

1 **Highland City Planning Commission**
2 **August 9, 2011**
3

4 The regular meeting of the Highland City Planning Commission was called to order by Planning
5 Commission Chair, Tim Irwin, at 7:05 p.m. on August 9, 2011. An invocation was offered by
6 Commissioner Abe Day and those assembled were led in the Pledge of Allegiance by Boy Scout Nathan
7 Morrill of Troop 1158 in Highland.
8

9 **PRESENT:**

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

18 **EXCUSED:**

18 Commissioner: Christopher Kemp
19 City Administrator: John Park
20

21 **STAFF PRESENT:**

21 City Planner: Nathan Crane
22 City Engineer: Matt Shipp
23 Secretary: Jill Stewart
24

25 **OTHERS:** Chris Dalley, Jay Erwin, Kathryn Schramm, Kent Loosle, Nathaniel Morrill, Jacob Glancy,
26 Tim DuMoulin, Keith DuMoulin.
27

28 **A. APPROVAL OF MEETING MINUTES FOR JULY 12, 2011 – REGULAR MEETING**
29

30 **MOTION: ROGER DIXON** moved to approve the Meeting Minutes for July 12, 2011 as amended.
31 Motion seconded by Jay Roundy. Unanimous vote, motion carried.
32

33 **B. PLANNING STAFF REPORT**
34

- 35 1. Nathan Crane updated the Commission on the T-Mobile cell tower conditional use permit
36 application. He explained that the City Council approved the application with a condition of a
37 60 foot height and also that T-Mobile work with the neighborhood on some mitigation
38 measures and report back to the Council. Since that time, T-Mobile has put their decision of
39 whether to proceed with this application on hold pending internal review.
40
- 41 2. Tim Irwin asked what the decision from Council was on the Lone Peak Commercial General
42 Plan amendment. Nathan said the Council will be holding a second public hearing next
43 Tuesday, August 16, 2011 for this item.
44

45 **C. COMMISSION COMMENTS AND SUGGESTIONS**
46

47 Jay Roundy inquired about the previously scheduled work session with the Economic Development
48 Committee and then the change to not have that work session. Tim Irwin expressed that he thinks it

1 was the Commission's request to meet together in a work session to be sure everyone is on the same
2 page and that the Commission understands what the Committee is talking about. Subsequently, they
3 met as a committee and decided that since they report to the Council that there was not a need to
4 meet with the Planning Commission. Tim explained that in no way indicates that they do not want to
5 work with the Commission; they just felt it would be a matter of protocol that they report to the
6 Council. Any action or recommendation they make will be made to the Council and the Council will
7 forward those recommendations on to the Planning Commission for the proper development process
8 for that item.

9
10 Tim further commented that he spoke with the chairman of the Committee and they will be sitting
11 down and discussing how we can work together and be on the same page. Roger Dixon said that he
12 thought the reason for meeting with the Committee was to get an overall plan and not attack this on a
13 piece meal basis. Tim indicated that was the intent.

14
15 Kelly Sobotka asked who is on the Economic Development Committee. Nathan said Gary Lloyd is the
16 chair of the Committee and then he listed the names of the remaining individuals he could remember:
17 Mayor Ritchie, John Park, Jess Adamson, Ron Jewett, and Andrew Ford.

18
19 On a separate note, Trixie Williams commented that she had previously resigned from the Planning
20 Commission because she was moving out of Highland City. The sale of the home she was going to
21 purchase did not go through and she was able to rent a home in Highland. She contacted the Mayor to
22 see if her seat had been filled on the Commission. The Mayor said her seat had not been filled and
23 asked her to resume her position and finish out her term that ends in January of 2012.

24
25 Tim Irwin said the Commission would take a five minute intermission until the time is 7:30pm and the
26 public hearing portion of the meeting can be opened. He explained that the public hearings were
27 advertised in The Daily Herald at 7:30 PM and that we must wait until that time to address those
28 cases that require a public hearing.

29
30 [7:23:49 PM](#) Intermission.

31
32 Meeting reconvened at [7:30:48 PM](#).

