



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, December 13, 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 Kelly Sobotka
- Pledge of Allegiance – Commissioner Jay Roundy
- 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:

PUBLIC HEARING ITEMS:

1. GP-11-03 A request to amend the General Plan Existing and Future Trails Map to create a new Trails Master Plan. *Legislative.*
2. TA-11-14 A request to amend the Highland City Development Code Article 7 Section 3-712 Temporary Signs to create new regulations and requirements for temporary signs. *Legislative.*

OTHER BUSINESS:

3. TA-11-13 A request to amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments. *Legislative.*
4. Adoption of Amended 2012 Planning Commission Meeting Schedule.
5. Planning Commission Chair and Vice Chair Elections.

APPROVAL OF MINUTES:

- November 9, 2011 – Regular Meeting

PLANNING STAFF REPORT:

- Recent City Council Actions
- Planning Commission Rules of Procedure

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *Tuesday, January 24, 2012* 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 8th day of December, 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 8th day of December, 2011 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Gina Peterson, City Recorder

HIGHLAND CITY PLANNING COMMISSION MEETING DECEMBER 13, 2011			
REQUEST:	PUBLIC HEARING – The Highland City Council is requesting to change to the Trails Master Plan. (GP-11-03)		
APPLICANT:	Highland City Council		
FISCAL IMPACT:	Unknown		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION Citywide

PURPOSE:

Hold a public hearing and solicit citizen input on the draft Trails Master Plan. This item being presented for information and discussion only. The Commission will be asked to make a recommendation to the City Council at a future meeting.

BACKGROUND:

The purpose of the Trails Master Plan is to identify the location of existing and future trails. The Trails Master Plan was last updated in July of 2009.

The Mayor and City Council formed an Open Space Committee to address existing concerns within open space subdivisions. One issue that is consistently discussed is trails. Issues with trails include: a twenty foot corridor width being too small, concerns with locating trails behind homes, maintenance of existing trails, and construction of future trails.

Trails serve both recreation and transportation needs. Trails should connect with destinations such as schools, parks, commercial areas, and trails in surrounding communities. There are several different types of trails for example: urban and nature. Most cities have a mix of different trail types.

The City Council asked staff to prepare an update to the Trails Master Plan that addresses the issues raised by the City Council, Open Space Committee, and citizens. Staff prepared a draft plan that was presented to the Trails Committee met on December 1, 2011 and December 5, 2011. The changes recommended by the Trails Committee are attached. The draft master plan was also presented to the Open Space Committee on December 5, 2011.

A general plan amendment is a legislative process.

DISCUSSION:

The proposed Trails Master Plan identifies six different types of trails as follows:

<i>Proposed Trail Types</i>	
Main City Trails	Trails that serve as both a transportation and recreation purpose and have a high use. These trails provide connections to parks, schools, employment areas, and to existing or planned trails regionally or in surrounding cities such as the Utah County Equestrian Park, American Fork Canyon, and Bonneville Shoreline.
Murdock Canal Trail:	This trail is the main spine of the trail system. Providing connections to this trail is a priority. The trail will be owned and maintained by Utah County.
Neighborhood Trails:	These trails are an integral part of the open space area and/or park, typically serve a neighborhood and have a low to moderate use.
Connector Trails:	These trails connect parks, schools, neighborhoods and open space to the main city trails. They serve as both a transportation and recreation purpose, have a moderate use, and are typically short in length.
Nuisance Trails:	Typically part of open space neighborhoods and serve the local neighborhood. These trails will be removed unless otherwise determined by the neighborhood/subdivision.
Light Blue	Trails identified in either open space neighborhoods or on the existing trail master plan that are not yet constructed and should be eliminated.

Only the Main City, Murdock Canal, Neighborhood, and Connector Trails will be shown on the adopted Trail Master Plan.

Following the public hearing and discussion by the Commission, staff will continue to work with the Trails Committee to further refine the proposed master plan. The draft plan will be presented to the Commission on January 24, 2012 for possible action.

CITIZEN PARTICIPATION:

A notice of intent was mailed to 23 affected entities on November 22, 2011.

A notice of the Planning Commission hearing was published in the Daily Herald on November 27, 2011. Notice to affected properties was mailed on November 23, 2011. This was sent to twenty-three affected entities. Notice was posted on the Highland City website on November 23, 2011. Approximately, 1,140 flyers were distributed to residents within open space subdivisions between November 21, 2011 and December 8, 2011. All comments have been included in Attachment D.

REQUIRED ACTION:

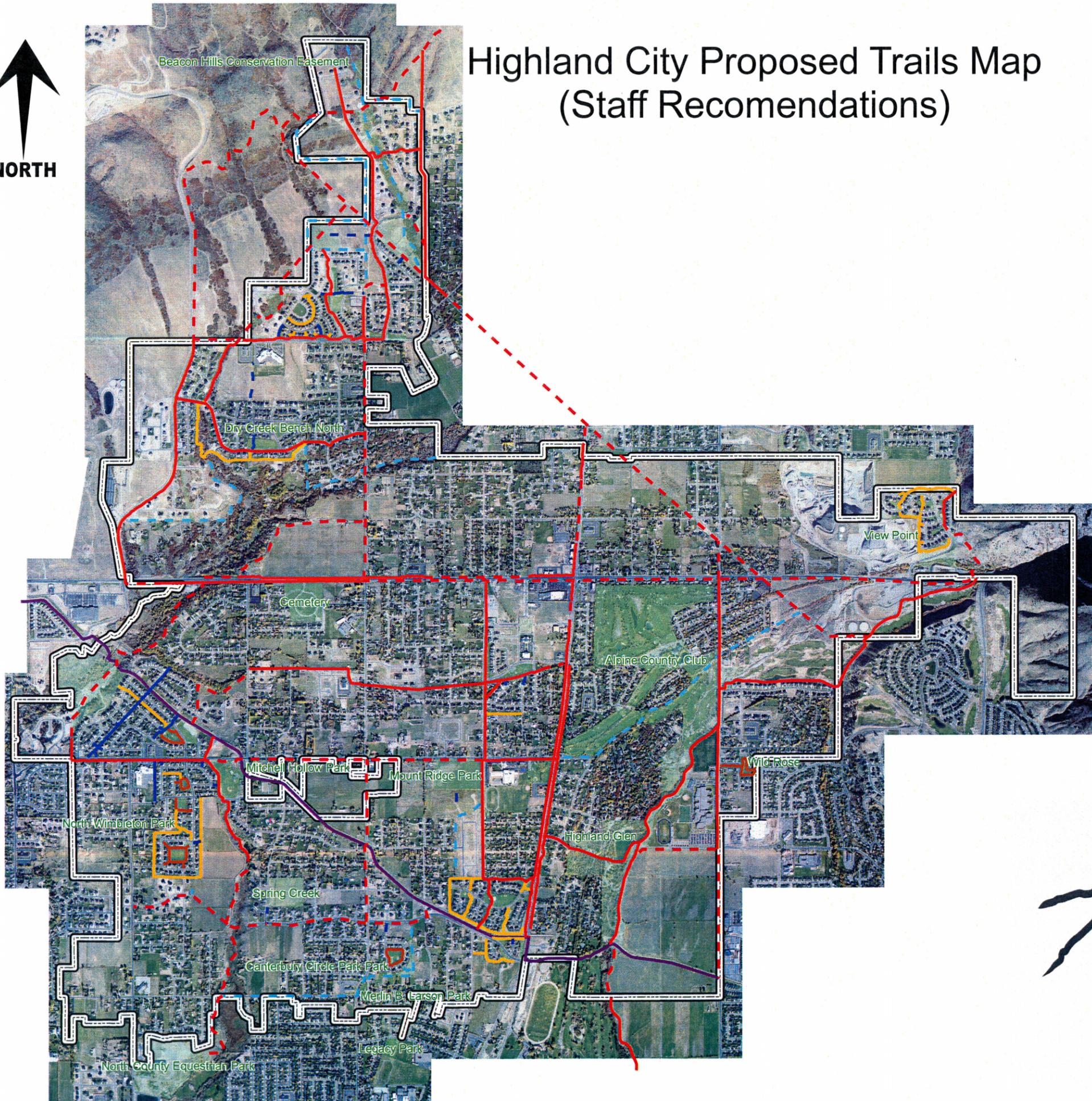
The Planning Commission should conduct a public hearing, solicit public comment, provide staff with direction and continue the public hearing to the January 24, 2012 Commission meeting.

I move that the Planning Commission **CONTINUE** the public hearing for case GP-11-03, to the January 24, 2012 Commission meeting.

ATTACHMENTS:

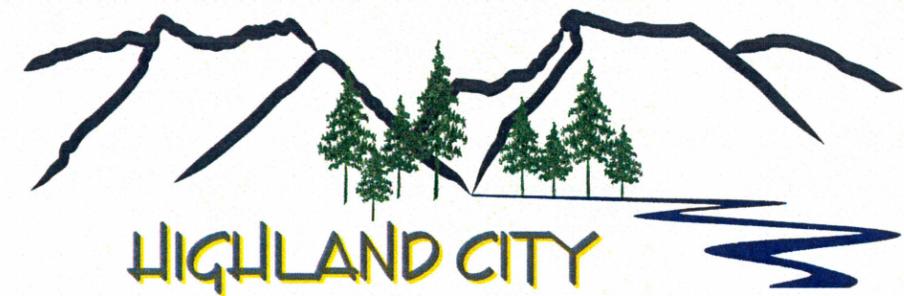
- Attachment A – Existing Trails Master Plan
- Attachment B – Staff Recommended Trails Master Plan
- Attachment C – Trails Committee Recommended Trails Master Plan
- Attachment D – Citizen Comments as of December 8, 2011
- Attachment E – Petition from Country French Estates to Remove the Trail Easement

Highland City Proposed Trails Map (Staff Recommendations)



Legend

-  Main City Trail
-  Proposed Main City Trail
-  Connector Trail
-  Connector, PROPOSED
-  Nuisance Trail
-  Eliminated Master Plan Trail (Not Constructed)
-  Neighborhood Trail
-  Murdock Connector Trail

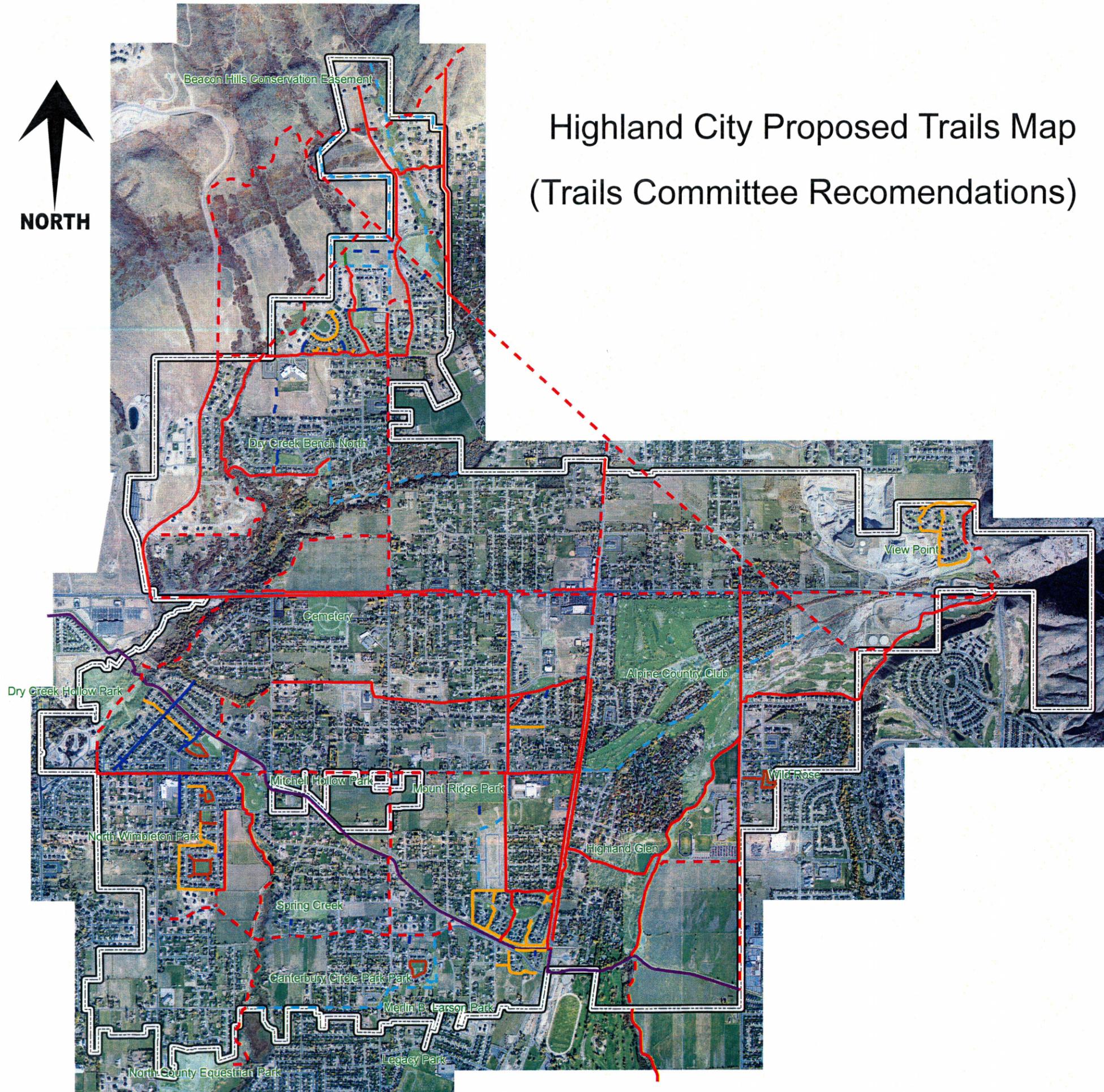




Highland City Proposed Trails Map (Trails Committee Recommendations)

Legend

- Main City Trail
- Proposed Main City Trail
- Connector Trail
- Connector, PROPOSED
- Nuisance Trail
- Eliminated Master Plan Trail (Not Constructed)
- Neighborhood Trail
- Murdock Connector Trail



Citizen Comments on Draft Trails Master Plan as of December 8, 2011

Email from Mr. Robert Holmes dated November 30, 2011

Mr. Nathan Crane
Community Development Director
Highland City
5400 W. Civic Center Dr.
Highland, UT 84003
NCrane@highlandcity.org

Dear Nathan:

This letter is written on behalf of the forty-eight families, property owners and members of the Bull River Home Owners Association (“Bull River”) located in Highland, Utah. We are against abandoning the trail easement located between Normandy Way (in the Country French Estates (“CFE”) development) and Sunflower and Tamarack Drives (in Bull River). Further, the fence at 6557 W Normandy Way should be removed or altered so it does not encroach on the trail easement.

