notice of the plat amendment is required to be provided for the City Council meeting.

ANALYSIS:

- In 2004, an easement was recorded with the Utah County Recorder to allow Lot 8 Hidden Oakes to utilize a portion of the backyard of Lot 10 Mystic Cove. The current property owners of Lot 10 Mystic Hollow are in the process of selling their home. The plat amendment is required as part of the sale.
- The proposed amendment does not change the approved density or number of lots in either subdivision.
- The proposed amendment meets the requirements of the Development Code.

FINDINGS:

The proposed plat meets the following findings with stipulations:

- It is in conformance with the Highland City Development Code.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend **APPROVAL** of the proposed subdivision subject to the following stipulations:

1. The recorded plat shall conform to the plat date stamped May 23, 2011.
2. The recorded plat shall be revised to meet the requirements of the City Engineer and Community Development Director.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case FP-11-04 subject to the two stipulations recommended by staff.

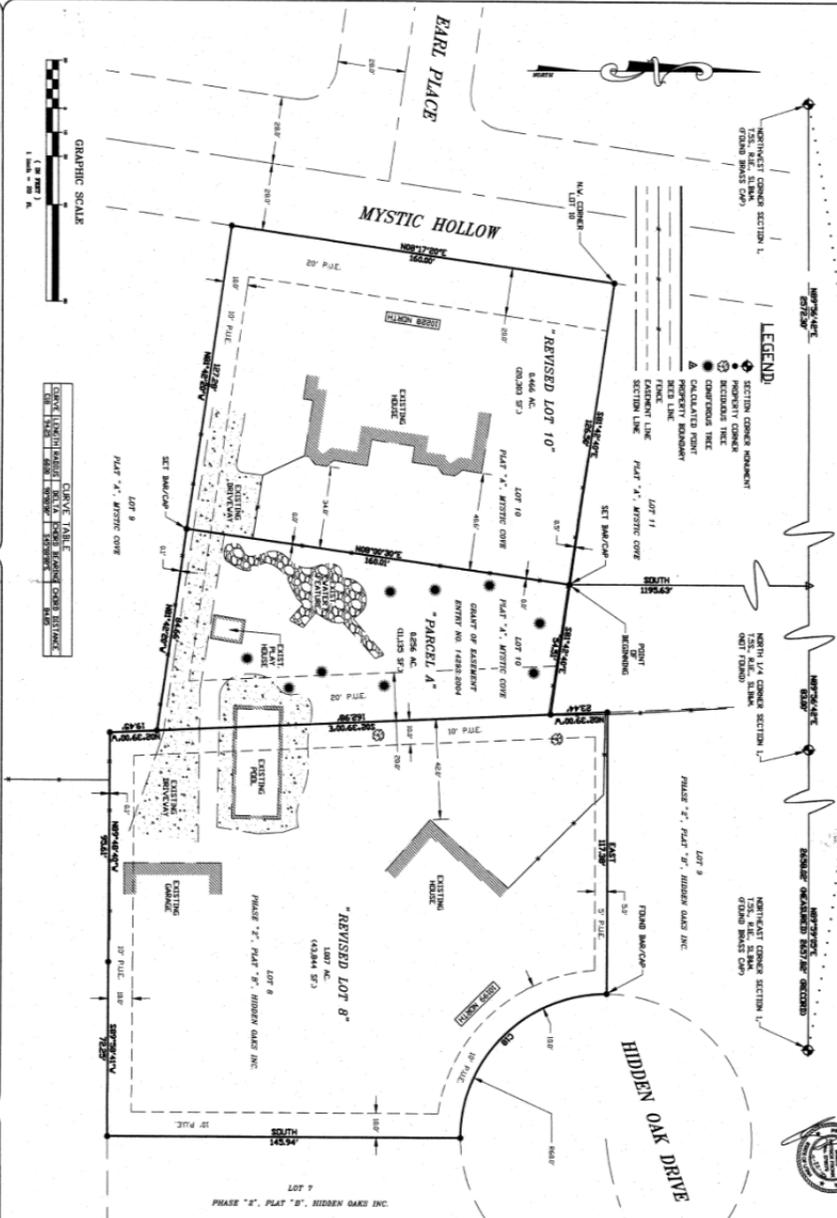
ATTACHMENTS:

- Exhibit A – Proposed Plat
- Exhibit B – 2004 Easement
- Exhibit C – Boundary Survey

EXHIBIT "A"

Commencing South 1174.93 feet and East 2447.13 feet and South 81° 42' 40" East 126.937 feet from the Northwest corner of Section 1, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 81° 42' 40" East 54.073 feet; thence South 2° 39' 00" East 162.98 feet; thence North 81° 42' 20" West 85.00 feet; thence North 8° 17' 20" East 160.01 feet to the point of beginning.

'BASIS OF BEARING'
 SECTION LINE BEARING N89°57'54"E
 S31°32' (MEASURED) S91°12' (RECORDED)



CURVE TABLE

| CHORD (FEET) | ARC (FEET) | ANGLE (DEGREES) |
|--------------|------------|-----------------|
| 0 | 0 | 0 |
| 10 | 10.00 | 1.91 |
| 20 | 20.00 | 3.82 |
| 30 | 30.00 | 5.73 |
| 40 | 40.00 | 7.64 |
| 50 | 50.00 | 9.55 |
| 60 | 60.00 | 11.46 |
| 70 | 70.00 | 13.37 |
| 80 | 80.00 | 15.28 |
| 90 | 90.00 | 17.19 |
| 100 | 100.00 | 19.10 |



APPLIED LAND SOLUTIONS, INC.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - CONSULTING
 410 WEST 1000 SOUTH, SUITE 200 • SALT LAKE CITY, UT 84119
 (801) 488-1222

