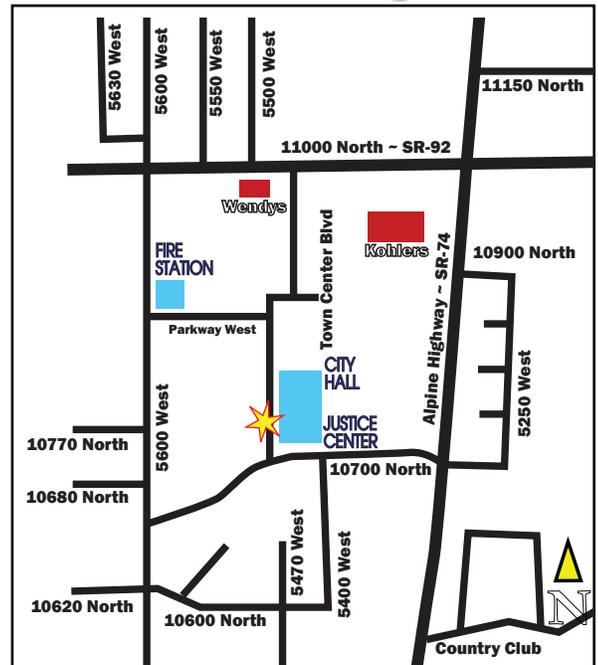


Highland City Planning Commission Agenda

Date: Tuesday, July 13, 2010
Place: Highland City Building,
5400 West Civic Center Drive Suite 1
Time: 7:00 P.M.



HIGHLAND CITY HALL

Parliamentary Procedure is followed at Highland City Planning Commission Meetings. Parliamentary Procedure refers to the rules of democracy – that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. Parliamentary rule is based upon the will of the majority; the right of the minority to be heard; protection of the rights of absentees; courtesy and justice for all; and consideration of one subject at a time. Audience members may make comments to the Planning Commission during Public Hearings by filling out a comment card provided by staff. Audience members will be called by name to the podium when it is their turn to speak. Please limit your comments to two minutes.

Item 1: Call to Order

Item 2: Invocation: Melissa Wright

Item 3: Pledge of Allegiance: Abe Day

Item 4: Appearances ~ Time has been set aside for the public to express their ideas, concerns and comments to the Planning Commission. Please fill out a comment card provided by staff. Audience members will be called by name to the podium when it is their turn to speak. Please limit your comments to two minutes.

Item 5: Planning Commission Policies and Procedures ~ Amendment

p. 3

Item 6: P. O. Zone; 3-4902: Conditional Uses - Clarification/Code Amendment ~ Public Hearing & Recommendation

p. 5

Item 7: UHAUL Conditional Use Permit Application ~ Public Hearing & Recommendation

p. 7

Item 8: Model Homes (Conditional Use Permits 3-108, 3-208, 3-4748, and 3-4768) - Code Amendment ~ Public Hearing & Recommendation

p. 13

Item 9: 3-708: Wall Signs and Table 3-707A - Code Amendment ~ Public Hearing & Recommendation

p. 17

Item 10: Planning Commission Reports, Future Business, Questions & Recommendations ~ Discussion

p. 23

Item 11: Minutes ~ Consider Approval

This Agenda and a Full Agenda are available on the City Web Site at www.highlandcity.org

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Gina Peterson, City Recorder, 756-5751 ext. 4506, at least three working days prior to the meeting.

Remember...

Utah Code
10-9a Land Use Development and Management Act

10-9a-507. Conditional uses.

- (1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- (2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Item 5: Planning Commission Policies and Procedures ~ Amendment

Motion:

That the Planning Commission Amend the Planning Commission Policies and Procedures to be consistent with recent recommendations and amendments to the Development Code

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Planning Commission

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission Amend the Planning Commission Policies and Procedures to be consistent with the Planning Commission’s recent recommendations.

Findings:

The Planning Commission does not need findings; however, findings may be used to adopt these amendments.

Background:

The Planning Commission made recent Amendments to the Development Code regarding the Planning Commission noticing requirements for public hearings. The Planning Commission requested that the *Planning Commission Policies and Procedures Manual* be placed back on the Agenda for the purpose of making this consistent with the Development Code. The Planning Commission may make amendments to this document as desired.

Legal Authority:

- Chapter 2: Planning Commission; Highland City Development Code
- 10-9a-301: Ordinances Establishing Planning Commission Required -- Ordinance Requirements -- Compensation; Utah Code

Fiscal Impact:

N/A

List of Attachments:

- Planning Commission Policies and Procedures



be imposed, if any. In making the motion the Mover should, as far as possible, recite those things. Other members can, at the time, add items and all shall be combined in the proper form in the motion.

