

Highland City Planning Commission

March 14, 2006

Present:

Commissioner: Steve Draper
Commissioner: Mike Walch
Commissioner: Larry Mendenhall
Commissioner: Brian Braithwaite
Commissioner: Jennifer Tucker
Commissioner: Bryce Flanary

City Planner: Lonnie Crowell
City Planner: Hannah Dick
Secretary: JoD'Ann Bates

Excused: Barry Edwards, Matt Shipp, Jeff Clyde.

Meeting Convened at 7:07pm
Prayer given by Larry Mendenhall
Pledge given by Scout Bryce Ellis

Visitors: Chris Dalley, Brent Mangum, David Christiansen, Gary Stone, Mark Ward, Kent Davis, Richard Talbot, Brian Talbot, Elaine Roundy, Terri Kent, Carolyn Smith, Chris Crump, Rob Carlisle, Dee Anne Carlisle, Mark Moulder, Maurene Bachman, Bill Bush, Carolyn Bush, Molly Robbennolt, Patti Ellis, Bryce Ellis, Korbin Goulding, Dean Harmon, Andria Whitlark, Corb Heath, Roger Michelson, Bradey Wilson, Matt Halbleib, Drew Jex, Scott Halbleib, Stacie Mangum, Karan Stone, Michael Stone, Jeff Harvey, Larinda Nilsen, Kevin Givan, Barbara Brower, Nick Olson, P. Pixton, Peggy Renshaw, Gerald Tedrow, Brett Bailey, Jeff Howes, Dan Van Woerkom.

Item 1: Sprint Antenna Site - Conditional Use Permit & Pubic Hearing

Lonnie Crowell stated that Sprint is proposing to place a cell antenna in the open space located in the Windsor Meadows Subdivision. Sprint is making this proposal after some previous discussion with the administration of Highland City and City Council. Staff looked into the requirements and it is staffs opinion it does not meet the municipal code and recommends that it not be approved.

Steve Draper questioned if there were other possible sites that could be considered and why this specific site was chosen. Maurene Bachman from Sprint commented they have had a great number of complaints in this area and in order to meet the demand of growth both in Highland and the American Fork area; they have tried to find the best location that would expand that coverage. Sprint currently has a site at the Water Company building and sees the need for an additional site to be able to accommodate the coverage demands.

Steve Draper inquired as to the range for the existing antenna site. Maurene stated that she does not have that information.

Steve Draper stated that within the current ordinances the city has a particular desire not to discriminate against Sprint or any other carrier, but they have the obligation to protect the ambiance of the residential feel that Highland has. It has always been a consensus of this body and the ordinance has been written not to allow certain antennas in residential areas.

Maurene Bachman stated that they had looked at the possibility of placing a site at the Legacy Elementary school in American Fork. There is already a site located there and the American Fork ordinance requires a half mile distance between poles. They would not be able to co-locate with that existing pole due to the fact that the same ordinance limits the height and it is not high enough to have the range they need. She feels that one of the things that has not been addressed in the ordinance is the possibility of a stealth site. The poles can be made to look like a flag pole or a light at the entrance to the Windsor Meadows subdivision.

Steve Draper stated that they would like to take a few comments from the audience. Steve reminded that audience that Lonnie had indicated that staff after looking into this further has changed their recommendation that Planning Commission not recommend this proposal.

Steve opened the public hearing.

Bill Bush lives on Coventry Court. He stated that most residents use cell phones and are not apposed to the service but he feels this is a premier development in Highland and designed without telephone poles or obtrusive street lighting. Any cell tower would be out of character with this neighborhood. He feels there are appropriate areas for cell towers, and a residential area is not one of them. He is opposed to having it located where it is being proposed.

David Christensen commented that he does environmental studies for cell towers and his concern is that this is being proposed in a residential area where most cell towers are placed on commercial properties. Another concern is that it would be an eye sore and take the aesthetic appeal away from what Highland City is trying

to give to the residents. He feels that it will have a negative impact on their property values. He stated he does believe there are appropriate places for towers but not in a residential area. His last concern is that once there is one cell tower there are always others that follow.