BOUNDARY SURVEY FOR KENNETH RONALD ARMSTRONG
 HIGHLAND CITY, UTAH COUNTY, UTAH
 JULY 22, 2010

RECORD OF SURVEY
 LOCATED IN THE NORTH HALF OF SECTION 1,
 TOWNSHIP 3 SOUTH, RANGE 1 EAST, SLBAM

SHEET NO.
 2510-048
 10F 1



CONSIDERATION OF ADJACENT LAND SURVEYS
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys with bearings and distances]

ADJACENT SECTION, REVISED LOT 10
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 8
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 9
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 11
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 12
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 13
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 14
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 15
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 16
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

ADJACENT SECTION, REVISED LOT 17
 A SEARCH OF THE PUBLIC RECORDS OF THE COUNTY OF KANE, ARIZONA, REVEALS THE FOLLOWING ADJACENT SURVEYS: [Detailed list of adjacent surveys]

DRAFT

MINUTES

HIGHLAND CITY PLANNING COMMISSION MEETING Tim Irwin NG

Tuesday, February 22, 2011

Highland City Council Chambers, 5400 West Civic Center Drive, Highland, Utah 84003

PRESENT: Commission Chair Tim Irwin, conducting
Commissioner Roger Dixon
Commissioner Abe Day
Commissioner Christopher Kemp
Commissioner Jay Roundy
Commissioner Kelly Sobotka
Alternate Commissioner Trixie Williams

STAFF PRESENT: Nathan Crane, Community Development Director
Gina Peterson, City Recorder

EXCUSED: Commissioner Steve Rock

OTHERS: Willard England, Robert Martinez, Kymberlee Richins, David Larsen, Brent Hayes, Tim Garlick, and Mabelle Garlick.

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Tim Irwin, at 7:00 p.m. on February 8, 2011. Notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, and *Salt Lake Tribune*, on February 17, 2011. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Trixie Williams and those assembled were led in the Pledge of Allegiance by Commissioner Steve Rock.

Appearances

Chair Tim Irwin invited comments from the public regarding items not on the agenda.

PUBLIC HEARINGS AND ACTION ITEMS

PUBLIC HEARING - Conditional Use Permit for a model home located at 6707 West Broadleaf Hollow Lane CU-11-02 (Agenda Item 1)

Mark Hollingshead, Ivory Homes, is requesting conditional use permit for a model home located at 6707 West Broadleaf Hollow Lane. Model homes are permitted in the R-1-40 District subject to a conditional use permit.

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

DRAFT

1 A notice of the Planning Commission hearing was published in the Daily Herald on February 6, 2011.
2 Notification letters were mailed out to 7 property owners on February 8, 2011. No comments have been
3 received.

4
5 **REQUIRED FINDINGS:** The proposed use must meet three findings prior to granting a Conditional Use
6 Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's
7 analysis.

8
9 **1. The use will not be detrimental to the health, safety, or general welfare of persons residing**
10 **or working in the vicinity or injurious to property or improvements in the vicinity.**

11
12 The subject property is designated as Low Density Residential on the Land Use Map of the General Plan
13 and the property is zoned R-1-40 Residential. The existing R-1-40 zoning is consistent with the land use
14 designation on the General Plan. Model homes are permitted in the R-140 District subject to a
15 conditional use permit.

16
17 The property to the north and east is vacant and zoned R-1-40. The property to the south is zoned R-1-40
18 and is planned for a church. The property to the west is zoned R-1-40 and has an existing home.

19
20 The proposed use will not adversely affect the desired character of the surrounding area or be
21 detrimental to the health, safety, or general welfare of persons residing in the vicinity.

22
23 **2. The use complies with all applicable regulations in the Development Code.**

24
25 Primary access to the site is available from Broadleaf Hollow Lane which can accommodate the traffic
26 generated by the proposed use.

27
28 Parking is provided within the driveway and in Broadleaf Hollow Lane. There is sufficient parking to
29 accommodate the proposed use.

30
31 Normally, there will be one employee on the site. There maybe three to four employees on site during
32 special sale events. The Development Code limits the number of employees to three. A stipulation has
33 been included to address the issue.

34
35 The proposed site plan meets all development standards set forth in the Development Code, including
36 setbacks and landscaping.

37
38 **3. Conditions are imposed to mitigate any detrimental effects.**

39
40 Two routine stipulations have been included in the staff recommendation.

41
42 Nathan Crane stated the proposed conditional use appears to meet the required findings for approval and
43 recommended approval subject to conditions.

44
45 ***Tim Irwin opened the public hearing at 7:09 p.m.***
46
47

DRAFT

1 Todd Harris with Ivory Homes addressed the City Council. He indicated Mark Hollingshead was unable
2 to attend and we was in attendance to answer questions.

3
4 Abe Day asked how long the model home would be open. Mr. Harris stated they anticipate this phase
5 will sell very quickly. This is the third model home for this development, the second in this area. They
6 want to maintain a presence in the are with model homes, so if their current model sells they will most
7 likely approach the City for an additional permit.

8
9 ***Tim Irwin closed the public hearing at 7:12 p.m.***

10
11 **MOTION: Jay Roundy moved to accept the findings and recommend City Council approval of a**
12 **Conditional Use Permit for a model home located at 6707 West Broadleaf Hollow Lane subject to**
13 **the following conditions:**

- 14 1. The use shall comply with the site plan date stamped February 4, 2011.
- 15 2. The use shall comply with Section 3-4108. 14.