A. Highland City Should Not Abandon the Trail Easement.

1. Abandoning the trail easement would result in a breach of an agreement between Highland City, Bull River and the CFE developer. The 20 foot trail easement and 80 foot “no build zone” between Sunflower and Normandy were specifically negotiated and agreed to by Highland City, Bull River and the CFE developer to create a buffer between the higher density CFE and lower density Bull River. The buffer was supposed to eliminate noise and preserve view corridors while allowing a more developed environment for CFE residents and preserving the natural environment of Bull River. Abandoning the easement will result in a breach of this agreement by Highland City.
2. Abandoning the easement would result in an asset giveaway to a few lucky CFE residents. Every CFE property owner purchased their property knowing that the trail easement existed. The effect of the easement on property values already has been factored into the purchase price these owners paid. Abandoning the easements will result in an undeserved windfall to these property owners. The City of Highland bargained away other presumably valuable rights held by City residents in order to obtain these easements and giving them away now to a few property owners is unfair to all residents.

3. Highland City should not abandon a valuable easement that has potential future alternative use. Just more than a year ago the City of Lehi and the company that operates the Bull River ditch approached Highland City regarding use of the CFE trail easement to pipe the Bull River ditch parallel to Normandy Way. Such use of the easement was expected to save Lehi and the ditch company hundreds of thousands of dollars over piping the ditch in its current bed. Highland should not abandon an easement that has potential significant value in alternative use. Once the easement is abandoned, it may be cost prohibitive to get it back, yet the City may want or need it at some point in the future – 10, 20, 50 or even 100 years from now.
4. The CFE trail promotes safety. With the CFE trail in place, kids in Bull River can walk between Bull River and Ridgeline Elementary crossing 1 street. Without the CFE trail, they must walk along a major thoroughfare crossing 5 streets.

B. The Fence at 6557 W Normandy Way Should Be Removed.

1. Allowing the fence is a breach of the agreement between Highland City, Bull River and the CFE developer.
2. Highland City should not reward the bad acts of the 6557 W Normandy Way property owners. Even in a light most favorable to the property owners, the facts surrounding erection of the fence on this property raise legal and ethical questions. The property owner (a) knew there was a trail easement, but they purchased the property anyway, (b) were again informed of the easement by their contractors during home construction and (c) falsely stated that there was no easement on which the fence would encroach when they submitted or caused to be submitted a fence permit application. After negotiating a property purchase price that factored in the easement, the property owners now want Highland City to abandon the easement in their favor and allow the fence. The property owners also claim that the value of the easement the City should give away is \$25,000. This is unfair to Bull River residents and other Highland citizens.
3. If a fence at 6557 W Normandy Way is truly necessary, it does not need to encroach on the easement. Nearly all of the concerns the property owners raise (keeping children in their yard, limiting liability, increasing safety, etc.) can be addressed with a fence that does not encroach on the easement and that honors the agreement reached between Highland City, Bull River and the CFE developer.

Sincerely,

BULL RIVER HOME OWNERS ASSOCIATION

Rob Holmes
President

Email from Mark Beesley dated November 30, 2011

Dear Neighbors and Friends, I recently became aware that Highland City is considering abandoning a number of trail easements and demolishing some existing trails. Please contact the mayor and city council (email addresses are below) and tell them you are against this plan. The email below identifies some of the reasons abandoning the trail easements and demolishing existing trails are bad ideas. There are a few on this list who may not live in Highland, but this is an issue that affects surrounding communities; please forward the email below to your Highland friends. Thanks, Mark

Mark Beesley
c. 801 879 4864
f. 801 492 3762
mbeesley@digis.net

From: J. Taylor <jtt@digis.net> [mailto:jtt@digis.net]
Sent: Wednesday, November 30, 2011 12:10 PM
To: Jalaine Taylor
Subject: Highland Trails

Dear Neighbors,
The easements for several developed and undeveloped Highland City trails are currently proposed for abandonment. Some developed trails are proposed for demolition. The decision to abandon Highland's trails is not final. A public open house is scheduled on December 13, 2011 from 5:00 pm to 7:30 pm at the City Offices. Please attend the open house and/or contact the Mayor and City Council and tell them you want to keep Highland trails.

Please forward this email to other Highland residents.

Mayor and City Council Contact information:

Mayor Lynn Richie mayor@highlandcity.org

Scott Smith scotts@highlandcity.org

Brian Braithwaite brianb@highlandcity.org

Tom Butler thomasb@highlandcity.org

Larry Mendenhall larrym@highlandcity.org

Kathryn Schramm kathryns@highlandcity.org

Tim Irwin timirwin12551@yahoo.com

Jessie Schoenfeld jjschoenfeld@hotmail.com

Abandoning Highland trails is irresponsible:

- The easements are valuable City assets. Abandoning them to a select few City residents amounts to an irresponsible asset giveaway.
- If money is an issue, save the easements for later, but don't give away assets. If a person owns a valuable asset, but can't develop it because of a lack of money, the

solution isn't to abandon the asset. The solution is to hold on to it, maintain it minimally, and develop it fully when finances allow.

- Don't waste the current investment. Abandoning parts of the trail system would negate value of hundreds of thousands of dollars already granted to or invested by the City and thousands of hours of foresight and planning developing the current trail system. Demolishing current trails will be expensive.
- Don't abandon the easements to those who already benefited financially from the easements. Every Highland resident with a trail easement on their land gave or sold the easement to the City in exchange for a benefit, or they presumably negotiated a favorable property purchase price with the easement in mind. They benefited financially from the transaction and cannot now claim the easement is a nuisance that infringes on their rights.
- Don't abandon valuable easements that have potential future alternative uses. Highland City holds valuable easements that can be used for purposes besides trails. For example, some areas of Highland were developed without a storm drain system and easements in some parts of the City could be used to build and maintain a future storm drain. If officials do not want trails today they may want easements for other uses in the future. Abandoning the easements now, however, eliminates any future alternative use.
- Sidewalks along major City thoroughfares are not trails. Sidewalks with crosswalks along busy roads such as SR92, Highland Boulevard, Alpine Highway, and others highways are not "trails" and do not offer the same benefits of trails in a natural and pleasant environment.

Highland City trails are valuable:

- Highland needs open space. The trails offer unique and beautiful open and green space in an increasingly densely populated Highland City.
- Trails offer a safe way to navigate Highland. For example, with the trail system developed as planned, kids and adults can walk through Highland avoiding major thoroughfares and enjoy play and activities away from busy streets. With the trail system fully developed kids throughout Highland can eliminate crossing busy streets on their way to and from school.
- Trails promote health. Use of the trails promotes health and activity in an era of increasingly sedentary behavior. Many trails give joggers, bikers, walkers, kids, adults and the elderly a safe area away from car fumes and noise to engage in a healthy activity.
- Trails are used by all. All residents – young and old, rich and poor, active and sedentary – can enjoy the trail system. More than any other community asset, the trails are open and accessible to all. The trail system helps develop a better and larger sense of community.
- Trails increase property values. Cities and towns with more open space have higher property values than those with less. Highland is a more attractive community because of its trails.

Many of the people urging Highland City to abandon its trails will receive a direct financial benefit if the City abandons easements in their favor. Their arguments against

trails are specious and should be viewed skeptically. The Highland trail system is a safe, enjoyable, open space that benefits more Highland residents than any other City asset.

Email from Brad Wilson dated December 6, 2011

Hi Nathan,

My name is Brad Wilson and I live in the Windsor Meadows Subdivision. It has come to my attention that the city is planning on removing the paved trails in our neighborhood. I strongly oppose this. I see no sense in that action. I was told it was due to a lack of money to maintain it. I don't see that anyone has spent anything on maintenance as it is. It's just weeds. What costs are there to leave it? It would cost more to have it removed. Many of the neighbors take care of it themselves since the city doesn't. The trails provide a great place to leave your home to walk, run or bike around. The trail system was one of the reasons that we decided to build our home here. There are no sidewalks in our neighborhood and I definitely don't want my 3 young children riding on the roads with all the traffic that comes through. When I moved in I was told my monthly fee would take care of the open space but can clearly see that you're spending my money elsewhere. This seems criminal. My thought is that if you take out our trails and fail to maintain any open space then I shouldn't have to pay that monthly fee. I believe you need to notify the neighborhood of your plans rather than doing it quietly behind our backs. This is our neighborhood not yours. Try putting yourself in our shoes. Perhaps you can reply with your thoughts, and justification for your actions. I certainly can't wrap my head around what you're thinking. Thank you.

Brad Wilson

Email from Andria Whitlark dated December 6, 2011

Mr Crane,

I would hope that the city council would seriously consider the long term adverse consequences To abandoning the walking paths in Windsor Park Meadows development. We do not have sidewalks my understanding is that a PUD must have other accesses to walking safely.

Thank you

Andria J Whitlark
9886 Oxford Ct.

Email from Blythe Shupe dated December 8, 2011

Nathan,

I just reviewed the Highland City Trails Master Plan and wanted to give my feedback.

First of all, let me say that what attracted me to Highland City ten years ago and to the particular neighborhood I chose to live in (Windsor Meadows subdivision) was the trail and the general overall beauty of the neighborhood. I own a large dog that requires daily walks and I loved the idea of walking on a scenic trail that was safe and free from traffic. It was a big selling point to the neighborhood.

Over the past couple of years, I have been concerned with the general upkeep of the trails and the parks and open spaces. Again, because I walk them almost daily, I have seen the Windsor Meadows subdivision trail and open spaces gradually go downhill. I don't know how long it has been since anyone has weeded any of the beds along the Highland Highway but that is probably a topic for a different email. The bottom line is the trail is going to rot.

Now, I read that my "nuisance" trail is on the master trails plan to be eliminated. I know the city has a master plan to eliminate as much debt as possible. I understand the trails and open spaces are costly. I understand that the monthly "upkeep" fees we pay do not cover the full cost of the upkeep of these areas. However, I do feel a little betrayed. I was sold on a beautiful, well kept neighborhood with a trail. I've tried to be patient with weeds in the flower beds and the dry spots on the grass and the mowing that just wasn't quite up to par with what we were used to and the infrequent or non-existent clearing of snow on the trail because I understood that there were budget cuts. I still hoped that once the city felt more comfortable with its debt that all these things would be rectified. But I am not happy with the thought that I will lose the trail.

I know that my "nuisance" trail is well used. I frequently see neighbors from other subdivisions without trails walking along our trail. If the trail is eliminated, I will not have an option for walking my dog other than the street as the only sidewalks in my neighborhood are along Windsor Park or the Alpine Highway. Walking the same path without a trail is not an option--the prickly weeds that have taken over in the last couple of years are too painful for my dog's feet. My worries for the Murdoch Connector Trail are that the upkeep of that trail will be poor and I am not aware of any plans to pave or landscape that trail which worries me for the spread of the prickly weeds.

Either myself or my husband (or both of us) plan to attend the meeting on Tuesday. However, knowing that these things can get heated and that people sometimes say things they shouldn't on both sides, I wanted to give you my appeal in a calm and rational manner. My vote is to keep the trail and give it at least some kind of upkeep. If that means delaying the city debt pay off a little longer to put a little money into our trails and open spaces, then so be it. If it involves a reasonable increase in our open spaces fee, then

so be it as long as I have a good understanding of how those open space fees are being used.

Thank you,

Blythe Shupe
Windsor Meadows Subdivision

Email from Roger Mickelsen dated December 8, 2012 (Ed Dennis is the chair of the Open Space Committee)

Ed

As per your request, feed-back on the trails and SDS concept

Trails

- 1) There are no "nuisance trails" in Windsor Meadows and Apple Bloom. It is important to note there are no sidewalks in these two sub-divisions and that trails allow easy and safe movement through the sub divisions.
- 2) Actually do trail maintenance:
 - a) Repair damage primarily from roots and settling
 - b) In my survey of Windsor Meadows the number one issue was puncture weeds and bike tires. Therefore I would suggest that the city buy a back- sprayer and have a city employee walk the trails and spray Round Up on the weeds in the cracks and on the edges of the trails.