Reports. The approved minutes and recommendations of the Planning Commission shall be submitted to the City Council by the City staff.

- Any member of the Planning Commission may also make a concurring or dissenting report or recommendation to the City Council. Concurring and dissenting reports must be submitted to the Planning Commission Secretary who shall then transmit the reports to the City Council and the Planning Commission.

PUBLIC HEARINGS

The procedures to be followed in the conduct of a public hearing and resolution of a public hearing matter:

Notice of a Public Hearing.

- In the case of a zoning amendment, a written notice of the hearing should be mailed to the concerned parties at least ~~two weeks~~ **ten (10) days** prior to the day of the hearing.
- When a public hearing is required by State Law or Local Ordinance, public notice must be published in a newspaper of general circulation at least once, ten **(10)** business days prior to the hearing. The notice must indicate the time and place of the hearing and the matter to be discussed.

Questions by the Planning Commission.

During Public Hearings members of the Planning Commission should only ask questions for clarification. They should not make statements nor rebutt those making presentations and appearances. The purpose of the public hearing is to get information from the public and to inform the public. Planning Commissioners should resist the temptation to argue, make editorial comments or position statements during a Public Hearing. These can more profitably be raised during the Planning Commission’s debate on the issue after the Public Hearing.

Conduct of a Public Hearing.

- **Call to order:** The Chair calls the hearing to order, at the announced time, even if it occurs in the middle of a planning commission meeting in which other matters are being discussed. The Chair should state: “I now call to order the hearing in the matter of _____”.
- **Staff Report:** At this point the Chair should ask for the staff report. This should be presented by the City Planner or assigned staff, who should describe the proposal, explain its relation to the General Plan in the case of a zoning change, and the effect of the proposal on the community. The report shall be a part of the minutes of the meeting. If staff is not in attendance at the hearing, the Chair should explain the proposal as precisely as possible.
- **Questions on the Staff Report:** Members of the Planning Commission and Applicant of Record should have the opportunity to ask questions of the person making the report. These should be questions for clarification.
- **Applicant’s Presentation:** The Applicant is offered the opportunity to present his/her application or case.

Suggested Amendment

Σ
E
T
-
Z
O
-
T
A

Item 6: P. O. Zone; 3-49 Conditional Uses - Code Amendment ~ Discussion Only

Motion:

That the Planning Commission Recommend/Not Recommend the City Council Adopt an Ordinance Amending Section 3-4902 Conditional Uses within the P.O. Zone per the Recommendations of Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Wayne Patterson, Patterson Construction
Ross Welch, Patterson Construction

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Background:

Wayne Patterson, property owner and representing UHAUL, is requesting the opportunity to provide UHAUL services in association with the Highland Hideaway Storage facility. It is proposed that the UHAUL service would be provided within the existing storage facility and that the UHAUL vehicles would be located entirely within the storage unit area which should not be visible from Highland Boulevard. The Professional Office (P.O.) Zone allows for "professional offices and services" which are defined in detail (see attached ordinance). Staff is not confident that the existing language would permit this proposed use and would require a Code Amendment; however the Planning Commission may determine this per the current ordinances.

The Development Code presently indicates that the Planning Commission and City Council may determine whether the use is "compatible with the zone" and also indicates it "shall be the duty of the City Planning Commission to determine if said use is consistent with the intended use of the P.O. Zone, and is compatible with other listed uses, and is compatible with the uses of adjacent properties." The applicant of every proposed use within the P.O. Zone is required to apply for a Conditional Use Permit which requires a Public Hearing. The public hearing is currently scheduled for the Planning Commission meeting on July 13, 2010.

Proposed Action:

Staff would like the Planning Commission to determine whether the Planning Commission interprets this use as one that could be considered under the existing ordinances or if this proposal would require an amendment to the Code.

Legal Authority:

- Chapter 9, Amendments to Title and Zone Map, Highland City Development Code
- Article 3-617 Amendments to Zoning Code, Highland City Development Code
- 10-9a-501-503; Chapter 10-9a, Land Use Development and Management Act, Utah Code

Fiscal Impact:

N/A

List of Attachments:

- Proposed DRAFT Ordinance amendments (if necessary)
- Copy of entire P.O. Zone (attached separately)

HIGHLAND CITY DEVELOPMENT CODE

- (c) Promotes development which works in harmony with the open, rural atmosphere of Highland City;
- (d) Prevents the erection of buildings or substructures with an industrial or a pre-fabricated appearance; and,
- (e) Allows some flexibility of architecture so as to encourage creativity of design.
- (f) Promotes the successful completion of the project and of the ability of professional and service entities to succeed by carefully reviewing financial statements and character references of developers, builders and users submitted to the Planning Commission.