16 **Roger Dixon seconded the motion. Those voting aye: Tim Irwin, Roger Dixon, Abe Day,**
17 **Christopher Kemp, Jay Roundy, Kelly Sobotka, and Trixie Williams. The motion passed with a**
18 **unanimous vote.**

19
20 Nathan Crane noted this would be considered by the City Council on Tuesday, March 1, 2011

21
22 PUBLIC HEARING – Amending Section 3-4302.12: Conditional Uses (C-1 District), Section 3-
23 4351: Permitted Uses (CR District) and Article 6: Supplemental regulations relating to the
24 review and approval of temporary outdoor uses, such as sale events, Christmas tree lots, and
25 special events TA-11-05 (Agenda Item 2)

26
27 Temporary uses are currently permitted in the C-1 District subject to a conditional use permit and in the
28 CR District as a permitted use. The existing regulations in the C-1 and CR District are identical. The
29 proposed amendment would allow temporary uses in the C-1, CR, and Town Center Overlay (TCO)
30 Districts. The proposal will amend Section 3-4302.12: Conditional Uses (C-1 District), Section 3-4351:
31 Permitted Uses (CR District) by deleting the temporary use regulations. The proposal will also amend
32 Article 6: Supplementary Regulations by creating Section 6-223 Temporary Uses.

33
34 The proposed amendment will identify general regulations for all temporary uses. Temporary uses will
35 only be allowed in the C-1, CR, and the Town Center Overlay zoning districts. Permitted temporary
36 uses include: seasonal sales such as Christmas trees, produce stands, and firework stands, offsite
37 commercial sales events, and temporary retail sales, such as Macey’s parking lot sales.

38
39 Based on the type and intensity of the use, an application will be processed in one of two ways: First, an
40 application is reviewed and approved administratively within three working days. Second, if a use is
41 determined to have an impact on surrounding properties, public input is solicited by posting the property
42 and notifying the surrounding property owners. Temporary uses may be approved for up to six months.
43 The length of the use is based on the needs of the applicant and impact on surrounding properties. The
44 applicant is required to return the property to its normal condition upon the cessation of the use.

45
46 Staff believes the proposed text amendment meets the findings because it is consistent with the purpose
47 of the Development Code and will not adversely affect the community.

DRAFT

1 A notice of the Planning Commission public hearing was published in the Daily Herald on February 6,
2 2011. No comments have been received.

3
4 Jay Roundy clarified that this amendment would include the Town Center Plaza and Nathan Crane
5 agreed and outlined the additional commercial areas it would include. Jay Roundy asked about the
6 Highland Fling and indicated he wanted to make sure City events are kept legal.

7
8 Trixie Williams stated she was at City Council when this issue came up and the gentleman wanted to
9 include a snow shack at Lone Peak High School. Nathan Crane indicated this issue should be discussed
10 by the Planning Commission to determine if it should be added.

11
12 Roger Dixon noted the current regulations allow the license to be revoked in necessary but he cannot see
13 that the proposed regulations include this provision. Nathan Crane indicated if the business is not in
14 compliance the ordinance can be enforced and the permit can be revoked. He is comfortable with
15 enforcing the zoning ordinance.

16
17 Additional clarifications were suggested to the proposed amendment.

18
19 ***Tim Irwin opened the public hearing at 7:25 p.m.***

20
21 Tim Garlick addressed the Planning Commission stating he is the owner of the Hawaiian Ice that
22 operated last year just off SR-92 near Town Center Blvd. He addressed the issue with operating a
23 facility at the Lone Peak High School parking lot. He is pursuing this request with the School District
24 and stated if the City won't allow it there is no reason for him to continue pursuing the request. He feels
25 like a snow shack will fits with the commercial uses across the street in Cedar Hills. He noted that he
26 still plans to open the Hawaiian Ice facility at the same location he did last year, the high school location
27 would just be an expansion.

28
29 Kelly Sobotka expressed concern with traffic and kids trying to cross the busy street of 4800 West. Mr.
30 Garlick felt the road would be safer at the high school this year with the expansion of North County
31 Boulevard. He noted the only issues he had with his existing location was the current construction on
32 SR-92. Parking was not an issue.

33
34 ***No other public comments were received and Tim Irwin closed the public hearing at 7:29 p.m.***

35
36
37 Roger Dixon asked if the City has jurisdiction over the school district on this issue. Nathan Crane
38 indicated the City's attorney is looking into that and he does not have a specific answer. Kelly Sobotka
39 noted the city does not control what type of concession the school sells at games or in the school, but
40 those might be done for non-profit uses. Nathan Crane indicated the Planning Commission needs to
41 determine if they want to open up temporary uses at schools which is zoned R-1-40. This would allow
42 temporary uses in any R-1-40 zone. Does the Commission want them located in areas other than
43 commercial uses?

44
45 Discussion took place about whether the Planning Commission felt it was appropriate to expand
46 temporary uses beyond commercial zones to include City parks and schools. Consensus was it may be
47 beneficial.

DRAFT

1
2 Kelly Sobotka asked if the 6 month length of time for the permit was appropriate, he wondered if it was
3 too long. Mr. Garlick noted he ran his business last year from approximately June 6 to September 6. He
4 noted it would be different at LPHS because it would only be run during the summer when school was
5 not in session. Nathan Crane noted he would be responsible to grant the time frame on the permit.
6

7 Abe Day asked about permanent uses similar to Beany's coffee shack or the flower shack on State Street
8 in American Fork. Nathan Crane indicated that use would not fit in this category and would be required
9 to submit a site plan. He stated it is not dependent on the building size, but what the use is.
10

11 With regard to appeals, Tim Irwin noted the City Council may have an issue with the Planning
12 Commission being the appeal entity.
13

14 **MOTION: Roger Dixon moved to accept the findings and recommend the City Council adopt an**
15 **ordinance amending Section 3-4302.12: Conditional Uses (C-1 District), Section 3-4351: Permitted**
16 **Uses (CR District) and Article 6: Supplemental regulations relating to the review and approval of**
17 **temporary outdoor uses, such as sale events, Christmas tree lots, and special events with the**
18 **following changes:**

- 19 1. **Amending the hours when business shall not be conducted to match the municipal code for**
20 **business licensing from 11 p.m. to 7 a.m.**
- 21 2. **Modifying 2(d) under Permitted Temporary Uses to read as follows:** Such other uses as the
22 city may deem to be within the intent and purpose of this section and that conforms to the uses in
23 the zoning ordinance.
- 24 3. **Adding the following paragraph to the General Regulations:** Temporary Uses are prohibited
25 in residentially zoned areas except those with certain institutional uses, regardless of the zoning
26 designation. These institutional uses include, but are not limited to: public or quasi public sites,
27 city parks, city buildings, and public schools

