



AGENDA

****AMENDMENT****

HIGHLAND CITY PLANNING COMMISSION Tuesday, June 28, 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 Jay Roundy
- Pledge of Allegiance – Commissioner Kelly Sobotka
- Opening Statement – Tim Irwin, Chair

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 July 12, 2011 Planning Commission meeting.*

PUBLIC HEARING ITEMS:

2. GP-11-02 The Highland City Economic Development Committee is requesting to amend General Plan Future Land Use Map to change the land use designation from low density residential to commercial for approximately 13.8 acres generally located north of the northeast corner of 4800 West and Cedar Hills Drive. *Legislative.*
3. CU-11-04 Mr. Cole Schutjer is requesting a conditional use permit for a new 80 foot cell tower located at the southwest corner of 6400 West and 10400 North. *Administrative.*

OTHER BUSINESS:

4. TA-11-08 The Highland City Planning Commission is requesting to amend Section 3-4105 and Section 3-4205 Height of Buildings increasing the maximum building height for all structures in the R-1-40 and R-1-20 Zoning Districts. *Legislative.*

5. FP-11-05 Mr. Don Buhler is requesting an amendment to Country Farms Meadows Plat A Lots 17 and 18 by reducing the lot size of Lot 17 from 40,833 square feet to 40,661 square feet and increasing Lot 18 from 40,662 square feet to 40,854 square feet. *Administrative.*

APPROVAL OF MINUTES:

- May 24, 2011 – Regular Meeting

PLANNING STAFF REPORT:

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: July 12, 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 23rd day of June, 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: June 23, 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 July 12, 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 July 12, 2011 Planning Commission meeting.

PROPOSED MOTIONS:

I move that the Planning Commission **CONTINUE** application CU-11-03 to the July 12, 2011 Planning Commission meeting.

HIGHLAND CITY PLANNING COMMISSION MEETING JUNE 28, 2011			
REQUEST:	PUBLIC HEARING – The Highland City Economic Development Committee is requesting to change the land use designation from low density residential to mixed use. (GP-11-02)		
APPLICANT:	Highland City Economic Development Committee		
FISCAL IMPACT:	Unknown – expected positive increase in sales tax revenues.		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
Land Use: Low Density Residential	R-1-40	± 13.76	North of the Northeast Corner of 4800 West and Cedar Hills Drive

BACKGROUND:

The Mayor and City Council formed an Economic Development Committee to address existing and future economic development opportunities. The Committee has been meeting since the beginning of the year. In May they recommended that the land use designation on the subject property be changed from low density residential to commercial. The Committee has since revised their recommendation from commercial to mixed use to allow residential development on the west side if deemed necessary.

The purpose of the General Plan Land Use Map is to identify future uses for property throughout the community. Amending this map does not change the zoning of the property. However, it will facilitate rezoning of the property in the future. In addition, it will not affect property taxes.

A general plan amendment is a legislative process.

SUMMARY OF REQUEST:

1. The applicant is requesting an amendment to the General Plan Future Land Use Map from Low Density Residential to Mixed Use. Low Density Residential designation encourages low density, large lot development patterns and densities. The Mixed Use designation encourages residential, commercial, and institutional land uses in a single building or within the same area.

ANALYSIS:

- Options for future commercial or office development are very limited. Currently 61% of the City’s planning area is designated as residential while only 5.4% is designated for commercial, office, or mixed use development.
- The proposed amendment affects 0.002 percent of the land on the General Plan Land Use Map which will have a negligible impact on the Land Use Plan. Further, the proposal will not significantly affect the distribution of land between the Low Density Residential and Mixed Use designations.

- The Mixed Use designation provides for a mix of retail, office, employment and residential uses. The actual mix of uses permitted at this location would be determined during the rezoning process.
- The Commercial Land Use designation may not allow the appropriate transition from the existing residential to future commercial development. The Mixed Use designation would allow for the property to develop in a manner compatible with the existing neighborhood to the east.
- The site is surrounded by existing single family residential to the east and north, Lone Peak High School to the west, and a shopping center (Wal-Mart) to the south of the site. The proposed amendment would encourage development that is compatible with the existing single-family residential development to the east. The compatibility of future development with the adjacent residential neighborhood will be ensured during the rezoning and site plan review process which requires additional public involvement.
- The property included in this application is in transition and has little potential to be developed for single family residential uses in the future. Commercial and office uses are a viable option that could offer additional services for local residents and encourage new investment.
- The subject property fronts onto 4800 West (North County Boulevard) and is not integrated into the adjacent subdivision. Encouraging these parcels to transition to a mix of uses will benefit not only these properties, but also the surrounding neighborhood.
- The impact of the Mixed Use land use designation on water, wastewater, and public safety facilities is not an issue. The City will have the capacity to serve future demand under either land use designation.
- 4800 West is currently under construction. Once complete it will provide an arterial street connection from northern Utah County to I-15 at the Pleasant Grove interchange.
- 4800 West has adequate capacity to carry the traffic from development under either land use designation. 4730 West has been designed and constructed as a local street and dead ends into the site. Consequently, the road is not designed for non-residential traffic. Opening the road to non-residential traffic would negatively impact the existing residents. Staff believes that 4730 West should remain a local road for residential traffic.
- The proposal is consistent with the General Plan Economic Element Goals and Policies by enhancing shopping opportunities, integrating land use, and maintaining fiscal health and stability.

CITIZEN PARTICIPATION:

A notice of the Planning Commission hearing was published in the Daily Herald on June 12, 2011. Notice to affected properties was mailed on June 7, 2011. This was sent to 103 property owners and/or affected entities. No comments have been received.

There are ten separate property owners. Of these, two of the properties are owned by Highland City (trail) or Utah County. Notice to the property owners was mailed on June 2, 2011. Staff has met or spoken with seven of the eight non-governmental property owners. Of these, five of the property owners are in support of the amendment and two of the property owners are unsure.

FINDINGS:

The proposed amendment meets the following findings:

- The proposed amendment will not alter compatible land use patterns.
- The amendment is consistent with the overall intent of the 2008 General Plan and other adopted plans, codes, and ordinances.
- The amendment will not adversely impact the community as a whole or existing land uses.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should conduct a public hearing and recommend approval of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the case GP-11-02, a request to amend the General Plan Land Use Map from Low Density Residential to Mixed Use.

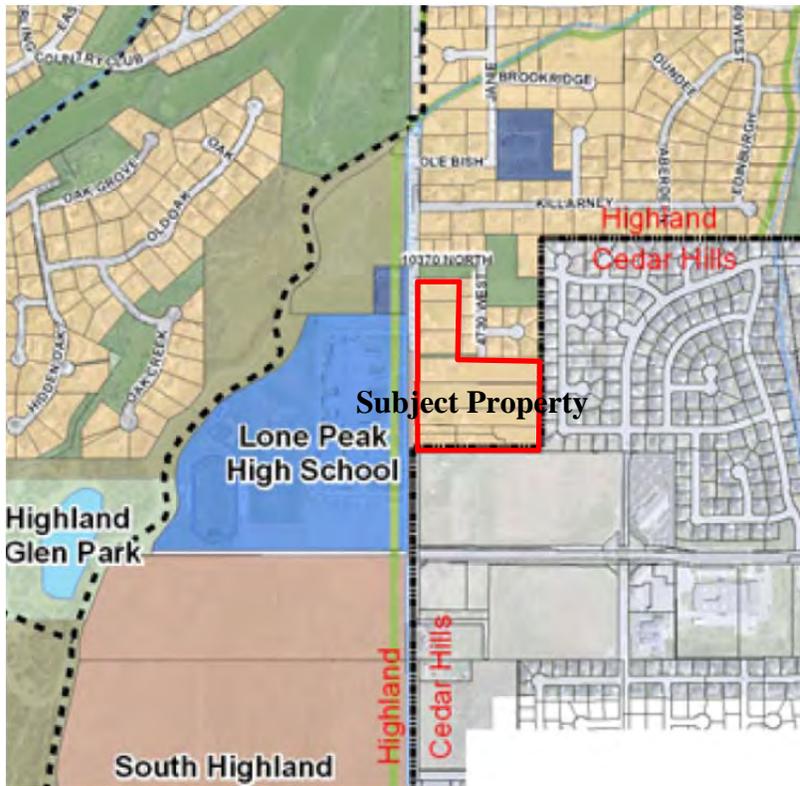
ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case GP-11-02, a request to amend the General Plan Land Use Map from Low Density Residential to Mixed Use based on the following findings: (The Commission should draft appropriate findings).

ATTACHMENTS:

- Attachment A – Existing and Proposed Land Use Map
- Attachment B – Economic Development Committee Narrative
- Attachment C – Parcel Ownership Summary

EXISTING FUTURE LAND USE MAP

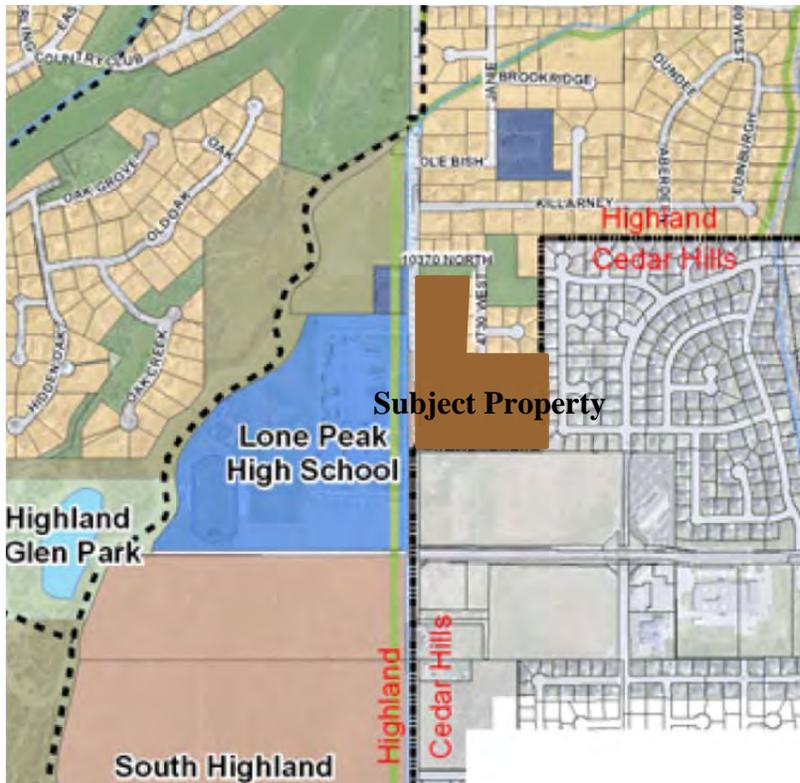


**MAP 2-3
FUTURE LAND USE**

Land Use

- Low-Density Residential
- Mixed Use Development
- Commercial
- Office
- Institutional
- School
- Religious
- Open Space
- Highland City Public Park
- Trail Corridor & Greenway
- Private Recreation & Mini Park
- Cemetery
- Utility
- Waterbody
- Parcels
- Stream or River
- Canal or Ditch
- Pipeline or Aquaduct
- Trails
- City Boundary

**PROPOSED AMENDMENT – SINGLE FAMILY
RESIDENTIAL TO COMMERCIAL**



6/20/2011

Statement to: Nathan Crane,
Community Development Director

From: Gary M. Lloyd,
Chairman of the Highland City
Economic Development Committee

Subject: The Economic Development Committee for the city recommends a change in the General Plan for the property along 4800 West. The parcel on the corner of 4800 W. and the new road north of Cedar Hills Wal-mart with approximately 5 acres be zoned as **mixed use**. The property with two remaining parcels to the east with approximately 5 acres and the property to the north with approximately 3 acres, also be zoned as **mixed use**. This total represents approximately 13 acres.

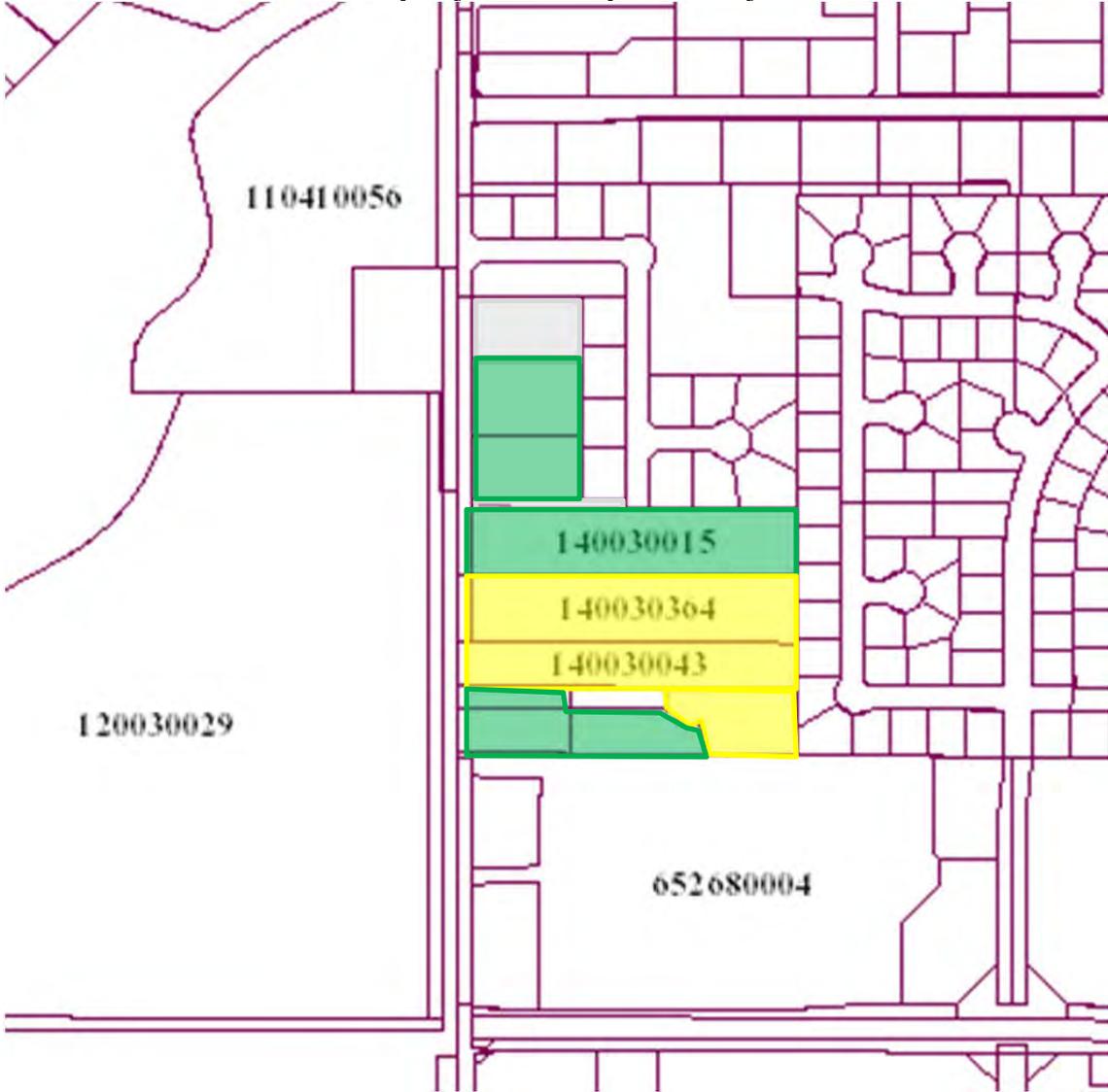
This recommendation by the Economic Development Committee to the planning Commission, and in turn to the City Council, will change the category and not the specific zoning for all commercial property.

The committee recommends changes in the General Plan to provide a better configuration of commercial and residential usage with the following considerations:

1. There is a specific need to define just where we will have commercial property and residential property with buffers to protect both the recommended commercial and residential areas.
2. From the companies viewpoint, they will wish to locate where it will be attractive to the highly-skilled employees they seek. We, in Highland City have one of the most highly educated and trained residents compared to the entire state.
3. As an Economic Development Committee our vision is to involve multiple stakeholders, including elected officials, business people, and concerned citizens in providing the most unique and inviting atmosphere for Economic Development, land use planning, and quality city growth.
4. Although Highland City's focus in the past has not been on commercial usage, one of our tasks will be to raise awareness regarding the benefits of bringing wealth-generating industries to our city, the regional economy, and to the overall quality of life in our community.

Our committee is grateful to the Planning Commission for their review of this statement.

Property Ownership Summary



-  Support
-  Unsure
-  Government
-  Unknown

Name	Address	City	State	Zip	Parcel #	Acres	Support
James and Cheryl Wilson	10196 North 4800 West	Highland	UT	84003	1.4E+08	0.34	Yes
James and Cheryl Wilson	10196 North 4800 West	Highland	UT	84003	1.4E+08	0.66	Yes
Laurie Esparza	10208 North 4800 West	Highland	UT	84003	1.4E+08	0.28	Unknown
Mike Mcewan	10208 North 4800 West	Highland	UT	84003	1.4E+08	0.72	Yes
Rabr Properties	4361 Redwood Circle	Cedar Hills	UT	84062	1.4E+08	0.98	Unsure
Rabr Properties	4361 Redwood Circle	Cedar Hills	UT	84062	1.4E+08	2	Unsure
Rebecca Hoggard	10242 North 4800 West	Highland	UT	84003	1.4E+08	2.85	Unsure
Tori Berry-Gagon	10272 North 4800 West	Highland	UT	84003	1.4E+08	2.84	Yes
Highland City	5400 West Civic Center Drive	Highland	UT	84003	5.6E+08	0.167	Trail
Gary Wright	10298 North 4800 West	Highland	UT	84003	1.4E+08	0.9	Yes
Eternal Springs LLC	10322 North 4800 West	Highland	UT	84003	1.4E+08	1.11	Yes
Utah County %Richard Susov	100 East Center Street	Provo	UT	84606	1.4E+08	0.92	
Total Acres						13.767	

HIGHLAND CITY PLANNING COMMISSION MEETING JUNE 28, 2011			
REQUEST:	Public Hearing – A request for a conditional use permit for a new 80 foot cell tower (CU-11-04).		
APPLICANT:	Mr. Cole Schutjer for Team Mobile		
FISCAL IMPACT:	\$16,000 Annually to Highland City		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	LOCATION
Low Density Residential	R-1-40	1,500 square feet	6425 West 10400 North (Southeast Corner of 10400 North and 6400 West)

BACKGROUND:

The property is owned by Highland City and is part of a Highland City well site. Prior to construction a lease agreement will need to be approved by the City Council.

Chapter 13.44 of the Highland City Municipal Code regulates wireless telecommunication facilities. The requirements of this chapter include:

- Monopoles must be located on city or property or within commercial districts
- The maximum height of a monopole is 60 feet unless the tower is designed to allow additional arrays. If the monopole is designed to allow additional arrays (co-location) the maximum height is 80 feet.
- Provide 2 square feet of landscaping per linear foot of pole height.
- The size of the antenna cannot exceed eight feet in height or three feet in width. The antenna are required to be within twenty-four inches of the pole.

In May 2008, the applicant requested approval of a conditional use permit for a new 80 foot monopole located near the Highland City Cemetery. The Planning Commission requested that the applicant consider the proposed site as an alternative location (Exhibit I).

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

SUMMARY OF REQUEST:

1. The applicant is requesting a conditional use permit for a new 80 foot tall cell tower. The tower is designed to accommodate one additional array. The antenna are eight feet in height and do not exceed three feet in width. They are also located flush with the pole.
2. The applicant is proposing to lease a 26' X 60' area on the south side of the Highland City well site. All equipment will be placed in an enclosed building located within the lease area. The existing fence will be extended to include the lease area.

3. Access to the site will be provided by an existing access point on 10400 North. The site will be accessed through the city well site.
4. Once constructed, maintenance will occur approximately once every three months.

REQUIRED FINDINGS:

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

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

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

The property to the north is vacant and zoned R-1-40. The property to the south and west is Mitchell Hollow Park and zoned R-1-40. The property to the east is zoned R-1-40 and is the Murdock Canal. The applicant has provided a simulation of the proposed tower from adjacent properties.

The closest residential property line is approximately 470 feet to the west, 250 feet to the east, 310 feet to the south and 300 feet to the north. These setbacks exceed the minimum setback of 165 feet to the nearest residential property line. These setbacks ensure that the monopole will not cast any shadows on adjacent properties or damage adjacent properties in the extremely rare instance of a structural failure.

Existing vertical elements include power poles along 6400 West and 10400 North.