3-4902: Conditional Uses. The P.O. Zone is intended to allow the provision of professional services, and not general retail commercial. As noted in the following sections, the only uses allowed within the P.O. Zone shall be Conditional Uses which satisfy the primary intent or purpose for the Zone and which are subject to special conditions as may be imposed by the planning commission or city council. All such conditional uses are subject to additional conditions considered appropriate and necessary by the Planning Commission and City Council. Those uses which are incompatible with the desired land use for the P.O. Zone are prohibited. Following is a list of conditional uses for the P.O. Zone, subject to the standards and procedures established in this Code.

- (1) Professional offices and services including but not limited to: architects, engineers, contractors, real estate offices, property managers, and mortgage and title offices.
- (2) Financial or legal offices consisting of but not limited to: banks, insurance offices, and law or accounting offices.
- (3) Medically related offices/services consisting of but not limited to: doctor's office, dentist's office, pharmacy, physical therapy, optometrists, chiropractors, counselors, and psychiatrists.
- (4) Other types of Professional Services including but not limited to: information technology services, marketing, travel and employment agencies, journalists, collection agencies, educational services, music studios, photography studios, churches, colleges & schools (academic, pre-schools, special education, indoor instruction only).
- (5) Art and craft galleries, and studios for the teaching of arts and crafts.
- (6) Storage sheds not exceeding nine (9) acres as set forth in Exhibit "A".
 - (a) **Ancillary uses specifically related to the storage sheds, which may include the following:**
 - (i) **Enclosed and heated storage facilities that include residential living quarters as permitted by this ordinance; and**
 - (ii) **Moving services including moving trucks if located entirely within the fenced storage unit complex; and**
 - (iii) **Retail sales of storage, packing or moving supplies if located entirely within the existing main storage facility.**
- (7) Any other conditional uses or other types of professional services which the Planning Commission and City Council determine to be compatible with the intent of the Zone.

3-4903: Prohibited Uses. In the P.O. Zone, any use not expressly listed as a conditional use shall be evaluated by the planning commission for compatibility.

- (1) Determination of Use -- Whenever a use has not specifically been identified in the foregoing classification, it shall be the duty of the City Planning Commission to determine if said use
 - (a) Is consistent with the intended use of the P.O. Zone; and
 - (b) Is compatible with other listed uses; and
 - (c) Is compatible with the uses of adjacent properties. Any person aggrieved by the determination may appeal that decision to the City Council.
- (2) Residential occupancy is not allowed in the professional offices or storage sheds themselves, but living quarters for full-time employees having onsite responsibilities for this storage facility may be permitted as part of the conditional use process.

3-4904: Development Standards. The area to be Zoned P.O. (a legal description of which is incorporated in Exhibit "A" (Amended: 10/19/04)), shall be recommended by the Planning Commission and approved by the City Council and shall have the following characteristics:

- (1) Development site, excluding dedicated roads, shall be approximately twenty-three (23) acres (excluding the roadway). In order to encourage uses consistent with the objectives of the professional office district and to ensure adequate site planning, the entire site must be master planned at the time of site plan approval, even though it may be developed in stages or phases. Each phase must adhere to the original plan except as subsequently approved by the Planning Commission and City Council. The project must have a minimum of four-hundred (400) feet of frontage on a dedicated public street.

Item 7: UHAUL Conditional Use Permit Application ~ Public Hearing & Recommendation

Motion:

That the Planning Commission Recommend/Not Recommend the City Council Approve the UHAUL Conditional Use Permit Application as submitted and per the Recommendations of Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Wayne Patterson, Patterson Construction
Ross Welch, Patterson Construction

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission Recommend the City Council Approve this application with the following Recommendations:

- That the Planning Commission not recommend a UHAUL truck be parked in front of the main storage unit building for advertising; and
- That the applicant install a wall or window sign on the main storage unit facility consistent with the Highland City sign ordinance for the purpose of advertising UHAUL services; and
- That the hours of operation be limited to Monday - Saturday between the hours of 9:00 a.m. and 6:00 p.m.

Findings:

The Planning Commission may use findings to Recommend or Not Recommend this application.