28 **Kelly Sobotka seconded the motion. Those voting aye: Tim Irwin, Roger Dixon, Abe Day,**
29 **Christopher Kemp, Jay Roundy, Kelly Sobotka, and Trixie Williams. The motion passed with a**
30 **unanimous vote.**
31

32 SCHEDULED ITEMS

33 Highland Marketplace Subdivision Plat Amendment FP-11-02 (Agenda Item 4)

34
35
36 Jeremy Doyle, Thomas Fox Properties, is requesting an amendment to the Highland Commercial
37 Subdivision by revising lot boundaries and adding two additional lots. The property is located at the
38 northwest corner of SR74 and SR92.
39

40 The property is part of the Commercial Retail (CR) Zoning District that was approved by the City
41 Council in October 2006. A master site plan was approved by the Council in February 2007. The
42 Highland Marketplace Subdivision was approved by the Council in March 2007. A development
43 agreement was also approved by the Council in March 2007.
44

45 The applicant is requesting to amend the Highland Marketplace Subdivision by adjusting the boundaries
46 of Lot 4 and add Lot 9 and 10. As part of the amendment the lots were renumbered as follows:
47

DRAFT

| | Old Lot # | New Lot # |
|---|-----------|------------|
| 1 | | |
| 2 | Lot 4 | Lot 6 |
| 3 | Lot 7 | Lot 5 |
| 4 | Lot 8 | Lot 6 |
| 5 | Lot 9 | Lot 7 |
| 6 | Lot 10 | Lot 8 |
| 7 | Lot 11 | Lot 9 & 10 |
| 8 | | |

9 Lot 4 will be increased from 1.523 acres to 1.732 acres. Lot 9 (0.442 acres) and Lot 10 (0.487 acres) are
10 created from the division of what was Lot 11 (0.999 acres). The overall size of Lot 1 will also be
11 increased from 5.075 acres to 5.193 acres, by decreasing the size of Lot 8 from 0.499 acres to 0.451
12 acres. This will create additional frontage space along SR 92.

13
14 Vehicle access for site will be provided by SR74 and SR92. All access to properties will be from internal
15 drives. Cross access is addressed in the CC&R's of the subdivision.

16
17 Nathan Crane stated the proposed amendment is consistent with the approved site plan for Highland
18 Marketplace and the recently approved Walgreens site plan. The division of original lot 11 allows for
19 additional economic development opportunities.

20
21 Roger Dixon noted from a legal point of view he does not think the lot numbering would be acceptable,
22 particularly because it shows there will be two Lot 4's. Nathan Crane stated this could be clarified. It
23 was also noted that the plat name should be consistent with previous versions and should not be
24 renamed.

25
26 **MOTION: Kelly Sobotka moved to accept the findings and recommend the City Council approve**
27 **the amendment to the Highland Marketplace final plat subject to the following conditions:**

- 28 1. The recorded plat shall be in conformance with the final plat date stamped
29 February 2, 2011, except as modified by these stipulations.
- 30 2. The plat shall be revised to show cross access easements.
- 31 3. The lots shall be renumbered or clarified to designate new Lots 11 and 12.

32 **Roger Dixon seconded the motion. Those voting aye: Tim Irwin, Roger Dixon, Abe Day,**
33 **Christopher Kemp, Jay Roundy, Kelly Sobotka, and Trixie Williams. The motion passed with a**
34 **unanimous vote.**

35
36 DISCUSSION – Proposal to Amend the Highland City Development Code with regard to
37 Animal Regulations in the R-1-40 zone TA-11-06 (Agenda Item 5)

38
39 The Highland City Planning Commission is requesting an amendment to Section 3-4102.7 Keeping of
40 Large Animals to increase the number of large animals from two to three on lots with a minimum area of
41 30,000 square feet.

42
43 At the February 8, 2011 Planning Commission meeting some residents asked the Commission to
44 consider a change to the R-1-40 zone to increase the number of large animals on a 30,000 square foot lot
45 from two to three. The Commission directed staff to bring back the item for discussion.

46

DRAFT

1 Large animal regulations have been changed since the incorporation of the City. When the City was
2 incorporated in 1977 there was no limit to the number of large animals a property owner could have.
3 This was changed in 1981 to allow 2 large animals per acre. There was also a requirement for a lot to
4 have a minimum of 40,000 square feet. The Development Code was changed in 1990 to the current
5 regulations as follows:
6

7 8. Keeping of animals subject to the following requirements:

- 8 (a) All large animals shall be provided shelter or cover. The shelter or cover where
9 animals are normally fed, watered, and corralled shall be at minimum of one
10 hundred (100) feet from any residence, except that it may be a minimum of
11 seventy-five (75) feet from the animal owner's residence.
- 12 (b) All large animals shall be enclosed in a fence and no part of the enclosure shall
13 be nearer than twenty (20) feet from any residential structure.
- 14 (c) No large animal shall be kept on a lot of less than 30,000 square feet in area.
15 Two (2) large animals may be kept on a lot with a minimum area of 30,000
16 square feet and four (4) large animals may be kept on a lot with a minimum area
17 of 40,000 square feet. One additional large animal may be kept on a lot for each
18 10,000 square feet of area of the lot in excess of 40,000 square feet. No small
19 animal shall be kept on a lot of less than 20,000 square feet. No more than
20 twelve (12) small animals shall be kept per 20,000 square feet of lot area. In
21 determining the number of animals allowed on any lot based on its area, no
22 prorotation of numbers shall be allowed within the area increments specified in this
23 paragraph.
- 24 (d) Pigs shall not be kept on any lot.
25