Chris Crump feels that the property values will go down. He bought her home in this subdivision for the residential feel and for the property values. The city is still working with the open space and a cell tower would not add to that open space. He feels that this would not help the beautification along the Alpine Highway that the City has worked hard to achieve. He concluded that he has seen the light pole aspect and feels that they are an eye sore and stick out more than a tower. Anything 60 feet tall does not blend into a residential area.

Andria Whitlark commented that all cell towers she has seen usually have a 6-8 foot fence around the pole. In their subdivision they are only allowed a 4 foot fence. She feels that where it is in the open space they would have children wanting to climb up and over the fence and feels that there is a safety issue for the children in the neighborhood.

Rich Davis stated that the proposed site is located on an actual lot number which was deeded to the city and all the lot numbers fall under the subdivisions CC&R's which have restrictions on fences and antennas.

Molly Robbennolt commented that she would be one of the closet homes to this proposed site. She is sure the Commission is aware there are contingents surrounding that open space and she didn't feel that there was a way to make that area look worse until now with this recent proposal.

Mark Boulter stated when the subdivision was being developed there was a ratio of open space that was required and putting up a tower with a fence would take away from that ratio.

Stacy Mangum stated she deals with real estate everyday and the property value of homes that have large poles or towers are considerably lower up to 50 to 60 thousand dollars difference, it would affect the value of the homes.

Peggy Renshaw feels there are other open spaces throughout Highland where this could be located that would not impact existing homes.

Roger Nicoles stated he always appreciated the foresight of Highland City and the City Council and the way the city is managed. He feels that placing the cell tower at the Water Company location is appropriate but this proposed location would impact the property values in this neighborhood and would be inconsistent to the spirit of the city.

Hearing no further comments, Steve Draper closed the public hearing and brought the discussion back to the Planning Commission. Steve commented that the municipal code states in section 13.44.100 regarding location and minimum setbacks, that “structures shall not be located in a required landscaped area, buffered area or required parking area”. He feels that this area is designated an open space and is there as a buffer between the residents and the highway. He feels that in putting that pole there would take away from that purpose and he would reject any notion that the city would in any way diminish the open space. Steve concluded with a concern that if American Fork is rejecting this proposal in their city, there are other sites in American Fork that could be considered. Until he can be shown differently, it is his belief that this pole is primarily for the service of American Fork residents. He would hate to see Highland compromised for the benefit of another community.

Maurene Buchman stated that she did not have the necessary information to answer that request but would be happy to obtain that information and bring it back to the commission.

Brian Braithwaite inquired if they had looked at any other possible sites in Highland. Maurene Bauchman stated they had looked at both the Merlin Larson Park and Lone Peak High School, but they didn't meet the coverage needed.

Discussion ensued.

Motion by Brian Braithwaite, based on the finding of fact that the request for conditional use permit does not meet numerous sections of the city municipal code 13.44 as well as the aesthetics of the park, the area and the residents and that a public hearing was held and the hearing brought forth residents who were apposed to the request, Planning Commission recommends City Council not grant approval of the conditional use permit for the Sprint Antenna.

**Second by Mike Walch.
Unanimous vote.**

Item 2: Dry Creek Highlands Phase 5 - Six Month Extension Request

Lonnie Crowell stated that the applicant is requesting a 6 month extension of their preliminary approval for the Dry Creek Highlands Phase 5 subdivision. Lonnie commented that the only condition that staff would like to request is that the medians along the Highland Blvd. be addressed along with the issues of the drainage and erosion. The city administrator would like Ivory to give some kind of date as to when they expect to improve those issues.

Jeff Howes of Ivory stated they have already started planning and the

improvements will all go in with phase 4 which they are in the process of recording.

Steve Draper commented that at the last request for extension Ivory stated they were waiting to acquire the required amount of water. Jeff stated that they were still trying to acquire water for both phase 4 and phase 5. Jeff feels they are close and this would possibly be the last request for extension.