Open Space

- 1) The city could be more efficient in the methodology that they use to maintain the open space. The city needs to contact local golf course managers and/or the grounds people at BYU to learn how to properly maintain the existing open space at reduced costs. This would include more than mowing and occasional fertilization. Neighborhoods should expect that the city will upgrade equipment and provide additional training to personnel to improve the level of maintenance efficiency.
- 2) Stop co-mingling the open space budget with the parks budget etc, in an effort to determine true costs
- 3) Audit city crews to determine how much money is spent in each sub division.
- 2) On SDS, it appears that the system can be manipulated such that the smaller sub divisions might be able to manipulate the system to reduce their fees and shift open space maintenance fees to the larger sub divisions
- 3) I liked the suggestion that a neighborhood could meet with the city to plan maintenance without forming an SDS.
- 4) The SDS concept may create strong negative feelings between neighbors.

Conclusion

The SDS concept is just another attempt by the city to shift management responsibility for Open Space to the residence of Open Space.

The Planning Commission and the City Council approved the open space in its current configuration. Its time for the City to get creative and develop some methods to manage its property in a way that is doesn't detract from property values and the quality of life in the city.

Roger Mickelsen

September 20, 2011
Highland City Council Meeting
7:00 P.M.

Petition to Relocate the Country French Trail Easement

Highland City Council

Currently there is a 20 foot wide trail easement that runs through the backyards of the perimeter lots in the Country French Estates Development in Highland. We would like to have this easement moved for a variety of reasons including (but not limited to) **safety** for the trail users and neighborhood, **liability** for the city and property owners and **conservation of city funds**. It is our desire to have the easement moved off our private property and to a more suitable location. Below are the bullet points of the reasons why we think the easement should be moved.

- 1. PRIVATE PROPERTY LIABILITY:** The current trail easement runs through private property. This can open property owners up to liability from the trail and people using the trail because it is on our private property, even when the trail is not developed.
- 2. SAFETY FOR PROPERTY OWNERS:** The trail easement presents a safety issue to property owners. The trail easement in Country French creates easy access to private homes and property as well as seclusion for suspicious acts and prowlers.
- 3. SAFETY FOR TRAIL USERS:** The trail easement presents a safety issue to those using the trail. The trail easement creates a continuous, blind corridor with no exit points. If our children (or us) were using the trail and a predator approached, there would be no exit points to escape. It also offers seclusion for suspicious and/or criminal acts.
- 4. OTHER OPTIONS:** There is already designated Public Open Space in Country French owned by Highland City that could provide a trail access from Bull River to the other trails to the north of Country French. This would also be a lower cost solution for the city as it is a shorter distance and is currently owned by Highland City.
- 5. COST TO THE CITY/TAXPAYERS:** The majority of the trail simply parallels the sidewalk. This is redundant and wasteful of city funds.
- 6. IMPACT TO PROPERTY OWNERS:** This trail negatively affects the property owners by limiting their ability to use the private property they have paid for. It also negatively affects our property values and has turned away potential buyers in developing this beautiful neighborhood.

SIGNATURES

The following individuals have given written permission to sign this *Petition to Relocate the Trail Easement in Country French Estates*.

- 1. Jeff Davis** 6557 W Normandy Way, Highland, UT
- 2. Amy Davis** 6557 W. Normandy Way, Highland, UT
- 3. Britney Littledike** 6547 W. Normandy Way, Highland UT and 11259 N. Calais Circle, Highland UT
- 4. Michael Littledike** 6547 W. Normandy Way, Highland UT and 11259 N. Calais Circle, Highland UT
- 5. Melanie Westcott** 11252 Provence Circle, Highland, UT
- 6. Lincoln Westcott** 11252 Provence Circle, Highland UT
- 7. Brian Ashton** 6663 W. Normandy Way, Highland, UT
- 8. Donna Melinda Ashton** 6663 W. Normandy Way, Highland, UT
- 9. Roger Stewart** 11322 N. Normandy Way, Highland, UT
- 10. Laura Mortensen** 11256 N Calais Circle, Highland, UT and 11285 N Normandy Way, Highland, UT and 11262 N Normandy Way, Highland, UT
- 11. Craig Mortensen** 11256 N Calais Circle, Highland, UT and 11285 N Normandy Way, Highland, UT and 11262 N Normandy Way, Highland, UT
- 12. Candace Wagner** 6717 W. Normandy Way, Highland, UT
- 13. Aaron Wagner** 6717 W. Normandy Way, Highland, UT
- 14. Paulette Santiago** 11272 Calais Circle, Highland UT
- 15. Mark Santiago** 11272 Calais Circle, Highland UT
- 16. Gloria Williams** 11292 N. Normandy Way, Highland, UT
- 17. Ken Williams** 11292 N. Normandy Way, Highland, UT
- 18. Brian Kap** 6479 W Bull River Dr., Highland, UT
- 19. Lynette Kap** 6479 W. Bull River Dr. Highland, UT
- 20. Bruce J. Nelson, Trustee of the Robert D. Kent Trust** 6602 W. Normandy Way, Highland, UT and 6619 W. Normandy Way, Highland, UT
- 21. Dave Grant**, Realtor in Highland/Alpine area.
- 22. Natalie Gustin**, Realtor in Highland/Alpine area.
- 23. Hector Bori** 2537 W. Pebble Creek Lane, Lehi, UT
- 24. Holly Bori** 2537 W. Pebble Creek Lane, Lehi, UT
- 25. David Pyne** 445w 400N Provo, UT
- 26. Brittany Pyne** 445w 400N Provo, UT
- 27. Garret Williams** 11292 N Normandy Way, Highland, UT
- 28. Dustin Schulthies** 11242 N Normandy Way, Highland, UT
- 29. Jodi Schulthies** 11242 N. Normandy Way, Highland, UT
- 30. Michael Maines** 11272 N Normandy Way, Highland, UT
- 31. Angela Maines** 11272 N Normandy Way, Highland, UT

SIGNATURES, Continued...

The following individuals have given written permission to sign this *Petition to Relocate the Trail Easement in Country French Estates*.

- 32. Michelle Mitchell** 6602 W. Normandy Way, Highland, UT & 11342 N. Normandy Way, Highland, UT
- 33. Marc Mitchell** 6602 W. Normandy Way, Highland, UT and 11342 N. Normandy Way, Highland, UT
- 34. Danielle Bailey** 6625 W. Burgundy Court, Highland, UT
- 35. John Bailey** 6625 W. Burgundy Court, Highland, UT
- 36. Laura Smith** 6589 W Bull River Rd., Highland, UT
- 37. Curtis Smith** 6489 W Bull River Rd., Highland, UT
- 38. Clyde Redford** 6649 W Normandy Way, Highland, UT
- 39. Shauna Redford** 6649 W Normandy Way, Highland, UT



Amy Davis <amy@thereadystore.com>

Country French Estates Trail Easement

1 message

Michael Littledike <mlittledike@capitaonline.com>

Wed, Sep 14, 2011 at 11:22 AM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Cc: amy@thereadystore.com

Nathan,

My wife Britney and I own a house in Country French Estates. We also own an additional lot that faces the ravine in Country French Estates. Along with our neighbors, we would like to add our vote to have the easement on our lot taken away. There are multiple reasons for not having the easement there and few, if any, good reasons for leaving it there. My wife is very hesitant to build our new home on our additional lot because of the fear of people freely walking through our back yard and being able to see directly into our house. With a new baby on the way this has weighed heavily on our minds. We are also concerned about the fact that we would be paying taxes on land that we have purchased, but we are not able to use it. Our lot is much wider in the back than in the front, therefore a 20 foot easement would take up a very large percentage of our back yard. I know many individuals that have passed on building in our neighborhood because of this easement. Me and my wife feel that this easement for a future trail would create much more of a liability for our neighborhood than it is worth for the city putting it in. Please do what is possible to raise the easement so that our neighborhood can continue to grow and be a safe and secure environment for our children to be raised in.

Thank you for your time and consideration.

Sincerely,

—
Michael Littledike
Capita Financial Network
Office: [801-566-5058](tel:801-566-5058)
Cell: [801-889-8380](tel:801-889-8380)
Fax: [801-208-1113](tel:801-208-1113)
www.CapitaOnline.com



Amy Davis <amy@thereadystore.com>

Country French Trail Easement

3 messages

Brian Ashton <bashton@precisiontimeco.com>

Mon, Sep 19, 2011 at 11:56 AM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Cc: amy@thereadystore.com, Melinda Ashton <dmelinda.ashton@gmail.com>

Dear Nathan and Tim,

My wife and I own lot 8 in Country French Estates (6663 W. Normandy Way). We are writing to you to request that the Highland City Council move the 20 foot trail easement located at the back our property to a more suitable location. There are several reasons that we would like to see this happen:

1. The trail easement presents a safety issue for our us and our six children ages 2-12 who play in our backyard along the trail easement daily.
 - a. Having a trail easement literally in our backyard gives easy access to our home and our children to anyone who chooses to go there regardless of their motivations. Since we do not have neighbors who live behind us, it is unlikely that someone trying to break into our home or take one of our children would be easily spotted.
 - b. There is a creek not far from our backyard that especially during the spring runoff presents a safety issue for our children, but specifically for our boys ages 2 and 4. This is a real concern for my family as we had a couple of nephews drown a few years ago. We would like to install a fence to keep our youngest children in the backyard, but feel that we cannot do so until this issue is resolved.
2. Because the trail easement runs directly through private property, it opens us up to liability as property owners. I am particularly concerned about this liability as I have a trampoline in my backyard. As long as the easement and/or trail exist, my ability to keep anyone who wants to be on the trampoline off is limited. This liability exists even if the trail is not developed.
3. The trail easement negatively affects our property value and makes it difficult more me to use land that we paid for. It also makes it more difficult to sell our property should we choose to do so.
4. There are other options, including a sidewalk that directly parallels the trail easement. This sidewalk is already installed, is more visible, which creates fewer safety issues, and could become the trail at no cost to the city. In fact, moving the trail to the already developed sidewalk seems like a prudent choice given the challenging financial position that Highland and most cities face right now.

5. Finally, I am concerned about the precedent that this easement sets for the city. In effect, the trail would take private property without compensating owners for the loss of that property. This does not seem like the kind of approach to private property rights for which Highland City wants to be known. Furthermore, it seems to run counter to what is fair and the general beliefs of most of our citizenship.

I appreciate your considering our request to move the trail easement. I look forward to seeing each of you at the city council meeting on Tuesday, September 20th.

Best wishes,

Brian & Melinda Ashton

P: (702) 813-8387

E: bashton@precisiontimeco.com

Brian Ashton <bashton@precisiontimeco.com>
To: "amy@thereadystore.com" <amy@thereadystore.com>
Cc: Melinda Ashton <dmelinda.ashton@gmail.com>

Mon, Sep 19, 2011 at 1:31 PM

FYI

Begin forwarded message:

From: Tim Irwin <timirwin12551@yahoo.com>
Date: September 19, 2011 12:58:44 PM MDT
To: Brian Ashton <bashton@precisiontimeco.com>
Subject: Re: Country French Trail Easement
Reply-To: Tim Irwin <timirwin12551@yahoo.com>

Brian,

Thank you for your thoughtful memo regarding the trail easement. Currently I am the chair of the planning commission. This issue has not come before us and I am not sure that it will. The council has an open space committee that is dealing with most of these issues.

I am, however, running for city council. So if elected I will deal with this issue. I would very much like to meet with you and several of your neighbors to understand fully what you are proposing. I

definitely feel property owners right to privacy and safety takes precedence over a trail. I will be at the council meeting tomorrow night and I look forward to talking with you.

Tim

From: Brian Ashton <bashton@precisiontimeco.com>
To: nathanc@highlandcity.org; timirwin12551@yahoo.com
Cc: amy@thereadystore.com; Melinda Ashton <dmelinda.ashton@gmail.com>
Sent: Monday, September 19, 2011 11:56 AM
Subject: Country French Trail Easement

[Quoted text hidden]

Amy Davis <amy@thereadystore.com>
To: Jeff Davis <jeffd@thereadystore.com>

Mon, Sep 19, 2011 at 1:47 PM

----- Forwarded message -----

From: **Brian Ashton** <bashton@precisiontimeco.com>

[Quoted text hidden]



Amy Davis <amy@thereadystore.com>

Country French Trail Easement

3 messages

Jeff Davis <jeffd@thereadystore.com>

Mon, Sep 19, 2011 at 4:24 PM

To: Amy Davis <amy@thereadystore.com>

Dear Nathan and Tim -

My name is Jeff Davis and my wife and I recently built a home in Country French Estates. I am writing you on behalf of our family and other families within our neighborhood to request that the trail easement that currently runs along the back of our lots be moved to a more suitable and less intrusive location. Currently the trail easement runs along the back 20' of our lot. We are requesting that this trail easement be moved for a variety of reasons, including the following:

- Safety - if completed, this part of the Highland Trail system would be very secluded and an ideal location for any sort petty or more serious criminal activity.
 - Because our neighborhood is more isolated and upscale, it has been and would have increased potential for criminal activity. Within the two weeks of us living in the home, we had the street light in front of our house smashed by vandals. Before I had a chance to contact the city about it, within a few weeks, brother-in-law had his car window shattered again by vandals. At this point, I contacted the police and filed a report. In my conversation with the police officer, it was mentioned that our neighborhood had been a target in the past and had said that in the empty lot next to us, they had arrested two people in a car using drugs. He mentioned that this neighborhood has seen increased criminal activity due to the proximity to Highland Boulevard that goes over Suncrest into Salt Lake County. Our immediate neighbor (Michael Maines) had a car broken into in his driveway a few months ago as well. Adding a secluded access point in the form of a city trail behind our homes, would increase the danger to our property and children.
 - Adding to my safety concerns is the irrigation canal that runs near our home. This year the canal was very full and fast moving. I have five young children that range in age from 3 to 11 and could be in danger from this canal. My 5 year old son is also hearing impaired and would have a difficult time calling for and receiving help if he were to get to close. We need to be able to fence our yard to protect our children.
- Negative effect on property values - the reality is that while some citizens might enjoy a trail system, very few want them running through their yards. This has had and continues to have a negative influence on the value of homes in Country French Estates. This neighborhood has the potential to be a beautiful, standout neighborhood for Highland City. Moving the trail to a more suitable location will help this neighborhood be developed.
- Liability - having a trail running through the yard opens up the homeowner to potential liability from injury that may occur on our property. This is especially the case in an upscale neighborhood where the perception might be that the homeowner has more money and therefore a lawsuit has more potential.
- Private property concerns - the lot that we purchased is approximately 40,000 square feet and cost \$199,000. The current trail easement would take 250' x 20' from the back of my lot or approximately 5,000 square feet. that means I paid \$25,000 for land that Highland City is taking without compensating me for it. Many other home and land owners in the neighborhood paid much more for their land and as a result their costs are much higher. Taking private property for public use without compensation looks like very bad public policy to me.
- Options to move the trail - There are other options to move the trail that will have a much smaller impact. We would love to meet to discuss these possible locations, but some ideas include

- o moving the trail the sidewalk that currently parallels the proposed trail
- o moving the trail to existing open space within the neighborhood
- o connecting the trail to the existing trail that runs along Highland Blvd
- Cost savings - Trail systems are extremely costly to install and maintain. By moving the proposed trail in Country French you will alleviate the concerns listed above, as well as save the tax payers money.