33
34 **D. PUBLIC APPEARANCES**

35
36 Tim Irwin read the opening statement:

37
38 "This Planning Commission is composed of Highland City citizens who have been appointed
39 by the City Council to serve on the Commission as a civic responsibility. In the interest of
40 maintaining a fair and efficient hearing, the Commission adheres to the following steps:

- 41
42 The Chair calls the agenda item;
43 Staff gives a brief report and recommendation;
44 Applicant then may give a presentation;
45 Opposition and support give testimony, no more than three minutes per speaker;
46 Applicant may give a response, and
47 The Commission has a discussion and makes decision.
48

1 Anyone wishing to speak before the commission must fill out a speaker information form and
2 hand it to Nathan Crane, Community Development Director. We expect all that participate
3 will be civil in their public discourse and that they will be respectful of others whether they
4 agree or disagree with any action taken. The Commission will stand against any incivility
5 when we see it.
6

7 We thank you in advance for your participation.”
8

9 Tim Irwin invited comments from the public regarding items not on the agenda. Hearing no
10 comments Tim continued with the scheduled agenda items.
11

12 E. PUBLIC HEARING AND LEGISLATIVE ACTION
13

- 14 1. TA-11-11 Jay Erwin is requesting to amend the Highland City Development Code Article
15 4.7.4 Town Center Overlay Urban Subdivision Section 3-4746 to reduce the number of
16 twin homes and increase the number of detached dwellings in the Town Center
17 Overlay Urban Subdivision. *Legislative*
18

19 Nathan Crane reviewed the proposed amendment. He explained that the goal of this amendment is to
20 reduce the number of twin homes and increase the number of detached single family dwellings.
21 Nathan stated that this is a unique situation where the development code actually spells out the
22 number of single family detached dwellings and twin homes that are permitted in this zone. He
23 indicated that this request is in response to current market conditions in the final phase of the
24 Highland Village development.
25

26 Jay Erwin, Greencrest Development, stated that he is the applicant and he is also the chair for the
27 homeowner’s association for Highland Village. He said they recently had their annual meeting and
28 everyone on the association was pretty happy with this idea. He explained that this plan is more
29 economical for them because they are able to sell single homes more quickly than the twin homes.
30

31 Tim Irwin opened the public hearing at [7:35:05 PM](#).
32

33 Kathryn Schramm, resident and City Council member, wanted to address this matter because it
34 would rectify an action of the Council. She explained that she did not come on to the Council until
35 just shortly after this application was approved. Kathryn expressed that she would like to see that
36 area of the city fill up and develop. She encouraged the Commission to approve this application. Tim
37 Irwin asked Kathryn if she was familiar with why the Council wanted the twin homes. Jay Erwin
38 stepped in and answered that the twin homes were at the request of the applicant. They have since
39 found the single family detached dwellings to be a better option.
40

41 Tim Irwin clarified that there was no relationship between he and Jay Erwin.
42

43 Hearing no further comments Tim Irwin thanked those residents for their comments and closed the
44 public hearing bringing the issue back to the Planning Commission for further discussion.
45

46 Trixie William asked since this is not typical, as Nathan mentioned, would eliminating the number of
47 dwellings in the code be beneficial. Nathan said he had thought about that, but factoring in that we
48 are at the final phases of this development, eliminating that number would not be of great impact at
49 this point.

1 Steve Rock asked if there would be any additional property the city would have to maintain with the
2 completion of this development. Matt Shipp said there would not be.

3
4 **MOTION:** Kelly Sobotka moved that the Planning Commission accept the findings and
5 recommend **APPROVAL** of case TA-11-11 a request to amend Section 3-4746 relating to reduce the
6 number of twin homes and increase the number of single family detached dwellings in the Town
7 Center Overlay District to City Council. Motion seconded by Steve Rock. Unanimous vote,
8 motion carried.

- 9
10 2. TA-11-09 A request to amend the Highland City Development Code Chapter 2
11 Municipal Planning to add Section 6 Development Review Procedure relating to
12 neighborhood meeting and pre-application meeting requirements. *Legislative*

13
14 Nathan Crane reviewed the proposed amendment. He explained that this request is to add Article 6
15 Development Review Procedures to Chapter 2 Municipal Planning. The intent of this article is to
16 have all review processes in one location. This amendment proposes to add requirements for pre-
17 application and neighborhood meetings. Pre-application meetings take place prior to the filing of an
18 application. Pre-application meetings are required for all land use applications. However, there are
19 some instances in which a pre-application meeting may not be needed. Discretion will be used as each
20 request is considered. One of the keys here we thought about in preparing this is focusing on
21 legislative and administrative actions. With legislative actions, we really focus on getting as much
22 public input as we can.