26 The animal regulations are the same in the R-1-40 and R-1-20 zoning districts. The current regulations
27 are based on total lot size and do not distinguish between areas used of structures and areas dedicated to
28 the use of the animals.
29

30 Shelters for large animals are required to be setback a minimum of 100 feet from adjacent dwelling
31 units, 75 feet from the owner's home, 10 feet from a side or rear property line, 30 feet from any street,
32 and 10 feet from any trail.
33

34 The Development Code defines a large animal as a cow, horse, sheep or goat. A small animal is defined
35 as a chicken, duck, turkey, rabbit and other animals of similar size.
36

37 Staff researched the zoning ordinances of Alpine, American Fork, Lehi, and Pleasant Grove with the
38 following results:

- 39 • Alpine allows one horse or cow for every 10,000 square feet with a maximum of five animals.
- 40 • American Fork allows one livestock animal for each 10,000 square feet of area dedicated.
- 41 • Lehi allows two horses per acre.
- 42 • Pleasant Grove requires a minimum of 10,000 square feet of dedicated area is need per horse
43 with a maximum of two per acre.
44

45 The opinion regarding the amount of land needed per large animal varies throughout the country. The
46 factors considered included whether or not pastures are used as the main source of food. If the pasture is
47 used as the main source of food, larger amounts of land are needed. If food is provided through a

DRAFT

1 combination of pasture and supplemental feed, smaller amounts of land are needed. Large animals can
2 also live in confined areas where the main source of food is supplemented.

3
4 Staff believes key considerations are ensuring land use compatibility between adjacent properties that do
5 not have large animals and those that do; and the impact of three large animals versus two large animals
6 on adjacent property owners.

7
8 Tim Irwin reminded the Planning Commission that this is legislative item to hear if the Planning
9 Commission wants to pursue the change and advertise a public hearing.

10
11 Kymberlee Richins addressed the Planning Commission. She got 146 signatures from various areas,
12 those with and without horses, that support this request. She talked about the code allowing 4 horses on
13 40,000 square feet which is essentially 10,000 square feet per horse. She would like the minimum
14 square footage of 30,000 but would like to have 3 horses with that acreage. She noted that Salem has
15 lots as little as 20,000 which allow 3 horses. She stated this is not a new concept. American Fork City
16 requires 10,000 square feet per animal, starting at 20,000 square feet. Saratoga Springs allows 2 animals
17 per half acre and 4 per acre which is along the same lines of 10,000 square foot per animal. She read a
18 letter from her animal care area which supported the request.

19
20 Jay Roundy asked is any of her neighbors are against her request. Ms. Richins noted that there is one
21 person in her subdivision that has animal rights but does not care for horses. Everyone else is
22 supportive, including many people who have property with backyards adjacent to hers. She indicated
23 that many people have told her they moved to Highland for the rural setting with horses.

24
25 Kelly Sobotka indicated if everyone in Highland kept their horses like Ms. Richins this would not be an
26 issue, unfortunately that is not the case. Mr. Richins agreed that the City operates on the complaint basis
27 and the squeaky wheel gets the grease.

28
29 Trixie Williams indicated she read the file from when the City made the original decision on large
30 animal rights and she feels the Planning Commission should have that information to understand why
31 they decision was made. Nathan Crane indicated he hasn't found any new research but he would be
32 interested in Trixie Williams information.

33
34 Roger Dixon asked if llamas have a special permit because it is not specifically defined. Nathan Crane
35 felt the intent of the code would be observed in that case with the definition of "large animals" however
36 if the Planning Commission wanted to include those it could be added.

37
38 Trixie Williams indicated goats require a lot of space because they will not defecate or eat from any area
39 where they have defecated because of the parasite life cycle. She felt that would justify a goat being
40 considered in the large animal definition because of the amount of space they require.

41
42 Additional discussion took place. It was stated that some people can handle more animals by virtue of
43 the way they take care of animals, unfortunately that cannot be handled in the code.

44
45 Tim Irwin asked if the Planning Commission wanted to direct staff to make a change in the ordinance.
46 Consensus of the Planning Commission was to proceed with a public hearing at a future meeting.

DRAFT

1 Tim Irwin summarized that the Commission would like to review the issue based on square footage, a
2 base amount increasing for every 10,000 square feet with a minimum of 30,000 square feet.

3
4 Kelly Sobotka indicated the proposal should also take into account the amount of usable space on the lot
5 remaining after the footprint of the home. Ms. Richins noted her example was based on the total square
6 footage of the property and not the remaining after the footprint of her home. Discussion took place on
7 this issue. Some Commissioners questioned if it is the City's responsibility to dictate animal use on a
8 property. Nathan Crane indicated this remaining square footage suggestion is a significant policy issue
9 that would probably create some nonconforming issues if addressed with useable space.

10 11 MINUTES

12 13 Minutes for the January 11, 2011 Planning Commission Meeting

14
15 **MOTION: Abe Day moved to approve the minutes from the January 11, 2011 Planning**
16 **Commission meeting as presented. Jay Roundy seconded the motion. Those voting aye: Tim**
17 **Irwin, Roger Dixon, Abe Day, Christopher Kemp, Jay Roundy, Kelly Sobotka, and Trixie**
18 **Williams. The motion passed with a unanimous vote.**

19 20 Minutes for the February 8, 2011 Planning Commission Meeting

21
22 **MOTION: Trixie Williams moved to approve the minutes from the February 8, 2011 Planning**
23 **Commission meeting as amended. Roger Dixon seconded the motion. Those voting aye: Tim**
24 **Irwin, Roger Dixon, Abe Day, Christopher Kemp, Jay Roundy, Kelly Sobotka, and Trixie**
25 **Williams. The motion passed with a unanimous vote.**

26 27 PLANNING STAFF REPORT

28
29 Nathan Crane indicated the City Council approved the request to amend the Town Center setbacks.

30
31 He noted that on March 8 the City is unveiling the new website and encourage the Commission to attend
32 the launch party. He noted one of the key features of the website is for residents to sign up for various
33 notifications.