Cell radio frequency emissions are regulated by the Federal Communications Commission (FCC). According to the FCC website radiofrequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

Federal Law prohibits a jurisdiction from denying a cell tower based on health concerns. Section 704 of the Telecommunications Act of 1996 states that, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

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

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

The site plan does not show the equipment facilities within an enclosed building. However, in the project narrative states the facilities will be within an enclosed building. A stipulation has been included to address this issue.

An additional stipulation has been included to require the landscaping as required by the Municipal Code.

Several on-site location options have been discussed. The proposed site was chosen due to its location in relation to the surrounding residential uses. In addition, the location allows access by cranes and other large vehicles needed to service the well site. Finally, the location will not conflict with the planned trail along the southern boundary of the property.

A Radio Frequency Needs Study was provided by the applicant as required by the Municipal Code. The summary of this report is as follows:

“Due to the lack of existing towers to cover the intended coverage area, the proposed tower would best suit the area given its height and ability to accommodate other wireless carriers in the future. The coverage maps provided by the T-Mobile clearly demonstrate the need to accommodate the increasing amount of indoor users which T-Mobile and other wireless carriers service. The two existing towers, owned by American Tower (ATC) and Crown Castle (CCI), one mile to the east of the proposed site, would not provide adequate signal coverage, due to the available lower heights on those two towers.”

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

3. Conditions are imposed to mitigate any detrimental effects.

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

CITIZEN PARTICIPATION:

A notice of the May 18, 2011 Wireless Telecommunication Facility Review Committee (WTFRC) meeting was mailed to thirty-six adjacent property owners. One resident attended the meeting and voiced several concerns. The monopole was lowered from one hundred feet to eighty feet and the antenna are mounted closer to the monopole (Exhibit H).

A notice of the Planning Commission hearing was published in the Daily Herald on June 12, 2011. Notification letters were mailed out to thirty-six property owners on June 9, 2011. No comments have been received.

CONCLUSION:

Based on the information provided by the applicant, the public input received and the analysis by staff, the proposed conditional use appears to meet the required findings for approval.

RECOMMENDATION AND PROPOSED MOTION:

The Planning Commission should hold a public, accept the findings and recommend Approval of the conditional use permit subject to the following conditions:

1. The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations date stamped June 8, 2011 except as modified by these stipulations.
2. All ground mounted equipment shall be located within an enclosed building.
3. A minimum of 160 square feet of landscaping shall be provided.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case CU-11-04, a request for a conditional use permit for a new monopole, subject to the XXXX stipulations recommended by staff.

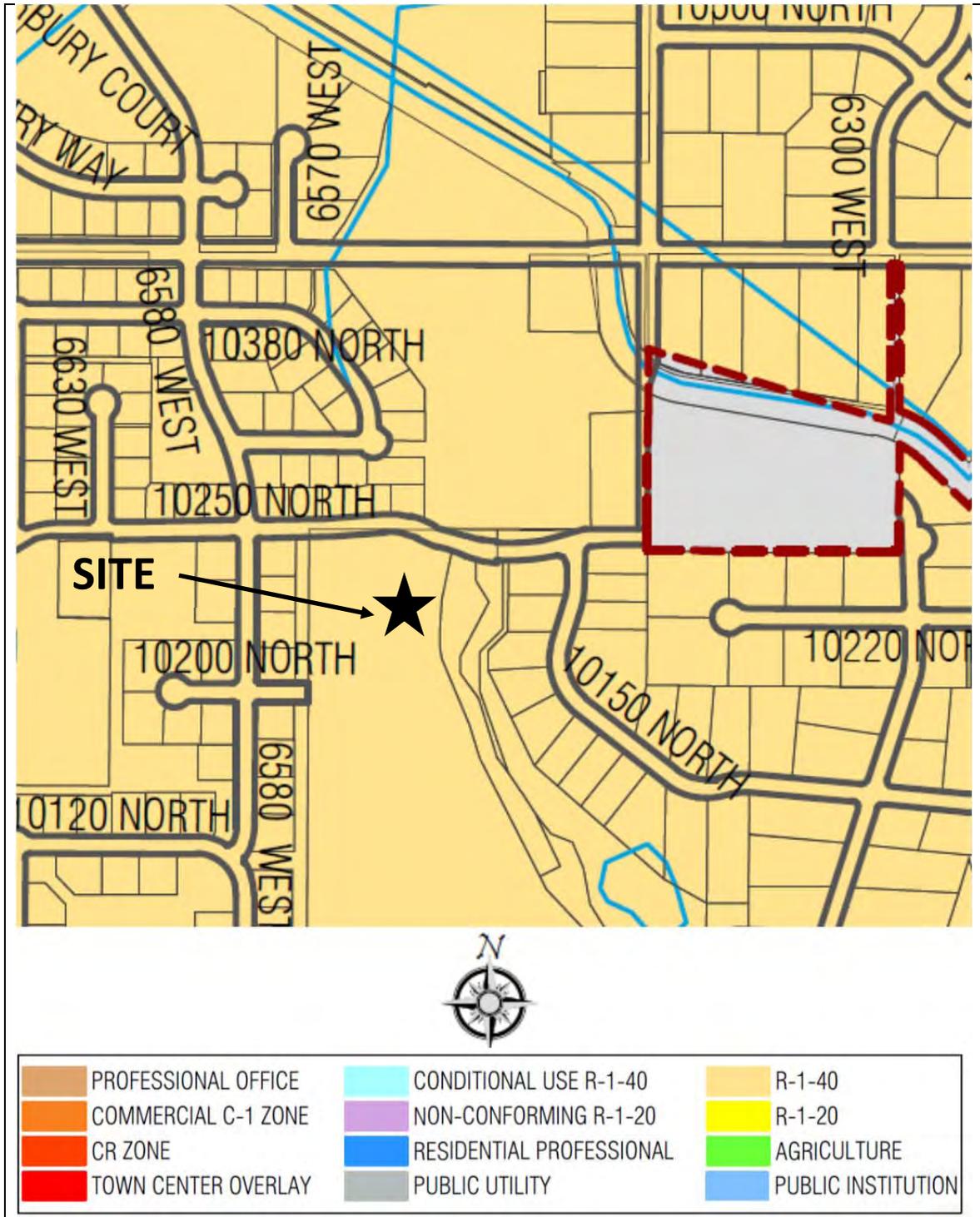
ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case CU-11-04, a request for a conditional use permit for a new monopole based on the following findings: (The Commission should draft appropriate findings).

ATTACHMENTS:

- Attachment A – Zoning Map
- Attachment B – Aerial Photo
- Attachment C – Project Narrative dated May 3, 2011
- Attachment D – Site Plan dated May 5, 2011
- Attachment E – Elevations dated May 5, 2011
- Attachment F – Photo Simulations dated May 5, 2011
- Attachment G – Radio Frequency Needs Study dated June 17, 2011
- Attachment H – Draft Minutes of the May 18, 2011 WRFRC Meeting
- Attachment I – Minutes of the May 13, 2008 Planning Commission Meeting

HIGHLAND CITY ZONING MAP



AERIAL



5/3/11

Planning Department
Highland City

RE: Telecommunication Facility Justification Study and Master Plan

Overview:

At this time T-Mobile customers experience poor audio quality, dropped calls and unreliable network connections in the vicinity of the proposed Highland City site. The service issues in the area are a result of inadequate signal strength. In addition to poor quality, location based Emergency 911 services are also adversely impacted by the signal deficiency in the area. As wireless replacement to landline services continue to grow, reliable E-911 services in the home is of the utmost importance to T-Mobile and their subscribers.

The objective of this proposed site is to increase service levels in the area, up to in-building quality, for as many residents as possible. T-Mobile proposes to resolve much of its service issues in this area by constructing a free standing telecommunication facility on city-owned property locate at 6425 West 10400 North.

T-Mobile is proposing to install and maintain a 100' monopole with equipment cabinets enclosed in a new shelter (20' x 11') on city owned property at 6425 W 10400 N. T-Mobile will lease a 25' x 60' spot of ground from the city to house its pole, equipment shelter, and provide space for any future wireless companies to co-locate at the facility. This is consistent with section 13.44 of Highland City's municipal code.

Telecommunication Facility Justification Study:

The coverage improvements resulting from the installation of the new facility are depicted in the propagation simulations shown in figures 1 and 2. Figure 1 is a depiction of current coverage in the area. Figure 2 shows the relative improvement to the area. As shown in these "before" and "after" plots, the proposed facility will have a dramatic, positive impact to service levels in the area. The proposed height and location of the pole are necessary to provide the level of improvement shown in the propagation maps.

Rationale. Working with the city in selecting a location for the site, we found that this is the best location in the search ring for both parties. The existing use of the property consists of a city owned and operated well house which will be off limits to T-Mobile and its agents. There is a city park adjacent to the property and residential homes near the property but farther than the required setback per the ordinance. T-Mobile will use a prefabricated shelter that has a 20' x 11' footprint within their leased area. The shelter will remain secure at all times. The proposed telecommunication facility complies with the required setback, height and landscaping requirements of the zone it is proposed to be located.

Co-location. There are no existing telecommunications facilities in the vicinity of the proposed site that could serve as a viable alternative to the proposed facility. T-Mobile will construct a 100' pole and foundation that will allow a minimum of three total carries to use for installation of their equipment. If the need arises for additional carriers beyond what the pole is intended, the foundation and pole can be strengthened at a future date. The lease area will accommodate a minimum of four carriers. As other companies lease from T-Mobile, T-Mobile will share that rent with the city per the lease agreement, increasing future city revenue.

Height. T-Mobile has determined that the best way to mitigate the service issues throughout Highland City is to have their equipment installed at 100'. There are many changes in elevation throughout the city, especially North of the site towards the highway. Considering the distances away from existing T-Mobile facilities, a new facility at 100' tall will help to limit the need for future facilities in the city.

Equipment Facilities. In order to screen our equipment on the ground, T-Mobile will install a secure shelter on the property that will not be accessible to the public. To meet the coverage objective depicted in Figure 2, T-Mobile will use a T-Arm design to install the antennas at 100'. A representation of this is shown in Figure 4. Any smaller design will limit the ability to cover this area and require additional sites in other parts of the city.

Visual Analysis. Photo simulations are provided as Figures 5 – 7 to show the visual impact in the surrounding area, both from neighborhoods and the park. These simulations are close but not exact representations of the proposed facility.

Master Plan:

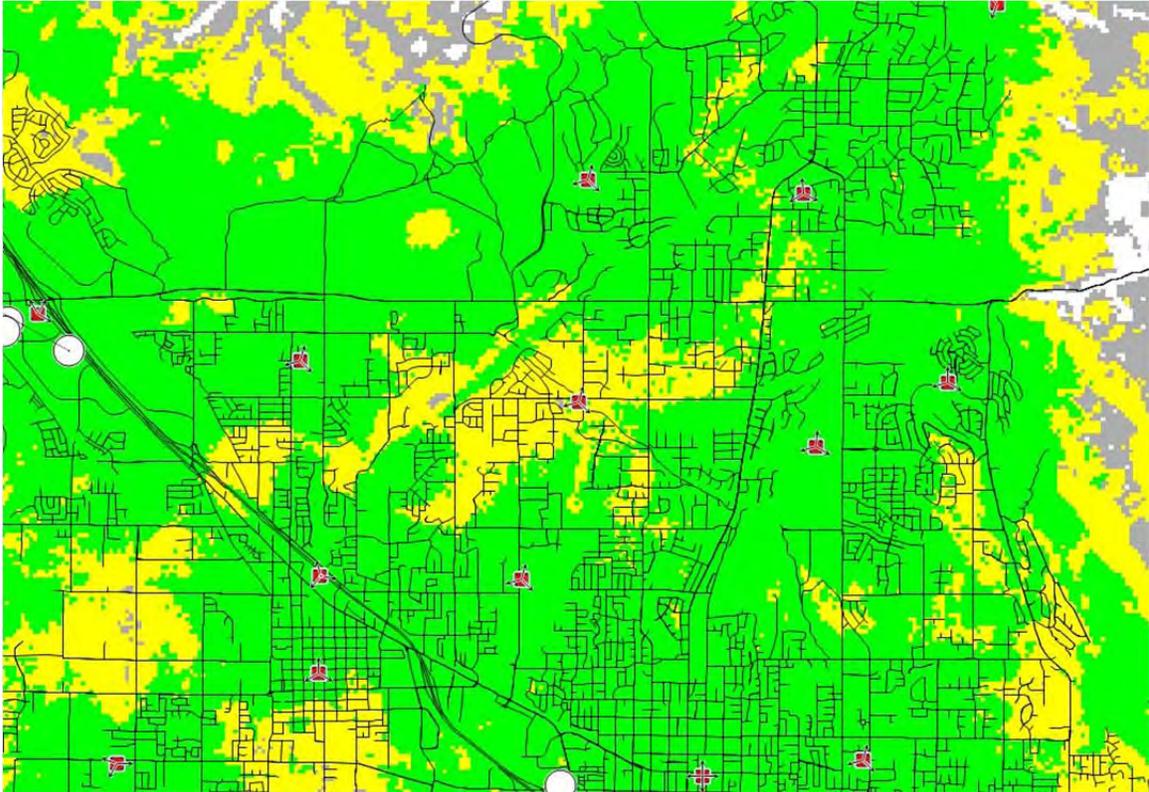
T-Mobile has developed a general master plan for Highland City. This is depicted as figure 3, showing any future, potential locations for other telecommunication facilities in the city. This is simply to show possible future needs based on existing conditions, and is subject to change based on coverage and capacity needs. At the present time, there is only one future search ring that will be considered to meet capacity issues near the city center.

If you have any questions regarding the merits of this site, please do not hesitate to contact me.

Regards,

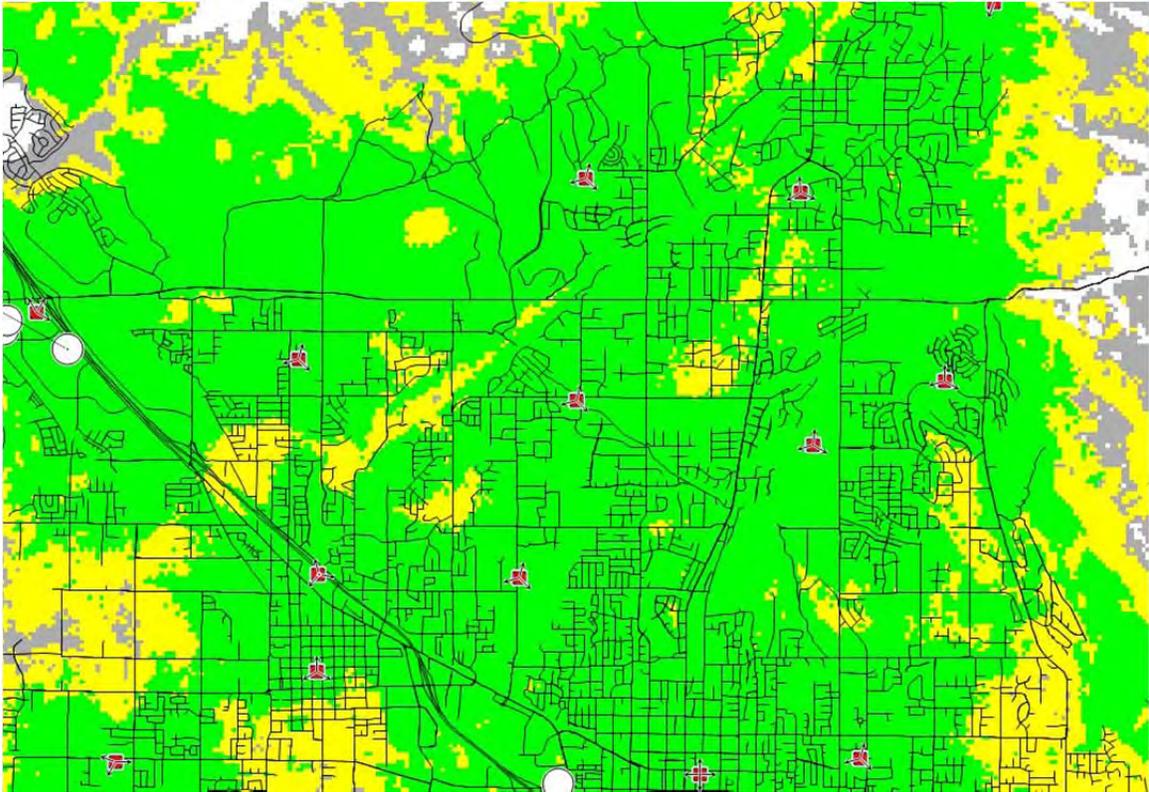
Cole Schutjer
801.656.7550
cole@ragedevelopment.com

Figure 1



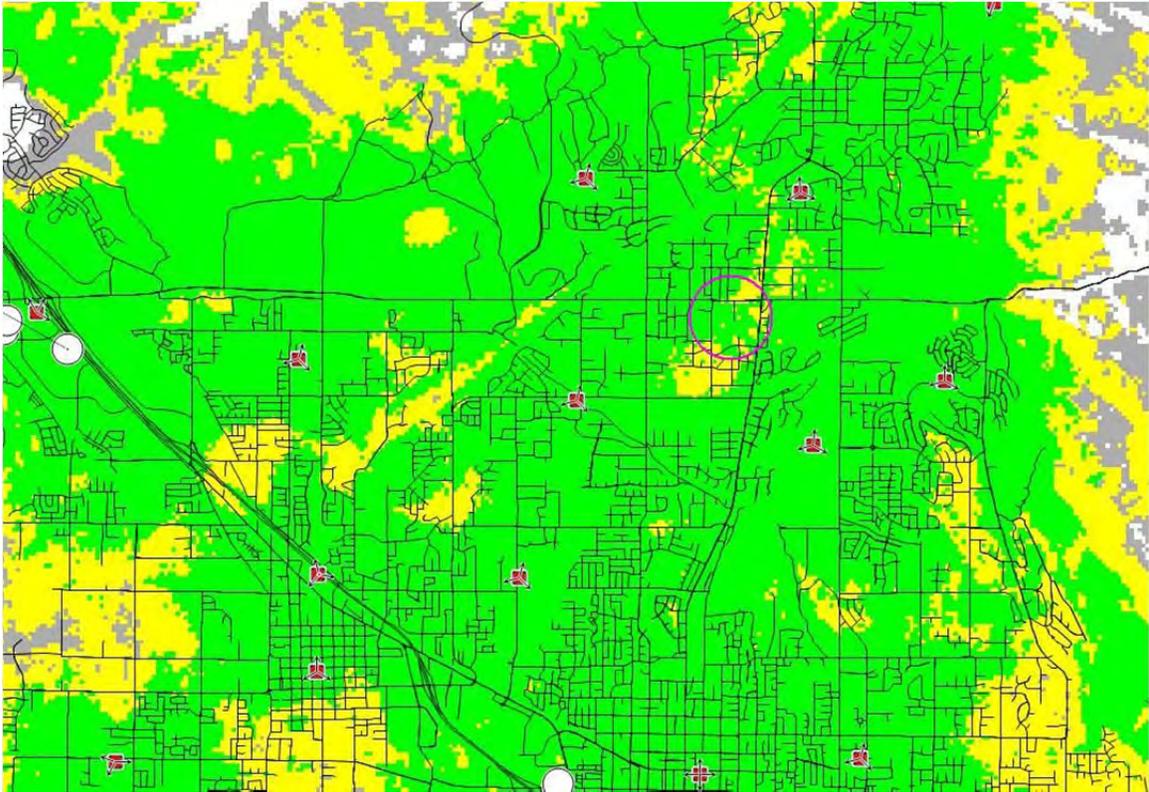
Existing T-Mobile coverage map

Figure 2



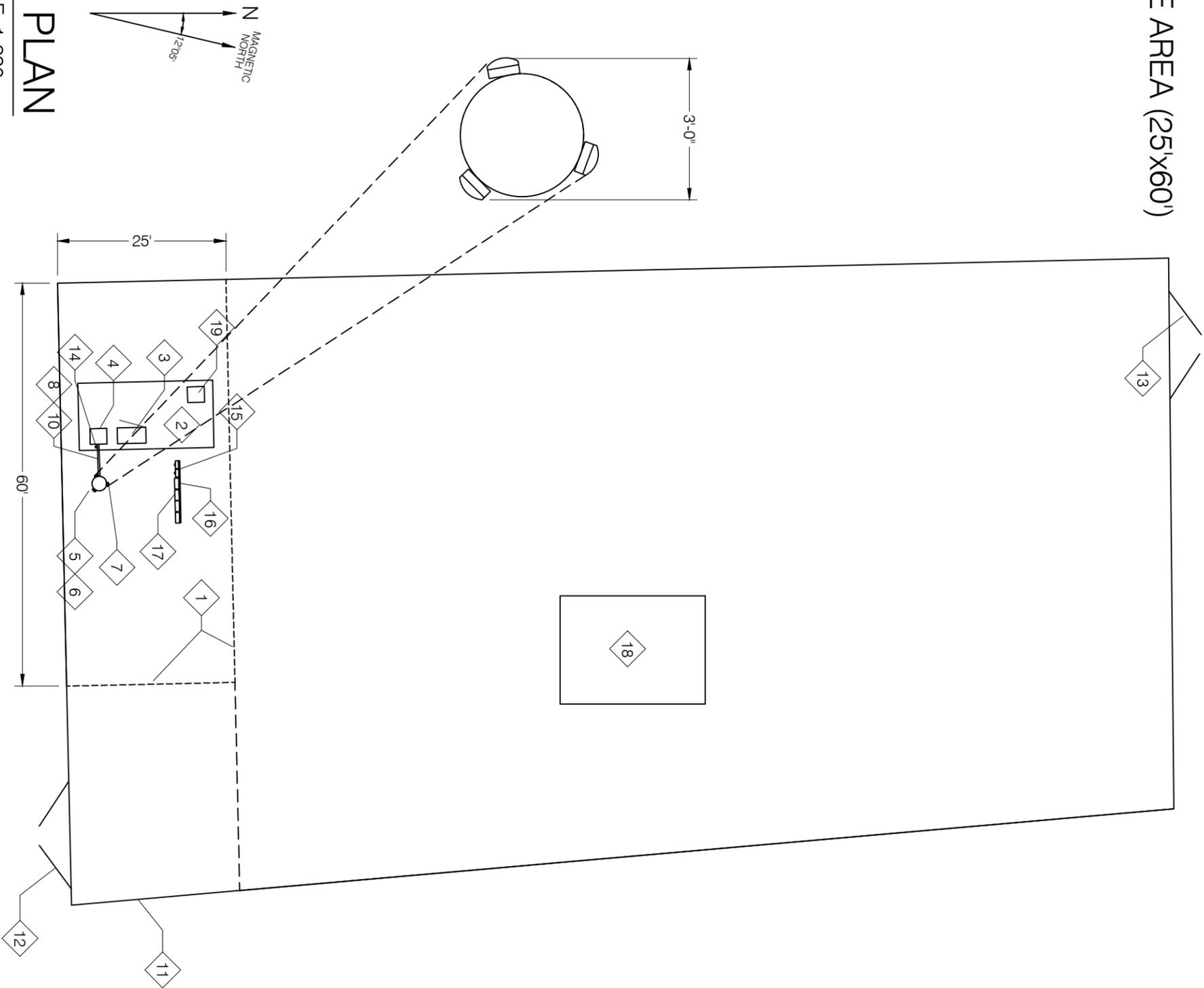
Proposed T-Mobile coverage map with new facility