23
24 Nathan said that right now the proposal includes general plan amendments, rezonings, and
25 conditional use permits. He said it is a struggle with conditional use permits; we may want have a
26 future discussion on how we want to handle those. Nathan explained that preliminary plats are not
27 included because we have a DRC meeting; we are open to the idea of eliminating the DRC meeting
28 and having a neighborhood meeting. Nathan said he feels a neighborhood meeting may be more
29 effective than a DRC meeting based on the few DRC meetings he has attended. He noted that for all
30 city initiated applications, the Planning Commission public hearing will serve as the neighborhood
31 meeting. Notification for neighborhood meetings will take place a minimum of 15 days prior to the
32 meeting and then that would be prior to Planning Commission, so that would be a total of 30 days.
33 Nathan said in looking at that, staff felt that it may be more appropriate to change that number to 10
34 days, so they are requesting to make that change. The radius notification distance would be 500 feet.
35 Nathan commented that anytime a line is drawn, there will always be someone on one side or the
36 other and we do the best we can. He said there was a suggestion made to include homeowner's
37 associations to that radius notification list. Nathan explained one of the problems we have is that
38 homeowner's associations in Utah are not as organized or last as long as other areas. He stated that
39 we would be happy to include them, but we do need to have some kind of register or list that is
40 current of homeowner's associations.

41
42 Nathan indicated that a 24" x 36" sign will be posted on the site informing the public of the
43 neighborhood meeting. The applicant will provide a report of that meeting that will include a sign in
44 sheet, as well as what happened at the meeting. That report will be forwarded on to the Commission
45 and Council as part of the record.

46
47 Tim Irwin opened the public hearing at [7:46:39 PM](#). Hearing no comments Tim Irwin closed the
48 public hearing bringing the issue back to the Planning Commission for further discussion.

1 Roger Dixon said that he talked with Nathan this afternoon about adding the homeowner's
2 association to the radius notification and he thinks that is a good idea. He thinks it would be
3 reasonable from the city's point of view that they only have to provide the names of homeowner's
4 associations who are registered with the city and are currently registered. Roger stated he would like
5 to extend that to the architectural review committees as well. He said it would be a good idea if we
6 approve this amendment, that occasionally on a quarterly basis that a notification be put in the city
7 newsletter reminding people that if they want to have an architectural committee they can do that.
8 Tim stepped in and clarified that would be the case if there was not a homeowner's association. Roger
9 said that is correct. It is his understanding that there can be either a homeowner's association or an
10 architectural review committee, but not both.

11
12 Roger mentioned the radius distance of 500 feet. He said that seems like a good distance, but he feels
13 1000 feet would be better. Tim reiterated that there will always be someone on the other side of the
14 line. Roger said we should strive for something that is reasonable. Most neighborhoods where there
15 is an impact from something coming in, there are going to be more people impacted than in a 500 foot
16 radius. Tim asked if we know the origin of the 500 feet. Nathan stated that distance probably came
17 from state law. Nathan said he thinks that is reduced to 300 feet now. Steve Rock asked if most cities
18 are 500 feet. Nathan said he believes most are between 300 and 500 feet. Nathan brought up the
19 overhead aerial map to pull some measurements of how many homes are included in a 500 foot radius.
20 Nathan asked the planning secretary how many notices were mailed out for the Lone Peak
21 Commercial General Plan amendment. Jill Stewart indicated just over 100 notices were mailed.
22 Nathan explained that the 500 foot distance is measured from each property line. Steve Rock asked if
23 Nathan was aware of any cities that have a 1000 foot radius. Nathan said he does not know of any.
24 Tim Irwin said that whether or not another city has a 1000 foot radius is not what is important to us.
25 It is up to us to make a recommendation for our city.

26
27 Tim stated that we really want to encourage people to know what is going on around them. He said
28 he does not know if it is our responsibility to continually remind them. They should have enough
29 interest in their surroundings to take the initiative to be informed with what is going on around them.

30
31 Roger Dixon stated that in some cases 500 feet only gets four houses and the impact is a lot more than
32 that. Steve Rock said that if a public notice sign is placed on the proposed site that would be
33 something for people to see. Tim expressed that the sign may be more effective than the radius
34 notices. Tim asked for clarification on the requirement of the sign size that is to be posted. Nathan
35 stated that it is 24 inches by 36 inches. Tim said he was thinking a 4 foot by 8 foot sign. Nathan
36 stated that size of sign is appropriate for a public hearing. He said that is a big sign that requires two
37 posts and is expensive. Roger said he does not feel the larger sign is a bad idea.

