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

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

We thank you in advance for your participation."

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

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 to address the height of a building. We can change the definition in building height, how we measure it, we can make an exception, or we 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.

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.

B. WITHDRAWALS AND CONTINUANCES

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

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

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

C. PUBLIC HEARING AND LEGISLATIVE ACTION

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

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

Staff is recommending approval with the stipulations, one being that we receive a revised site plan that shows organization and the dust free requirement. Nathan mentioned that it is interesting that this Professional Office (PO) District is that you think office buildings and similar uses are located in, but under the approved uses, it is more of a commercial district than a pure professional office district.

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

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

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

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

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

Jay Roundy asked if the intent of the design and layout is to follow the city's guidelines and ordinances to the T. Mr. Welch said yes in regards to the site layout and what is permitted. Mr. Welch gave some history that when the business license was originally put in for, it stated for open storage. That was in conflict with the ordinance that had already been passed. So though it was approved by the city, there was a conflict with what our business license said and what the ordinance stated. This is why we are saying we are not in compliance with the ordinance and need to see if we can seek a change.

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

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

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

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

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

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

Tim Irwin opened the public hearing at 7:35:00 PM.

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

letter that was submitted to the city by Patterson and the statement about a financial impact and feels that financially we are all in the same economy and one position cannot be favored over another.

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

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

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

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

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

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

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

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

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

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

Jay Roundy added a fifth item:

5. **This use is not compatible with the existing conservation easement that runs through the property.**

Roger Dixon seconded. Unanimous vote, motion passed.

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

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

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

Tim Irwin opened the public hearing at 7:54:59 PM.

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

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

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

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

C. OTHER BUSINESS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Roger Dixon added an additional stipulation:

13. That all shrubs shall be evergreen.

Jay indicated this was an acceptable addition to his motion.

Motion seconded by Steve Rock. Unanimous vote, motion carried.

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

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

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

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

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

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

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

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

APPROVAL OF MEETING MINUTES FOR APRIL 12, 2011 – REGULAR MEETING

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

E. PLANNING STAFF REPORT

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

F. COMMISSION COMMENTS AND SUGGESTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. ADJOURNMENT

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

Meeting adjourned at 9:03:10 PM.