34
35 The next meeting will be March 22, 2011.

36 37 COMMISSION COMMENTS

38
39 Nathan Crane indicated the new Planning Commission secretary was hired but she is ill today. He noted
40 she will typically deliver the packets to the Commission.

41
42 Abe Day asked about compliance issues with the Highland Hideaway Storage and outside storage.
43 Nathan Crane indicated a notice of violation was sent to the property owner and they were given until
44 May 1 to be in compliance. They were given a number of options including removal of the outside
45 storage or requesting a Development Code amendment to allow outside storage. He noted any action by
46 the storage facility will stay any enforcement actions on the City's part.

DRAFT

1 Tim Irwin gave an update on former Planning Commission member Melissa Wright with regard to
2 family medical issues

3

4 **ADJOURNMENT**

5

6 Roger Dixon moved to adjourn. Jay Roundy seconded. The meeting adjourned at 8:49 p.m.

7

8

9

10

11

12

13

14

Date Approved:

Gina Peterson, City Recorder

1 **Highland City Planning Commission**
2 **April 12, 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 7:00 p.m. on April 12, 2011. An invocation was offered by
7 Commissioner Abe Day and those assembled were led in the Pledge of Allegiance by Commissioner
8 Steve Rock.
9

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

20 **EXCUSED:** City Administrator: John Park
21 City Engineer/Public Works Director: Matt Shipp
22

23
24 **STAFF PRESENT:** Community Development Director: Nathan Crane
25 Planning Coordinator: Jill Stewart
26

27
28 **OTHERS:** Chris Dalley, Allan Anderson, Grant Williamson
29

30 **PUBLIC APPEARANCES**
31

32 Tim Irwin invited comments from the public regarding items not on the agenda. Hearing no comments
33 Tim proceeded with the agenda.
34

35
36 **WITHDRAWALS AND CONTINUANCES**
37

38 Tim Irwin noted that there were no withdrawals or continuances for this meeting.
39

40 **PUBLIC HEARING ITEMS:**
41

- 42 1. **TA-11-03** Dave Williamson is requesting to amend the Highland City
43 Development Code Section 3-4108 Conditional Use in the R-1-40
44 Zone to allow funeral homes subject to a conditional use permit and
45 Section 10-102 Definitions by adding a definition for funeral homes.
46 *Legislative.*

1 Nathan Crane explained that this is a request to amend the development code, specifically the R-
2 1-40 district to allow funeral homes within that district subject to a conditional use permit. Most
3 of the city of Highland is zoned R-1-40 and one of the challenges we face is that we have a lot of
4 zoning districts, but in reality we really do not. When you look at the PO, RP, C1, or CR zones,
5 those zones are very site specific zones, so we do not have a lot of flexibility in those. That is
6 probably one of the things we may want to discuss in the future. The request here is to allow
7 conditional use permits for the use of funeral homes in this zoning district. There are a couple of
8 things that should be addressed with this request. This property fronts and has arterial access on
9 a primary street. The recommendation is that no crematories be allowed. There will be a
10 caretaker's residence as long as it is located within the building and is not a separate structure and
11 then we need to make sure the building is compatible with surrounding residential uses.

12
13 Nathan defined the Alpine Highway, most of SR92, 4800 West, and some of Highland Boulevard
14 as arterial streets for Highland City and therefore only property adjacent to these roads would be
15 eligible for this type of use. Some things to talk about as we consider this amendment are that
16 the R-1-40 district already has a lot of non-residential uses allowed. This district allows
17 churches, libraries, museums, and country clubs. Some of the other things to discuss are what are
18 the characteristic of a funeral home and how would those be compatible with the adjacent
19 properties. Nathan indicated that the things he took into consideration were the hours of
20 operation, traffic, and building design. He does believe certain uses are appropriate for a
21 conditional use permit and when you are introducing a non-residential use in a residential district
22 that is an appropriate circumstance if that use is desired. Staff is recommending approval of this
23 item. Nathan expressed to the Commission to keep in mind that this amendment is to change the
24 whole R-1-40 district, not just for the conditional use application that is the next item on the
25 agenda.

26
27 Tim Irwin opened the public hearing. No comments from the public. Tim closed the public
28 hearing.

29
30 Tim Irwin opened this item for commission review.

31
32 Roger Dixon expressed that he remembered approving something very similar to this when he
33 first was on the Commission and asked if this is something that had approval that lapsed or what
34 the case was. Nathan Crane stated that he will discuss that more with the next agenda item, but
35 in summary, it was discussed, but there was never approval of it.

36
37 Kelly Sobtka asked what city boundary the Worenski Funeral Home on 4800 West falls into. It
38 was clarified that it is in American Fork.

39
40 Abe Day asked what the need of a funeral home is in this area. Allan Anderson, applicant,
41 explained that the way Highland is growing they feel a need to be located here and provide a
42 service that in their estimation is needed. The young community eliminates the immediate need
43 of a funeral home, but the growth implies a much greater need for their services in the future and
44 they would like to be prepared for that.

45
46 Steve Rock asked if the proposed funeral home is approved and the amendment to the codes
47 allows such uses in all R-1-40 zones, would that be a concern to them that another one could go
48 in. Allan Anderson expressed that is a possibility and something they are willing to deal with if
49 the time comes.