38
39 Roger stated his concern is giving people an opportunity to know about things. He said there has to
40 be some responsibility on the city, or the applicant in this case, to notify people. Steve Rock made the
41 point that should people have to notify others of everything they do with the property they have
42 purchased. Roger said if what is being done does not meet the development code, then yes people
43 should be notified. Kelly stated that these are good points. He said if his neighbor received a notice
44 and he did not because he was outside of the 500 feet, he would almost guarantee that the neighbor
45 would say something to him. That is a way a neighborhood works; it is our responsibility as neighbors
46 to involve any of our neighbors in these types of things. Kelly said we can get bigger or smaller with
47 the radius, but he would think 500 feet would be acceptable. The word of mouth is going to happen
48 and it is the timeframe we should be more concerned about. Roger agreed and noted that having a
49 larger sign is something we should consider.

1
2 Abe Day commented that the intent is not generally to harm or hurt people and the way they live;
3 sometimes people just do not even think about things that can be done to make a difference. He said
4 that at the planning stage is a really good time to voice those concerns. Tim said that is the intent of
5 the neighborhood meeting and it is a good idea so that people know what is going on.

6
7 Trixie Williams noted that with the radius noticing there were several people within the radius for
8 the cell tower application who stated they did not receive a notice. She said she would be curious to
9 know what went on with that; whether the notice went out late or they thought it was junk mail, or
10 what happened. Tim said that does happen. Trixie asked what we can do so that it does not happen.
11 Matt Shipp commented that even if that radius was extended to 2000 feet there would still be the
12 same amount of people saying they did not receive a notice. Tim asked how much of a responsibility
13 do we have to say to residents read your mail. Trixie stated that if this is not even effective at the
14 distance we are doing it then the reason for extending the distance may not be worthwhile without
15 addressing that. Tim posed the question of how would we address that.

16
17 Abe Day said he does like the idea of a public sign. He stated that the obtrusive green or similar colors
18 really seem to catch his attention. Tim commented that people generally drive around their
19 neighborhoods and if they see a sign go up they will see what the sign is about if they are interested in
20 what is going on. Abe indicated that he tends to ignore white signs with wording typically because so
21 many of those signs are real estate signs. He said there might be a good way to get something that will
22 stand out.

23
24 Roger asked how much response we have had and whether we have a large database from the
25 website's notify me function and notifications. Nathan indicated he does not know. Tim said that
26 will be something that grows. Nathan said there is a place on the website to view public notices,
27 Planning Commission agendas, and City Council agendas. Nathan expressed that wherever we draw
28 the line, there will always be someone on the other side. The key is we have an opportunity for people
29 to come. Tim said his opinion is to enlarge the sign and leave the radius at 500 feet.

30
31 Roger referenced point number five from the staff report. He said that is states "The applicant should
32 provide the report summarizing the meeting". He said he feels a little nervous about that; the people
33 who attended should be able to provide or be involved in the summary of the report. Tim stated he
34 does not know how we would do that. He suggested that a requirement be added that those meeting
35 minutes be sent to those who attended. Nathan explained that they will have an opportunity to see
36 them; they will be a part of the Planning Commission and City Council agenda packets and those
37 agendas will be posted on the city website. Nathan said we need to make sure that the requirements
38 are applicant based. For an applicant to rely on or ask others to approve what he is doing is onerous of
39 us to require him to do that. The purpose of this meeting is not to get a consensus, it is to facilitate a
40 meeting between the neighbors and the developer to try to resolve concerns if they can. It is then the
41 Planning Commission or City Council's responsibility to make sure they meet code. Roger agreed
42 with Nathan's comments.

43
44 Trixie clarified with Nathan that adding this process will add a month to the procedure for the
45 applicant and that this seems a little difficult especially when we are trying to encourage development.
46 Nathan said that it is important that we establish what applications we want this to be on. Another
47 reason to go to 10 days for the neighborhood meeting and Planning Commission meeting is to reduce
48 this time factor. He said that is something we have thought about and it is a matter of finding a
49 balance.