Figure 3



Potential sites in Highland city, represented by search ring

LEASE AREA (25'X60')



SITE PLAN
SCALE 1:220

CONSTRUCTION PLAN KEYED NOTES

- 1 LEASE AREA LINE, REFER TO SHEET S-1 FOR ADDITIONAL INFORMATION. (25' x 60')
- 2 CONCRETE PAD (10'x20')
- 3 3106 3G CABINET
- 4 SYSTEM DEMARCATION CABINET
- 4 TELEPHONE CONNECTION AND ANTENNA CONNECTION
- 9 NEW ANTENNA SUPPORT STRUCTURE FOUNDATION ENGINEERING DONE BY OTHERS
- 6 NEW 80' ANTENNA SUPPORT STRUCTURE (PROVIDED BY T-MOBILE) SEE T-MOBILE PROJECT MANUAL FOR EXACT TYPE
- 7 PCS ANTENNAS (PROVIDED BY T-MOBILE)
- 8 COAXIAL CABLING TO ANTENNAS (PROVIDED BY T-MOBILE)
- 9 SEE SHEETS e-2, e-3, e-4 FOR GROUNDING TYPICAL.
- 10 PEDESTAL MOUNTED WAVE GUIDE BRIDGE
- 11 FENCE TO BE EXTENDED
- 12 16' WIDE SWINGING CHAIN LINK GATE
- 13 EXISTING GATE
- 14 GPS ANTENNA (PROVIDED BY T-MOBILE)
- 15 4 GAIN METER BASE
- 16 PPC CABINET
- 17 4X4 TELCO BOX
- 18 PUMP HOUSE
- 19 BATTERY CABINET

SITE NOTES

- 1. VERIFY AZIMUTHS WITH FINAL SITE CONFIGURATION SHEET FROM R.F. ENGINEER.
- 2. PROVIDE 4" CONDUIT EQUIPPED WITH 1 PULL STRING AND (2) 6 PAIR 22 GAUGE WIRES. ALL TELCO CONDUITS AND TELCO WIRING MUST MAINTAIN A MINIMUM SEPERATION DISTANCE OF 18" AWAY FROM ALL A/C POWER CONDUITS AND WIRING.
- 3. DOGHOUSE EQUIPPED WITH 2 PLYWOOD BACKBOARDS 26"X21"X3/4" THICK.
- 4. DOGHOUSE EQUIPPED WITH 1-#6 GREEN GROUND WIRE 6 FEET LONG WITH 1 END CONNECTED TO GROUND BUS BAR.
- 5. 1 FOURPLEX 120 A/C OUTLET INSTALLED IN DOGHOUSE BUT NOT MOUNTED ON PLYWOOD BACKBOARDS.
- 6. PROVIDE TELECT 8 T1 DSX UNIT TO OPERATIONS FOR T1 MAINTENANCE. TELECT PART #010-5008-0001.

HIGHLAND CITY WATER PUMP		
DRAWN BY: ADW (COMLINK LS)		
CHECKED BY: ROCKY SCHULTER		
DATE: 3-9-2011		
REVISIONS		
DATE	DESCRIPTION	INITIALS
3-9-2011	ZONING DRAWINGS	ADW
3-14-2011	ZONING DRAWINGS	ADW
4-27-2011	ZONING DRAWINGS	ADW
5-5-2011	ZONING DRAWINGS	ADW

NOT VALID UNLESS SIGNED



121 W. Election Rd.
Suite 330
Draper, UT 84020
801.860.0086
Fax 801.816.4420



RAGE
DEVELOPMENT LLC

COMLINK
LAND SERVICES

860 EAST 4500 SOUTH SUITE 312
SUITE 312
SALT LAKE CITY, UTAH 84107
801-288-4033

SITE NUMBER:
SLO1264D
6425 W. 10400 N
HIGHLAND, UTAH 84003

a-2



VIEW FROM NORTH

1



VIEW FROM SOUTH

2



VIEW FROM WEST

3

HIGHLAND CITY WATER PUMP

DRAWN BY: ADW (COMLINK LS)

CHECKED BY: ROCKY SCHULTER

DATE: 3-9-2011

REVISIONS

DATE	DESCRIPTION	INITIALS
3-8-2011	ZONING DRAWINGS	ADW
3-14-2011	ZONING DRAWINGS	ADW
4-27-2011	ZONING DRAWINGS	ADW
5-5-2011	ZONING DRAWINGS	ADW

NOT VALID UNLESS SIGNED



121 W. Election Rd.
Suite 330
Draper, UT 84020
801.860.0086
Fax 801.816.4420



RAGE
DEVELOPMENT LLC

COMLINK
LAND SERVICES

860 EAST 4500 SOUTH SUITE 312
SUITE 312
SALT LAKE CITY, UTAH 84107
801-288-4033

SITE NUMBER:

SLO1264D

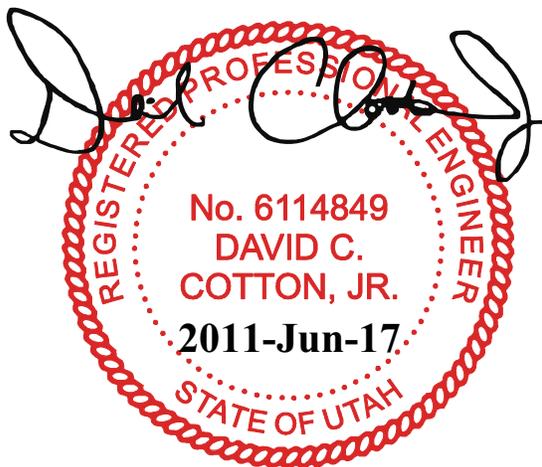
6425 W 10400 N
HIGHLAND, UTAH 84003

a-9

T-Mobile Radio Frequency Needs Study

Site ID – SL01264
Highland
6425 West 10400 North
Highland, UT 84003

Report generated date: June 17, 2011



David C. Cotton, Jr.
Registered Professional Engineer
State of Utah, 6114849-2202
Date: 2011-Jun-17



1 Engineer Certification

The stamp and signature on the cover hereby certifies and affirms:

That I am registered as a Professional Engineer in the jurisdiction indicated; and

That I am an employee of Sitesafe, Inc., in Arlington, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That the following information and analysis is true and correct to the best of my knowledge and belief.

June 17, 2011



2 Introduction

2.1. Purpose of Report

T-Mobile has contracted with Sitesafe, Inc. (Sitesafe), an independent Radio Frequency (RF) regulatory and engineering consulting firm, to determine if the communications site, SL-01264, located at 6425 West 10400 North, Highland, Utah, 84003, is required to achieve adequate services in the local area. In this report, the proposed site were evaluated for their adequacy to provide coverage in this area.

If you have any questions regarding this report, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

2.2. Summary of Findings

Due to the lack of existing towers to cover the intended coverage area, the proposed tower would best suit the area given its height and ability to accommodate other wireless carriers in the future.. The coverage maps provided by the T-Mobile clearly demonstrate the need to accommodate the increasing amount of indoor users which T-Mobile and other wireless carriers service. The two existing towers, owned by American Tower (ATC) and Crown Castle (CCI), one mile to the east of the proposed site, would not provide adequate signal coverage, due to the available lower heights on those two towers.

2.3. Proposed Site Information

Location: 6425 West 10400 North, Highland, Utah, 84003
Height AGL: 80'

Latitude 40 25' 13.2" N	Longitude 111 48' 44.5" W
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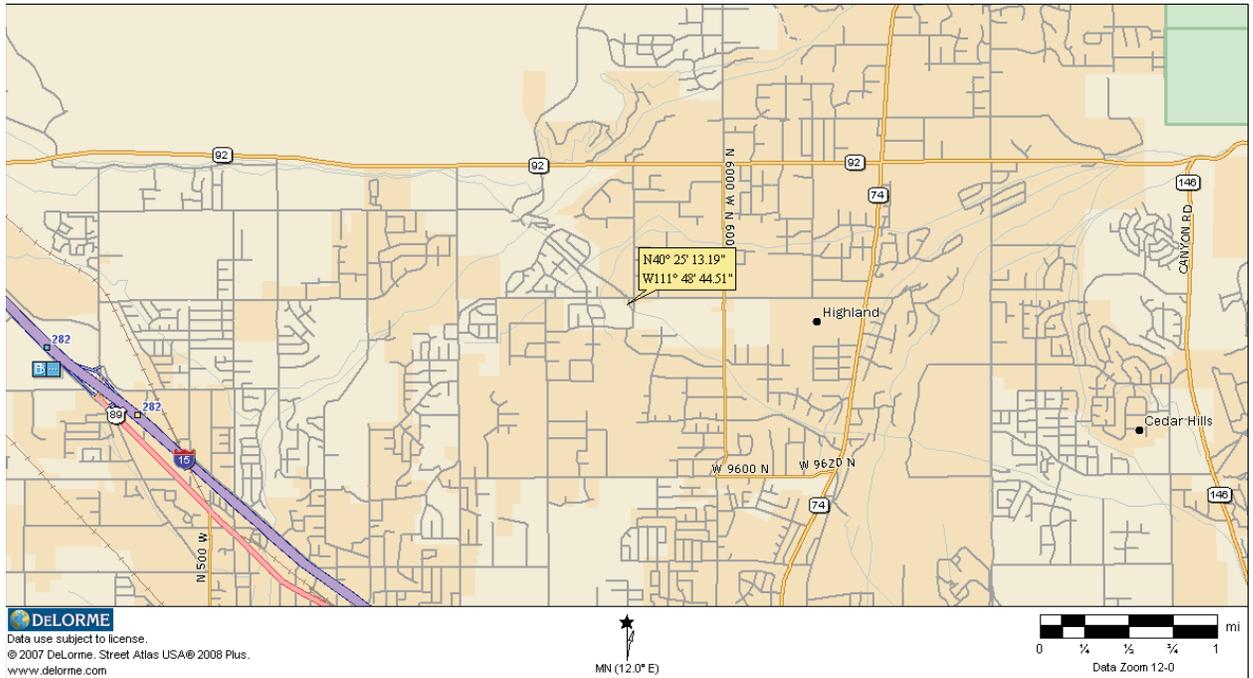


Figure 1 Site Map

3 Modeling, Analysis and Recommendations

3.1. Modeling

There are three levels of this study for RF propagation.

- Coverage from the proposed site
- Existing neighbors coverage
- Coverage with the proposed site and its neighbors together

The RF coverage maps below display the predicted coverage from SL-01264. The signal levels for the coverage maps are as follows:

- Green represents areas greater than -76 dBm.
- Yellow represents areas predicted to be between -76 dBm and -84 dBm.
- Gray represents areas predicted to be between -84dbm and -91 dBm.

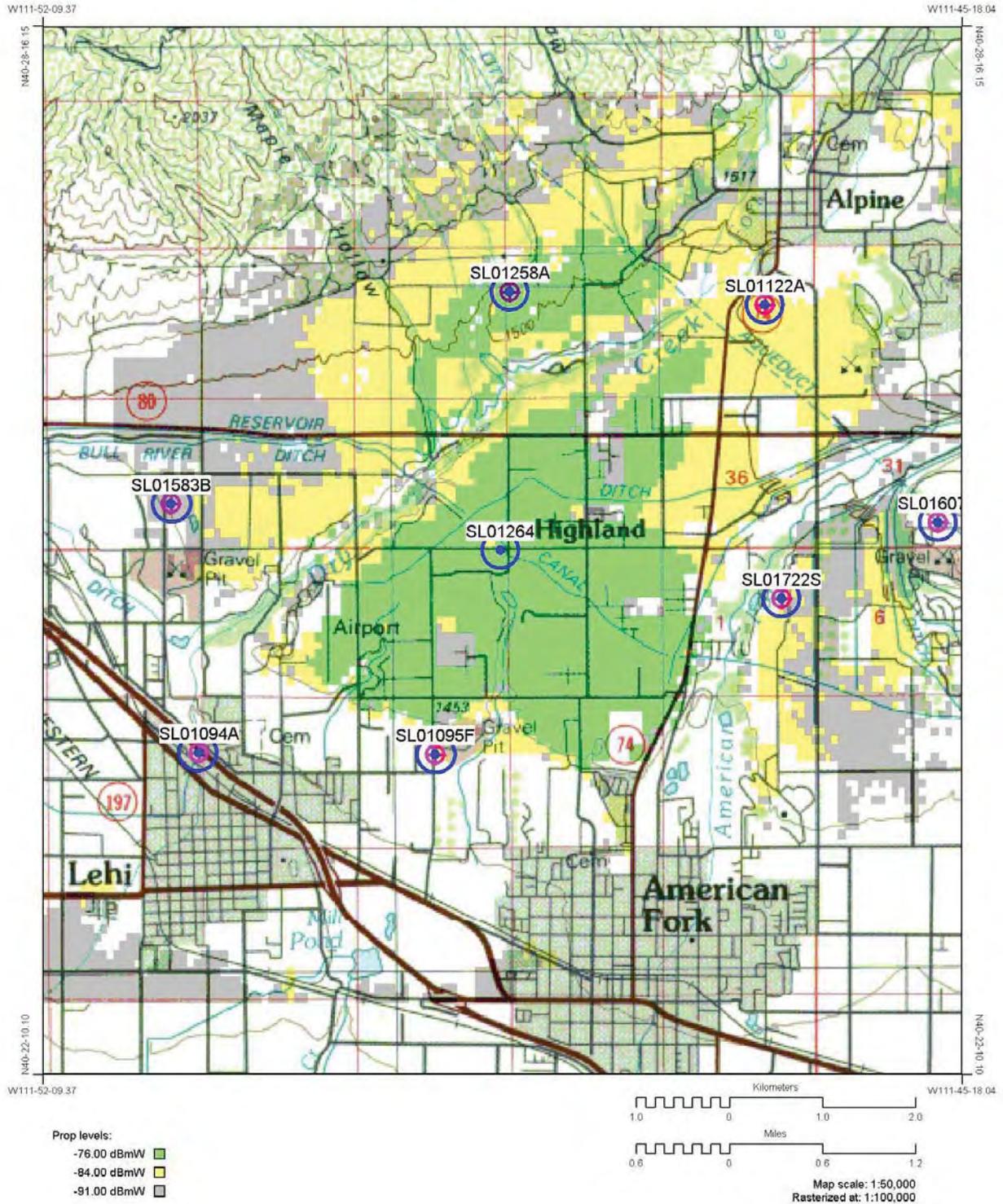


Figure 2 - Prediction of SL-01264 (Sitesafe)