I know the city has a lot going on and I very much appreciate you taking the time to consider moving this trail easement. I plan on attending the city council meeting this Tuesday, September 20th to discuss the issue further. If you have any questions for me, please don't hesitate to contact me.

Best regards,

Jeff
Cell: 801-787-3942



Jeff Davis | CEO/President

jeffd@thereadystore.com (801) 553-7088 (801) 553-9322

Amy Davis <amy@thereadystore.com>
To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Mon, Sep 19, 2011 at 5:45 PM

[Quoted text hidden]

Amy Davis <amy@thereadystore.com>
To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Tue, Sep 20, 2011 at 9:22 AM

----- Forwarded message -----
From: **Jeff Davis** <jeffd@thereadystore.com>
Date: Mon, Sep 19, 2011 at 4:24 PM
Subject: Country French Trail Easement
To: Amy Davis <amy@thereadystore.com>

[Quoted text hidden]



Amy Davis <amy@thereadystore.com>

French Country Trail Easement

1 message

Gloria WILLIAMS <glo_willi@msn.com>

Fri, Sep 16, 2011 at 12:31 AM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Cc: Ken Williams <k_willi@msn.com>

Dear Nathan and Tim,

Within the last month we have moved into French Country Estates. While we are very excited to be a part of the Highland community, we are extremely concerned with the planned trail behind the perimeter homes of the community and the associated easement. We are asking for your consideration in removing the easement and searching for a viable alternative to the planned trail. I am confident there should be a solution. The reasons we feel strongly about removing the easement are varied, the following are a few of these reasons:

Regarding the trail, we believe that if built it will create serious risk and liability not only to us as the homeowner, but also to the city of Highland. We are concerned with the access that this trail will provide to outsiders and potentially predators to our home and family. Likewise visitors to the trail will be subject to potential risk as the trail, as we understand it, will run behind the homes creating a "corridor" feel with no easy exit or escape route should they encounter any suspicious acts or characters.

Additionally as this is an easement, the property will be subject to being insured and insured at potentially higher values and rates by the homeowner. This increased expense is only to protect the homeowners from potential claims associated with accidents that occur on the trail. Is the city contemplating indemnifying the homeowners from claims resulting from harm or accidents that do occur?

One other concern that we have is the impact that the easement will have on our property and community values. As mentioned, we recently moved into our home, which we love, but as we learned about the easement and the restrictions that are placed on our property we strongly considered canceling our contract

Nathan,

I wanted to say a word for the "Country French Easement Trail". I was the listing agent on a home that has recently sold in the subdivision. As far as being open to property ownership and having a real interest in selling property in Highland City. I have sold a few properties very close to this subdivision and in this subdivision and I do want to say, many people (future and present) owners are very interested in putting a fence right directly on the property line. I've really feel that home owners are really going to push this and I can understand why. If I owned a home in that specific area, it would be extremely hard for me not to be able to have the type of backyard that I want. Especially when you spend soo much for a property, I would absolutely be horrified that I could not put a fence on the far end of my property and not to have the ability to install a pool or sport court. I am in favor of this and the owners in the area. Over my listing period I spoke with most all the neighbors in the area and none were in favor of this back yard easement that cuts there property short, especially with the amount of money people put in there yards and homes. I'm hoping there is a solution for both parties involved, but I think that people feel extremely strongly about this. I wish the city the best on this. I just wanted to put my thought out to you and the city. Good luck!

Call me anytime if you'd like a 3rd party opinion or want to speak on this matter.

--

Dave Grant, Real Estate Consultant
Prudential Utah Real Estate
Email: GrantTeam1@gmail.com
Website: www.GrantMeAHome.com
Cell: 801.400.4501



Amy Davis <amy@thereadystore.com>

Country French Trail Easment

1 message

Lincoln and Melanie Westcott <westcotts@gmail.com>

Mon, Sep 19, 2011 at 5:10 PM

To: mathanc@highlandcity.org, timirwin12551@yahoo.com

Bcc: amy@thereadystore.com

Mr. Crane and Mr. Irwin,

We live in Country French Estates. Our property does not have a trail easement, however we do support the petition that will be represented at tomorrow night's meeting (Tuesday, Sep. 20th).

It would make sense for the current trail that runs behind Bull River and Normandy Way to be completed by an access point to Normandy Way on the north side of the 6602 West Normandy Way property. Those wanting to continue on the trail system could then use the city sidewalks on Normandy and join back on the trail at Highland Blvd.

This could be completed soon at very little cost.

There could also be a short access path running north to south from Normandy to Sunflower around where the gully easement is, roughly across from Provence Circle. I live on Provence Circle and observe several people from the Sunflower/Tamarack neighborhood using this currently undeveloped land to cross into our neighborhood.

They then proceed on the sidewalks of Normandy way and connect down through an undeveloped path to get to the developed (but in need of repair) path/juncture between Bull River and Normandy Way. Our family also uses this route to connect between the 3 neighborhoods. Our children and their friends use them regularly. We would be sad to see these access points made unavailable.

Since these two small undeveloped paths are how everyone currently accesses these trails, it would make sense to pave these two small areas and get rid of the trail easement that affects those with properties lining Normandy Way. As long as these 2 currently unpaved pathways remain accessible, all neighbors should be content. It also would make sense to pave these within the near future since both proposed access points do not have houses currently being developed on them. Once the owners begin to develop these areas, the access points may become a topic of debate again if a paved pathway is not already in place.

No one currently uses the trail easements along the properties of Normandy Way. I propose we get rid of them now, save cost to the city, allow the Normandy Way property owners full use of their own property, and create 2 small permanent pathways between the Bull River Rd. neighborhood and Country French neighborhood and between the Sunflower/Tamarack neighborhood and Country French neighborhood. Normandy Way's current sidewalks would then replace the need for the trail easements along the backs of the Normandy properties and the trail system would still be fully accessible.

Thank you for your review of this.

Sincerely,

Melanie Westcott
11252 N Provence Circle
Highland, UT



Amy Davis <amy@thereadystore.com>

Country French Trail Easement

1 message

Aaron Wagner <aaron@soldbywagner.com>

Mon, Sep 19, 2011 at 6:21 PM

To: nathanc@highlandcity.org, timirwin12551@yahoo.com

Highland City,

My name is Aaron A Wagner, I live at 6717 W Normandy Way, Highland Utah. In the Country French Subdivision.

I am writing in regards to the easement that effects my property. There are many reasons that this easement needs to be moved immediately. The financial impact, safety and Liability that I am subjected to because of this easement is something that I am not comfortable with. Myself and the other members of the community are strongly in favor of having this easement removed from where the plats show it currently. I am an active member of the Utah County Board of Realtors, and in speaking with many of my associated, it has been confirmed time and again that such an easement would substantially damage our property values and create security and safety threats to the residents that were effected by it. I would hope that the city would see the light in regards to moving this easement, as its original plan had many flaws when thinking about the residents safety and security. I have spoken to my attorney and I am willing to do what ever is necessary to make sure this is dealt with.

I will be at the city council meeting tomorrow night, please come prepared with a plan to remedy this issue.

Sincerely,

Aaron

Aaron A Wagner
Realtor®, e-Pro®, SFR, EMS
Equity Real Estate
Office. 801-763-7779
Mobile. 801-735-4656 (Yes I Text)
Toll Free. 888-952-2766
aaron@SoldByWagner.com
www.SoldByWagner.com



If you need immediate assistance, and I am unavailable. Please contact my assistant:

Teresa Severe: [801 763 7999](tel:8017637999)

September 19, 2011

To Whom It May Concern:

My name is Natalie Gustin with Secure Real Estate. I have been involved in construction and Real Estate for over ten years. I am writing this letter today to address serious concerns regarding the Country French Estates neighborhood. The Easements along the private owner's property is not only infringing on their rights as a property owner, but puts each owner at severe and extreme legal risks. Not to mention the fact that these homeowners cannot fully utilize the property that they paid a great deal of money for. It's absolutely ludicrous that the city is commandeering up to a third of the parcels for their "Trail." I believe it's downright unconstitutional. The homeowners should not be banned from full use of their property to build a fence, pool, sheds, basketball courts, tennis courts, etc. that would add to the value of their home and property.

Any accidents that occur along this trail **would result in lawsuits against the individual property owners**. In my professional opinion, I believe this also dramatically **reduces** the resale value on these properties. Potential Buyers would be scared away with the Easement requirements and would then purchase properties in other neighborhoods or cities without these extreme restrictions. The trail should be moved to another location so as not to impede on the constitutional rights of the property owner and their ability to use the land as they intend to.

Please feel free to contact me with any further questions.

Sincerely,

Natalie D. Gustin

Secure Real Estate

(801) 404-2822

**HIGHLAND CITY
PLANNING COMMISSION MEETING
DECEMBER 13, 2011**

REQUEST:	PUBLIC HEARING – Amending the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs (TA-11-14).		
APPLICANT:	Highland City Council		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

BACKGROUND:

At the request of the City Council, staff drafted a text amendment that will update the temporary sign regulations in the Zoning Ordinance.

Temporary signs are intended to be displayed for a short period of time only. They are used to advertise temporary uses, special events, grand openings, seasonal sales, and promotions. Real estate signs, political signs, personal ideology signs, and garage sale signs also fall within this category.

Temporary signs serve a valid purpose, but when left unchecked can detract from the character of the community. They can also obstruct sidewalks, block sight visibility, distract motorists, and create other unsafe conditions. Consequently, the need for temporary signs must be balanced with other community objectives.

Temporary Signs are currently regulated by Section 3-712 of the Development Code. These regulations limit temporary signs to grand opening signs, promotional signs, agricultural signs, model home signs, garage sale signs, and political signs. The placement of temporary signs is also prohibited anywhere within the public right-of-way; on or over any sidewalk, street, alley, or public place; and on private property within required sight distance triangles. In addition, with the exception of A-frame signs temporary signs are only allowed on the building. A permit is required for all temporary signs.

The Development Code allows promotional temporary signs to be displayed for a time not to exceed six days. The number of times temporary signs can be displayed to five times per year. Grand opening signs can be displayed for sixty days.

SUMMARY OF THE REQUEST:

1. The proposed text amendment replaces all existing temporary sign regulations.
2. The proposed amendment will continue to allow some temporary signs without a sign permit. This includes political signs, garage, yard, and estate sale signs, real estate signs, and open house directional signs.

3. Temporary signs that will require a sign permit include grand opening and special promotion signs, model home signs, portable business identification signs, future development signs, construction sign, temporary use signs, neighborhood and community event signs, and contractor signs.
4. The proposed amendment will continue to prohibit temporary signs from being located within the public right-of-way. It also includes a variety of other general and specific standards. These address the size and location of specific signs, when they can be displayed, and when they have to be removed.

ANALYSIS:

- The proposed amendment will update and clarify the City’s temporary sign regulations. This will make them easier to understand, administer, and enforce.
- Temporary signs will continue to be prohibited within the public right-of-way.
- The proposed regulations address the time, place, and manner in which temporary signs can be displayed. These are the minimum regulations needed to protect the safety and character of the community.
- The minimum design and maintenance standards for “A-Frame” signs will help to ensure these signs are well constructed and do not deteriorate to the detriment of the community.

FINDINGS:

- The proposed amendment will make the city’s temporary sign regulations easier to understand, administer, and enforce.
- The proposed amendment will provide adequate temporary signage to meet the needs of the community.
- The proposed amendment will help to ensure that temporary signs do not detract from the character of the community or create hazards for pedestrians, bicyclists, and motorists.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on November 20, 2011. No comments have been received.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and recommend **APPROVAL** of the proposed text amendment.

PROPOSED MOTION:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case TA-11-14 a request to amend Section 3-712 Temporary Signs of the Highland City Development Code.

ATTACHMENTS:

Attachment A – Draft Text Amendment

Attachment B – Existing Regulations

Proposed Temporary Sign Regulations
(rev. 12-6-11)

Section 3-712: Temporary Signs

1. Permitted Temporary Signs

Any temporary sign not specifically listed as permitted is prohibited. This shall not preclude signs required by government agencies such as road construction, fire department access and public hearing notice signs.

