

# Highland City Planning Commission

## March 28, 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.

Meeting Convened at 7:08 pm  
Prayer given by Mike Walch  
Pledge by JoD'Ann Bates

**Visitors:** Chris Dalley, Jeff Fowler, Chuck Walker, Shirley Gibson, Tom Grieve, Angela Kroft, Tom Harward, Darren Gates, Paul Harward, Mike Dent, Cory Argyle, Dan Marlowe, Collin Argyle, Jeremy Belliston, Christopher Sanner, Ken Berg, Dan VanWoerkom, Jeff Howes, Steve Hoyal.

Steve Draper stated that Commissioner Jeff Clyde has recently given his resignation. Due to family, work, community and church commitments he felt he was unable to continue his duty as a Commissioner. Steve stated the commission will miss him and his expertise that he brought to the meetings. They would like to wish him well in everything he does in the future.

**Item 1: Meadow Ridge Subdivision - Plat Amendment & Public Hearing**

Steve Hoyal stated he would be representing the Gibson's in this matter. He stated that the Gibson's had purchased lot #5, they also own lot #4 and #6 in the Meadow Ridge Subdivision. They have since purchased property from Dorothy Strasburg. They would like to amend the plat and lot lines, increasing the square footage of lot #5.

Lonnie Crowell commented that in changing the parcel it affects not only Meadow Ridge but it changes the Strasburg property. Staff would recommend that a dedication to the city of the easement along 6000 West in front of Dorothy Strasburg property be done in conjunction with this request. Steve Hoyal stated he thought that had been done when the improvements were installed. Steve concluded that there would be no problem with that dedication if it hasn't already been done

Steve Draper opened the public hearing. Hearing no comments, Steve closed the public hearing and brought the item back to the Commission for further discussion.

**Motion by Larry Mendenhall, Planning Commission recommends City Council grant approval for Meadow Ridge Plat C, an amendment to Meadow Ridge Plat B subject to all staff and Planning Commission conditions. Based on the finding of fact that the lot lines of lots 4 and 5 have been realigned and that the portion of plat C that extends onto 6000 west will include an easement to be dedicated to the city. The lot extending to 6000 West be placed on the plat and the lot numbering be left to the discretion of city staff.**

**Second Mike Walch.**

**Unanimous vote, motion carried.**

**Item 2: Pebble Lane Subdivision - Final Approval**

Steve Draper stated the applicant had previously received a preliminary approval based on them getting some easements taken care of by way of letters from the users. Steve inquired as to the status of that request.

Darren Gates introduced Jeff Fowler from Surety Title and Chuck Walker with Utah First Title to explain what they had found out about the easements along the canal.

Jeff Fowler stated that he had done some research regarding the easement. He found that the canal easement is not a fee simple easement, it is an easement to construct, maintain and to facilitate the canal for canal purposes. He did some tax records and deed searching and he has confirmed that the taxes have been paid by the property owner; it is not a tax exempt piece of property which would indicate that some government entity is entitled to that easement. Based on the Utah County Recorders Office the current ownership plat is reflecting that the property owner does own that up above what would be known as lot 7. He stated that he would insure that parcel as fee simple to a property owner.

Mike Walch asked them if they would be able to give a summary of what would be allowed and what the property owner is precluded on that site. Jeff stated that it would be similar to a public utility easement.

Steve Draper inquired if the applicant had contacted the Jordan Valley Aqueduct, Provo River Water Association, Metropolitan Water District or the Central Utah Water Conservancy District. Daren Gates stated that the Jordan Aqueduct does not affect this parcel. There had been verbage added to the plat that no permanent structure will be maintained on the easement. Tom Grieve stated that after several discussions with Provo Reservoir, they agreed with the verbage that had been placed on the plat. Barry Edwards had indicated to them that they would need to have Provo River Water Association sign off on the final mylar plat. Lonnie Crowell stated they would like some verbage on the plat as to what can and cannot be placed on the easement.

Chuck Walker stated that they were told by the Jordan River Aqueduct that they do not have or never had an easement along that property, although they do have the pipe under the ground.