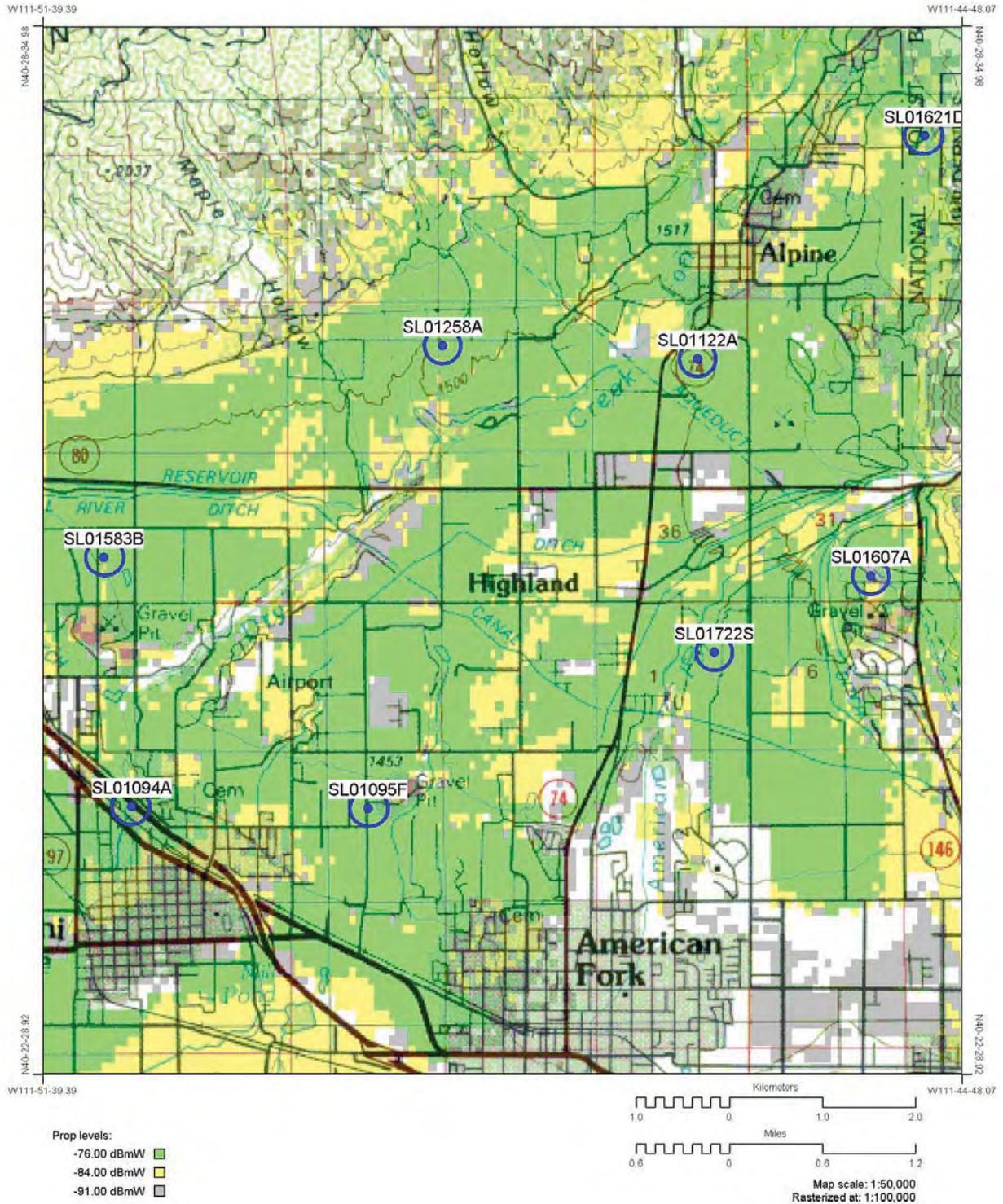


Figure 3 - Existing Coverage w/o SL-01264

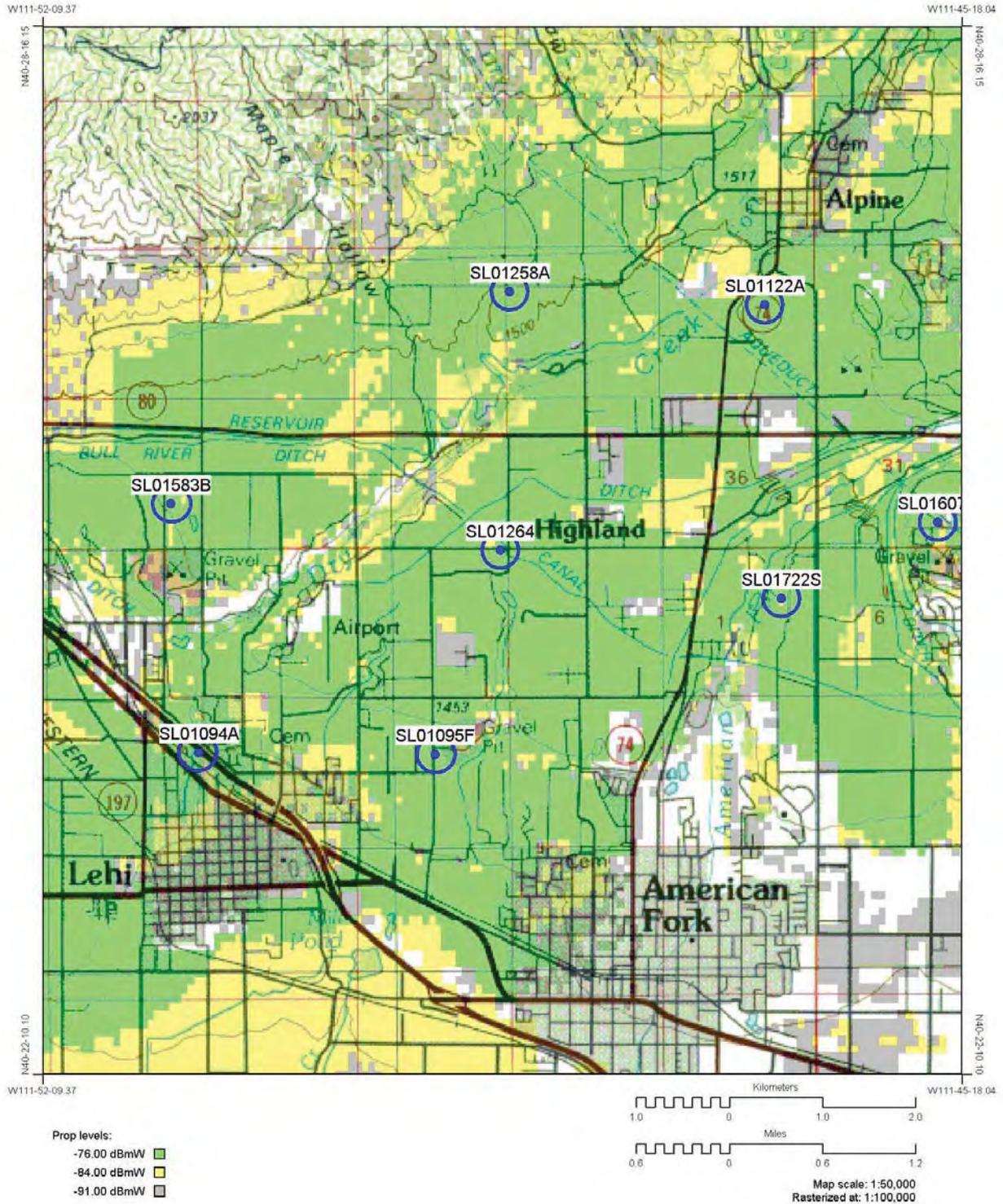


Figure 4 - Proposed Covering Including SL-01264



3.2. Analysis and Recommendations

The proposed tower (SL-01264) is best suited to provide the additional coverage T-Mobile requires to for an adequate level of service for its customers. The other sites are too close to existing T-Mobile sites and would not provide sufficient additional coverage to warrant T-Mobile's co-locating on either of those sites. In addition, the proposed tower is tall enough to allow future co-locations.

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**WIRELESS TELECOMMUNICATION FACILITY
REVIEW COMMITTEE
MAY 18, 2011 5:00 P.M.**

PRESENT: City Administrator: John Park
City Engineer: Matt Shipp
City Planner: Nathan Crane
Secretary: Jill Stewart

OTHERS: Cole Schutjer, Robert Allred

WTFRC REVIEW:

14 **1. T-Mobile 100 Foot Telecommunications Tower**

15
16 John Park welcomed Cole Schutjer, T-Mobile representative, and Rob Allred, resident. John explained
17 that this committee is designed to review applications of this nature. The item up for review is a 100
18 foot telecommunications monopole located just off 10400 North and directly west of 6400 West. There
19 will be an expansion of the fence to the south side of fenced area around Highland City's water pump
20 station.

21 Nathan Crane gave a brief overview of what the proposal is. He explained that the location is just south
22 of Highland City water building. The purpose of this pole is to help with the areas of low coverage.
23 Nathan reviewed the overhead projection of the search ring photo. He explained that the applicant
24 previously looked at the Highland City cemetery and Highland Elementary a couple of years ago and
25 this area was determined as a potential location. The Council and citizens at the time suggested moving
26 it to this location. Nathan reviewed the overhead projections of the aerial photo and where T-Mobile
27 looked at potentially locating. John Park mentioned that Heritage Park was suggested today as a
28 potential better location for the monopole. Nathan Crane went over the site plan on the overhead
29 projector. The tower is a 100 foot standard monopole with the cellular ways at the top. Nathan
30 reviewed the photo sims provided by the applicant.

31 John Park asked if a 100 foot pole is needed and why. Cole Schutjer explained that for T-Mobile's
32 needs, a 100 foot pole is not need, but it was requested for future co-location purposes. He believes the
33 engineers requested 80 feet. To have other carriers co-locate on the pole he does not believe they would
34 do so if the pole was shorter than 100 feet because of their need for the height to get across the ravine as
35 well. John mentioned that is has been our policy to co-locate as often as possible. He asked if they
36 have considered any type of stealth technology. Cole said they have not. Something they could do with
37 the proposed monopole is bring the antennas closer to the pole. This would lessen the coverage they are
38 trying to get, but having them flush mounted right up against the pole would be more stealth than what
39 is currently proposed. John asked if they have considered other stealth technologies options such as flag
40 poles. Cole indicated that it would not make a whole lot of sense to do that in this setting. They have
41 done light poles in parking lots and ball fields. He said they are open to suggestions.

42 Matt Shipp asked if someone was to come in and co-locate, would they place an antenna below the one
43 shown. Cole said yes and indicated the antennas they are using are approximately seven and one half
44 feet tall. Matt then asked if they could theoretically place two more antennas on pole in that case. Cole
45 explained that the pole will be built to allow a minimum of three providers.

1 Nathan Crane reviewed the requirements of this application. The next step is a Planning Commission
2 public hearing June 28, 2011 and then it will go to City Council July 6, 2011. The Conditional Use
3 Permit will have to be approved by City Council and they would then have to approve the lease. Cole
4 asked if the lease will be reviewed at the meeting on July 6th, or if it will be reviewed sooner. John Park
5 indicated that as soon as the Conditional Use Permit is approved they would sign the lease.

6 Matt Shipp asked if the pole was 80 feet tall would other carriers be able to locate lower than 80 feet, or
7 would we end up with a lot of poles because the carriers need that higher coverage height. Cole
8 expressed his opinion is that one more carrier could locate on an 80 foot pole. As per the ordinance
9 though, a carrier could come in and ask for an additional 100 foot pole because it meets the ordinance.
10 Only granting an 80 foot pole could be risky because it may open the door for two or three more towers.
11 Matt directed this question to Nathan, if there was not enough space on the pole for a new carrier to
12 make it work to get adequate coverage, they could then come to the city and apply for another pole.
13 Nathan said he did not know the separation requirements for poles, but an applicant could apply for
14 another pole. John indicated there are not any separation requirements.

15 Robert Allred, resident, expressed that his concerns are that cellular technology is changing very quickly
16 and the size of cells are becoming much smaller. The technology is right on the verge of major
17 breakthroughs. There is also additional frequency that is going to be opened up very shortly to the cell
18 carriers. We are building last decade's cell tower. We are not building what is coming. Because of
19 this, he has a concern about a 100 foot pole and that it will be an eyesore for a long long time and the
20 changes in technology are just around the corner. Patents have already been granted for cell signal
21 antennas that are the size of a small box. The technology is out there to do a better job and he feels that
22 Highland should do a little more research. He expressed that he does understand a tower has to go in
23 somewhere. His argument is are we doing what has always been done or are we doing what could be
24 done.

25 John Park stated that we just signed an extension for another 25 years for that technology just next door
26 here. Apparently these people want it extended because they are buying equipment, the lifespan of their
27 equipment, the funding mechanism is for 25 years and they need a lease to back that up. This really is
28 more of a land use issue. We do not have control over what is put in, we have to decide whether this
29 technology being proposed meets the requirements of the land use code. The purpose of this meeting is
30 to get input and be able to put that into a report and go forward to Planning Commission and City
31 Council.

32 Rob Allred said he understands the need for height. Cole Schutjer explained that he has seen
33 technology to go from 2g, to 3g, and 4g and the antennas have gotten larger. That is not because we are
34 getting dumber, it is because of capacity issues and how many people are using their phones. We used
35 to use the phones for calling and now we do not, we use them for many purposes. Cole stated that he
36 has heard the same things that the technology is just around the corner for some time, but he indicated
37 that a business cannot wait around for future technology when there is a need today.

38 Rob Allred explained in detail some of the technology advancements that he has seen and the patents
39 that have been issued. Matt referenced the overhead photo and asked if Mr. Allred's concerns are the
40 view of the antennas on the top of the pole. Mr. Allred indicated this is the case. Matt expressed that
41 the leases do allow the carriers to come in and update equipment and that in his opinion carriers would
42 prefer to do things much smaller. Mr. Allred stated that it is more expensive to build with the smaller
43 technologies. He said that he knows they have to go somewhere, he is concerned with the look and

1 wishes there was some way to make it look more stealth. John expressed that an issue he has seen it
2 that people who do large power distribution systems and that they do not use painted poles anymore,
3 they use an ugly dark rust color design. Nathan said it is done to look like an older wood structure.

4 Cole Schutjer stated that Mr. Allred is probably referring to the stealth tree located on University
5 Avenue in Provo and he does not think that is something T-Mobile would agree to at this time. Mainly
6 because of the cost; they may be more willing to doing a monopole with other stealth features. John
7 Park suggested looking at other colors and possibilities that would be appropriate to take to Planning
8 Commission and City Council.

9 Rob Allred asked if three 60 foot poles are placed together, would the city be given three times the
10 revenue. John indicated he was not certain. Cole said he believes the contract states that they pay the
11 city rent and then the city gets half of any amount of any subleases.

12 Rob Allred asked if any other locations are being considered. John explained that they need to locate
13 somewhere within the circle they reviewed earlier in the meeting in order to provide the coverage they
14 are seeking. Typically the poles go in public places; we tried to go to the furthest public place from
15 homes and the cemetery. Rob asked if they considered Freedom Elementary. Matt indicated that after
16 the Ridgeline Elementary pole, the City Council put this new ordinance together that any
17 telecommunication tower needs to go on public property. Nathan indicated that he will need to verify in
18 the ordinance whether it needs to be on city property or public property. John expressed that the theory
19 is the same wherever the pole goes.

20 John Park explained the purpose of this meeting was to gather information and pass this information
21 along to the Planning Commission and City Council.

22 **ADJOURNMENT:** 5:36pm

**Excerpt of the Minutes
May 13, 2008 Planning Commission Meeting**

PRESENT: Commissioner: Jennifer Tucker
 Commissioner: Brent Wallace
 Commissioner: Elizabeth Macfarlane
 Commissioner: Tony Peckson
 Commissioner: Melissa Wright
 Commissioner: Don Blohm
 Alternate: Abe Day

ABSENT: Commissioner: Kelly Sobotka (Excused)
 Commissioner: Roger Dixon (Excused)

**Item 6: T-Mobile Wireless Cell Monopole, Antenna, Equipment Shelter - Technical Necessity Exception/Conditional Use Permit ~
 Public Hearing and Recommendation**

Lonnie explained that T-Mobile has requested an 80' telecommunications tower near the cemetery on 6130 west; adjacent to the rock wall along the road next to Highland Elementary School. This location was determined from a fieldtrip the applicant had with city staff. Staff has looked much closer at this location and determined the current plans for this area are a drop off zone for the elementary school and a sidewalk to access the school for the children. If the cell tower is placed in the cemetery it will be behind the rock wall and will include the equipment shed in the city's equipment shelter that will be used for cemetery supplies. The city has a fairly strict ordinance on cell towers. Cities are required to make locations for monopoles such as this one. Currently we allow cell towers on city property.

Brent Wallace asked if it is school property where the tower was originally planned.

Lonnie Crowell stated that property is owned by Highland.

Melissa Wright asked what frequency the tower will use to tie in to the infrastructure.

Rocky Schutjer said that if he understands the question correctly that there will be power and a land line telephone.

Don Blohm asked if other sites have been looked at.

Lonnie Crowell stated that the cemetery is only property the city owns in this area. The tower was originally on school property, but the ordinance has since been amended and no longer allows this. There is the area near Wendy's with an existing cell tower, but the Radio Frequency (RF) study, that was completed by an independent RF engineer and paid for by T-Mobile that is required by ordinance, says that site is not adequate for their needs. We can provide areas for towers, but we are not able to tell them they cannot put one in a particular location based on what we feel unless it is specifically restricted in the ordinance. Lonnie Crowell explained that unless the ordinance specifically leaves out the cemetery as a location then we have to allow it.

Rocky Schutjer handed out a document to the Planning Commission and staff of an independent study

that T-Mobile was required to provide showing the lack of cell phone coverage in this particular area.

Elizabeth Macfarlane stated she needs more time to review the document. She said she knows there is money that the city is getting from this and would like to know where the money is directed.

Lonnie Crowell stated that he does not know how much money city would be getting from this. He explained that this is something that the city subcontracts through City Scape. They do the lease agreements for us; it is all based on what the current requirements and statistics are across the country.

Rocky Schutjer said he did approach City Scape to get the process started and they wanted him to go through the permitting process first.

Jennifer Tucker stated that the City Scape contract is something we will want further clarification on. She asked about the tower that was placed on Ridgeline Elementary; the Planning Commission was told when that tower came through the city by a different individual from T-Mobile that if the tower was allowed then no others would be needed within the city.

Rocky Schutjer said he understands that the Planning Commission was told in the past that there would not be a need for another monopole; he said he is not certain why they were told that. He explained that it is a hard thing to know the needs for cell phone coverage. Technology changes constantly and therefore it is difficult to accurately depict master plans.

Jennifer Tucker said that with technology changing it seems like there would be fewer poles rather than more.

Rocky Schutjer said he has an engineer here that could address that.

Brent Wallace asked what the health issues are and what there is in the way of studies showing health affects. He asked if the towers interfere with radio and T.V. reception. He then asked if there is a lack of cooperation of different companies to use the same towers.

Rocky Schutjer said that regarding health concerns, the FCC heavily regulates this industry. He explained that all towers operate on a licensed frequency and there should not be any interference. He is not aware of any studies that confirm any health concerns. He explained that they strive to cooperate and work with other companies, this is cheaper for them.

Brent Wallace asked if we have had Sprint, AT&T, or Verizon expressing lack of coverage in this area

Rocky Schutjer said he cannot speak for them and that everyone's sites are different. T-Mobile is trying to provide seamless coverage. The pole they are proposing is co-locatable.

Elizabeth Macfarlane said she would like to see a letter of guarantee that the tower is not operating off of microwaves. She said driving down University Avenue, in Provo, that unless you know what you are looking for you do not see the tower that is disguised as a pine tree. In Lindon, there is a tower that is also a flag pole and it is more appealing than just a tower. She requests to make the cell tower not so unsightly.

Lonnie Crowell explained that the Federal Telecommunications Law of 1996 states that denial of a cell

tower cannot be based off of health concerns. It is not up to a municipality to decide if we need the service; they are providing a service we all use.

Jennifer Tucker said that it is overly burdensome for Highland City to have all of cell towers when they are serving other cities as well.

John Christiansen came forward representing T-Mobile and stated he is an RF engineer and also a resident of the city; he lives in area of the proposed tower. He said that neighbors come to him with troubles they experience with their phones. T-Mobile is limited to where they can place a tower in Highland City. He expressed their interest in the Strasburg Park, but it is not city property. Highland Elementary is therefore their next best spot, but the tower cannot go on school property; so they have to go to the cemetery to be on city property.

Jennifer Tucker opened the public hearing.

Scott Keate said that the proposed cell tower is directly behind his backyard. He and his wife have gathered signatures from the neighborhood on a petition. He said that generally cell towers are located near industrial parks or near large buildings. He feels that the proposed location is not a good site.

Melanie Keate said that the corner of 6000 West and SR 92 where there is already a tower would be a great location for this tower.

Jennifer Tucker explained that the city does not own that property.

Melanie Keate asked about the viewing house location in the cemetery for the tower site.

Lonnie Crowell explained that the current ordinance requires a 200 foot set back from the highway there. We would have to amend the municipal code to allow a structure within 200 feet of the highway at this suggested location.

Jennifer Tucker asked if the tower was moved to the viewing chapel if the collocation of the equipment shed would still be okay.

Lonnie Crowell stated there would need to be a separate shelter.

Parley Holiday Jr. asked why the property that is near 6400 West and 10400 North could not be used. He stated that it is not as residential as the proposed cemetery site. This suggested area is by Mitchell Hollow. He said there are trees in this area that would break up the view better than at the cemetery. He said it is 100 feet from any home and T-Mobile could get the coverage they need. He said there are already things located in this area that are not cosmetically appealing and the cell tower would therefore go better at this location.

Discussion ensued on where this location is.

Jennifer Tucker stated that this site is something that could be better addressed by a T-Mobile representative as to whether or not it is feasible for the coverage they are seeking.

John Christiansen, contracted RF engineer for T-Mobile, said he was not aware of this depiction.

Parley Holliday Jr. stated that the property is where there is a pump station, a fairly large site. It is not in a ravine; it is up out of the ravine and the canal is up above the ravine. This site is over 100 yards from the park.

Brent Wallace expressed that this may be a better site location to these residents, but we will have the same meeting with those people in this new area.

Parley Holliday Jr. asked the Planning Commission to look how far away the tower would be from those residents. He stated that the cemetery site does not have any overhead wires and it would be 20 years before trees will be big enough to hide the tower. At the Mitchell Hollow location there is the canal and no home will ever go next to the canal; which creates a natural break. Also, the tower will not be next to 1500 kids; he feels this is slightly hazardous to kids and it would be better site at Mitchell Hollow.

John Christiansen said that not having known of this location he would like the ability to go look at it. He would like to consider this site.

Jennifer Tucker stated that with the revelation of this new site that we may want to continue this item. She said that the Planning Commission will still hear the public's comments, but does need to know where we are headed.

Jay Taylor stated he has been a resident of Highland for years and he was very selective on where his family chose their second home in Highland. His property borders the cemetery and has unobstructed views. He paid a premium for the lot he is on with good reason and does not want to see a cell tower placed here.

Stephanie Monson said she sits on her front porch and sees views of the mountains and does not want a cell tower obstructing these views. She does not want to see another cell tower in the city. She said she is a T-Mobile customer and gets coverage just fine. She expressed that regardless of the service provider that in basements and hollows you cannot always get coverage; you will get dropped calls occasionally.

Chuck Owen wondered if the residents can get a copy of the study T-Mobile provided.

Lonnie Crowell said it is public record and he can put it on the website.

Chuck Owen said that no other providers are proposing towers and he is not certain why T-Mobile needs one.

Jan Dowling stated she likes the cemetery and would hate the thought of the cell pole being there. She wondered width of cell tower.