2. General Requirements

- a. Temporary signs shall not be placed in the public right-of-way or attached to any street light, street sign, traffic signal, utility pole, utility box, fire hydrant, bus shelter, or other structure in the public right-of-way. This prohibition shall not apply to street banners and temporary use directional signs when authorized under other provisions of this ordinance.
- b. Temporary signs shall not obstruct any driveway, drive aisle, parking space, fire lane, street, sidewalk, pedestrian path or trail.
- c. Temporary signs shall be placed at least one (1) foot behind the sidewalk when otherwise allowed adjacent to a public or private street. The sign shall be placed at least five (5) feet behind the back of curb if no sidewalk exists. If no sidewalk or curb exists, then the sign shall be placed at least five (5) feet behind the edge of pavement.
- d. A minimum sight distance triangle of twenty-five (25) feet shall be maintained at all street and driveway intersections.
- e. Temporary signs may be displayed on private property only with the permission of the property owner.
- f. Temporary signs shall not be placed on, attached to or hung from any freestanding sign.
- g. Temporary signs shall not be animated by human, mechanical, or other means. This shall not prevent the use of searchlights allowed in conjunction with special events and promotions.
- h. Temporary signs shall not be illuminated except when the illumination is approved in conjunction with a temporary use approved under Section 3-623 of this ordinance. This shall not prevent the use of searchlights allowed in conjunction with special events and promotions.

3. Portable Signs Standards:

- 1 a. Portable signs shall be constructed of durable and weather-resistant materials, placed at
2 grade level, and anchored or weighted down to avoid being displaced in windy conditions
3 as determined at the time of permit approval.
4
- 5 b. A-Frame signs:
6
- 7 i. Shall be constructed of a minimum one-half (1/2) inch thick, high density,
8 exterior grade compressed wood or medium density overlay board with sufficient
9 weight to withstand wind gusts and weather;
 - 10
 - 11 ii. Shall have a protective water resistant coating that is impervious to weather;
 - 12
 - 13 iii. Shall be constructed with fixed letters that are non-reflective and not
14 interchangeable; and
 - 15
 - 16 iv. Shall be maintained in a professional manner so as to be free of chipping paint,
17 cracks, gouges, loss of letters, and fading.
18
- 19 c. Attachments to portable signs, including but not limited to balloons and ribbons are
20 prohibited.
21

22 4. Temporary Signs Allowed Without a Permit:

23 a. Political Signs

- 24
- 25
- 26 i. Political signs are allowed in all zoning districts.
- 27
- 28 ii. The maximum sign area shall be thirty-two (32) square feet and the maximum
29 height shall be eight (8) feet.
- 30
- 31 iii. Political signs shall not be displayed more than sixty (60) days prior to the date of
32 the election to which they refer.
- 33
- 34 iv. Political signs shall be removed not later than ten (10) days after the date of the
35 election to which they refer. This shall not prevent a sign displayed for a primary
36 election to remain if the candidate is part of a subsequent run-off election.
37

38 b. Garage, Yard, and Estate Sale Signs

- 39
- 40 i. Temporary signs for individual garage, yard, and estate sales are permitted in all
41 zoning districts.
- 42
- 43 ii. The maximum sign area shall be four (4) square feet and the maximum height
44 shall be three (3) feet.
- 45
- 46 iii. Sale signs may be located onsite or placed offsite in the immediate area.
47
- 48 iv. Sale signs shall not be displayed more than 24 hours before the start of the sale.

1
2 v. Sale signs shall be removed within two days after the sale.
3

4 c. Real Estate Signs
5

6 i. Real estate signs are permitted in all zoning districts.
7

8 ii. Real estate signs are allowed only on property being offered for sale, lease, or
9 rent.
10

11 iii. One (1) sign shall be allowed for each three hundred thirty (330) feet of street
12 frontage. The minimum distance between signs on the same parcel shall be two
13 hundred (200) feet.
14

15 iv. Residential:
16

17 1. Each sign shall have a maximum area of six (6) square feet and a
18 maximum height of five (5) feet on parcels less than one acre. For parcels
19 one acre or larger each sign shall have a maximum area of thirty-two (32)
20 square feet and a maximum height of eight (8) feet.
21

22 v. Non-Residential:
23

24 1. Each sign shall have a maximum area of thirty-two (32) square feet and a
25 maximum height of eight (8) feet.
26

27 d. Open House Signs
28

29 i. Open house directional signs are allowed in all zoning districts.
30

31 ii. Signs may be located onsite or placed offsite in the immediate area.
32

33 iii. The maximum sign area shall be four (4) square feet and the maximum height
34 shall be three (3) feet.
35

36 iv. No more than four (4) signs related to the open house may be displayed at one
37 time.
38

39 v. Signs shall be displayed only when a salesperson is on duty at the open house and
40 must be removed at the end of each sale day.
41

42 5. Temporary Signs Allowed Only By Permit.
43

44 a. Grand Opening and Special Promotions
45

46 i. Temporary signs may be used to advertise grand openings and special promotions
47 in all zoning districts subject to obtaining a sign permit.
48

1 ii. Grand openings and special promotions may include pennants, banners,
2 streamers, flags, balloons, inflatable structures, search lights, character or product
3 likenesses, attention attracting media and devices, and other non-merchandise
4 displays.

5
6 iii. Grand openings and special promotions are subject to the following limitations:
7

8 1. Displays shall not be animated by human, mechanical, or other means.
9

10 2. Displays shall not be illuminated with the exception of searchlights.
11

12 3. Displays shall not be placed on the roof of any building.
13

14 4. All balloons and inflatable structures shall be tethered.
15

16 5. Lighter than air balloons shall not exceed twice the allowed building
17 height or 100 feet whichever is less.
18

19 iv. Business Signs

20 1. Grand opening signs are allowed for a maximum of thirty (30) consecutive
21 days when a new business opens, the business name changes, or there is a
22 change in business ownership. There shall be a minimum of one hundred
23 eighty (180) days between displays.
24

25 2. Temporary signs may be used to advertise special promotions for a
26 maximum of ten (10) consecutive days no more than three (3) times each
27 calendar year. There shall be a minimum of thirty (30) days between each
28 display.
29

30 b. Model Home Signs

31
32 i. Temporary signs may be used to advertise the opening of a new model home
33 complex for a maximum of thirty (30) consecutive days.
34

35 ii. Temporary signs may be used to advertise special promotions for a maximum of
36 thirty (30) consecutive days no more than three (3) times each calendar year.
37 There shall be a minimum of thirty (30) days between each display.
38

39 c. Portable Business Identification Signs

40
41 i. Portable signs may be used for onsite business identification and advertising in all
42 commercial districts subject to obtaining a sign permit. The sign permit shall be
43 valid for a period of one year, but may be renewed annually subject to city review
44 and approval.
45

46 ii. The minimum separation between portable signs shall be twenty (20) feet.
47

48 iii. Portable signs shall not exceed four (4) feet in width and three (3) feet in height.

- iv. The sign shall be displayed only during the hours the business is open to the public.
- v. Freestanding businesses may place a portable sign anywhere on the property not otherwise prohibited by this ordinance.
- vi. Businesses in a shopping center or other multi-tenant complex may place a portable sign adjacent to the business, at the perimeter of the site, or in a landscaped common area unless otherwise prohibited by this ordinance.
- vii. Portable signs shall not be located:
 - 1. Closer than thirty (30) feet to the edge of an access drive or street intersection right-of-way;
 - 2. In raised landscaped medians or any other landscaped area that is maintained by the City;
 - 3. Across any public street from the business;
 - 4. In parking spaces, driveways or drive aisles;
 - 5. Where there is less than four (4) feet of clearance for pedestrian passage or at any other location that would pose a potential hazard to pedestrian traffic; or
 - 6. On top of any vehicle, structure, screen wall, boulder, or landscaping other than turf or decorative rock.

d. Future Development Signs

- i. Future development signs are allowed on undeveloped parcels zoned for non-residential use subject to obtaining a sign permit.
- ii. One (1) sign shall be allowed per parcel on each street frontage. The sign must pertain to the property on which it is located.
- iii. On parcels less than one (1) acre, the sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet.
- iv. On parcels one acre or larger, the sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.
- v. A sign permit shall not be issued prior to site plan approval.
- vi. The sign shall be removed if building permits have not been issued within one year from the date the sign permit is issued.

1
2 vii. The sign shall be removed prior to or concurrent with the placement of a
3 construction sign on the site.
4

5 e. Construction/Contractor Sign
6

7 i. Construction signs are allowed in all zoning districts subject to obtaining a sign
8 permit.
9

10 ii. One (1) sign shall be allowed per parcel on each street frontage. The sign must
11 pertain to the property on which it is located.
12

13 iii. The sign shall have a maximum area of thirty-two (32) square feet and a
14 maximum height of eight (8) feet.
15

16 iv. A sign permit shall not be issued prior to the issuance of a building permit.
17

18 v. The sign shall be removed prior to the issuance of a certificate of occupancy for
19 the site.
20

21
22 f. Temporary Use Signs
23

24 i. Identification signs for temporary uses approved under Section 3-623 of this
25 ordinance are allowed in all zoning districts subject to obtaining a sign permit.
26

27 ii. One (1) onsite sign shall be allowed per street frontage.
28

29 iii. In residential districts the maximum sign area shall be sixteen (16) square feet and
30 the maximum height shall be five (5) feet.
31

32 iv. In non-residential districts the maximum sign area shall be thirty-two (32) square
33 feet and the maximum height shall be eight (8) feet.
34

35 v. Signs shall not be displayed more than seventy-two (72) hours prior to the start of
36 the temporary use.
37

38 vi. All signs must be removed promptly at the end of the temporary use.
39

40 g. Neighborhood and Community Event Signs
41

42 i. Neighborhood and community event signs are permitted in all zoning districts
43 subject to obtaining a sign permit.
44

45 ii. The number of onsite and offsite signs for each event shall be determined at the
46 time of sign permit approval.
47

1
2
3
4
5
6
7
8

- iii. The maximum sign area shall be eight (8) square feet and the maximum height shall be three (3) feet.
- iv. Signs shall not be displayed more than seventy-two (72) hours prior to the event.
- v. All signs must be removed within 24 hours after the event.

1 New Definitions:

2

3 Construction Sign: A temporary sign identifying an architect, engineer, contractor, subcontractor, or
4 material supplier who participates in construction on the property on which the sign is located.

5

6 Future Development Sign: A temporary sign which provides information about the future development
7 of a property and may include a depiction of an approved site plan, approved building elevations, as well
8 as contact information for parties involved in the project.

9

10 Grand Opening Sign: A temporary sign used to indicate the opening of a new business or residential
11 community. Grand opening signs can take the form of pennants, banners, flags, inflatables, character or
12 product likenesses, attention attracting media and devices, and other inanimate non-merchandise
13 displays.

14

15 Model Home Sign: A temporary sign used to advertise the location and hours of a model home.

16

17 Neighborhood and Community Event Sign: A temporary sign used to display the date and time of
18 neighborhood or community events.

19

20 Open House Sign: A temporary sign used to advertise the sale of a house and direct traffic to the house
21 for sale.

22

23 Portable Business Identification Sign: A self-supporting, portable sign with one or two faces that are
24 adjoined at the top and displayed at an angle, which is not permanently anchored or secured and
25 designed to be placed upon a private sidewalk, plaza or other area where pedestrians walk or gather.

26

27 Real Estate Sign: A temporary sign indicating the availability for sale, rent, or lease of a specific parcel,
28 building, or portion of a building, along with contact information for the associated property owner or
29 real estate broker.

30

31 Special Promotion Sign: A temporary sign used to advertise a sale event or other similar special
32 promotion. Signs can take the form of pennants, banners, flags, inflatables, character or product
33 likenesses, attention attracting media and devices, and other inanimate non-merchandise displays.

34

35 Temporary Sign: A sign not intended or deigned for permanent display.

36

37 Temporary Use Sign: A temporary sign used to advertise an approved temporary use.

Existing Regulations

3-712: Temporary Signs. (Amended 11/15/05, 4/3/07) This Section shall require a temporary sign permit application and provides for commercial and retail establishments an opportunity to temporarily advertise on special occasions only (ex: holidays, clearance sales, daily menus B restaurant establishments only, grand openings, etc.). A temporary sign shall not be permitted to advertise specific items (ex: roses, beer, gas, soda, etc.). A person or business applying for a temporary sign must possess a current business license within Highland City. Temporary signs that are not permitted as defined in this Section are specifically not permitted within Highland City. Temporary signs that may be applied for are used exclusively for:

- (1) **Temporary Grand Opening Signs:** A person may obtain a permit for a Temporary grand opening sign upon approval of the Zoning Administrator for a specific period of time not to exceed 60 days. It shall be the responsibility of the applicant to first obtain a permit for such a sign and to remove the same sign after expiration of the term of the permit. Temporary Grand Opening signs shall only be available one time per business or change in ownership.
- (2) **Temporary Promotional Signs:** Temporary promotional signs may be permitted upon approval of the Zoning Administrator for a specific period of time not to exceed six (6) days (Monday B Saturday). Temporary promotional signs shall only be placed in a location specified by the City Council (ex: part of the allotted window front, directly in front of leased space and within 10 feet of the entrance, etc.). It shall be the responsibility of the applicant to first obtain a permit for such a sign and to remove the same sign after expiration of the term of the permit. Temporary signs shall only be available B five (5) - times per year per business. Unless otherwise specified within this code only the following list of temporary signs shall be permitted and all others shall be specifically not permitted:
 - (a) **Banner Signs:** Banner signs not to exceed twenty-four (24) square feet in size. Banner signs shall only be permitted to be placed within the approved banner supports or on the building within the leased space of the business of which the sign is associated as designated by the City Council. A banner sign may not be attached in any way to a significant supporting structure (columns), significant architectural feature, or above an eave, parapet or roof line of a building.
 - (b) **A-frame Signs:** A-frame signs must be placed within fifteen (15) feet from the primary entrance for the business advertising on it. A-frame signs may not exceed 48" in height and 36" in width. A-frame signs may not be placed in a manner that would impede pedestrian or vehicular access.
- (3) **Temporary Agricultural Signs** - designated to be displayed no longer than forty-five days.
 - (a) A temporary agricultural sign shall be no larger in area than sixteen square feet and stand no higher than ten feet from the ground.
 - (b) These signs shall not be placed within any road right-of-way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulatory sign, and shall not be lighted.
 - (c) These signs shall advertise only produce, fruit, livestock or other crops produced in Highland City.
 - (d) Temporary agricultural signs shall be exempt from requirement of sign permit and fee; however, failure to comply with above regulations shall constitute littering, punishable as

a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection. If no person can be found it shall be assumed the person at the location advertised shall be responsible.