1
2 Jay Roundy asked what the procedure for cremation would be since the zone would not permit it.
3 Allan Anderson explained that most cities do not want a crematory. For any clients of his that
4 have that type of service, he sends them to a facility in West Jordan. Cremation is currently at
5 about 8% in Utah County. He expressed that cremation is a service that is becoming more
6 prevalent. Mr. Anderson stated that with all of the regulations of a crematory, he would not
7 desire to run one. Jay Roundy asked if it is a dirty process; is it any dirtier than a fireplace in a
8 residential area? Mr. Anderson explained with all of the regulations it probably is not any dirtier
9 than a fireplace, but it has a certain stigma that goes along with it. He figures that if that was a
10 permitted use, there would be more protest from the residents. Jay Roundy asked if this is
11 something that would be out of line to approve if it is cleaner than a gas fireplace. Tim Irwin
12 clarified that Jay Roundy's question is whether we should prohibit crematories altogether. Tim
13 indicated that is up to the commission to decide. Kelly Sobotka expressed his feelings that if the
14 applicant is not requesting it, then why try and include it in the ordinance. If it is something the
15 applicant desires later, then they could come back and request it at a later time. Nathan Crane
16 explained that most crematoriums are located in industrial districts. They are highly
17 controversial, heavily regulated and there is a very strong stigma that is associated with them.
18 Nathan further explained that with this case the staff felt the funeral home would be compatible
19 and were questioning whether or not a crematory would be or not and that is why it was included
20 in this.

21
22 Roger Dixon indicated to staff that the amendment numeration needs to be modified.

23
24 **MOTION: Roger Dixon moved that the Planning Commission accept the findings and**
25 **recommend approval to the City Council of the case TA-11-03, a request to amend Section 3-4108:**
26 **Conditional Uses permitting funeral homes in the R-1-40 District subject to a conditional use**
27 **permit. Motion seconded by Jay Roundy.**

28 **Section 3-4108: Conditional Uses**

29
30 **(16) Funeral Homes subject to the following requirements:**

- 31
32 **1. The property fronts onto an arterial street and**
33 **2. The primary access is from an arterial street.**
34 **3. Crematories are not permitted.**
35 **4. A caretaker's residence may be permitted as an accessory use, provided that the caretaker's residence**
36 **shall be contained within the mortuary building.**
37 **5. The architecture shall be compatible with residential uses.**

38
39 **Unanimous vote, motion carried.**

40
41
42
43
44
45
46
47

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.*

1 Nathan Crane explained that this property is part of the Risner subdivision. It was originally
2 planned for a chapel, as shown on the subdivision plat. The approvals just never went through.
3 It has been planned since at least since 2006 for a funeral home at this site. The land use is low
4 density residential; the zoning is R-1-40. The cemetery is to the west of this property. There is
5 vacant property to the north. There is Patterson property that is designated as low density
6 residential. There are two adjacent vacant lots owned by Mr. Thompson. There are existing
7 residential uses surrounding this area and a school. Nathan indicated that one of the
8 considerations for granting a conditional use permit is the impact on the adjacent property and
9 that it may not facilitate itself to residential use on SR92. He does not feel that is the case
10 anyhow, at least not acre lots.

11
12 Kelly Sobotka asked for the boundary specifications of Mr. Anderson's property. Nathan Crane
13 clarified that there is an easement to the road on the backside. Nathan stated the proposed
14 building is 12,000 square feet and about 26 feet tall. There are two access points, one to SR92;
15 the applicant is currently working with Utah Department of Transportation to finalize that access.
16 Then there is an access to 10930 North and staff only wants access to the cemetery from this road
17 so there is not daily traffic; a gate would be implemented here to control the access. Staff would
18 like to keep daily or major traffic on SR92. The impact of potential traffic would be problematic
19 for this neighborhood.

20
21 Nathan described some of the stipulations that have been recommended for approval. One is that
22 this funeral home will likely go in before the two vacant lots adjacent to this property, which is a
23 good thing. The next is that there be a landscape buffer installed, as well as a solid fence wall
24 and then an additional fence along the easement, that is not required to be solid, be installed.
25 Kelly Sobotka asked for clarification on the solid fence wall. Nathan Crane clarified that it
26 would be something similar to pre-cast or block fence. Nathan Crane went over the future
27 expansion area. The purpose for showing and approving future expansion is that if they do need
28 to expand in the future we do not have to go back through the approval process. Nathan went
29 over the landscape plan. Right now it is a little short of the 35%, but that will be provided. He
30 went over the elevations and commented that if someone driving by did not know any different,
31 they would think this facility was a residence. The exterior materials consist of brick and stucco
32 and the standard asphalt roof. The floor plan was briefly reviewed on the overhead projection.
33 Nathan stated that there are three findings contained in the staff report and several stipulations of
34 approval as well as meeting the requirements of the city engineer when the construction plans are
35 submitted.

36
37 Tim Irwin opened the public hearing.

38
39 Chris Dalley, press, asked if the apartment in the basement will have a full time resident. Allan
40 Anderson explained that is his intention, he would like someone there at all times.

41
42 Tim Irwin closed the public hearing.

43
44 Jay Roundy asked if this property is treated as a home and does the basement apartment need to
45 meet the basement apartment requirements? Nathan Crane clarified the apartment will need to
46 meet the building requirements for a residential use and the building will have to meet the
47 building requirements of a commercial use.

48

1 Steve Rock asked what type of lighting will be in the parking lot. Nathan Crane explained that
2 there will be fifteen foot tall standard baller lighting, similar to what we have in our parking lot at
3 city hall. There will be a specific lighting plan that will be reviewed with the construction plans.
4 The light levels will not exceed one foot candlelit at the property lines. The lights will likely be
5 on every night. Steve Rock asked if that will interfere with any of the residences. Nathan stated
6 that it might possibly. There is a property to the southeast that is the closest. If that is a concern,
7 the Commission could add a stipulation with the lighting. Nathan expressed to the Commission
8 that you need to be sure to balance the needs of the residents and the safety and security issues,
9 especially in the back of the building of the applicant. Steve Rock verified that the surrounding
10 residents were properly notified of this proposal. Nathan Crane confirmed that property owners
11 within 500 feet were mailed a public hearing notice with a copy of the site plan. He indicated
12 that only one phone call was received and that was about access.