John Christiansen said it could be as wide as 4 feet or as narrow as 2 feet.

Jan Dowling asked if it is up to T-Mobile to provide proof of necessity.

Lonnie Crowell said that is correct.

Parley Holliday Sr. said he feels it would be a serious mistake to put the tower where it is proposed. In 1998 the proposal was made to put a cemetery in at its current location; it is a very special place to a lot of people. He explained that his next door neighbor has a pacemaker and the cardiologist said either a relay station, microwave, or towers stopped his pacemaker in the past. The cardiologist explained that if he got too close to something that it could cut off the pacemaker.

Scott Rasmussen explained that he had an office in West Jordan that was about 2 ½ acres. There was a cell site proposed in the back of the property. Because of negotiations and the cell tower site ended up with a new location which was closer to the river and about 25 feet lower in elevation; so he knows that there are often other location alternatives. He has not complained about cell service at all in Highland and has had service for about 10-12 years. He said that the Smith's Marketplace in Lehi would be a great area for this tower.

John Christiansen stated that the purpose of this tower is to improve service from behind Highland Elementary and to southern Highland. He explained that anyone can go to the T-Mobile website and look at the coverage locator for areas that may not be covered.

Karen Phlueger said that T-Mobile is ultimately driven by money; she is driven by something else. By law how many towers do we have to have in our city? She said that an alarm goes off in her head when a law says that we cannot base approvals off of health concerns. She thinks it should be looked in to. Also, the study should be looked at more carefully given T-Mobile funded it.

Jennifer Tucker stated that an alternative may be for the city to pay for another study.

Karen Phlueger asked where they can go to get health concerns addressed.

Per Lindberg said he moved to Highland from Sweden. His concern is not necessarily with the ugly tower or depreciation, but with the health issues. He explained that cell phone towers radiate small amounts of radiation; similar to microwave ovens. He stated that it is unthinkable to put a cell tower next to a school in Sweden; they do not put them into residential areas either. He stated that the cell towers do not need to be put directly into residential areas; they can be placed outside of these areas and still provide coverage. He read from an article from the *World Health Organization* that stated some effects of microwave radiation from cell towers are: cancer, reduced fertility, memory loss, adverse changes in behavior, and development of children.

Abe Day asked if there are any laws concerning environmental impacts we can argue on this matter.

Lonnie Crowell said he would have to discuss that with the city attorney.

Elizabeth Macfarlane expressed we need to look at the undue burden on the area.

Sherry Berry explained that the fence opening where Lonnie Crowell talked about for the kids to access is right across from where the cell tower is being proposed. She said she does not live by this, but her kids go by it everyday. She asked why it has to be on city property.

Jennifer Tucker explained that by being on city property we have control, whereas if they are placed anywhere else we cannot control them.

Sherry Berry asked why T-Mobile or other service providers go after the schools for locations.

John Christiansen explained that there is not one single way to go.

Jeff LaMay stated that at one time he was a cell phone dealer. He questions the fundamental right to have 100% coverage everywhere. There are other companies out there; what gives one company the right to have 100% coverage everywhere?

Leon Nielson said he is a Verizon user and he travels around the state and has not seen one cell tower in a cemetery; this is a sacred place. He proposes that the location be in the parking lot of new city building or outside of the old city building.

Melanie Keate said she is not certain when this decision has to be made, but would ask the Planning Commissioners to drive by the location and the Ridgeline Elementary cell tower and see it in person and as to how tall the tower is.

Rocky Schutjer stated that they appreciate everyone's comments. He has kids and he understands the concerns. There is not concrete evidence as far as health risks are concerned. An issue that all providers struggle with is residential area coverage. He stated that they do not pick on schools; we try to partner with them. In residential areas there are not good locations for towers; schools provide setbacks and other opportunities to mitigate. He explained they are working within Highland City's current telecommunications ordinance; everything they have presented complies with the ordinance.

Jennifer Tucker closed the public hearing.

Jennifer Tucker thanked the public for their comments and told them the Planning Commission is only a recommending body to City Council and that the residents need to voice their concerns to them as well. She explained that the public can check future agendas on the city's website as there will not be another public hearing on this item regarding this location. She suggested calling or emailing the council members with their concerns and opinions.

Lonnie Crowell explained that City Council, Planning Commission, and city staff are required to follow the law and they will protect the residents as much as they can. He said he has been trying to contact the city attorney to determine how many cell towers the city can or is obligated to have.

Elizabeth Macfarlane expressed to residents to show up to City Council meetings, call City Council members, and call state legislators about these matters. She said she does not know why we keep having problems with T-Mobile's coverage. She suggests postponement of this item because T-Mobile would like to look at another area. She said it needs to be looked at for making the tower look like a tree and the trees around it will grow up eventually. Also, look at the undue burden on an area. She moved that this item be postponed until we can hear from T-Mobile again.

Tony Peckson asked in regards to City Council meetings whether there is an opportunity for the public to make comments about upcoming agenda items or items that are not on the agenda.

Lonnie Crowell explained that City Council will be made aware of this item before it is on their agenda as an action item. City Council will have already done their homework at the time they make their decision.

Don Blohm expressed his concern of the bias on this T-Mobile study. He asked if the city could or would validate this study.

Lonnie Crowell stated that the ordinance allows City Council to get another study if they would like.

Don Blohm asked if it could be reconsidered whether the tower is necessary given that we do have coverage even though it may not be as much coverage as what T-Mobile may want. If the residents are satisfied with the amount of coverage; he asked if the applicant would consider withdrawing their application completely.

Lonnie Crowell stated that would have to be discussed with the city attorney.

Don Blohm asked if the city is legally obligated to allow another tower.

Lonnie Crowell said that would be more than two towers for T-Mobile and he would need to ask the city attorney.

Abe Day asked if accessibility is allowed for a communications network in the city does that fulfill that requirement and then is it up to the citizens and their taxpayer dollars to determine what happens.

Discussion ensued regarding existing cell towers in Highland City.

Brent Wallace expressed that it is not in the best interest to make an affirmative decision tonight. He said he appreciates the T-Mobile employees and their patient and calm demeanor throughout tonight's meeting. We need to explore the fundamental need to have a tower, have another study done by someone that the city chooses, and look at an alternative site.

Motion by Elizabeth Macfarlane, Planning Commission to continue Item 6 until the following questions/suggestions can be answered/explored:

- 1. How many telecommunication towers is the city obligated to have; and**
- 2. Are the cell phone providers entitled to 100% coverage in the city; and**
- 3. Explore the area across from the Mitchell Hollow Park and the area of the Viewing Chapel near SR 92 as alternate locations; and**
- 4. What exactly are the federal regulations on telecommunication towers; and**
- 5. Look at an option for disguising the tower; and**
- 6. Determine if we are able to have another study completed about the area and its coverage other than the one provided by T-Mobile, as it could be bias.**

Seconded by Don Blohm.

Unanimous vote, motion carried.

HIGHLAND CITY PLANNING COMMISSION MEETING JUNE 28, 2011			
REQUEST:	Amend Sections 3-4105 and 3-4205 increasing the maximum building height for all structures in the R-1-40 and R-1-20 Zoning Districts. (TA-11-08)		
APPLICANT:	Planning Commission		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
N/A	N/A	N/A	R-1-40 and R-1-20 Zoning Districts

BACKGROUND:

At the May 24, 2011, Chris Springer asked the Commission to consider a change to the R-1-40 and R-1-20 Zoning Districts to increase the building height for residential structures. The Commission directed staff to bring back the item for discussion (Attachment A).

Development Code amendments are approved by the City Council upon a recommendation from the Planning Commission. The Planning Commission holds a public hearing prior to making a recommendation. A notice of a public hearing is required to be placed in the newspaper a minimum of fourteen days prior to the meeting. If the Commission chooses to proceed with the amendment, staff will advertise for the public hearing. It is anticipated that the public hearing will be held on August 9, 2011.

A development code amendment is a legislative process.

DISCUSSION:

1. The building height requirements for the R-1-40 and R-1-20 Districts are identical. The maximum height of any building is thirty five feet. The height of a building is measured from the adjacent grade and the highest point of the building. Chimneys are excluded from this requirement. The building height regulations were changed in 2005 and 2006.
2. Staff researched the zoning ordinances of Alpine, American Fork, Cedar Hills, Lehi, Lindon, Orem and Provo. The results are summarized as follows:
 - Seven of the eight cities measure building height from grade to highest point of the building.
 - Only Alpine and Provo allow exceptions to building height requirements. In Provo an applicant is required to apply to the Board of Adjustment. In Alpine an applicant can apply for a conditional use permit.
 - Five of the seven cities limit the building height to thirty-five feet. The maximum building height in Alpine is thirty-four feet. This is offset by the height being measured

to the midpoint of the roof. The maximum building height in American Fork is thirty-six feet.

3. There are approximately 3,675 homes in Highland City that have been constructed which comply with the current requirements. Staff reviewed agendas for the Board of Adjustment and could not find a request for an increase in building height. A building permit has not been applied for.
4. It is problematic for staff to identify all of the key issues and concerns without knowing the specific request. Staff believes the key general issues are:
 - What is the impact on existing homes if building heights are increased for new homes?
 - Should existing home owners have a reasonable expectation that building heights will not change and impact sightlines, satellite dishes, etc.
 - Is the proposed change necessary to meet the needs of the community or a specific situation?
 - Should an exception be provided to accommodate different architectural styles?
 - Should public input be solicited when adjoining properties want taller buildings?

RECOMMENDATION:

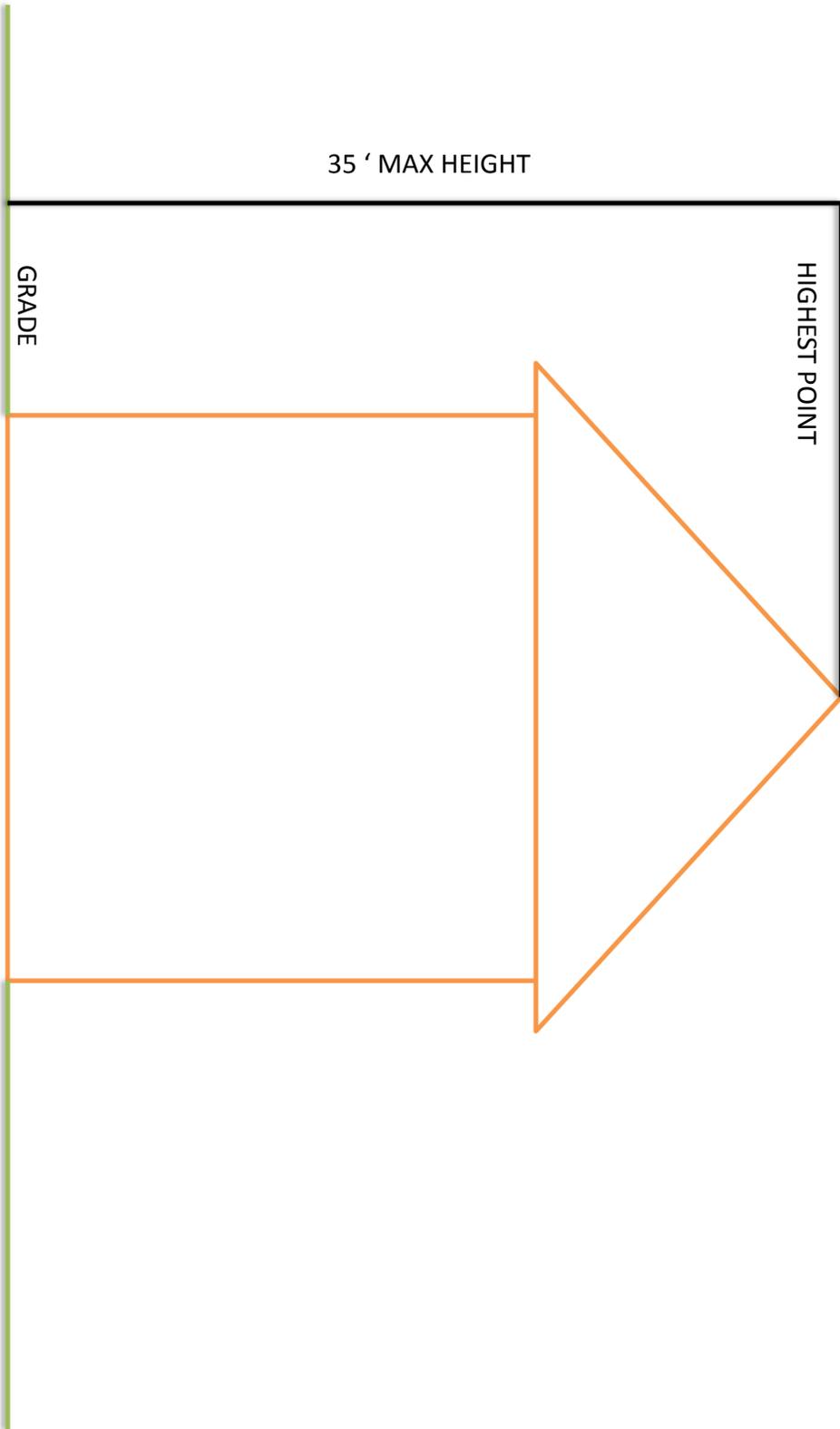
The Planning Commission should discuss the issue and provide staff with direction.

ATTACHMENTS:

- Attachment A – Adjacent City Regulations
- Attachment B – Building Height Illustrations
- Attachment C – Draft Minutes of the May 24, 2011 Planning Commission Meeting

CITY	HEIGHT	MEASUREMENT	MISCELLANEOUS
ALPINE	34 FEET	GRADE TO MID-POINT OF ROOF	BUILDINGS MAY EXCEED 34' UPON FINDINGS OF NO SIGNIFICANT LOSS OF LIGHT, AIR, AND VIEWS OF SURROUNDING PROPERTIES, OR WHERE BY REASON OF TOPOGRAPHY ONE SIDE OF THE DWELLING MAY EXCEED 34' SUBJECT TO A CONDITIONAL USE PERMIT
AMERICAN FORK	36 FEET	GRADE TO HIGHEST POINT	-
CEDAR HILLS	35 FEET	GRADE TO HIGHEST POINT	-
LEHI	35 FEET	GRADE TO HIGHEST POINT	-
LINDON	35 FEET	GRADE TO HIGHEST POINT	IN TWO DISTRICTS, 45' IS ALLOWED IF THE STRUCTURE IS SET BACK 50' FROM THE PROPERTY LINE
OREM	35 FEET	GRADE TO HIGHEST POINT	FRONT ELEVATIONS SHALL NOT EXCEED 30' AND SPECIAL EXCEPTIONS MAY BE GRANTED BY THE BOARD OF ADJUSTMENT
PROVO	35 FEET	GRADE TO HIGHEST POINT OF EACH FAÇADE	

FLAT



HIGHLAND CITY PLANNING COMMISSION MEETING JUNE 28, 2011			
REQUEST:	Plat Amendment – Country Farm Meadows Plat C (FP-11-05)		
APPLICANT:	Don Buhler		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
Low Density Residential	R-1-40	1.87 acres	Southeast Corner of 5750 West and 11000 North

BACKGROUND:

Subdivision review and approval is an administrative process.

SUMMARY OF REQUEST:

1. The applicant is requesting an amendment to Lots 17 and 18 of Country Farm Meadows Plat A by adjusting a lot line that follows an existing fence line. The amendment will change Lot 17 (Lot 1 Plat C) from 40,833 square feet to 40,661 square feet and Lot 18 (Lot 2 Plat C) will change from 40,662 square feet to 40,854 square feet.

CITIZEN PARTICIPATION:

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

ANALYSIS:

- The Country Farm Meadows was recorded in 1992. When the house on Lot 2 was constructed in 1993 the water meter location was used instead to determine where the property boundary was. At that time the water meter was typically placed at the lot line. . The difference between the water meter and actual property line is approximately 21 feet. Both owners have agreed to amend the lot line to accommodate the fence line and other existing and planned improvements.
- 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 June 27, 2011.
2. The recorded plat shall be revised to meet the requirements of the City Engineer and Community Development Director.

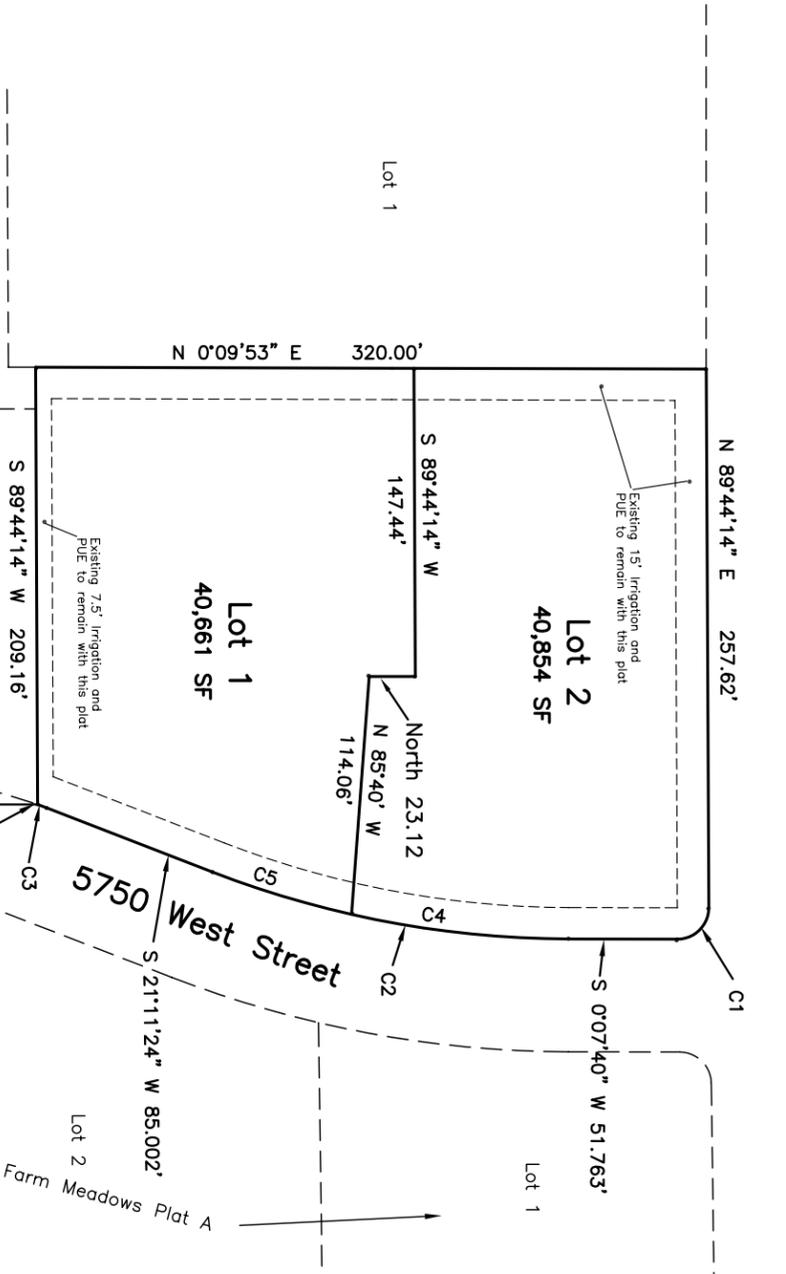
PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case FP-11-05 subject to the two stipulations recommended by staff.

ATTACHMENTS:

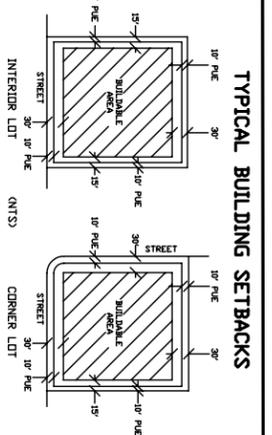
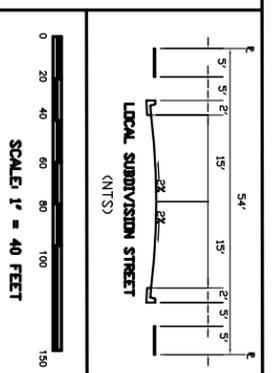
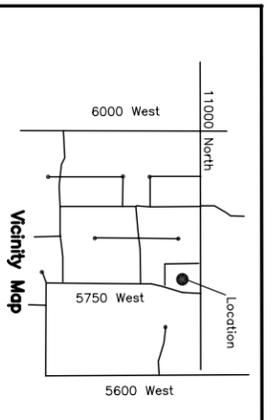
- Attachment A – Proposed Plat – Country Meadow Farms Plat C
- Attachment B – Country Farm Meadows Plat A
- Attachment C – Amendment Illustration

Highland Highway - 11000 North



CURVE DATA TABLE

#	Arc	Chord	Delta	Radius	Tangent
C1	23.86'	S 45°04'03" E 21.29'	90°23'26"	15.00'	15.10'
C2	173.88'	S 10°39'32" W 172.90'	21°03'44"	473.00'	87.93'
C3	4.56'	S 20°56'33" W 4.56'	0°29'43"	527.00'	2.28'
C4	104.84'	S 11°32'32" W 104.62'	12°41'56"	473.00'	52.63'
C5	69.04'	S 17°00'30" W 68.98'	8°21'48"	473.00'	34.58'



QUESTAR GAS COMPANY

Questar Gas Company hereby certifies that the information provided in this document is true and correct to the best of its knowledge and belief. The undersigned hereby certifies that the information provided in this document is true and correct to the best of its knowledge and belief. The undersigned hereby certifies that the information provided in this document is true and correct to the best of its knowledge and belief.