- (4) **One temporary “A-frame” sign** not to exceed 32” x 48” may be permitted for a **model home**. The sign shall be placed behind the sidewalk on model home private property and only displayed while the realtor of the model home is present to let passers-by know they are open.
- (5) **Temporary Garage Sale or Yard Sale Signs.** (Amended 11/15/05)
 - (a) Garage sale or yard sale signs shall not exceed six (6) square feet in area and shall stand no higher than six (6) feet from the ground, shall not be lighted, shall not be placed in any road right-of-way, shall not obstruct view of vehicular traffic or pedestrians, or shall not be placed on any traffic sign or utility pole.
 - (b) Garage sale or yard sale signs shall only be displayed for a period not to exceed 48 hours.
 - (c) Garage sale signs shall require a temporary sign permit. (Amended 11/15/05)
 - (d) Temporary garage sale or yard sale sign permits shall be available five (5) times per year.
 - (e) Garage or yard sale signs shall only be placed on property where the garage sale is occurring.
 - (f) Off-site directional signs for garage or yard sales are specifically prohibited with exception to specific “community announcement” locations as approved by the Highland City Council.
- (6) **Political Signs.**
 - (a) **Construction and Location.** Temporary political signs may be erected in the city of Highland on private property only unless otherwise approved by the City Council. These signs shall be no larger in area than thirty-two square feet and stand no higher than ten feet from the ground. These signs shall not be erected within any road right-of-way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulating sign and shall not be lighted.
 - (b) Temporary political signs shall be exempt from requirement of sign permit and fee; however, failure to comply with above regulations shall constitute littering, punishable as a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection or shall be removed by any highland city official. If the person accountable for erecting the sign cannot be found it shall be assumed the person advertised shall be responsible.

**HIGHLAND CITY
PLANNING COMMISSION MEETING
DECEMBER 13, 2011**

REQUEST:	Amending the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments (TA-11-13).		
APPLICANT:	Highland City		
FISCAL IMPACT:	N/A		
GENERAL PLAN DESIGNATION	CURRENT ZONING	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

PRIOR REVIEW:

The Planning Commission held a public hearing on November 9, 2011 (Attachment B).

BACKGROUND:

A development code amendment is a legislative action.

SUMMARY OF REQUEST:

1. The proposed amendment will add a new Article 5 Planned Developments to Chapter 3 Zoning-General Regulations.
2. The Planned Development District is intended to promote the development of mixed use developments that include residential, commercial or business park development according to an overall plan. It is not intended for use for standard residential development or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones
3. A development plan approved at the time of rezoning will be an integral part of the district. All development standards and performance requirements for the district will be specified by the development plan. The regulations of the underlying zoning district will be superseded to the extent they are inconsistent with the approved development plan.
4. A planned development is required to meet the minimum standards of the development code. An applicant may propose modifications to the standards. Modifications are only permitted, by the City Council, if the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced by strict application of existing standards for comparable zoning districts.
5. A planned development district will only be approved if the applicant demonstrates that required findings will be met. The required findings are as follows:

- a. The proposed use will further the objectives of the general plan and not adversely affect the character of the community;
 - b. The proposed PD meets the PD requirements of the Development Code and other applicable regulations and requirements, unless otherwise modified by the PD Narrative.
 - c. That there will be or exists adequate public infrastructure and services to serve the proposed development.
 - d. The proposed PD will result in compatible land use relationships with other existing and future land use in the immediate area.
 - e. The development standards of the proposed PD are consistent with or exceed the desired character of development for the area.
6. The proposed amendment requires each applicant to submit a PD Narrative and Development Plan. Among other things, the narrative and plan requires the applicant to address:

Uses and densities	Landscaping
Development Standards	Compatibility
Recreation Areas	Infrastructure
Architectural Design and Theme	Signage (if applicable)

7. All active recreational areas will be owned and maintained by private entities. The City Council may choose to accept a land dedication above five acres. Five acres was chosen since it is the typical size of a neighborhood park.
8. A planned development will expire if development has not commenced within two years of approval. If the project expires, the City Council may revoke the approval.
9. The proposed amendment allows the City Council to place conditions of approval upon each proposal.

ANALYSIS:

- The mixed use land use category of the General Plan allows residential, commercial, office, and institutional land uses. The state school property, the property north of Wal-Mart, and the Town Center are properties that have been identified as mixed-use. However, with the exception of the Town Center, the Development Code does not have a mixed-use zoning district. In addition, the Town Center District is a unique development style that may not be appropriate at the other sites. The proposed amendment is consistent with the mixed use land use category and provides an alternative for property owners to comply with the General Plan.
- A goal of the General Plan is to ensure that commercial and mixed use developments are well designed and fit in with the existing community. The proposed amendment will ensure quality development and address compatibility between land uses. The amendment also supports the goals

of the Economic Element by balancing residential and non-residential development and integrating commercial land uses.

- The proposed amendment will encourage property owners to work with the City to design and plan land uses, architecture, site layout, and development standards to ensure that the proposed development is consistent with the General Plan and the vision for the property.
- The proposed amendment will allow planned developments to be established in any zoning district after taking into consideration the characteristics of the use, the site, the proposed development plan, and the surrounding area. It will allow site specific standards to be established concurrent with the zoning. It will also allow considerable discretion in determining where to allow a planned development and under what conditions.
- Applications for planned developments will be subject to the same citizen participation, public notice and hearing requirements as other rezoning requests.
- The City Council will have the ability to add stipulations of approval to individual developments.
- Major amendments to the development plan will be processed in the same manner as the original application. Minor amendments that will not significantly change the nature or intensity of the use, or adversely affect nearby properties will be approved by the Zoning Administrator.

FINDINGS:

Staff believes the proposed text amendment meets the following findings:

- The proposed amendment is consistent and meets the objectives of the General Plan.
- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment will encourage compatible land use relationships.
- The proposed amendment will ensure a balance of residential and non-residential development.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on October 23, 2011. No comments have been received.

RECOMMENDATION:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment

PROPOSED MOTIONS:

I move that the Planning Commission accept the findings and recommend **APPROVAL** of case TA-11-13 a request to create amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments.

ATTACHMENTS:

Attachment A – Proposed Amendment

Attachment B – Draft Minutes of the November 9, 2011 Planning Commission Meeting

**Article 5 Planned Development District
(rev 12-7-11)**

3-600: Purpose

1. The purpose of the Planned Development (PD) District is to:
 - a. Promote the development of mixed use developments that include residential and non-residential development.
 - b. Provide a process which relates the uses, architecture, design and scale of the project to the characteristics of the site and surrounding properties.
 - c. Require development to be supported by adequate utilities, transportation, and recreation areas to serve the development.
 - d. Minimize impact on existing or future adjacent development.
 - e. Encourage development that is consistent with the policies and the guidelines established in the General Plan.
2. PD zones are not intended for use for standard residential development, in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones.

3-610: Establishment of a PD District

1. General Provisions
 - a. A PD District may only be applied to a parcel or a combination of parcels totaling at least twenty acres.
 - b. A PD Districts shall only be located in the mixed use land use category.
 - c. All PD Districts shall have a mix of residential and non-residential uses including office, retail, and business park uses. PD Districts with only non-residential uses are permitted.
 - d. All approved plans (site plans, subdivisions, buildings, documents and permits, etc) shall conform to the approved PD Narrative.

2. Rezoning Required

All PD Districts shall be established through the rezoning approval process.

1 3. Required Findings

2
3 The applicant shall address each of the required findings (set forth below) individually, and shall
4 demonstrate with sufficient, objective information, how the proposed PD complies with each.
5 The City Council, following a recommendation from the Planning Commission, may approve a
6 PD on the subject property upon determining that all of the following findings have been met:
7

- 8 a. The proposed PD is consistent with the General Plan;
- 9
- 10 b. That there are or will be adequate public facilities, including but not limited to:
11 transportation, water, wastewater, and public safety facilities, etc.
- 12
- 13 c. The proposed PD will result in compatible land use relationships and acceptable land use
14 patterns with existing and planned land use in the area; and;
- 15
- 16 d. The development standards of the proposed PD are consistent with or exceed the desired
17 quality of development for the area.
18

19 4. Conditions and Stipulations of Approval

20
21 The City Council may, in its sole discretion, approve a PD subject to conditions or stipulations.
22 Conditions and stipulations included in the City Council action establishing a PD District shall
23 become part of the regulations governing the use and development of the PD.
24

25 5. PD Regulations

26
27 The PD Narrative, site plan, design standards and any other documents, exhibits or plans
28 associated with the PD, in the form approved by the City, shall become part of the regulations
29 governing the use and development of the PD and the Zoning Map shall be amended to reflect
30 adoption of the PD and the related documents and plans.
31

32 6. Expiration

33
34 Approval of any PD zoning is conditioned on development of the first phase of the project
35 commencing within two years of the effective date of the ordinance approving the PD zoning on
36 the property.
37

- 38 a. Prior to the expiration of the two year time condition, the property owner or authorized
39 representative may submit an application for an extension to the City. Upon receipt of a
40 request for extension, the Zoning Administrator shall submit the request to the City
41 Council for consideration at a public hearing held pursuant to 603.D.2 below
42
- 43 b. The City Council shall, after notices via certified mail to the property owner and
44 authorized representative have been provided at least fifteen (15) days prior to the date of
45 the scheduled hearing, hold a public hearing on the extension request. The City Council
46 may, in its sole discretion, grant one extension of the time condition up to one-year.
47

- 1 c. In the event the project's first phase has not commenced within the two year time period
2 and no request for time extension has been received the Zoning Administrator may
3 submit the PD to the City Council for consideration of reversion, pursuant to the hearing
4 procedure set forth in below:
5
6 i. The Zoning Administrator shall notify the property owner and authorized
7 representative by certified mail of the City Council's intention to hold a hearing to
8 determine compliance with the two year time condition, and to revert the zoning
9 on the property to its former classification if the condition is determined by the
10 City Council to have not been met. All such notices shall be made at least fifteen
11 (15) days prior to the date of the scheduled hearing. The City Council may, in its
12 sole discretion, either grant an extension of the time condition or revert the zoning
13 on the property to its prior zoning classification.
14
15 d. Following the commencement of the first phase of the project, the Zoning Administrator
16 shall monitor the project to ensure compliance with the approved PD phasing schedule.
17 Upon the Zoning Administrator's initial determination that the phasing schedule is not
18 being met, no further review or approval of any project site plan or plat shall occur until it
19 is determined that good cause exists for delay in the construction of the project. Should
20 the project fail to proceed as scheduled, a public hearing shall be held by the City Council
21 to determine the cause of the delay. At the public hearing on the matter, if the City
22 Council determines that there is not good cause for the delay, it may impose additional
23 conditions on the PD to ensure compliance with the phasing schedule. If such additional
24 conditions and the phasing schedule are not met, the Zoning Administrator may set the
25 matter for public hearing, according to the process set forth above, on a possible
26 reversion of the PD zoning. If the City Council determines that good cause exists, it may
27 amend the PD development phasing schedule.
28
29 e. For purposes of this section, the terms "commence," "commencing" and commencement"
30 shall mean physical vertical construction activity in accordance with a valid building
31 permit issued by the City and or the beginning of construction of on-site and off-site
32 infrastructure including streets, sidewalks, water and wastewater, so long as such
33 infrastructure is completed prior to expiration of the City-issued development permit
34 issued therefore.
35

36 7. Amendment

- 37
38 a. The Zoning Administrator or designee shall determine whether a proposed deviation
39 from the approved PD District is a Major or Minor Amendment. Major Amendments
40 shall require City Council approval upon recommendation of the Planning Commission.
41 Minor Amendments shall require administrative approval by the Zoning Administrator or
42 designee only. No amendment to a PD will be approved without concurrent revision of its
43 development plan.
44
45 b. Major Amendment. Any one of the following shall be considered a Major Amendment of
46 a PD:
47
48 i. A ten percent (10%) or more increase in the number of dwelling units.