Background:

Wayne Patterson is requesting that Highland City approve a Conditional Use application that would permit UHAUL to operate within the existing Highland Hideaway Storage Units and within the existing storage unit facility (see attached photo). Every use within the P.O. Zone requires a Conditional Use Permit (see 3-4902-3 in Development Code). The applicant is proposing to have enough trucks to provide for the demand; however, it is also indicated the trucks will be parked inside of the gated storage unit area when not in use. It is suggested that one truck will be parked in front of the main building to provide advertising; however, this is specifically not permitted by the current sign ordinance. It is not suggested to add any additional employees; the UHAUL services will be operated by the existing two employees associated with Highland Hideaway Storage. In addition, the applicant is proposing to offer for sale the typical retail items associated with moving, packing and storage within the existing storage unit main facility. The Planning Commission may request from the applicant more information regarding the process and operation of this requested use.

The P.O. Zone was approved several years ago (12/16/2003) which included the approval of a master site plan (see attached) and building elevations/renderings. This information is available and considered part of the P.O. Zone. It is not proposed that the site plan or architecture be changed from the original approval for the storage facilities; simply that the proposed use be allowed to operate within the existing use as approved.

Legal Authority:

- 4.9 Professional Office (P.O.) Zone; Highland City Development Code
- Chapter 4, Conditional Uses; Highland City Development Code
- 10-9a-507; Chapter 10-9a, Land Use Development and Management Act, Utah Code

Fiscal Impact:

N/A

List of Attachments:

- Site Plan

May 21, 2010

Highland Hideaway Storage
1125 N. Sunset Dr. Suite A
Highland, UT 84003

Lonnie Crowell
Director of Community Development
5400 West Civic Center Dr. Suite 1
Highland, UT 84003

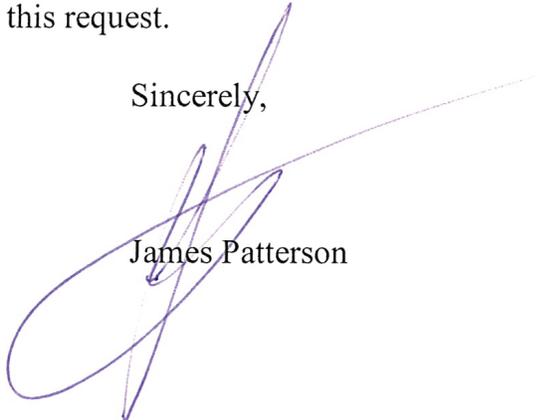
Dear Lonnie:

Enclosed are the zone change application and required application fee of \$1,000. As you are aware, Highland Hideaway Storage is seeking a permit that would allow it to rent U-Haul trucks from its facility. This service seems to be a logical connection with the storage business.

The inventory of trucks will be dependent upon demand and the trucks will be kept within the walls of the storage facility. There may be one truck that is kept in the parking lot for advertising purposes. The truck would be used as an identifier that U-Haul trucks are available and that renters will have access to a truck. Since there are no truck rental businesses in the area, the citizens of Highland and the surrounding area will benefit from the convenience of this service.

Thank you for your assistance with this request.

