

Highland City Planning Commission

May 9, 2006

Present:

Commissioner: Steve Draper
Commissioner: Mike Walch
Commissioner: Brian Braithwaite
Commissioner: Jennifer Tucker

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

Excused: Barry Edwards, Matt Shipp.

Meeting Convened at 7:08 p.m.
Prayer given by Jennifer Tucker
Pledge given by Mike Walch

Visitors: Chris Dalley, Lindsay Marcum, Sally Dowse, Courtney Calder, Shelly Clouse, Brandon Dyer, Adriana Melendez, Mark Thompson, Jake Smith, Meg Connell, Kara Eslinger, Leslie Hooker, Isabella Farr, Mckenzie Carpenter, Ryan Vialpando, Andrus Rock.

Steve Draper stated he had recently received the resignation of Commissioner Larry Mendenhall. Steve continued that Larry was an enjoyed member of the commission for a lot of reasons and he will be missed. The Commission wishes him the best in all that he may do in the future.

Item 1: Perry Homes Model Home - Conditional Use Permit & Public Hearing

Brandon Dyer stated he would be representing Perry Homes.

Steve Draper reviewed the background of the application. Steve inquired as to the number of lots they have under contract in this subdivision. Brandon stated they have approximately 11 to 13 at the present time. Steve inquired if this model home would serve more than just this subdivision. Brandon stated that it would serve primarily this subdivision. Steve inquired regarding the amount of employees that would be there at any one time and the hours of operation. Brandon responded he anticipates having only one employee in the home at a time, and the hours would be typically 11:00 am to 6:00 pm, with the change in season it would move to 12:00 pm to 7:00 pm. Steve asked if he

was aware of the sign ordinance, off street parking requirements and the lighting, banner and balloon restrictions. Brandon answered that he was aware of those requirements and did not have a problem with them.

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

Mike Walch inquired to Lonnie Crowell as to the property to the West and North West, if there were any development plans. Lonnie Crowell stated that there is an additional plat that could be recorded soon. Mike stated one concern that this model home is one lot into the subdivision. He does not see it as a problem now; it is when the area gets built out in the near future he feels it could bring in a sense of commercial traffic into a residential area. Mike feels that the commission may want to have a look at it again within one year.

Discussion ensued.

Lonnie Crowell stated the sign that is currently on the property will need to be moved to comply with the sign ordinance. Also the waterfall currently on the lot sits in the P.U.E. He feels that any future owner of this home needs to be aware that if a utility company ever needs to use that easement the home owner would be responsible for the removal, time down and replacement as per state law.

Motion by Mike Walch, based on the finding of fact that this area is largely undeveloped now and there is a concern as to the possibility of future buyers from other areas being drawn to this model home, and based on the finding of fact that the existing waterfall structure in part is located in the P.U.E., Planning Commission recommends City Council approve the conditional use permit for Perry Homes model home, based on the following conditions, 1) Staff report, 2) This matter return to Planning Commission one year from now in order to assess how the model home is fitting into the surrounding development, 3) The existing waterfall either needs to be moved or noted on the plat to indicate that the future property owner be aware that it may have to be moved, 4) The signage on the property come into compliance with the current ordinance.

Second by Brian Braithwaite.

Unanimous vote, motion carried.

Item 2: Reisner Heights Plat B - Preliminary Approval & Public Hearing

Steve Draper reviewed the background of the proposal. Steve inquired as to the services that would be taken care of at the proposed Anderson chapel. Mark Thompson stated all sales and preparation would be handled at their American Fork building this chapel would be primarily for funerals and viewing.

Steve Draper inquired regarding the road to the west and the possibility of having the

road moved to the east side in order to give him access for future subdividing. Mark Thompson stated the easement for the road off of 11000 North will still be property he owns, allowing him to have future access.

Mike Walch inquired if Mark had contacted UDOT and if they had approved that access off 11000 north. Mark Thompson stated he has talked with UDOT and they have indicated that they do not have a problem with the access and would send him a letter of approval at a later date.

Discussion ensued.

Steve Draper inquired if there had been any fencing discussed between these properties. Mark Thompson stated it had not been addressed yet but feels Anderson would probably prefer a fence around their property. Lonnie Crowell stated that would be addressed at the site plan stage.

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

Brian Braithwaite inquired as to the staff comments and if the applicant had any questions or concerns. Mark Thompson stated this project will be done in two phases. Anderson's will be responsible for complying with those conditions for their lot and he will be responsible for his two lots. Anderson's are aware of the conditions and neither applicant has any concerns regarding those conditions.

Discussion ensued.

Motion by Brian Braithwaite, Planning Commission grant preliminary approval for the Reisner Heights Plat B subdivision based on Staff and Planning Commission conditions.

Second by Jennifer Tucker.

Unanimous vote, motion carried.

Item 3: Public Institution Zone - Code Amendment & Public Hearing

Steve Draper reviewed the background for the proposed code amendment.

Lonnie Crowell stated there has been a lot of discussion with protecting open space and city buildings and the type of use. This ordinance is a combination of information gathered from other zones and their requirements. Lonnie indicated there is no hurry and would be comfortable if the commission wanted more time to review it and respond to him with some comments before proceeding.

Mike Walch commented that he would like a little more time to read through it page by page and bring it back for further review. Mike voiced a concern with a statement by

the city attorney Dave Church regarding not being able to regulate the content. He feels this is an incorrect statement. His understanding is that you can regulate content and it can be limited. With that in mind he would like to have time to verify that information.

Discussion ensued.

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

Motion by Jennifer Tucker, Planning Commission moves to continue this item to the next scheduled Planning Commission meeting.

**Second by Brian Braithwaite.
Unanimous vote, motion carried.**

Item 4: Definition of a Pool - Discussion

Steve Draper reviewed the background of this item.

Steve Draper felt that construction of a swimming pool as defined in the development code should be considered a structure.

Lonnie Crowell stated that the city has always addressed a pool as a structure. The building inspector had requested a determination on the definition.

Mike Walch stated it does make sense that it be looked at by the city to ensure that it is not built in an easement or similar areas.

Discussion ensued.

Steve Draper stated he feels it is unanimous that the Planning Commission determines that a swimming pool be defined as a structure. The commission feels it is important for the city to monitor the location on the property and setbacks.

Motion by Brian Braithwaite, Planning Commission advises the Board of Adjustment, it is the Commission's interpretation that swimming pools do in fact meet the criteria as a structure as stated in the development code section 10-102(67).

**Second Mike Walch.
Unanimous vote, motion carried.**

Item 5: Approval of Meeting Minutes for April 25, 2006

Motion by Mike Walch, Planning Commission approves the meeting minutes for

April 25, 2006 as amended.

Second by Jennifer Tucker.

Unanimous vote, motion carried.

Meeting adjourned at 8:06 pm