- 1
- 2 ii. Any reduction in acreage devoted to commercial uses.
- 3
- 4 iii. A significant change in boundary lines of development units.
- 5
- 6 iv. Any change which could have significant impact on areas adjoining the PD.
- 7
- 8 v. Any change which could have a significant traffic impact on roadways adjacent or
- 9 external to the PD.
- 10
- 11 vi. Amending the uses allowed by adding a permitted use, a use permitted with
- 12 conditions or a use requiring a Conditional Use Permit, unless the Zoning
- 13 Administrator has determined that the use to be added is analogous to a permitted
- 14 use.
- 15
- 16 vii. Changes to, or addition of, phasing for a PD when such changes impact twenty-five
- 17 percent (25%) or more of the land area contained within the PD district.
- 18
- 19 c. Minor Amendment. All amendments of a PD District not determined by the Zoning
- 20 Administrator to be a Major Amendment shall be a Minor Amendment.
- 21

22 8. Modification of Current Regulations

- 23
- 24 a. All PD Districts shall comply with the development standards in the Development Code.
- 25 However, based upon a recommendation of the Planning Commission, the City Council may
- 26 approve modifications from standard Development Code requirements.
- 27
- 28 b. No modification of development standards shall be permitted unless the applicant provides
- 29 substantial evidence indicating that the modifications will produce an environment superior
- 30 to that which could have been produced by strict application of existing standards for
- 31 comparable zoning districts. Additional mitigation measures may also be required.
- 32

33 9. Phasing

34
35 The PD may provide for certain on-site and off-site infrastructure to be constructed in phases,
36 subject to the following limitations:

- 37
- 38 a. Complete construction of all public infrastructure improvements within the public right-of-
- 39 way on the exterior of the PD site shall be included within the first phase of development,
- 40 unless the City Council, in its sole discretion, allows for an alternate infrastructure
- 41 improvement schedule as part of a development agreement or approved phasing plan. Each
- 42 phase of development shall be able to function as a single entity.
- 43
- 44 b. Prior to commencement of the first phase infrastructure improvements, the owner/applicant
- 45 shall provide financial assurances in the amount determined by the City Engineer and in the
- 46 form approved by the City Attorney, for construction of such portions of the infrastructure
- 47 improvements located within the public right-of-way on the exterior of the PD.
- 48

- c. For mixed-use projects a proportionate share of residential and commercial buildings and/or uses shall be constructed concurrently as determined by the City Council.

3-620 PD Narrative and Development Plan

The narrative text shall provide uses and development standards for the PD District. The PD Narrative shall be both prescriptive and concise. The PD Narrative shall conform in formatting and organization to the PD application maintained by the Zoning Administrator or designee. The PD Narrative shall sufficiently address all of the following as individual sections:

1. Introduction and Opening Statements

- a. Describe the general location within the City, the property boundaries and the surrounding properties.
- b. Identify the land use designation(s) of the subject property in the General Plan, the current zoning and the improvements existing on the subject property (for example, vacant or buildings to be demolished).
- c. Provide the following statement - “The requirements of the Development Code, as amended, shall apply except where explicitly stated otherwise herein by this PD.”

2. Proposed Uses

- a. List permitted uses.
- b. List uses permitted with conditions.
- c. List uses permitted with a Conditional Use Permit.
- d. Provide the following statement - “All uses not specifically provided for herein are prohibited.”

3. Density (Residential only)

State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

4. Development Standards

State development standards that deviate from the Development Code. In the case where no development standard is provided in the PD Narrative, the Zoning Administrator shall determine the applicable development standard to apply.

5. Recreation Areas

1 Recreation areas shall be an integral part of a PD development, shall be provided in an amount
2 commensurate to the size of the development, in minimum amounts not less than set forth below
3 and shall, to the extent possible, be designed central to the internal functions of the site.
4

5 a. Residential Recreation Areas

6
7 i. A minimum of twenty percent (20%) of the net development areas shall be provided.
8

9 ii. The following areas shall count as recreation areas:

- 10 1. Dedicated park sites with a minimum size of five acres, provided that the location,
11 size and geometry are acceptable to the City.
- 12 2. Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.
- 13 3. Private park, recreation areas, and clubhouses dedicated to, and maintained by, an
14 Owners' Association that meets the park improvement standards as determined in the
15 development plan.
- 16 4. Reserved or dedicated steep slope areas.
- 17 5. Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots
18 and ramadas with barbeque areas.
- 19 6. Any other areas deemed acceptable as determined by the City Council.

20
21
22
23
24
25 iii. The following areas that shall not count as recreation areas:

- 26 1. Areas less than five thousand (5,000) contiguous square feet, unless such areas either
27 are part of a larger trail system or contain significant project amenities, as determined
28 by the City Council.
- 29 2. Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking
30 landscape areas, loading and storage areas.
- 31 3. Trails located behind lots unless approved by the City Council.
- 32 4. Required setback areas unless such areas.
- 33 5. Reserved school and park sites that require subsequent purchase of the land.
- 34 6. Concrete or rock-lined areas designated primarily for the conveyance of water.
- 35 7. Utility corridor easements, unless substantially improved to make the area usable for
36 outdoor activities. Only that proportion substantially improved shall be counted as
37 recreation areas. "Substantially improved" shall include any of the improvements
38 listed, or any other improvements deemed substantial by the City Council.
- 39
40
41
42
43
44
45
46
47
48

1 iv. Meaningful recreation areas shall be included within all phases of a PD project and shall
2 be provided proportional to the amount of development related to each phase, unless
3 otherwise permitted by the Zoning Administrator and included in the phasing schedule.
4

5 b. Commercial Recreation Areas
6

7 i. A minimum of fifteen percent (15%) of the net development area shall be provided.
8

9 ii. Recreation areas shall be provided in the form of pedestrian refuge areas with shaded
10 seating, landscaped and hardscape plaza areas.
11

12 c. Recreation areas shall be identified and reserved as tracts or parcels on a plat, or as
13 easements when no plat is necessary. Maintenance of these areas shall be provided for by an
14 Owners' Association. A statement shall also be placed on the approved site plan or plat, as
15 appropriate, stating that all landscaping shall be maintained by the Owners' Association. All
16 areas shall be maintained at a level consistent with the approved development plan.
17

18 d. All recreation areas shall be installed by the developer and/or property owner.
19

20 6. Architectural Design and Theme
21

22 Each project shall propose a unique high quality architectural theme and standards. Standards
23 shall be included for both commercial and residential uses. Site layout, architecture and
24 landscaping shall be consistent with the Highland City Design Standards.
25

26 7. Landscaping
27

28 Landscaping shall be provided along street frontages, around the property perimeter, internal to
29 the site and in parking areas.
30

31 8. Signage
32

33 Unless signage is approved as part of a comprehensive sign package, signage shall conform to
34 the comparable zoning category.
35

36 9. Utilities
37

38 Each project shall submit preliminary concepts for culinary water, wastewater, pressurized
39 irrigation, storm drain, and utilities. The preliminary concepts shall include: the size and location
40 of culinary water, wastewater, pressurized irrigation, storm drains, etc., and any other
41 information needed as required by the City to evaluate the proposal. Utilities shall be designed
42 to avoid adverse impact on adjacent land uses, public services, and utility resources.
43

44 10. Circulation
45

46 Each project shall submit a pedestrian and traffic circulation plan. The plan shall include the
47 following:
48

- 1 a. A traffic analysis or traffic impact study, as determined by the City Engineer;
- 2
- 3 b. The location and cross section of all streets with typical street cross sections;
- 4
- 5 c. Pedestrian circulation elements;
- 6
- 7 d. Hours of peak traffic use; and,
- 8
- 9 e. Measures to mitigate offsite traffic impacts.

10 11. Compatibly

12 Each proposal shall include a description of the measures used to ensure compatibility between
13 future and existing land uses. Compatibility measures shall include but are not limited to
14 landscaping, setbacks, building location, lighting, noise, etc.
15

16 17. Justification and Mitigation

18 Substantial justification and mitigation is required for proposed PD standards that do not meet
19 the standards of the comparable zoning district.
20

21 22. Exhibits

23 The following exhibits shall be provided with the Development Plan for a PD:

- 24 a. Property boundary and legal description.
- 25
- 26 b. Areas designating land use(s), densities, etc.
- 27
- 28 c. Circulation plan to include arterial and collector streets, and vehicular and pedestrian
29 circulation routes.
- 30
- 31 d. Phasing schedule which shall include a map of the development designating the phases and
32 sequence of development including, but not limited to, land uses, recreation areas, and
33 infrastructure. The map shall include a schedule of development with action dates. All
34 infrastructure improvements shall be shown and scheduled for the entire development.
35
- 36 e. The location and acreage of recreation areas as well as listing amenities to be provided at
37 each location.
- 38
- 39 f. Preliminary infrastructure concept plans.
- 40
- 41

Draft Minutes of the November 9, 2011 Planning Commission Meeting

PRESENT: Commissioner: Tim Irwin
Commissioner: Tim Heyrend
Commissioner: Jay Roundy
Commissioner: Abe Day
Commissioner Chris Kemp
Alternate Commissioner: Sherry Carruth

EXCUSED: Commissioner: Steve Rock
Commissioner: Kelly Sobotka

1. TA-11-13 A request to amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments. *Legislative.*

Nathan Crane reviewed the proposed amendment. Mr. Crane explained that all of the Commissioners received an email a couple of weeks ago on the creation of the PD District. He indicated he will walk the Commission through this district and go in to some detail. Staff feels that with the new Council at the first of the year this is an item that should be considered by them. So there is no hurry to rush through this item.

Mr. Crane explained the reasoning for creating this district. He said the first question will be why create a district such as this that is very urban on the surface. He explained that it is a little different than something we have done in the past. In our general plan, we have a mixed use category; it is the state property, the property across from Wal Mart, and it is over the Town Center. We do not have a zoning district to implement that land use category. Therefore, one of the reasons to create this district is to have the ability to implement those mixed use areas in the city.

This district will give a property owner the opportunity to utilize this district for future development. It does not zone any property PD at this time, it provides a tool for someone to come in and use for future development. The district allows for a little more flexibility. If they choose to use this option, it will go through the rezone process, which includes the neighborhood meeting and public hearing. One thing we are trying to do is to encourage economic development. We do not want this to be used as a small lot single family residential subdivision only type of project. One of the requirements in the proposed district is that it is either commercial or a mix of residential and commercial. We want to be looking specifically at the commercial portion of developments with this district.

One thing the PD district does because of its process is that it allows us to add things such as architecture, compatibility standards, and those types of things. This district allows the developer to create a character or a theme for their development. This is attempting to increase the quality of the project in exchange for some flexibility. Mr. Crane stated that he likes this type of district because it allows staff, Planning Commission, and Council to address things on a use and site specific level instead of a big level.

Tim Irwin opened the public hearing at [7:36:30 PM](#).

Mr. Crane started with the purpose section of this amendment. There is a requirement for adequate infrastructure; when we say this, we mean public services, such as water, sewer, storm drain, traffic, etc. We want to make sure if we are approving these that there is existing infrastructure or there will be infrastructure put in as part of the plan. Commissioner Heyrend stated that one of the things that sticks out in his mind is whether we want to limit this to only the mixed use areas. There can be benefits to opening it up to a larger residential area, if that a residential area has certain environmental features or is up against a mountain where the slope of the land and zoning density may want to be kept the same but you do not want to use portions of the land. He could see expanding the Planned Development to certain residential areas. Mr. Crane said he has used them in those circumstances. Commissioner Heyrend asked if that is something the Commission wants to consider. Commissioner Kemp asked if we already have this ability when a plan is submitted; make changes to the property due to the unique nature of a property. Mr. Crane indicated not as much flexibility as this would allow. Commissioner Day brought up the Pointe Academy where the zone was changed to allow that specific use. Mr. Crane explained that it is doing the same thing. In the past, what was done was that a specific zoning district was drafted for each non-residential zoning district and was adopted into the development code. This PD district addresses mixed uses and allows more flexibility. Mr. Crane said that he has read up on how the Pointe Academy and Alzheimer's Facility were adopted and one of the differences is that we will actually have a development plan in front of us with this type of district. We will know what it looks like, what its impacts are, etc. Commissioner Irwin expressed his feelings that this district does allow more flexibility, but he feels the general plan needs to be looked at as well.

Commissioner Day asked where the creation of this district stemmed from. Mr. Crane explained that it was a staff initiated item. Staff looked at how the assisted living was done, how the senior citizen overlay works, the state property, and the lone peak area. It was determined that we do not have a zoning district to apply to some of these areas. We created a process that allows someone to create an innovative design and have some flexibility while being able to plan a development together.

Commissioner Irwin asked for an example of how the process would work with this district. Mr. Crane explained the first step will be to look at the general plan and determine what the land use designation is and verify that it has some sort of commercial element to it. If it requires a general plan amendment, the applicant has the option to run that application concurrently with their development application. One of the roles of staff is to map out the process and the options for the applicant. We try very hard not to say no to an application. So once we determine that we can use this district as an option, we figure out where the applicant is at and what they are thinking for the project. If it is an important piece of property or a large project, work sessions with the Planning Commission or City Council may be appropriate before the development even hits the public participation process to get input and address concerns or issues. Then the application can start down the path for the neighborhood meeting, public hearing process at Planning Commission, and then the public hearing process at City Council. Mr. Crane expressed that he likes this district because we have very broad discretion of whether we adopt a PD district or not. If someone puts a proposal that is not compatible or is not the use we want, the City has the discretion to say this is will not work for this district. Commissioner Irwin said this type of district is needed, but he gets nervous with who ultimately makes the decision. He feels that the City Council does not always understand what a businessman is trying to do. He stated that he does not want City Council to overreach their ability to direct what a developer can do. At the same time, we have a responsibility to make sure a use is compatible with what kind of city we have. Mr. Crane agreed that there is always

going to be a balancing act. Commissioner Heyrend expressed that it needs to be a coordinated workable livable type of development for this to work.