13
14 Kelly Sobotka asked what the projected lifespan of the current cemetery is. Judging by the space
15 there is, it does not look as though there is available land nearby. Nathan Crane said all he is
16 aware of is that our cemetery is not full and that he has not heard any discussions on an
17 expansion plan. Tim Irwin expressed that something to keep in mind is that this funeral home
18 may be used for other cemeteries as well.

19
20 Tim Irwin addressed the proposed lighting and one of the things we requested with the building
21 up on Highland Boulevard was to have a high standard light versus the smaller. He asked how
22 that works with safety and security of the building versus the intrusion on other property.
23 Nathan Crane answered that it depends on the situation. With taller lights, you have less of them,
24 but more coverage. With smaller lights you have more of them and coverage depends on how
25 they are designed; it can be the same or may be a little bit different. Tim Irwin indicated there
26 may be certain areas that are more compatible with the lower light and asked if some type of
27 combination of the two could be used. Grant Williamson, general contractor, stated that he has
28 met with two different lighting firms and discussed primarily the impact on the two lots behind.
29 Both lighting companies assured him that they can use a shield that will deflect the light onto the
30 parking lot and defer it from the residential area. Mr. Williamson stated they gave him a design
31 that met the criteria Nathan discussed. Steve Rock asked if their plan then is to use those
32 particular lights. Mr. Williamson indicated yes. Nathan Crane described that it is a standard
33 light and the key to lighting is how it is directed. It is best to avoid having the lens sagging
34 below the fixture.

35
36 **Motion: Jay Roundy moved that the Planning Commission accept the findings and recommended**
37 **approval of case CU-11-1, a request for a conditional use permit for a funeral home, subject to the eleven**
38 **stipulations recommended by staff. Motion seconded by Abe Day.**

- 39
40 1) The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations
41 date stamped March 15, 2011 except as modified by these stipulations.
42 2) Primary access to the site shall be provided from SR92. If access to SR92 is not approved, the
43 conditional use permit shall be void.
44 3) The 10930 North access shall only be used for access for patrons from the site to the cemetery.
45 4) The final landscape plans shall show a five foot buffer along the south property line, landscaping
46 along SR92 to comply with the parkway detail and a minimum of 35% landscaping. The final
47 landscaping plans shall be approved prior to issuance of a building permit.
48 5) The developer shall install all a six foot wall along the south property line. In addition, the
49 applicant shall install a fence along the east boundary of the access to 10930 North with a gate to

1 control access. The design of the wall, fence and gate shall be approved prior to issuance of a
2 building permit.

3 6) All improvements to SR92 not completed by UDOT shall be completed by the developer.

4 7) In accordance with Section 4-109 of the Development Code, the Conditional Use Permit shall
5 expire within one year from the date of approval if the use has not commenced.

6 - 3 -

7 8) Administrative architectural and site plan approval will be required as part of the building permit
8 application for the future expansion area.

9 9) All signage shall require a separate permit.

10 10) All lighting shall be shielded and directed down. Light levels shall not exceed one foot candle at
11 the property line. Light poles shall not exceed fifteen feet in height.

12 11) The civil construction plans shall meet all requirements as determined by the City Engineer.

13
14 **Unanimous vote, motion carried.**

15
16 Tim Irwin asked how soon they intend to break ground. The applicants indicated that as soon as they
17 receive approval from the Utah Department of Transportation. Mr. Anderson explained that as
18 discussed earlier, this was basically approved and recorded with the right of way. The right of way is
19 actually on the Thompson property next door. Mr. Anderson met with Daniel Avila who is the deputy
20 director of the SR92 project and they thought after talking to Mark there was an application that had
21 been filed, but they are not able to find that and we do not have any record of that either. The
22 gentleman that approves the right of way, a gentleman named Fez Scott, is going to be meeting with us
23 on Thursday. We have a minimum requirement to be so many feet away from the cemetery entrance,
24 which is where the right of way is recorded at this point. By the stipulation that the rear only be
25 accessed for the cemetery, then there is no access unless they approve this and with that it looks pretty
26 good they will grant approval. Mr. Anderson feels the application process will take a little bit of time,
27 but it is underway.

28
29 Nathan Crane stated that this application will be heard by City Council next week, Tuesday, April 19,
30 2011.

31
32 **OTHER BUSINESS: NO OTHER BUSINESS**

33
34
35 **3. APPROVAL OF MEETING MINUTES FOR FEBRUARY 22, 2011 – REGULAR MEETING**

36
37 Nathan Crane concluded that this item should be continued to the next Planning
38 Commission meeting as the minutes were not available for review and approval.

39
40 **4. APPROVAL OF MEETING MINUTES FOR MARCH 22, 2011 – REGULAR MEETING**

41
42 **Motion by Abe Day to approve the Meeting Minutes for March 22, 2011. Motion**
43 **seconded by Steve Rock. Unanimous vote, motion carried.**

44
45
46 **PLANNING STAFF REPORT**

47
48 Nathan Crane indicated that the city website is up and running and to be sure to check out the Notify Me
49 function that allows agendas and notices to be sent by email to those who sign up for this function. Roger Dixon

1 expressed that he is having difficulty with this function. Tim Irwin explained that you have to confirm it when
2 you go in. Roger explained further that Gina Peterson, City Recorded, has not been able to remedy his problem,
3 so he is still having difficulty. He said that he will continue to work with it further. Nathan Crane asked the
4 Commission to let staff know if there are bugs or links that are not working or any other problems they find.

5
6 Nathan Crane informed the Commission that the Council did approve the amendment for large
7 animals.

8
9 Nathan Crane introduced the new Planning Secretary Jill Stewart. Jill worked for Highland City
10 previously and is now back with us. Jill briefly introduced herself and the Commission welcomed her.

11
12 **COMMISSION COMMENTS AND SUGGESTIONS**

13
14 No comments

15
16
17 **MOTION: Roger Dixon moved to adjourn. Motion was seconded by Jay Roundy. Unanimous**
18 **vote, motion carried.**

19
20 **Meeting adjourned at 7:41p.m.**

DRAFT