Approved this _____ day of _____, 20____, Questar Gas Company By: _____ Title _____

UTILITIES APPROVAL

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related structures within and around the lots described herein, including the right of access to such buildings and the right to create easements for such purposes. The utility may remove such structures at the utility's expense and the utility may remove such structures at the utility's expense. The utility may remove such structures at the utility's expense.

Ready Min. Power: _____ Date: _____

Overhead: _____ Date: _____

Conduit: _____ Date: _____

SURVEYOR'S CERTIFICATE

BOUNDARY DESCRIPTION

1. I, K. EDWARD GIFFORD, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 166675 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I HAVE FURTHER CERTIFIED BY AUTHORITY OF THE DIVISION OF LAND SURVEYING OF THE STATE OF UTAH THAT THE LOTS, BLOCKS, STREETS AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAN AND THAT THIS PLAN IS TRUE AND CORRECT.

OWNERS' DEDICATION

WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SUBDIVISION CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR THE PUBLIC USE OF THE PUBLIC UTILITY EASEMENTS, AND THEIR SUCCESSORS AND ASSIGNS IN PERPETUITY. WE HAVE SET OUR HANDS THIS _____ DAY OF _____ A.D. 20____.

ACKNOWLEDGEMENT

STATE OF UTAH) S.S.
 COUNTY OF UTAH)
 I, _____, PERSONALLY APPEARED BEFORE ME, THE SIGNED BY THE FOREGOING DEDICATION WHO FULLY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME. MY COMMISSION EXPIRES _____.

ACCEPTANCE BY LEGISLATIVE BODY

THE DEPARTMENT OF PUBLIC WORKS AND ENGINEERING OF HIGHLAND CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20____.

LEIN HOLDER CONSENT

THE UNDERSIGNED BENEFICIARY HEREBY CONSENTS TO THE RECORDING OF THIS PLAN FOR THE HEREIN DESCRIBED PROPERTY AND THE DEDICATIONS PROVIDED HEREIN.

APPROVED BY MAYOR: _____ ATTEST: _____
 CITY ENGINEER: _____
 CLERK-RECORDER: _____
 (SEE SEAL BEHIND)

HIGHLAND CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20____, HIGHLAND CITY ATTORNEY
PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____, PLANNING COMMISSION CHAIR
 COMMUNITY DEVELOPMENT DIRECTOR

CONDITIONS OF APPROVAL

These are the conditions of approval attached to this subdivision map indicated on this plan. The conditions of approval are as follows: The applicant shall be responsible for all costs of this subdivision map. The applicant shall be responsible for all costs of this subdivision map. The applicant shall be responsible for all costs of this subdivision map.

Country Farm Meadows

PLAT 'C',
 Amends Lot 17 & 18, Plat A, Country Farm Meadows

NAD 27
 SCALE 1" = 40 FEET

STAKEHOLDER SEALS:

STAKEHOLDER SEALS: _____

STAKEHOLDER SEALS: _____

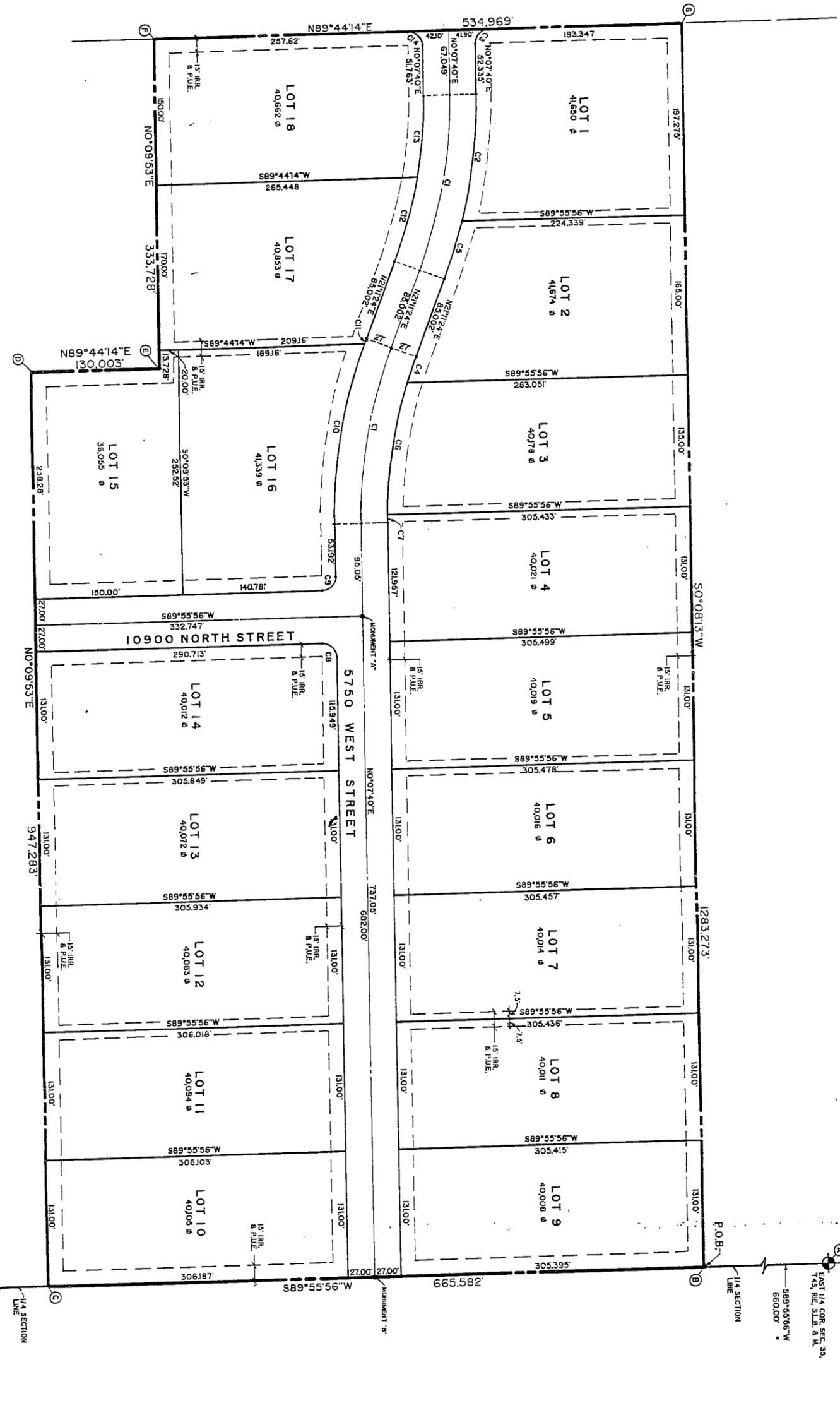
STAKEHOLDER SEALS: _____

State Plane Coordinates
 Scale Factor is 0.999716
 Pt# _____ North East

Gifford Engineering
 6163 W. 9600 N.
 Highland, Utah 84003

5730 WEST ST.

STATE HIGHWAY 92



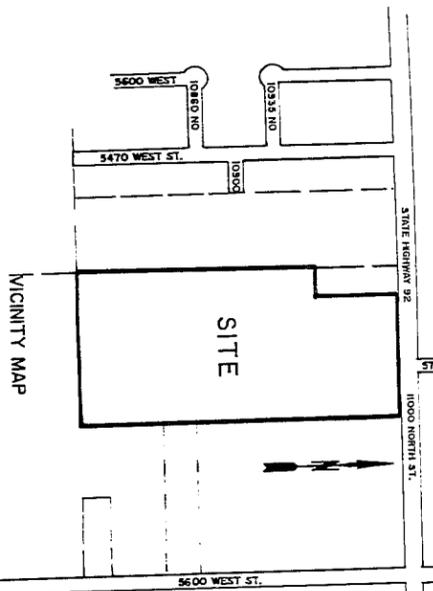
CURVE DATA TABLE

CUR. #	CHORD BEARING	RADIUS	DELTA	ARC	TANGENT	CHORD DIST.
C1	N19°39'02"E	500.00	21103.44'	183.80	92.95	182.77
C2	N14°45'07"E	500.00	14122.43'	130.72	65.70	130.39
C3	N19°31'43"E	473.00	8936.54'	23.45	31.92	21.14
C4	N17°45'34"E	527.00	3119.22'	13.40	15.82	15.82
C5	N19°31'43"E	473.00	8936.54'	23.45	31.92	21.14
C6	N17°45'34"E	527.00	3119.22'	13.40	15.82	15.82
C7	N19°31'43"E	473.00	8936.54'	23.45	31.92	21.14
C8	N17°45'34"E	527.00	3119.22'	13.40	15.82	15.82
C9	N19°31'43"E	473.00	8936.54'	23.45	31.92	21.14
C10	N17°45'34"E	527.00	3119.22'	13.40	15.82	15.82
C11	N19°31'43"E	473.00	8936.54'	23.45	31.92	21.14
C12	N17°45'34"E	527.00	3119.22'	13.40	15.82	15.82
C13	N19°31'43"E	473.00	8936.54'	23.45	31.92	21.14
C14	N17°45'34"E	527.00	3119.22'	13.40	15.82	15.82

STATE PLANE COORDINATE TABLE

PT. #	NORTHING	EASTING
A	763178.94	11818779.99
B	763178.94	11818779.99
C	764125.97	11817484.81
D	764125.97	11817484.81
E	764458.19	11817587.49
F	764458.19	11817587.49
G	763178.94	11817789.42
H	763178.94	11817789.42

GRID DISTANCE EQUALS GRID/UNCORRECTED DISTANCE
TIMES SCALE FACTOR OF 0.9997.



UTAH I PURTHER CERTIFY BY AUTHORITY OF THE COUNTY CLERK THAT THE FOLLOWING SAID TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THE BOUNDARIES AND THE CORNERS AND STAKES THEREON, AND THE LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE DISTANCES AND BEARINGS THEREON, AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT, AND THAT THE SAID TRACT OF LAND IS NOT SUBJECT TO ANY OTHER CLAIM OR INTEREST.

BOUNDARY DESCRIPTION
 COMMENCING 589°55'56"W 660.00' FEET ALONG THE 1/4 SECTION LINE FROM THE EAST 1/4 CORNER, SECTION 35, T4S, R1E

COURSE	DISTANCE	REMARKS
589°55'56"W	665.502'	ALONG THE 1/4 SECTION LINE
N 0°09'53"E	947.283'	ALONG THE 1/4 SECTION LINE
N89°44'14"E	130.003'	ALONG THE 1/4 SECTION LINE
N 0°08'53"E	333.728'	ALONG THE SOUTH BOUNDARY OF STATE HWY. 92
N89°44'14"E	334.959'	TO THE P.O.B.
S 0°08'13"W	1283.273'	TO THE P.O.B.

TOTAL AREA = 18,289.5 ACRES

OWNERS' DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HERON AND SHOWN ON THIS PLAT, HAVE CAUSE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HERON AND SHOWN ON THIS PLAT, HAVE CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HERON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HERETO SET OUR HANDS THIS 13th DAY OF MAY A.D. 1992.

S B S L C. BY: *[Signature]*
 State of Utah, County of Utah, City of Highland

ACKNOWLEDGEMENT
 I, *[Signature]*, Notary Public for the State of Utah, do hereby certify that the foregoing dedication was made before me on this 13th day of May, 1992, and that the signers of the foregoing dedication who duly acknowledged to me that they executed the same are the persons whose names are subscribed to the same.

ACCEPTANCE BY LEGISLATIVE BODY
 THE CITY COUNCIL, OF HIGHLAND, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, BLOCKS, STREETS AND EASEMENTS, AND OTHER PUBLIC AREAS FOR THE PERPETUAL USE OF THE PUBLIC THIS 5th DAY OF MAY A.D. 1992.

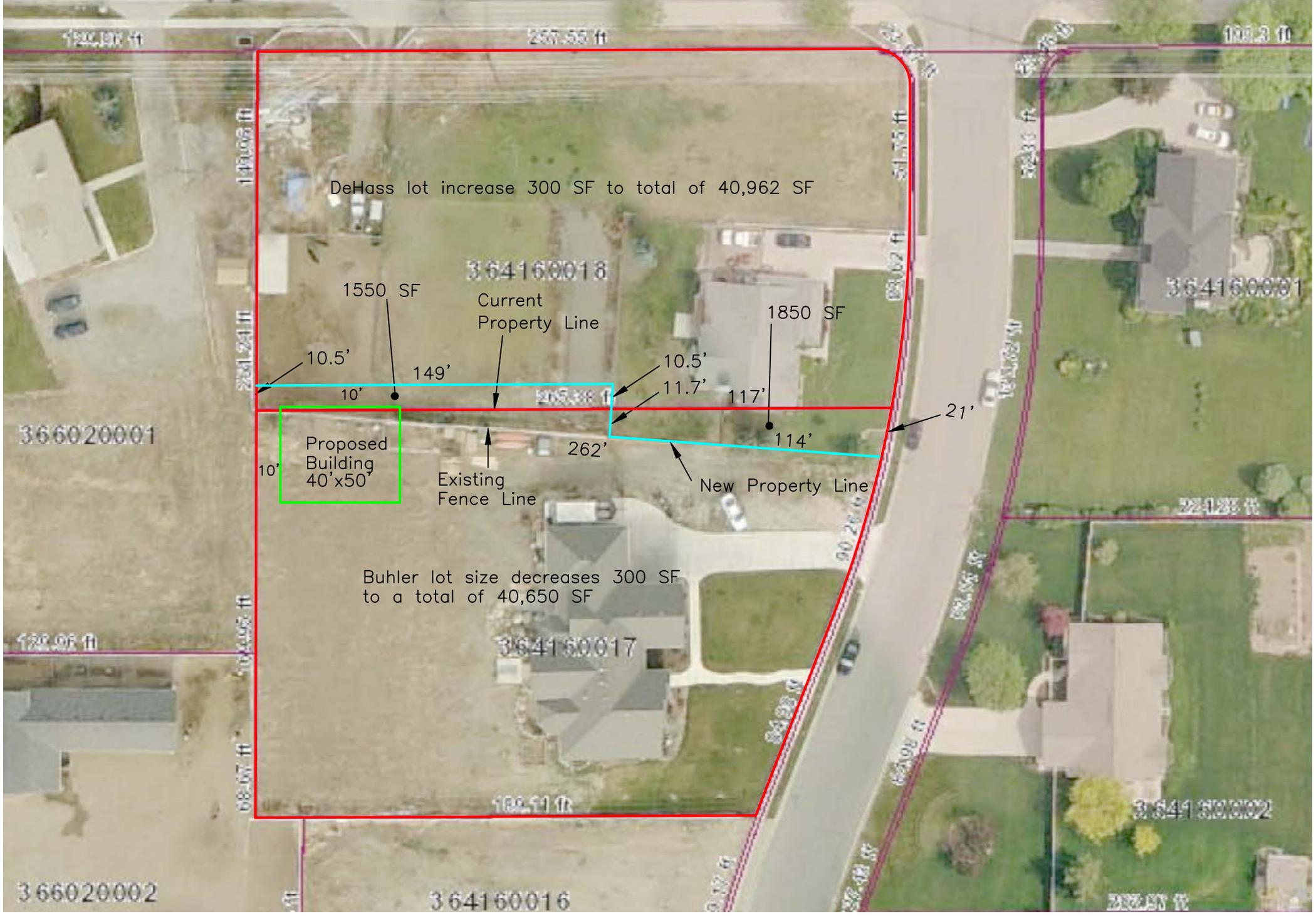
APPROVED: *[Signature]* Mayor
 APPROVED: *[Signature]* City Clerk

BOARD OF HEALTH
 APPROVED SUBJECT TO THE FOLLOWING CONDITIONS: ALL DISTRICT HEALTH DEPARTMENTS SHALL BE ADVISED BY THE CITY CLERK OF THE DEDICATION OF ALL STREETS, BLOCKS, STREETS AND EASEMENTS, AND OTHER PUBLIC AREAS FOR THE PERPETUAL USE OF THE PUBLIC.

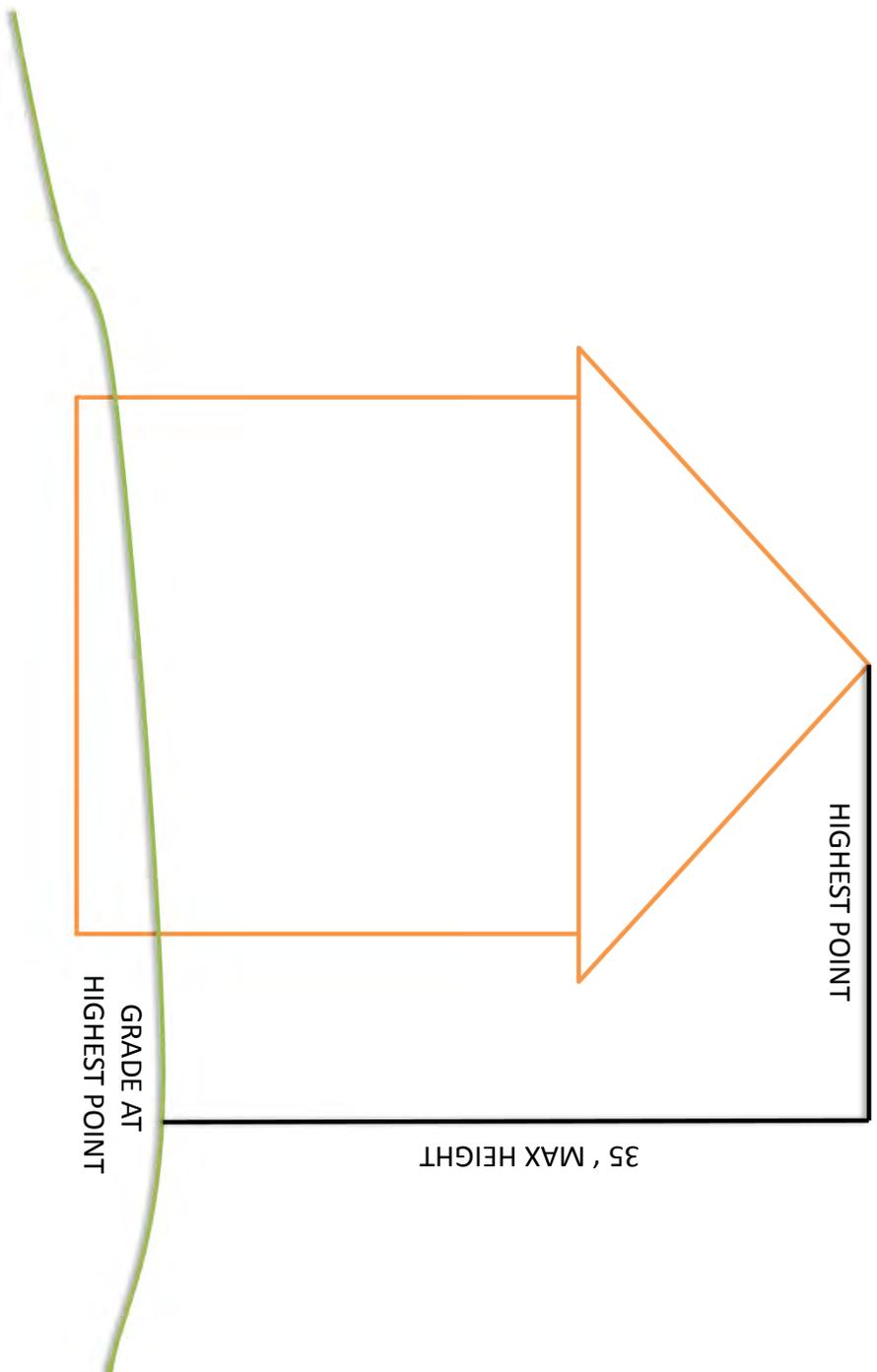
APPROVED THIS 5th DAY OF MAY A.D. 1992
[Signature] Planning Commission Chairman

COUNTRY FARM MEADOWS
 SUBDIVISION
 HIGHLAND CITY, UTAH
 SCALE: 1" = 60' HET
 UTAH COUNTY CLERK
 OCT 03 1995

Option 4 – Proposed Accessory Bldg location and Property Line Adjustment



SLOPE



**Excerpt of the Draft Minutes
May 24, 2011 Planning Commission Meeting**

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

EXCUSED: Commissioner: Kelly Sobotka

A. PUBLIC APPEARANCES

Patrick Springer addressed the Commission by handing out three photos. He indicated that he has bought a lot within the Country French development and the developer, Patterson Homes, wants authentic Country French type homes, not Utah French type homes. He and his wife found a home design they like with a 12x12 pitch roof which is higher than the allowable 35 feet by Highland City. He explained that his has done a lot of research and found that even his architect was surprised at how Highland measures the height; it is done differently than other cities. Mr. Springer said he researched a lot of cities, even coast to coast, and found that they do not measure the way in which Highland does. In those locations, Mr. Springer's home design would be allowable. He referenced the pictures that he handed out to the Commission. Mr. Springer stated that he understands that in order to request a code amendment the matter needs to come before the Planning Commission and City Council. He stated that the cost is \$1,000.00 and he is not a big developer, it is only one house and he would pay that money if he felt there was a likely chance there could be some type of amendment made so that a home authentic in its design could be built.