Mr. Crane moved on to the next section, 3-610. He explained that any project that comes in to utilize this district as part of their narrative they will list the uses that are permitted. They will list office, retail, or whatever those uses are as the uses that will be in the development. This will be one of the things the Planning Commission and City Council will determine if those uses are appropriate in the proposed areas. Mr. Crane referenced the development standards section. He indicated that we want to be able to say there is a minimum we want in our city where it deals with development standards. The applicant can ask for modifications from development standards, but it requires them to justify why and the Commission and Council will make a determination based on the applicant's justification. Commissioner Day clarified that this method almost does the opposite by allowing the Commission to say yes or no with more flexibility. Mr. Crane agreed.

Mr. Crane proceeded to the section on conformance. He explained that if the PD district is adopted that anything that is developed within that district would have to conform to what was approved. Included with the phasing plan in the PD district, the developer must include the plan for infrastructure and amenities that are going to be installed. The City will then determine if that is an appropriate phasing plan. One of the key things is that it has to stand alone. This means that it must be able to be served by the infrastructure and everything it needs. Amenities are also taken into consideration and this district gives the City the option to determine if the phasing for the amenities meets the needs of the development. Mr. Crane stated that the good thing about this district and the flexibility that is involved is that the developer and the City both know what the deal is and this allows the project to continually move forward without any surprises. From the beginning, the developer and City will be working on this together, which Mr. Crane feels is a good thing.

Mr. Crane addressed the minimum size that a PD district development should be. As a starting point 20 acres was used, but this needs to be discussed by the Commission. Commissioner Heyrend said he thinks the size should vary depending on the area. Mr. Crane said he feels there needs to be a minimum because these types of districts are a lot of work for staff, Commission, and the Council. He indicated he would not go lower than 10 acres as a minimum size. Mr. Crane said he has seen where expectations have been allowed under certain circumstances for a smaller size, but that is something that has had to go before the Council.

Mr. Crane explained that one of the key things is the required findings section. Anytime a project comes through, these are the types of things that the Commission and Council will be determining. He explained that the expiration has been defined as two years. He feels that if they are going to go through the time and effort, they want this to be a real thing. We understand markets change as well. Within that two years, we will require either vertical construction or infrastructure to be installed. If that does not happen, it will allow the Council to revert the zoning to what it was prior to the approval of the PD district. That action would require a public hearing.

Nathan Crane explained the bulk of this is the narrative. There is an introduction that will describe what the project is. The narrative will list the uses that are permitted and if there is a residential component, it will also be listed with the proposed density. The development standards will also be included with the narrative. Mr. Crane stated that recreation for the development will also be listed. He expressed that lot sizes are important, but the amenities of an area are one of the big things individuals look for. Mr. Crane said that he worked on a project in the past where lot sizes were 4,000 – 5,000 square feet. The

lots faced on to a lake and the development also had golf courses. He expressed that because of the amenities people loved the area and it was highly desirable. Mr. Crane reiterated the importance of amenities. He stated that they should have private ownership. There is only one circumstance where the City may choose to be involved in recreation areas. An area would have to be a minimum of five acres in size and the Council would have to choose to adopt it as a city park. Mr. Crane indicated the size can be discussed further, but five acres is the size of a typical park. It is an action where the Council has to choose to adopt the area as a city park though.

There are standards for recreation areas. They have to be a minimum of 5,000 square feet and cannot be a piece of leftover land that was not developable. There is more detail in the code text about what a minimum recreation area is. The code also addresses architectural design and theme. We can include sample elevations and other details. Mr. Crane reminded the Commission that the developer is choosing to go through this process and the accompaniments that come along with it. Mr. Crane mentioned that landscaping, signage, infrastructure, and traffic analysis are all areas that will be addressed as the development comes in. Compatibility will also be addressed.

Mr. Crane reviewed on the overhead some of the projects he has worked on in the past with this type of development or district. Commissioner Irwin asked for clarification that a developer comes in and tells us exactly what they want. Mr. Crane confirmed that is how the process works; the developer is very up front with what they want.

Commissioner Heyrend asked for clarification on how the density works. It is his understanding that the way this district is written is that more homes could not be built than what the current district allows. Mr. Crane said that is not something he had written for the district. Commissioner Heyrend indicated that is something he would like to see added to the text. Mr. Crane indicated that the proposal that the Commission has does not specify a density because our mixed does not give us any guidance. He said that in his opinion if it is stated for an area to not to be any more dense than what the underlying zone is then we do not need a PD district. Commissioner Kemp noted that if we implement this, we are not going to encourage anyone to come in with a different type of plan or project that the City can evaluate.

Commissioner Irwin stated that he wants to make sure we have enough opportunities to not have to approve something that we do not like. Mr. Crane expressed that one of the great things about the state of Utah is that we have those required findings, which are pretty broad, that the applicant or developer has to provide, as well as it is a legislative action in which there is very broad discretion in which the Council can base their decision on. Mr. Crane stated that as long as we have a sound decision behind what we are doing then he feels we have the ability to have that broad discretion. He added a caveat that if one of these developments are approved and someone comes in to build and they conform to the development, they are entitled to build there. Commissioner Kemp asked if they would be able to deny something that came in if they felt it was not compatible. Mr. Crane stated they would be able to. Commissioner Kemp stated that prior to Mr. Crane being here, the Commission tried to deny a project due to compatibility, but were told by the city attorney that they could not do that. It was the Toscana project. Mr. Crane explained that the difference there is that the zoning was already established. So the overall difference is that Toscana was an administrative approval item and because they met the code, they were entitled to approval. The PD district is a legislative approval item therefore there is a much broader discretion for approval.

Commissioner Heyrend stated that he feels if this is expanded to residential areas that this will create a lot of controversial situations in the city. He indicated he would like to see some densities written in to

the code for this district. Commissioner Irwin asked how we have some flexibility with residential, but not to the extreme. Commissioner Kemp reiterated that we only have three mixed use areas. Mr. Crane stated that it goes back to the fundamental question of what land use category is this district applicable for. He said that if this is only applicable in mixed use or commercial areas, then density can be addressed on a case by case basis. Commissioner Day voiced concerns that if we do not limit the density now, then five or ten years down the road a different Council may have different feelings about allowing high densities. Commissioner Heyrend echoed that has been his experience. Mr. Crane stated that it goes back to what density this type of district is applicable for. He said if we want to expand this to include our traditional residential areas it would be easy to add some language to restrict that density.

Commissioner Heyrend went over some of the concerns and changes he would like to see made to the language for this district. He added that the Planning Commission shall consider: Whether the street or means of access to the site is without materially degrading the service level on such street access. Whether the planned development's location will create unusual vehicle or traffic patterns or volumes. Orientation of driveways and whether they direct traffic to major local streets. Parking areas and sizes.

Commissioner Irwin suggested that the Commission review each of Commissioner Heyrend's suggestions individually. The first one was whether the street or other means of access to the site provide necessary egress and ingress without materially degrading the service level of which the street access or any adjacent street access. Commissioner Irwin asked if there are any issues surrounding this recommendation. Commissioner Kemp asked if these things would be looked at with the developer when the plan is created or do we need a separate plan that addresses such items. Commissioner Irwin said that he is reading these items from Commissioner Heyrend as things the Commission ought to consider. Commissioner Heyrend stated that if we are detailed we can deny applicants based on their not meeting the outlined requirements. Commissioner Day indicated he likes having a guide post for what they should be looking for to be reviewed. He said that especially when new Commissioners come in it is hard to know what to look for right away. Commissioner Heyrend said that was the intent of putting it right up front. Commissioner Kemp said the way he understood it from the city attorney when they were working on Toscana was that the more detailed that the code gets is that if an applicant meets those things then they have to be allowed. He said if it is a little broader or more open, it gives room to say whether it is a compatibility issue or several other things in which a project could be denied upon. Commissioner Irwin said he is not sure they are criteria, but more of items for discussion. Commissioner Kemp says he likes these items, but he does not want to add something that may put us in a position where something has to be approved.

Mr. Crane said both Commissioner Kemp and Commissioner Heyrend have excellent points. He indicated he generally likes for a little broader findings so it allows for some wiggle room. He feels these additional standards are appropriate and we can incorporate them. Commissioner Irwin asked for Mr. Crane to clarify those items and incorporate them in a way that he is comfortable with and bring the back to the Commission for review.

The Commission gave staff direction for some rewrites and revisions for this PD district. Commissioner Kemp suggested running it by the city attorney before it is adopted so that he can review it for any potential concerns.

Mr. Crane explained that one of the things we are trying to do is to improve and build on the development code we already have. This will happen over time. Commissioner Irwin echoed this will be beneficial.

Mr. Crane explained that he will make some revisions and this will then come back to the Commission and it is up to them whether they want another public hearing, but it is not required. He indicated he needs a little direction for minimum acreage. Commissioner Kemp proposed 10 acres.

Commissioner Sherry Carruth asked if this is for mixed use or for all of Highland. Mr. Crane said that is something that needs to be determined as well. Commissioner Kemp proposed to keep it for mixed use at the current time. He voiced that if this is a change we are going to make, we may need to look at the general plan and make some recommendations for areas that will benefit from this type of district. Commissioner Irwin agreed about going back to the general plan. Mr. Crane expressed that the last general plan data was compiled in 2006 or 2007 and it is about time to do it again. Commissioner Kemp said he is not in favor of having this be citywide. Commissioner Irwin concluded that is the general feeling of the Commission.

Commissioner Day said he feels 10 acres is a little limiting and wondered if there is a way to allow exceptions. Mr. Crane explained that he has worked with situations where the code may state a minimum of 10 acres except in extraordinary circumstances as follows; or something similar to this. Mr. Crane said that most people are not going to go through this for a small amount of acreage; it is a lot of work. Commissioner Irwin voiced to use 10 acres as a minimum.

Commissioner Heyrend inquired about changing the park size from 5 acres. Mr. Crane said the City would not want anything less than 5 acres because to maintain anything less is problematic. The developer can have a smaller park the City just would not maintain it.

Commissioner Heyrend brought up maintenance standards that he feels should be included. Mr. Crane indicated he can incorporate those types of things.

Commissioner Irwin asked to address the density issue. Commissioner Heyrend said he did find the requirements that he added for the residential zones, but does not have any specifically for the mixed use areas. Commissioner Irwin said at this point the Commission would like to see this only as mixed use. Commissioner Kemp said density will be used as compatibility criteria in regards to the surrounding area. Mr. Crane said there are ways to look at density other than just acre lots. Commissioner Carruth stated that it seems as though our fall back is to say it is not compatible; she said she does not know how well that is going to hold up in true life. Commissioner Kemp explained there are several items as a Planning Commission that they can evaluate and deny a project on. A couple of those items include: safety, compatibility, and city standards. Mr. Crane said the text for the PD district that they are looking at before them are the standards in which they would use to evaluate a project.

Mr. Crane indicated that staff will work on the revisions and rewrites as directed by the Planning Commission. If the Commission meets in December, this item will be brought back for review then, if not it will be reviewed in January by the Commission.

MOTION: The Planning Commission CONTINUED case TA-11-13 a request to create/amend the Highland City Development Code Chapter 3 Zoning-General Regulations by creating Article 5 Planned Developments for revisions and rewrites by staff to the December 13, 2011 Planning Commission meeting.



DATE: December 8, 2011

TO: Planning Commission

FROM: Jill Stewart, Planning Coordinator

SUBJECT: Agenda Item #4
Amended 2012 Planning Commission Meeting Schedule

MEMO:

Please find attached the amended 2012 Planning Commission Meeting Schedule. The January Planning Commission meeting has been moved from January 17, 2012 to January 24, 2012 to accommodate the City Council meetings. The City Council will be meeting on January 3, 2012 and January 17, 2012. The Planning Commission will meet on January 24, 2012.

The amended Planning Commission Meeting Schedule also reflects the change to meet only once in February on February 28, 2012.

HIGHLAND PLANNING COMMISSION MEETINGS
SCHEDULE FOR 2012

The regular session begins at 7:00 p.m. Work sessions are scheduled as needed. Meetings will be held at the Highland City Council Chambers, 5400 West Civic Center Drive, Suite 1, Highland, Utah.

The 2012 Planning Commission Regular Meeting Schedule is as follows:

January 24
February 28
March 13, 27
April 10, 24
May 8, 22
June 12, 26
July 10
August 14, 28
September 11, 25
October 9, 23
November 13
December 11

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION
MEETINGS.

If you need a special accommodation to participate in the Meetings, please call the City Recorder's Office at 772-4506

TO BE PUBLISHED IN *THE DAILY HERALD*
SUNDAY, JANUARY 1, 2012

HIGHLAND CITY
PLANNING COMMISSION MEETING
DECEMBER 13, 2011

REQUEST:	Hold an election for the Chairperson and Vice Chairperson of the Planning Commission.		
APPLICANT:	Highland City		
FISCAL IMPACT:	None		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONING N/A	ACREAGE N/A	LOCATION Citywide

BACKGROUND:

Chairperson, Tim Irwin is resigning from the Planning Commission after being elected for City Council, leaving a vacancy in the position of the Planning Commission Chairperson. Kelly Sobotka, Vice Chairperson, will conduct meetings until the Planning Commission elects a new Planning Commission Chairperson and Vice Chairperson.

The Commission elects a Chairperson and Vice Chairperson from among the appointed members. Any member serving as Chairperson or Vice Chairperson is eligible for re-election. The elected Chairperson and Vice Chairperson will serve until July.

The Chairperson presides at all meetings and hearings of the Commission. The Vice Chairperson acts as the Chairperson in the absence of the Chairperson.

RECOMMENDATION:

Staff recommends that the Planning Commission hold an election to appoint a new Chairperson and Vice Chairperson.