Steve Draper inquired regarding improvements mentioned by staff and the schedule for phase 4. Jeff stated as soon as they record phase 4 they will start on the improvements. They are presently working on finishing the paper work with the city. Steve stated he would like him to make it a priority in getting those improvements done.

Discussion ensued.

Steve Draper commented that the commission does not want to stifle or stand in the way of their ability to perform and want to see them be successful. For that reason, he feels the commission would be in favor of granting the 6 month extension. The commission appreciates the applicant's willingness to work with the city in making those improvements a priority.

Motion by Brian Braithwaite, based upon the applicant's representation and the finding of fact that water shares have been difficult to obtain, Planning Commission grants a 6 month extension of the preliminary approval for Dry Creek Highlands Phase 5 subdivision.

Second by Mike Walch.

All in favor with Larry Mendenhall opposing, motion carried.

Item 3: P.O. Zone (Addition of Assisted Living Ordinance) - Code Amendment & Public Hearing

Mike Walch stated that he would need to recuse himself from this item.

Steve Draper invited the applicant to address the commission as to what it is they are proposing.

Dan VanWoerkom stated it has been almost 2 years from the first concept of this project. The delay has been due to some fine tuning of the project and the proposed ordinance. During the process Lonnie Crowell took a look at the site plan and suggested they convert more into walkways and open space and align the buildings to make it look more aesthetic. Dan continued by describing what had been designed.

Discussion ensued.

Steve Draper inquired as to the time frame they were looking at in getting this project approved. Steve suggested the commission have more time to look at this item. Dan commented that they are ready to proceed with the proposal and understands the commissions need to be comfortable before making a decision.

Lonnie Crowell stated that there are a few things in the proposed ordinance that need to be discussed and be more precise to make it a complete package in order for the commission to approve it. He feels this is a good meeting to get things started and to allow for the public hearing.

Mike Walch inquired if they could verify the parking spaces available. He feels that most residents would not have a vehicle but that verification would be helpful. Dan stated that the 4-plex will have an oversized single car garage. The independent living units are for those that can live on their own and still use the assisted living for meals and other things.

Steve Draper suggested that it would be helpful to see how the different elevation stagger throughout the community and how they work with the site plan. Dan stated there are basically two elevations for each floor plan and about 4 of each floor plan on the site plan.

Bryce Flanary would like to go on record that he is opposed to the elevation shown for the Independent Living Unit. He feels that the roof line is too straight across and should be broken up more.

Larry Mendenhall inquired as to who they expected to live in the units. Dan stated that the twin home unit would be for people aged 55 and over. One of the things they have to deal with right now is that the population is living longer than before. In the assisted living it may be closer to ages 85 and older.

Jennifer Tucker asked if there were any kind of restrictions or CC&R's that would restrict a certain age of people to purchase these units. Dan stated that has always been a city driven issue. There are a lot of legal requirements that deal with that issue. He has seen most cities's put into place an ordinance that state 80% has to be 55 or older.

Discussion ensued.

Steve Draper opened the public hearing.

Barbara Brower a Highland resident stated she had a father-in-law in an assisted living community and appreciated having that kind of a product close and is in favor of this proposal. She did voice a concern with the road width and parking.

She inquired if the roads were big enough for car travel plus visitor parking. Dan stated that he did not have that information but would make a note and look into that issue.

Steve Draper stated he appreciated the comments that were made. Hearing no further comments Steve closed the public hearing and brought the discussion back to the commission.

Discussion ensued

Motion by Jennifer Tucker, Planning Commission move to continue the P.O. Zone (Addition of Assisted Living Ordinance) Code Amendment until further information can be provided by the applicant.

Second by Bryce Flanary.

All in favor with Mike Walch abstaining, motion carried.

Item 4: Approval of Meeting Minutes for February 28, 2006

Motion by Brian Braithwaite, Planning Commission approve the meeting minutes for February 28, 2006 as amended.

Second by Mike Walch.

All in favor with Larry Mendenhall and Bryce Flanary abstaining, motion carried.

Meeting adjourned at 9:10 pm