Discussion ensued.

Steve Draper inquired if the City Attorney had an opportunity to look at this proposal. Lonnie Crowell stated he had not, but he would have him look at it if that is what the Commission recommends. Lonnie continued that the biggest concern is if this is an easement or a right or way.

Discussion ensued.

Steve Draper inquired if they had looked at what size of home would be able to fit on lot 7. Daren Gates stated they have a plan that would fit on that lot with no problems and presented a possible plan having approximately a 4,500 square foot home fitting in that envelope.

**Motion by Mike Walch, based on the finding of fact that the applicant has represented that the water user's rights are limited to an easement and not a fee interest in the property, he moves the Planning Commission recommends City Council grant final approval to the Pebble Lane Subdivision subject the conditions noted in the staff report and the following, 1) That lot 2 not have access to the Alpine Highway but over the easement indicated, 2) The terms of the Provo River Water Users Association easement be summarized on the plat and the organization be required to sign the final plat, 3) The city attorney review the relevant easement documentations before the final plat is recorded to make a determination if the plat should include any further information pertaining to the Jordan Aqueduct.**

**Second by Brian Braithwaite.**

**Unanimous vote, motion carried.**

**Item 3: Lone Peak Subdivision - Preliminary & Final Approval & Public Hearing**

Lonnie Crowell stated the city is requesting to develop a parcel of land for the purpose of a new fire station and that this has been a part of the Town Center Master Plan for a number of years.

Steve Draper inquired regarding the improvements. Lonnie stated that the city will be putting in half of the improvements and the future property owner will contribute the other half or visa versa depending on who comes in first.

Brian Braithwaite inquired if there would be a monument. Lonnie Crowell stated that there is a proposed monument that will state Town Center and Lone Peak Fire Department.

Discussion ensued.

Bryce Flanary joined the meeting.

Steve Draper opened public hearing. Hearing no comments, Steve closed the public hearing and brought the discussion back to the planning commission.

**Motion by Brian Braithwaite, Planning Commission grants preliminary approval and recommends City Council grant final approval to the Lone Peak Fire Station Subdivision subject to all staff and Planning Commission conditions.**

**Second by Jennifer Tucker.**

**All in favor with Bryce Flanary abstaining, motion carried.**

**Item 4: P.O. Zone /Assisted Living – Code Amendment**

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

Steve Draper stated the commission has had an opportunity to look at this item previously and inquired if there was any additional information received by staff. Lonnie Crowell stated they now have a full landscaping plan and site plans. They are missing the floor plans and landscaping plans around each building. The Planning Commission previously requested a site plan that indicated which elevations would be in each location which has not been provided. Dan VanWoerkom stated they are just a day or two off from getting the individual landscaping plans for each building. Dan showed a plan that represents the floor plans and where they would be located.

Discussion ensued.

Steve Draper stated that one of the comments that was made at the last meeting was

to see if there were going to be restrictions as to who could live in that area. He doesn't see anything regarding that request in their information. Dan VanWoerkom stated that their proposal would be that it is limited by design. They are not against having that requirement in place; this is fully intended to be a senior community. They feel that this is something the city needs to address as to how to restrict the senior housing. Most cities address this issue and make it so it is restricted by design. The Assisted Living and the Alzheimer's area is regulated by the State as to who they can and cannot except. There are other ways that it can be restricted and enforced, it can either be placed into a code with the city or built into the CC & R's.

Steve Draper inquired as if the City Attorney has looked at this proposal. Lonnie Crowell stated that he has not reviewed this proposal. Steve stated that having the attorney review this issue and the language of the code would be something the commission would like to have happen.

Discussion ensued.

Jennifer Tucker questioned the wording in the ordinance regarding the buffer area and the fencing. Lonnie Crowell stated that Highland City had requested a wall along that boulevard, in this case the applicant did not want to install a wall they wanted to keep it open. Dan VanWoerkom stated they feel that the buildings in this development are going to be attractive and felt that it would be more beneficial to keep it open. The intent on the twin homes are to only allow fencing around about a 10 x 10 square the rest would be left open.