1
2 Tim said he would like to see the size of the sign changed to 3 foot by 4 foot. Trixie asked how big of a
3 sign could be put on one post. Nathan said he was not sure. Abe asked if this is a reasonable size for
4 the sign. Matt commented that a 4' x 4' sign is almost half a sheet of plywood and there is almost
5 room for two signs on one deal. Abe asked if we want to specify the sign color. Nathan said if it is
6 that big he would go with white.
7

8 MOTION: Roger Dixon moved to that the Planning Commission accept the findings and
9 recommend APPROVAL of the ordinance amending the Highland City Development Code
10 Chapter 2 Municipal Planning to add Article 6 Development Review Procedure relating to
11 neighborhood meetings and pre-application meeting requirements to City Council with the
12 following two changes.
13

- 14 1. That 10 days be substituted for 15 days.
- 15 2. The applicant shall post a 4' X 4' sign upon the subject property
16

17 Motion seconded by Steve Rock. Unanimous vote, motion carried.
18

- 19 3. TA-11-10 A request to amend the Highland City Development Code Article 4.3 C-1 Zone to
20 revise permitted and conditional uses in the C-1 Zone. *Legislative*
21

22 Nathan Crane reviewed the proposed amendment. He explained this is something he became aware of
23 a while ago. This is an amendment to address the uses in our C-1 District. This district includes the
24 Kohler's shopping center and Kountry Korner. Nathan said that every single use in the C-1 District is
25 a conditional use in our development code. He explained that any new tenant that comes in has to
26 apply for a conditional use permit. When we talk about what conditional use permits are for, one of
27 the big things we do is try to reduce the impacts of offsite. We do that through landscaping, lighting,
28 walls and those types of things. In this district, those types of things are already in place, so our
29 reduction of impacts is problematic in this case. There are tenants continuously coming in and out of
30 this district. By the time we run a conditional use permit, they can have their tenant improvements
31 completed and already be open for business. We believe it is appropriate to establish permitted uses
32 and conditional uses for this district. Nathan stated that all of the other zoning districts have a list of
33 permitted and conditional uses established. The proposed list was presented on the overhead; it was
34 also included in the Planning Commission agenda packet. Nathan explained that he likes to use
35 general categories instead of specific things. As an example, retail sales would include things like
36 candles, furniture, and copy supply sales. Nathan explained we are not concerned with the specific
37 items they are selling because they are all classified for our purposes as retail sales.
38

39 Kelly Sobotka asked if it is easier to name the excluded uses as opposed to the all of the uses that are
40 permitted. He used the example of an adult bookstore possibly being classified as educational
41 learning center. Nathan explained that he likes to do permissive, which means here is everything that
42 you can do and anything that is not on that list you cannot do. He said then when someone comes in
43 and their use is not on that list we will either amend the list or not based on the use. Nathan said that
44 is easier to do than to try to think of every possible excluded use.
45

46 Tim Irwin opened the public hearing at [8:11:49 PM](#). Hearing no comments Tim Irwin closed the
47 public hearing bringing the issue back to the Planning Commission for further discussion.
48

1 Abe Day said he remembered doing a similar thing for the Town Center and asked if this is the same
2 list. Nathan said it is not. Abe said he thought in addition to the permitted and excluded uses there
3 was a non-permitted list. Nathan said there are some. The way the Town Center works is that there
4 is a list of uses and then it is identified in the zone whether it is permitted or not permitted. He
5 explained that it is a standard land use table format. The Town Center has all kinds of uses that
6 would not be addressed in this zone.

7
8 Abe Day said he would like to see software development added as a permitted use. Nathan said that
9 would be considered a professional office use.

10
11 MOTION: Trixie Williams moved to that the Planning Commission accept the findings and
12 recommend APPROVAL of case TA-11-10 a request to amend Section 3-4302 relating to
13 permitted, conditional, and prohibited uses in the C-1 Zoning District to City Council. Motion
14 seconded by Jay Roundy.

15 Roger Dixon asked about prohibited uses. Nathan clarified that prohibited uses are anything that is
16 not listed. The next section in the development code after the section just approved states that if it is
17 not included in that list it is considered a prohibited use.

18 Unanimous vote, motion carried.

19
20 F. OTHER BUSINESS

21
22 Abe Day asked where we are at with the property of the storage facility. Nathan stated that they are
23 working on getting the recreational vehicles removed. The storage unit asked for an extension from
24 their original compliance date. That extension was approved. Jill Stewart indicated that the property
25 is due for re-inspection this week. Nathan concluded that they are working on the issue.

26
27 G. ADJOURNMENT

28
29 MOTION: Abe Day moved to adjourn. Motion was seconded by Kelly Sobotka. Unanimous vote,
30 motion carried.

31
32 Meeting adjourned at [8:17:22 PM](#).