Roger Dixon asked how high the house design would be. Mr. Springer indicated it would be 39 feet at the highest ridge and the remainder of the house would under the 35 feet. He stated that the International Residential code which has been adopted by most cities calls for an average; most cities take that average with a gable or hip type roof as measuring the mean, the lowest of the ridge, and then the average is in the middle. A few cities such as Cedar Hills, Highland, and American Fork cap the height at the ridge no matter the average height. He explained that this is the type of situation where a French style roof would get cut off and lose its authentic feel.

Mr. Springer asked if this is something that is feasible to do. Roger Dixon stated he would like to see the arguments for and against such cases. Mr. Springer said he has researched where the 35 feet originally came from and it looked like it came from an old firefighter technology. Tim Irwin indicated some of the concern is the height blocking views for surrounding residents. Mr. Springer said Sandy City has capped their height at

35 feet, but the code states exceptions can be made. Highland's code does not look as though it allows exceptions.

Tim Irwin asked Nathan Crane what options the Commission has. Nathan indicated that it seems that Mr. Springer is looking for some sort of feedback on this. He can proceed as the applicant or we can do it like the process we did for the large animal item. We can put it on the agenda to discuss next time without an application. Nathan stated it would require the code to be changed. There are a number of options on how address the height of a building. We can change the definition in building height, how we measure it, you can make an exception, or you can increase the height.

Roger Dixon asked what the large animal individuals did. Nathan Crane said they asked the Commission to sponsor the amendment. Roger suggested sponsoring this particular item.

Trixie Williams stated that she does not know if we want to consider an exception based on style, but she remembers a few years ago when building heights were discussed in the Town Center area that it was a big issue and there was some opposition. Roger Dixon thought the opposition was more over the density issue.

Abe Day stated that trees of 50 feet or more are allowed and having a space in someone's viewport of a little above 30 feet should have room to be amiable about this point.

Jay Roundy agreed with Roger Dixon in regards to discuss the matter further. He said we should collect input and public involvement before we make a recommendation.

Tim Irwin indicated to Nathan Crane to bring this matter back as an agenda item for discussion of the pros and cons.

Highland City Planning Commission

May 24, 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 May 24, 2011. An invocation was offered by Commissioner Tim Irwin and those assembled were led in the Pledge of Allegiance by Commissioner Roger Dixon.

PRESENT:

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

EXCUSED:

Commissioner: Kelly Sobotka
City Administrator: John Park
City Engineer: Matt Shipp

STAFF PRESENT:

Community Development Director: Nathan Crane
Secretary: Jill Stewart

OTHERS: Chris Dalley, Greg Parkinson, Ron Armstrong, James Swindler, Ross Welch, Joe Totorica, Joe Totorica, Patrick Springer, R. Russ Walton, J.B. Little, Sean Walton, Ian Healey, Harrison Allphin, Jacob Hamblin, Jacob Liudle, Michael Olsen, David Olsen, Andrew Howlett.

A. PUBLIC APPEARANCES

Tim Irwin invited comments from the public regarding items not on the agenda. He read the procedure in which the Public Hearing portion of the meeting will be conducted.

“This Planning Commission is composed of Highland City citizens who have been appointed by the City Council to serve on the Commission as a civic responsibility. In the interest of maintaining a fair and efficient hearing, the Commission adheres to the following steps:

The Chair calls the agenda item;
Staff gives a brief report and recommendation;
Applicant may give a presentation;
Opposition and support give testimony, no more than three minutes per speaker;
Applicant may give a response, and
Commission discussion and decision.

Anyone wishing to speak before the commission must fill out a speaker information form and hand it to Nathan Crane, Community Development Director. We expect all that participate will

1 be civil in their public discourse and that they will be respectful of others whether they agree or
2 disagree with any action taken. The Commission will stand against any incivility when we see
3 it.
4

5 We thank you in advance for your participation.”
6

7 Tim Irwin invited comments from the public regarding items not on the agenda to come forward at this
8 time.
9

10 Patrick Springer addressed the Commission by handing out three photos. He indicated that he has
11 bought a lot within the Country French development and the developer, Patterson Homes, wants
12 authentic Country French type homes, not Utah French type homes. He and his wife found a home
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37 Highland’s code does not look as though it allows exceptions.
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4 the density issue.

5
6 Abe Day stated that trees of 50 feet or more are allowed and having a space in someone's viewport of a
7 little above 30 feet should have room to be amiable about this point.

8
9 Jay Roundy agreed with Roger Dixon in regards to discuss the matter further. He said we should
10 collect input and public involvement before we make a recommendation.

11
12 Tim Irwin indicated to Nathan Crane to bring this matter back as an agenda item for discussion of the
13 pros and cons.

14
15
16 **B. WITHDRAWALS AND CONTINUANCES**

17
18 Tim Irwin noted that there had been one continuance for this meeting, as follows:

- 19
20
21 1. CU-11-03 Michael Raymond is requesting a Conditional Use Permit for a Church of Jesus
22 Christ of Latter-Day Saints Stake Center located at 5850 West 10400 North.
23 *Administrative. The applicant is requesting that this item be continued to the June 28, 2011*
24 *Planning Commission meeting.*

25
26 **MOTION: Roger Dixon moved to continue application CU-11-03 to the June 28, 2011 Planning**
27 **Commission meeting. Motion was seconded by Jay Roundy. Unanimous vote, motion carried.**

28
29
30 **C. PUBLIC HEARING AND LEGISLATIVE ACTION**

- 31
32 2. TA-11-07 Ross Welch is requesting to amend the Highland City Development Code Article
33 4.9 Professional Office District to allow outdoor RV Storage as part of a self-storage
34 facility. *Legislative.*

35
36 Nathan Crane reviewed the proposed amendment that would allow uncovered outdoor storage in the
37 PO District. This is a legislative process. This is in response to a code enforcement letter the city sent
38 to the owner since the uncovered outdoor storage is not currently a permitted use. Two different code
39 sections would be affected by this amendment. The amendment would have a condition that the
40 uncovered storage be screened from Highland Boulevard. Nathan referred to the overhead projection
41 of the aerial photo and reviewed the site plan. He explained there is a conservation easement that runs
42 through the property. The remainder area of the site is planned for more buildings in the future if
43 applicant chooses. The Commission will need to decide organization of those stored vehicles, right
44 now there are parked haphazardly throughout the site. Other storage facilities have a designated space
45 for this type of use. Another item to determine is the type of surface they should be on; staff feels it
46 should be a dust free surface. Nathan indicated that there was a specific amount of open space
47 approved with the development agreement and site plan, so we want to make sure this use is not
48 encroaching on the open space area. Consideration needs to also be given to the compatibility between
49 existing and surrounding land uses. Looking at what the PO District is, self-storage can only be

1 allowed on this site unless an amendment comes through the Commission and Council in the future.
2 Staff is recommending approval with the stipulations, one being that we receive a revised site plan that
3 shows organization and the dust free requirement. Nathan mentioned that it is interesting that this
4 Professional Office (PO) District is that you think office buildings and similar uses are located in, but
5 under the approved uses, it is more of a commercial district than a pure professional office district.
6

7 Steve Rock asked who determines whether it is organized or not. Nathan said it will be done through
8 the site plan review process.
9

10 Roger Dixon asked for clarification that the code currently allows outdoor storage if it is covered.
11 Nathan said that is correct. Roger asked why the current uncovered storage is going on and what the
12 city has done about it. Nathan explained that the city has sent a code enforcement letter to the
13 applicant to request that they remove the outdoor storage. They have requested that the district be
14 amended to allow it. Roger asked if they are still within their timeframe. Nathan explained that we are
15 in the process of code enforcement and the applicant has requested this code amendment and before we
16 can proceed further with code enforcement, we need to let the amendment go through the due process
17 and have a decision from City Council.
18

19 Trixie Williams expressed that in reading through this item and the development code, she had four
20 thoughts or concerns about this. The first concern being that it does not make sense to change a
21 carefully drafted ordinance which was based on months of public input at the request of one business.
22 She said one thing she saw was that in a 2006 survey of resident preferences for commercial growth
23 was that storage units were not even mentioned as a desired activity. The second concern is that we
24 have the letter from the storage company which claims a competitive disadvantage without the outdoor
25 storage ordinance change. Trixie stated that the company knew about the ordinance when they built in
26 Highland and presumably felt business would be lucrative even with the covered storage restriction.
27 The third concern is that we do not have a method for making sure the vehicles and boats stored are
28 kept in good condition. The fourth concern is that the letter indicates without the outdoor storage,
29 residents will have to travel to nearby cities to store their vehicles, however under the current
30 ordinance they could build covered storage and charge higher fees for those. Residents could then
31 determine if the convenience of nearby storage outweighs the additional cost. Trixie concluded these
32 were the thoughts that came to mind as she reviewed this item.
33

34 Nathan Crane mentioned that there is a petition for support of this item.
35

36 Ross Welch was here to represent the applicant, Highland Hideaway Storage. Mr. Welch expressed
37 there have been issues they have faced; a changed economy and they have found for them it is not
38 economically feasible to construct covered parking. They are looking at doing the uncovered storage
39 to offer a service within the city and it is financially viable for them as well. If they are unable to do
40 this, the option will be people can store the vehicles at their homes or other storage facilities. It does
41 impact a handful of homes, but other than that for the rest of the citizens, it is not something that is
42 easily seen. They feel like this is a good product offering for the community. He indicated they agree
43 with the city to have it paved and organized.
44

45 Jay Roundy asked if the intent of the design and layout is to follow the city's guidelines and ordinances
46 to the T. Mr. Welch said yes in regards to the site layout and what is permitted. Mr. Welch gave some
47 history that when the business license was originally put in for, it stated for open storage. That was in
48 conflict with the ordinance that had already been passed. So though it was approved by the city, there

1 was a conflict with what our business license said and what the ordinance stated. This is why we are
2 saying we are not in compliance with the ordinance and need to see if we can seek a change.
3

4 Jay Roundy asked if the uncovered parking is allowed. Mr. Welch said not according to the ordinance,
5 but in accordance with our business license. Nathan Crane explained that business license applications
6 often run into this, typically all they are used for is to establish a tax identity, not used to establish land
7 use or authority. Nathan indicated that business licenses are now reviewed to verify the use coincides
8 with the land use.
9

10 Trixie asked if the business license was approved with stipulations and is there a way to look that
11 information up. Nathan said he looked at the business license and there was not anything.
12

13 Roger asked how the organization would work and if they would use striping to delineate spaces. Mr.
14 Welch agreed they would seek the asphalt option and stripe it for spaces and number them so they can
15 easily identify them. He explained they are manually numbering the spaces currently.
16

17 Trixie asked the price of asphalt compared to a covering of some type with poles and an awning. Mr.
18 Welch said the asphalt needs to be done either way. Asphalt is probably \$1.50 a foot for a use such as
19 this. Roger asked how much a covering would cost. Mr. Welch explained that the main cost is the
20 covering and if they were going to go to the cost to put that in, they may as well go ahead and make
21 them into storage sheds.
22

23 Steve Rock expressed he has observed that some people have nice looking RVs and others have not so
24 nice RVs. He asked what kinds of views there would be for surrounding uses. Mr. Welch expressed
25 that the view for nearby homes is not pleasant. Steve asked if there would be a way for the nicer
26 looking RVs to be parked toward the road. Tim Irwin indicated that is tough for the Commission to
27 get involved in. Christopher Kemp indicated that there had been some construction materials and such
28 and asked if it is still there. Mr. Welch said some of it is still there, but they can make sure it is mostly
29 on a temporary, not permanent basis.
30

31 Trixie Williams brought up the petition. Tim Irwin asked if Mr. Welch brought the petition. Mr.
32 Welch indicated he had brought it to the office earlier today. Trixie stated that there are 113 signatures
33 and it states it was distributed by friends of Highland Hideaway Storage and asked how many of those
34 signatures are from Highland residents. Mr. Welch indicated he was not involved in doing, but
35 imagined that the signatures are from individuals who came into the facility and were asked if they
36 wanted to be able to have this type of storage in Highland. He said he could try to get a breakdown on
37 where the individuals of the signatures live.
38

39 Tim Irwin opened the public hearing at [7:35:00 PM](#).
40

41 Greg Parkinson, resident, expressed that the storage facility does not currently obey any of the current
42 ordinances. He stated he has been into the city a couple of times and has submitted written formal
43 complaints to the city and has never received a response from the city. He said that the storage facility
44 has been caught with several illegal signs. Mr. Parkinson indicated he hopes they will move to another
45 city, they have shown they are lousy neighbors. He said he moved to Highland because he thought he
46 would be protected from such things, but apparently that is no longer true. He expressed that Patterson
47 knew the development zoning when they moved there. Mr. Parkinson asked if Patterson has paid any
48 fines for this matter. Nathan indicated he is not aware of any fines that have been issued. Mr.
49 Parkinson stated that if any of the Commissioners use the facility that they should abstain from voting

1 since that would be a conflict of interest. He stated that if the conservation area is within the facility
2 that he feels that is odd because it is not accessible by anyone. Mr. Parkinson said that he read the
3 letter that was submitted to the city by Patterson and the statement about a financial impact and feels
4 that financially we are all in the same economy and one position cannot be favored over another.
5

6 Andrew Howlett, resident, handed out current photos from the view of his deck, which looks down
7 onto the storage facility. Mr. Howlett expressed that he has to give credit because he came here two
8 months ago with a complaint regarding the facility's lighting. Since that time, shields have been
9 installed on the lights and the situation was remedied. It still is not right though that the RVs are still
10 present. He stated he has planted about 220 trees in yard to try and shield the view of the storage unit,
11 mostly the views of the RVs. He expressed that the economic argument makes no sense to him. The
12 view from his backyard looks like a junkyard. He has spent a great deal of money on deck because of
13 the view he was going to have and now the view is less than he had hoped for. He expressed this
14 matter is an eyesore and hopes that the Commission will take this into consideration. Mr. Howlett
15 stated his distaste for the idea of having asphalt with lines painted all over it and having to look down
16 from his deck onto a parking lot.
17

18 Hearing no further comments Tim Irwin thanked those residents for their comments and closed the
19 public hearing bringing the issue back to the Planning Commission for further discussion.
20

21 Mr. Welch thanked all of those for their comments. He said he understands the concerns of those
22 surrounding individuals. They are seeking to provide a business operation that is a success and an area
23 for citizens to use.
24

25 Christopher Kemp asked if there is a compromise that could be made between the storage facility and
26 the five most impacted residents. Mr. Welch said they would be willing, but with the elevation
27 difference, he is not sure if it will help with the views.
28

29 Trixie Williams stated that letter from Patterson states that if this use is not provided, the Highland
30 residents will have to drive to other cities to store their personal property. The petition implies though
31 that the individuals will store the personal property in their yards. This is not necessarily a valid issue.
32

33 Roger Dixon commented on the signatures on the petition, it looks as though 4 to 1 are non-Highland
34 residents.

35 Jay Roundy commented on what Trixie said that prior to seeing the petition, he can see some merit
36 having a storage facility in Highland, but seeing a comment that if they do not park here, they have to
37 go to another city and the number of signatures that are non-Highland residents and they will go to
38 another city indicates people will drive and park their vehicles wherever is the cheapest and most
39 secure.

40 Tim Irwin stated that the question for the Commission to consider is whether the use of an open RV
41 storage facility is compatible with the surrounding uses and what we are trying to accomplish in this
42 district. Jay stated that it may be fine in other areas, but because of the topography here, it does not
43 seem to work.

44 **MOTION: Trixie Williams moved that the Planning Commission deny case TA-11-07 a request**
45 **to amend the PO District to allow uncovered outdoor storage based on the following findings:**

- 1
- 2 **1. It does not make sense to change a carefully drafted ordinance based on months of public**
- 3 **input and research.**
- 4 **2. The company knew about the ordinance when they built in Highland.**
- 5 **3. There is no method for ensuring the vehicles and boats stored are well maintained.**
- 6 **4. The residents can determine whether they wish to drive to another city for storage.**
- 7

8 Jay Roundy added a fifth item:

- 9
- 10 **5. This use is not compatible with the existing conservation easement that runs through the**
- 11 **property.**
- 12

13 **Roger Dixon seconded. Unanimous vote, motion passed.**

- 14
- 15 3. FP-11-03 Joe Totorica is requesting preliminary and final plat approval for a two lot non-
- 16 residential subdivision located at the northwest corner of Parkway East Drive and Alpine
- 17 Highway (SR74). *Administrative.*
- 18

19 Nathan Crane reviewed the proposed two lot subdivision, Timp View Point, located outside Alpine
20 Credit Union. There are two lots, Lot 1 is just about an acre and Lot 2 is just over an acre. Nathan
21 referenced the aerial photo on the overhead projection. He indicated the Commissioners should be
22 aware of the cross access area, this area will be revised. One of the items that the development code
23 requires is that there be cross access between all adjoining properties. A general cross access and
24 parking easement will need to be created and a note put on the plat and it be recorded with that
25 easement. The lots will remain the same. Typically we like to create access points that split a
26 property, but in this case we are not able to because of the way the access is across the street into the
27 Alpine Country Club; UDOT is requiring this driveway align with that street. Jay Roundy asked if Lot
28 1 will ultimately be using the upper area as an ingress and egress. Nathan explained that the photo
29 does not show it very well and pointed to an area on the photo indicating the area asked about. He
30 stated that when the site plan is reviewed that we can go over this more.

31
32 Nathan continued reviewing the item. He said that as far as citizen participation goes, subdivisions
33 require DRC approval in which we did a radius notification for. There were two DRC meetings, one in
34 January trying to project when the application would come in and facilitate the development review
35 process. The application did not come in so we postponed that, but we did receive comments from a
36 few residents and one letter that has been provided for the Commissioners. No residents attended the
37 recent DRC meeting. We did receive a letter from Paul Burnside that has been included in the packet.
38 We did do a radius notification and newspaper notification for this item. We received two phone calls
39 today expressing concerns with the use. Staff is recommending approval. Nathan indicated stipulation
40 #3 needs to be removed from the recommendations and revise stipulation #5 to require the plat be
41 recorded before a building permit is issued. We think we can do that and still not delay the project.
42 The cross access easement and water shares will be required as part of the plat, which is a typical
43 requirement for development in the city. Roger asked for a recap of which stipulations are being
44 removed or revised. Nathan indicated stipulation #3 will be eliminated and stipulation #5 will require
45 recordation prior to issuance of a building permit. Nathan corrected himself stating that stipulation #2
46 will be eliminated, not #3.

47
48 Tim Irwin opened the public hearing at [7:54:59 PM](#).

1 Hearing no comments Tim Irwin closed the public hearing bringing the issue back to the Planning
2 Commission for further discussion and the applicant.

3
4 Joe Totorica, developer and owner, expressed that he feels they have tried to meet most of the
5 requirements the citizens have had concerns about, lighting and landscaping.

