Highland City Planning Commission
April 12, 2011

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 April 12, 2011. An invocation was offered by Commissioner Abe Day and those assembled were led in the Pledge of Allegiance by Commissioner Steve Rock.

PRESENT:
Commissioner: Steve Rock
Commissioner: Christopher Kemp
Commissioner: Abe Day
Commissioner: Kelly Sobotka
Commissioner: Roger Dixon
Commissioner: Jay Roundy
Commissioner: Tim Irwin
Alternate Commissioner: Trixie Williams

EXCUSED:
City Administrator: John Park
City Engineer/Public Works Director: Matt Shipp

STAFF PRESENT:
Community Development Director: Nathan Crane
Planning Coordinator: Jill Stewart

OTHERS: Chris Dalley, Allan Anderson, Grant Williamson

PUBLIC APPEARANCES

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

WITHDRAWALS AND CONTINUANCES

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

PUBLIC HEARING ITEMS:

1. **TA-11-03** Dave Williamson is requesting to amend the Highland City Development Code Section 3-4108 Conditional Use in the R-1-40 Zone to allow funeral homes subject to a conditional use permit and Section10-102 Definitions by adding a definition for funeral homes. *Legislative.*

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

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

Tim Irwin opened the public hearing. No comments from the public. Tim closed the public hearing.

Tim Irwin opened this item for commission review.

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

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

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

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

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

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

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

Section 3-4108: Conditional Uses

(16) Funeral Homes subject to the following requirements:

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

Unanimous vote, motion carried.

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.*

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

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

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

Tim Irwin opened the public hearing.

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

Tim Irwin closed the public hearing.

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

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

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

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

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

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

control access. The design of the wall, fence and gate shall be approved prior to issuance of a building permit.
6. All improvements to SR92 not completed by UDOT shall be completed by the developer.
7. In accordance with Section 4-109 of the Development Code, the Conditional Use Permit shall expire within one year from the date of approval if the use has not commenced.
8. Administrative architectural and site plan approval will be required as part of the building permit application for the future expansion area.
9. All signage shall require a separate permit.
10. All lighting shall be shielded and directed down. Light levels shall not exceed one foot candle at the property line. Light poles shall not exceed fifteen feet in height.
11. The civil construction plans shall meet all requirements as determined by the City Engineer.

Unanimous vote, motion carried.

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

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

OTHER BUSINESS: NO OTHER BUSINESS

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

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

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

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

PLANNING STAFF REPORT

Nathan Crane indicated that the city website is up and running and to be sure to check out the Notify Me function that allows agendas and notices to be sent by email to those who sign up for this function. Roger Dixon expressed that he is having difficulty with this function. Tim Irwin explained that you have to confirm it when

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

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

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

COMMISSION COMMENTS AND SUGGESTIONS

No comments

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

Meeting adjourned at 7:41p.m.