Bryce Flanary stated he feels strongly that any senior facility that is brought in should have a club house. It becomes their community within the community and gives them a place to gather. Dan VanWoerkom stated that has been an oversight at this point. He does remember the commission mentioning it at the last meeting and he will make sure that it is addressed. Steve agrees with Bryce and appreciates him reminding them of that issue.

Discussion ensued.

Steve Draper stated that the commission appreciates that applicant appearing and updating them as to the changes and additions to this project. To recap they would like to see them address the roof line on the four plex, the group area and a completed code.

**Motion by Brian Braithwaite, Planning Commission move to continue the P.O. Zone Code Amendment until further information can be provided by the applicant.**

**Second by Bryce Flanary.**

**Unanimous vote, motion carried.**

**Item 5: Sign Ordinance – Code Amendment & Public Hearing**

In February the City Council reviewed a proposal from the Youth Council. They were requesting the ability to update the marquee sign located in the Highland Heritage Park. They were requesting a digital reader board where they would be able to change the message with a lap top device. On March 7, the City Council reviewed the request and moved to participate in the cost necessary to install the sign. It was also included in the motion that the sign ordinance needed to be amended to permit this type of sign. Staff has prepared what changes would need to be done in amending the sign ordinance.

Lonnie Crowell suggested there were two issues with this proposal. Currently the sign ordinance 3-705 (5) requires the sign be set back its height from the property line. Staff recommendation is to move that sign to make that work. The other issue is that the ordinance 3-704 (14) f) states that there is not to be “changeable copy signs of any kind”. He would suggest striking the words “of any kind”.

Discussion ensued regarding the language of using the phrase of “excluding government or quasi-government” and the current location of the existing sign.

Steve Draper opened the public hearing. Hearing no comments, Steve closed the hearing and brought the discussion back to the Commission.

Lonnie Crowell stated it would be a good idea to add the verbage of “excluding government or quasi-government” to section 3-704.

Steve Draper commented he doesn't want to take out #5 for future use and feels that they could grandfather in the existing sign due to the use not changing.

**Motion by Larry Mendenhall, Planning Commission recommends City Council amend the sign ordinance to allow a digital marquee on private property, and under 3-704 to amend wording of the second paragraph to read “The following articles shall serve as guidelines for any sign erected in Highland City, excluding government or quasi-government” . In 3-704 (14) f) strike the works of any kind. That section 3-705 (5) remains in the ordinance, based on the finding of fact that the use of the existing marquee in the Highland Heritage Park will not change.**

**Second Jennifer Tucker**

**Unanimous vote, motion carried.**

**Item 6: Public Hearing Notification – Code Amendment & Public Hearing**

Lonnie Crowell stated that the City Council has suggested an ordinance that would

require a vicinity map be included on any notification sent out by the city. This map would be required to be provided by the applicant. Lonnie continued that it would affect twelve (12) sections throughout the code.

Brian Braithwaite had a concern as to where the applicant would get the maps. Lonnie stated that they can go on Utah County online and various other options in order to obtain those maps. The most important issue is that when a resident is notified of an issue they are also informed as to where the property is located. Discussion ensued.

Steve Draper opened the public hearing. Hearing no comments, Steve closed the public hearing and brought the issue back to the Planning Commission for further discussion.

**Motion by Mike Walch, Planning Commission recommends City Council approve the code amend as proposed in the staff report affecting sections 2-305(3), 3-4808(E)(1), 3-614(7), 4-104, 5-3101(5), 5-4-206, 5-4-303, 5-4-305, 5-4-408(5)(a), 5-10-103(1), 7-102(6)(g), 9-102(3)(d), subject to the change of the language replacing “their” with “the applicants”.**

**Second Larry Mendenhall.  
Unanimous vote, motion carried.**

**Item 7: Approval of meeting minutes for March 14, 2006**

**Motion by Brian Braithwaite, Planning Commission approved the meeting minutes for March 14, 2006 as amended.**

**Second by Jennifer Tucker.  
Unanimous vote, motion carried.**

Meeting adjourned at 9:06 pm.