6
7 **MOTION: Roger Dixon moved that the Planning Commission accept the findings and**
8 **recommend APPROVAL of case FP-11-03 a request for minor subdivision approval for the**
9 **Timp View Point Subdivision subject to the four stipulations recommended by staff as amended.**
10 **Motion seconded by Jay Roundy. Unanimous vote, motion carried.**

- 11
12 **1. The recorded plat shall conform to the final plat date stamped May 16, 2011 except as**
13 **modified by these stipulations.**
14 **2. Water shares shall be dedicated, or documentation of dedication shall be provided, prior**
15 **to recordation of the final plat as required by the Development Code.**
16 **3. Cross access easements shall be provided between all lots of the subdivision and adjacent**
17 **property.**
18 **4. The final plat shall be recorded prior to issuance of a building permit.**

19
20 **C. OTHER BUSINESS:**

- 21
22 4. SP-11-02 Joe Totorica is requesting site and architectural plan approval review for a 3,360
23 square foot fast food restaurant (Arctic Circle) located at the northwest corner of Parkway
24 East and Alpine Highway (SR74). *Administrative.*

25
26 Nathan Crane explained that in the Town Center District the City Council is the approval body for the
27 site plan and the Planning Commission is the approval body for architecture. We are reviewing this
28 item for compliance with our development code. This area is designated as mixed use on the land use
29 map and the zoning is Town Center. There is a sub-zoning which is Commercial Retail District. The
30 site is located at the Northwest corner of Parkway East and SR74. Nathan referenced the overhead
31 photo indicating that he did some rough measurements of the proximity of nearby existing homes to
32 this proposed use. The distance was anywhere from 200 feet to over 250 feet. Nathan indicated that
33 Parkway East is not improved between the town hall and Ace Hardware, it is planned to be improved
34 as adjacent development comes in or as it is funded as a capital project. The site plan shows the two
35 accesses and each driveway will allow full turning movements. Nathan said that one of the
36 stipulations of approval is to increase the menu board distance to allow for queuing between the menu
37 board and the cars entering the drive thru. There will be a dual lane drive thru that includes a way for
38 people to escape. The site includes 31 parking spaces. The development code does not have a specific
39 requirement. Nathan expressed that this may be a point of interest that we may want to amend in the
40 future. We are requesting to see the detail of the trash enclosure; it is required to be screened by an
41 opaque gate and have a wall that matches the building. We will see that detail at the building permit
42 stage. He stated that lighting is a big issue here. Nathan referenced the lighting plan overhead and
43 indicated that the orange circles shown on are street lights that are a required detail in this district. We
44 are asking the applicant to filter the lighting with a shield. The shield will likely go on the east side of
45 the light, projecting the light to the west to protect the residents. Nathan explained that the gooseneck
46 style of light is not a requirement to the interior of the site. We are recommending a requirement that
47 they be changed to the shoebox style lighting. Nathan went over the lighting plan in further detail on

1 the overhead. He reviewed the landscape plan. There will be a berm along the right of way and SR
2 74. The site is actually lower than the elevation of SR 74. Nathan clarified that the drawings provided
3 are depicting the landscape planting when they are full grown, not when they are initially planted. He
4 explained that the plantings are all along the east side of the building. The berm height shown is
5 approximately three feet and the bushes are three feet four inches. Nathan stated that if we want
6 something taller, we need to specify an exact size or height. Roger said that the plantings should be
7 evergreen so that they are green year round. Nathan indicated that typically the smaller the plant is
8 when it is planted the faster that is generally grows. Roger added that it tends to be healthier as well.

9
10 Nathan went over the color elevation on the overhead briefly. There are awnings over the windows.
11 The stone and window requirements are consistent with the development code. He explained that they
12 will be installing faux windows in the kitchen area. They will be blacked out since there are not
13 generally windows in that area of the building. Nathan passed around the materials board for the
14 Commissioners to review.

15
16 Nathan stated that DRC was held for this item and as mentioned earlier we received some comments.
17 A request that was received today was that the drive thru be located on the west side of the building.
18 He indicated the residents had asked if a wall could be placed around the menu board to help with
19 sound. Nathan said that sounds bounces, but a wall would help a little bit. He stated that staff is
20 recommending approval with two standard stipulations. Additional stipulations would address the
21 light; we want to add the stipulation to have the light reviewed at the building permit stage. Revise
22 stipulation #9 from 20 to 44 feet; there will only be one menu board for the site. We will also require
23 the wall around the menu board and then the stipulation regarding the parking lot lighting is already
24 there. Nathan indicated we need two separate motions, one for the architecture and the other for the
25 site plan.

26
27 Roger Dixon asked for larger copies of exhibits in the future.

28
29 Trixie Williams addressed one of the letters from a resident regarding traffic headlights and asked if
30 the berm will address that. Nathan indicated that it should screen the headlights.

31
32 Jay Roundy commented on the landscape plan, he indicated that whether it is this or any other type of
33 application where a berm is being installed, a three foot berm will settle about a foot within about a
34 year and a half because of compaction. He said that this is intended to look out for business as well as
35 the city, that licensed landscape architects put together plans for applicants. His concern comes from
36 the trees that will be near the park strip. Nathan stated that the applicant will have to use the approved
37 trees from the park strip tree list. The trees on that list are chosen because of the root system. Jay then
38 commented on the drive thru radius and said that he has seen another business that has tire marks on
39 the embankment and the curb has ended up black because the radius is so tight. Unless you are in a
40 small vehicle, it is difficult to make those radiuses. His hope is that the radiuses have been checked.
41 Chris Kemp expressed that since this site has a double lane; it is not as much of an issue as some other
42 sites. Joe Totorica stated that the radius has to be at least 30 feet, which should be sufficient,
43 especially with the double lane.

44
45 Roger Dixon asked if the applicant is required by ordinance to have sod. Nathan said in the parkway
46 detail they are required to install sod. Roger said we ought to consider changing that because from a
47 horticulture point of view, we are killing trees because of the amount of water sod has to have. He
48 indicated we may want to look at changing that in the future. Roger stated that it may even be cheaper
49 to maintain groundcover. This could result in some savings for the city. Nathan said that in

1 commercial zones, the property owner would be maintaining this area. He then indicated that there has
2 been movement throughout the country and in Utah starting to do a xeriscape landscape. This does not
3 mean rocks. The Central Utah Conservancy District has great examples of what can be done with this
4 type of landscaping. Nathan said staff has discussed this internally, but the city may want to move
5 toward having more of xeriscape concept versus turf everywhere. Roger said that the park strip in his
6 neighborhood has only groundcover if anyone would like to see an example.
7

8 Chris Kemp requested that as the building is put in that the applicant be sensitive to the noise level of
9 the speaker and the surrounding residents. Joe Totorica said that the speakers they are using are very
10 up to date and that if you are 60 to 100 feet away that you really cannot even hear them.
11

12 **MOTION: Jay Roundy moved that the Planning Commission accept the findings and**
13 **APPROVE the architectural plan for case SP-11-02 subject to the two stipulations recommended**
14 **by staff with the additional stipulation regarding lighting. Motion seconded by Steve Rock.**
15 **Unanimous vote, motion carried.**

- 16 1. **The development shall conform to the elevations and materials board date stamped May**
17 **18, 2011, except as modified by these stipulations.**
- 18 2. **All roof mounted mechanical equipment shall be shown on the construction plans and**
19 **screened by the parapet.**
- 20 3. **The parking lot lights shall be a shoebox style fully shielded and directed downward. The**
21 **street lights shall include a shield band similar to Toscana if required light levels can be**
22 **met.**

23
24 **MOTION: Jay Roundy moved that the Planning Commission accept the findings and**
25 **recommend APPROVAL of the site plan for case SP-11-02 subject to the eleven stipulations**
26 **recommended by staff and the added lighting stipulation.**
27

- 28 1. **The development shall conform to the site plan, landscape plan, and lighting plan date**
29 **stamped May 18, 2011, except as modified by these stipulations.**
- 30 2. **Final landscape plans shall be approved prior to issuance of a building permit.**
- 31 3. **The final plat shall be recorded prior to issuance of a certificate of occupancy.**
- 32 4. **All ground mounted mechanical equipment shall be screened and painted to match the**
33 **building.**
- 34 5. **Prior to issuance of a building permit approval from UDOT for the location of the**
35 **driveway on SR74 shall be provided.**
- 36 6. **Prior to issuance of a building permit approval from the Lehi Irrigation shall be**
37 **provided.**
- 38 7. **The trash enclosure shall be screened by a six-foot wall designed to match the building.**
39 **The gate shall be opaque.**
- 40 8. **All signage shall require a separate permit. In addition a comprehensive sign plan shall**
41 **be reviewed and approved prior to issuance of a building permit.**
- 42 9. **The first drive-thru menu board shall be placed a minimum of forty four feet from the**
43 **entrance to the drive-thru.**
- 44 10. **The civil construction plans shall meet all requirements as determined by the City**
45 **Engineer.**
- 46 11. **A screen wall shall be installed on the east side of the menu board. The screen wall shall**
47 **be a minimum of one foot higher than the speaker.**

1 **12. The parking lot lights shall be a shoebox style fully shielded and directed downward. The**
2 **street lights shall include a shield band similar to Toscana if required light levels can be**
3 **met.**

4
5 Roger Dixon added an additional stipulation:

6
7 **13. That all shrubs shall be evergreen.**

8
9 Jay indicated this was an acceptable addition to his motion.

10
11 **Motion seconded by Steve Rock. Unanimous vote, motion carried.**

- 12
13 5. FP-11-04 James Swindler is requesting to amend Lot 10 Mystic Cove Plat A and Lot 8
14 Hidden Oakes Phase 2 Plat B by reducing the lot size of Lot 10 Mystic Cove from 31,428
15 square feet to 10,303 square feet and increasing Lot 8 Hidden Oakes from 32,709 square
16 feet to 43,844 square feet. The lots are located at 10199 North Hidden Oak Drive and
17 10228 Mystic Hollow.

18
19 Nathan Crane explained that this request is to amend two lots, one lot is in Mystic Cove and the other
20 lot is located in the Hidden Oaks subdivision. He expressed that we are trying to accommodate a
21 deadline of a house closing, so we are moving quickly on this item. Nathan stated the request is to
22 amend Lot 10 of Mystic Cove Plat A and Lot 8 of Hidden Oaks. He explained that in 2004 an
23 easement was granted from one lot to the other. Nathan said the applicant may have more detail on
24 that. He referenced the overhead photos showing the Commission what the easement granted access
25 to. As the houses have changed hands over time, there is a need to take care of the easement. The
26 request is to amend the plat. The easement area would all then be contained within Lot 2 of Hidden
27 Oaks. The amendment does not change the density nor does it change the number of approved lots.
28 The lot sizes will meet the development code requirements. This is a pretty simple application, but just
29 something that we have to go through for the plat amendment process. Nathan indicated that in the
30 future we are looking at amending our amendment process so that these types of applications can be
31 approved on an administrative level.

32
33 James Swindler, applicant and owner of Lot 10, expressed that they are asking permission to give away
34 about the back 11,000 feet of the property to Mr. and Mrs. Armstrong who have been using the area
35 ever since they purchased their home not knowing that the land was not originally part of their
36 property. Mr. Swindler indicated that he has an eager buyer for his home that is looking to have this
37 matter cleaned up quickly. He said that the property line will be at the fence line and the fence has
38 been there the entire five and one half years that he has owned the property.

39
40 **MOTION: Jay Roundy moved that the Planning Commission accept the findings and**
41 **recommend APPROVAL of case FP-11-04 subject to the two stipulations recommended by staff.**
42 **Motion seconded by Roger Dixon. Unanimous vote, motion carried.**

- 43
44 **1. The recorded plat shall conform to the plat date stamped May 23, 2011.**
45 **2. The recorded plat shall be revised to meet the requirements of the City Engineer and**
46 **Community Development Director.**

47
48 Tim Irwin indicated that this item will go to City Council on June 7, 2011.

1
2 **D. APPROVAL OF MEETING MINUTES FOR FEBRUARY 22, 2011 – REGULAR MEETING**
3

4 **MOTION: ABE DAY moved to APPROVE the Meeting Minutes for February 22, 2011 as**
5 **amended. Motion seconded by Trixie Williams. Unanimous vote, motion carried.**
6

7 **APPROVAL OF MEETING MINUTES FOR APRIL 12, 2011 – REGULAR MEETING**
8

9 **MOTION: ROGER DIXON moved to APPROVE the Meeting Minutes for April 12, 2011 as**
10 **amended. Motion seconded by Jay Roundy. Unanimous vote, motion carried.**
11

12 **E. PLANNING STAFF REPORT**
13

- 14 1. Nathan Crane stated that next Planning Commission meeting will be June 28, 2011.
15

16 **F. COMMISSION COMMENTS AND SUGGESTIONS**
17

18 Roger Dixon addressed Nathan Crane indicating that we have discussed a couple of times moving into
19 a discussion about whether ordinances need to be established regarding the property located south of
20 Lone Peak High School, commonly known as the state property. Roger said that he is starting to feel
21 anxious about this and is concerned that at some point a developer is going to come in and we are
22 going to be behind. He stated he does not know how the other Commissioners feel, but he would like
23 to be ahead of the game on this matter. He asked what kinds of plans we could do about this to
24 encourage bringing this matter forward. Nathan explained that we are cognizant of the property and its
25 future potential. To property plan it, would require resources that we do not have right now. In the
26 meantime, we are trying to do some things. We have talked to EDCU, Economic Development
27 Corporation of Utah, and their function is more associated with shovel ready sites than with potential
28 sites. They focus largely on employment uses. They do not prefer sites one above another; they just
29 want the business in Utah. They have another level where there is a Utah County representative and he
30 has no preference where a business goes as long as it is in Utah and then within Utah County. One of
31 the things they have found is that most of the wins they have gotten in recruiting have been for people
32 using existing buildings. Nathan said we are working on this front a little bit. It really just comes
33 down to resources, and we do not have the resources at this point to do a proper job. Roger asked what
34 it is we do not have. Nathan stated that we do not have the money to sublet a design, but more
35 importantly we do not have the money for an economic analysis of where we are with this property.
36 This type of analysis would be contracted out and the cost would be approximately \$15,000-\$25,000.
37

38 Tim Irwin asked if it is up to the Commission to make a recommendation to the Council to include that
39 in their budget. Nathan said that is correct.
40

41 Jay Roundy asked if MAG or any of the state entities that are pumping money into various economic
42 development projects would be available so that Highland would not have to fund the analysis, but
43 would receive a product. Nathan said he is not sure whether MAG directly pumps money into this
44 type of matter. He stated that they used to have Planning grants and that portion of funding was cut a
45 long time ago. The money that is being pumped into economic development by the state and EDCU
46 usually has to do with tax rebates. So it is not usually direct cash; it is performance based on number
47 of employees and things like that. They usually require a local match.
48

1 Jay Roundy stated that Roger, by way of suggestion, is hitting the nail on the head. He feels that to
2 mention to City Council that this is a concern the Commission has, even though they are aware there
3 are no financial resources at this time, would help the Council to have this on their radar screen in case
4 there is extra money that comes along that would allow us to be proactive on this matter. Nathan
5 indicated that they are always open and looking at additional funding options.
6

7 Tim Irwin expressed that he thinks what Roger is stating is that we are the Planning Commission and
8 we want to look at and get ahead of the game to see what would be appropriate for the city rather than
9 have someone come in and have to react to it as opposed to planning ahead for what might be best for
10 the residents of Highland. Roger expressed this is exactly what his thoughts are. He said he can
11 imagine various scenarios in which in retrospect \$15,000 or \$20,000 would look like a real bargain.
12 Nathan indicated that staff agrees and it is something that we would like to do, it is just a matter of
13 resources. Roger asked if this is on the radar of the City Council in any way. Nathan said it is not in
14 this budget year.
15

16 Tim Irwin asked if the Planning Commission wanted to send a recommendation to City Council that
17 this is a concern and we would like them to take a look at it. Roger suggested that even Tim could
18 make an appearance with this suggestion. Roger indicated that whatever type of method for the
19 suggestion he is in favor. Nathan explained that the first step is the economic analysis and then you go
20 into detail. Tim expressed that they would just like to take a look at the area and see what would be
21 best and an economic study might be the best way to start. He said that we have to start somewhere
22 and it make take a long time to have the resources to do it, but if we do not start, then we are going to
23 be reactive when someone comes in. Nathan said he understands the Commission's position and they
24 are supportive of that, but he is not as concerned about it because what the property is zoned and the
25 General Plan is designated as mixed used. It is zoned R-1-40 and we have legislative authority of what
26 is approved there and what is not. Nathan expressed that if it was zoned industrial then he would most
27 definitely be concerned. Our goal is not to plan the property without participation from the property
28 owner because creating a plan without that participation just leads to no plan. The state owns the
29 property. Nathan said that it is not typical SITLA land; it is treated more as private ownership. The
30 Department of Administrative Services actually owns the land. There is a distinction between SITLA
31 land and the Department of Administrative Services land. Nathan indicated that our goal would be that
32 when we proceed with this land we work directly with the state. We are trying to figure out what their
33 plans are at this point. Our goal is to plan that with them.
34

35 Tim Irwin said that as we looked at the city of Highland, there is a feeling that we need some economic
36 development. That property is an area where that could happen. Nathan said that this starts with
37 where we are in the market. He said that we have some difficulties that we face with economic
38 development because of areas like Cabelas and The Meadows. Abe Day expressed that there are a lot
39 of business owners that live in Highland and they may be willing to relocate their offices here if the
40 potential existed. Nathan said we agree and are counting on that, but that is not 150 acres worth of
41 development.
42

43 Nathan stated that the public hearing for the budget will be at the June 7, 2008 City Council meeting
44 and they could make a suggestion then or perhaps call the mayor and get his thoughts. It was
45 determined that there is not enough information available at this date to make a recommendation to the
46 Council for the upcoming budget year, but the Commission would like to get it on the Council's radar
47 screen. Nathan indicated that he feels it is on the Council's radar screen, there are just not the
48 resources available to move forward. Chris Kemp asked what has been planned south of the Murdock
49 Canal. Nathan said that there is a portion south of that which is in Highland and then south of that is in

1 American Fork. American Fork's land use documents all show it is planned for residential. He said
2 that we have the advantage over other cities in regards to developing this property. The location
3 proves more beneficial to Highland than other cities. Nathan expressed that when SR92 and 4800
4 West are complete, the dynamics will change a lot out here and we think that will help.

5
6 Chris Kemp asked for an update on 4800 West and if the mayor could get a meeting with the county to
7 push them along or get a completion date. Nathan stated the last completion date he heard was in
8 September. He said to shoot Matt an email about this.

9
10 Roger Dixon asked what has happened to the Walgreens project. Nathan said they are still coming and
11 looking at opening in the spring. They had some financing issues that they are still trying to work
12 through. Once that is completed, we will see their construction plans.

13
14 Roger asked if there is anything going on in regards to the Timpanogos Cave Visitor Center. Nathan
15 explained that a few months ago staff met with the forest service and they have plans drawn up, but
16 there is no funding to go farther. That means the project is ten or more years out.

17
18 Chris Kemp said that he had a resident come to him about the field just north of the high school. Their
19 understanding was that we turned the scheduling of that over to American Fork City and their contract
20 is up in the next few months. Nathan indicated he was not aware of anything such as this. Chris said
21 that at a time the field was being used for soccer and other things, but now it is not available to anyone
22 in Highland he was told. Nathan was not aware of that information. He said he does know that North
23 Utah County Soccer Association has used that field some. Nathan suggested contacting Emily in the
24 Public Works Department, she handles scheduling of the parks.

25
26 Abe Day asked what the procedure for fining Highland Hideaway Storage is if they do not come into
27 compliance. Nathan indicated that there is an enforcement procedure that we will go through. The
28 fines are not retroactive. Nathan explained that any enforcement action is stayed because they have
29 requested a code amendment. Once a decision is made, we will move forward either with enforcement
30 or if the amendment is passed, they will then be in compliance.

31
32 Abe Day asked if the Commission can make zones for specific types of uses. Nathan said they can
33 make a recommendation to City Council and then they would make the ultimate decision. He
34 indicated that is something we would have to be careful with, but there are ways to do it.

35
36 Abe Day asked if the Commission will be sponsoring the height of homes issue the gentleman brought
37 up at the beginning of the meeting. Nathan said that will be the Commission's decision to make at the
38 next meeting.

39
40 Chris Kemp expressed that he is concerned with the storage facility that the process has gone on so
41 long and the fee is so minimal that they may choose to pay the fine as opposed to coming into
42 compliance. Nathan indicated that we will have to wait and see; that may be the case.

43 44 **G. ADJOURNMENT**

45
46 **MOTION: JAY ROUNDY moved to adjourn. Motion was seconded by Trixie Williams. Unanimous**
47 **vote, motion carried.**

48
49 **Meeting adjourned at 9:03:10 PM.**