Sincerely,

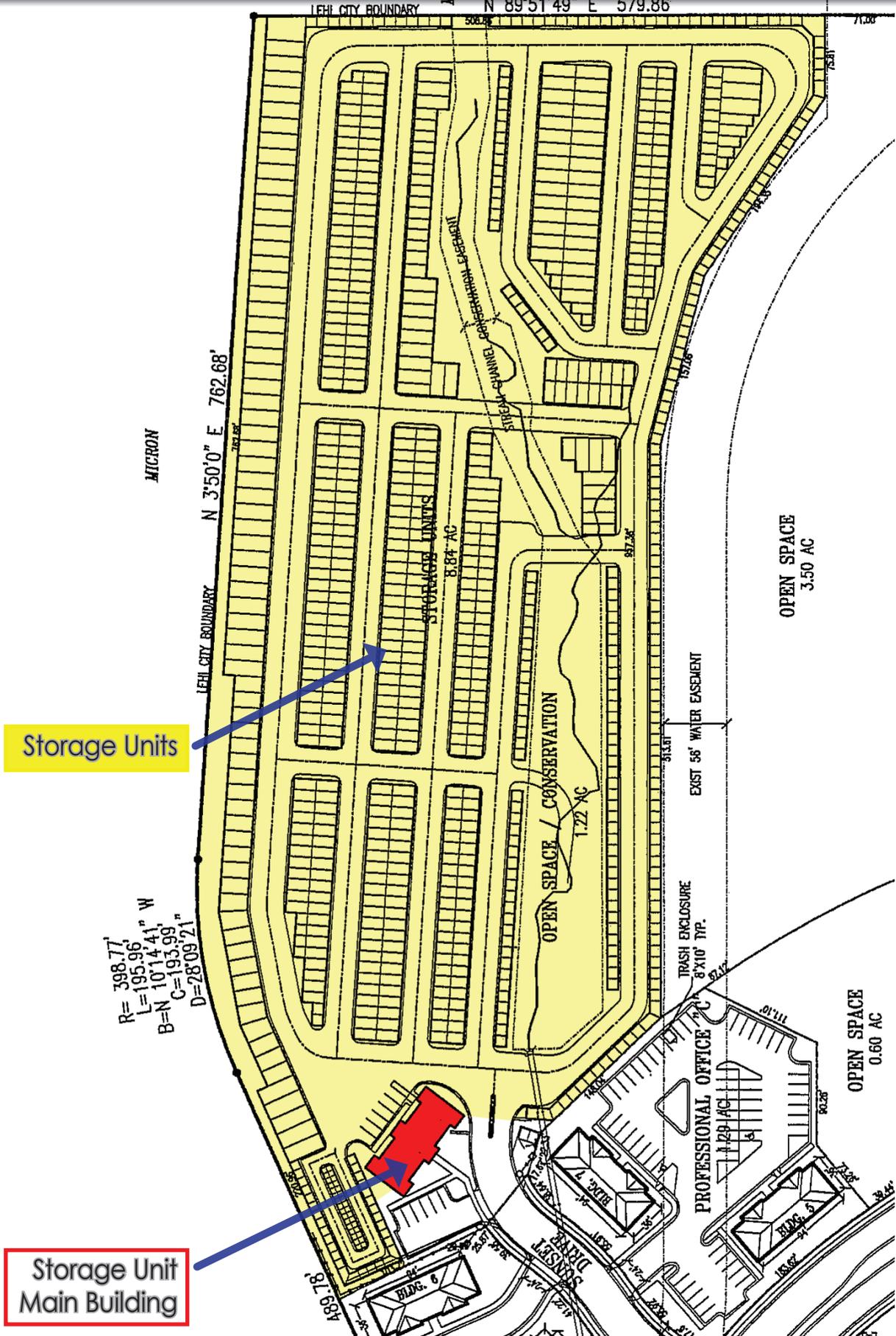

James Patterson

RECEIVED

MAY 25 2010

PO Zone Approved Site Plan

PUBLIC HEARING



Tuesday, Date July 13, 2010

PO Zone Approved Master Site Plan

- GENERAL NOTES**
1. THIS PLAN PRESENTED AS PART OF NEW HIGHLAND CITY PROFESSIONAL OFFICE ZONE.
 2. DEVELOPMENT DENSITIES, BUILDING AREAS, & GENERAL LAYOUT ALREADY ESTABLISHED AS PER SETTLEMENT AGREEMENT BETWEEN CITY, SUNCREST, & HIGHLAND BLVD. (FORMERLY SUNCREST DRIVE) TO BE CONSTRUCTED BY SUNCREST DEVELOPMENT AS PER AGREEMENT.
 3. HIGHLAND BLVD. (FORMERLY SUNCREST DRIVE) TO BE CONSTRUCTED BY SUNCREST DEVELOPMENT AS PER AGREEMENT.
 4. SEE SEPARATE LANDSCAPE ANALYSIS AND PLAN.
 5. CONSTRUCTION OF OFFICE BUILDINGS & STORAGE UNITS MAY BE PHASED.

LOT CALCULATIONS

PROFESSIONAL OFFICE A	1.93 AC	64K
BUILDINGS	20,400 SF	21%
OPEN SPACE	0.99 AC	51%
PARKING/DRIVES	1.29 AC	37%
PARKING STALLS	77 STALLS	
PROFESSIONAL OFFICE B	1.29 AC	24%
BUILDINGS	13,600 SF	24%
OPEN SPACE	0.52 AC	42%
PARKING/DRIVES	0.52 AC	42%
PARKING STALLS	57 STALLS	
PROFESSIONAL OFFICE C	1.29 AC	64K
BUILDINGS	13,600 SF	21%
OPEN SPACE	0.70 AC	54%
PARKING/DRIVES	0.70 AC	54%
PARKING STALLS	60 STALLS	

BOUNDARY DESCRIPTION

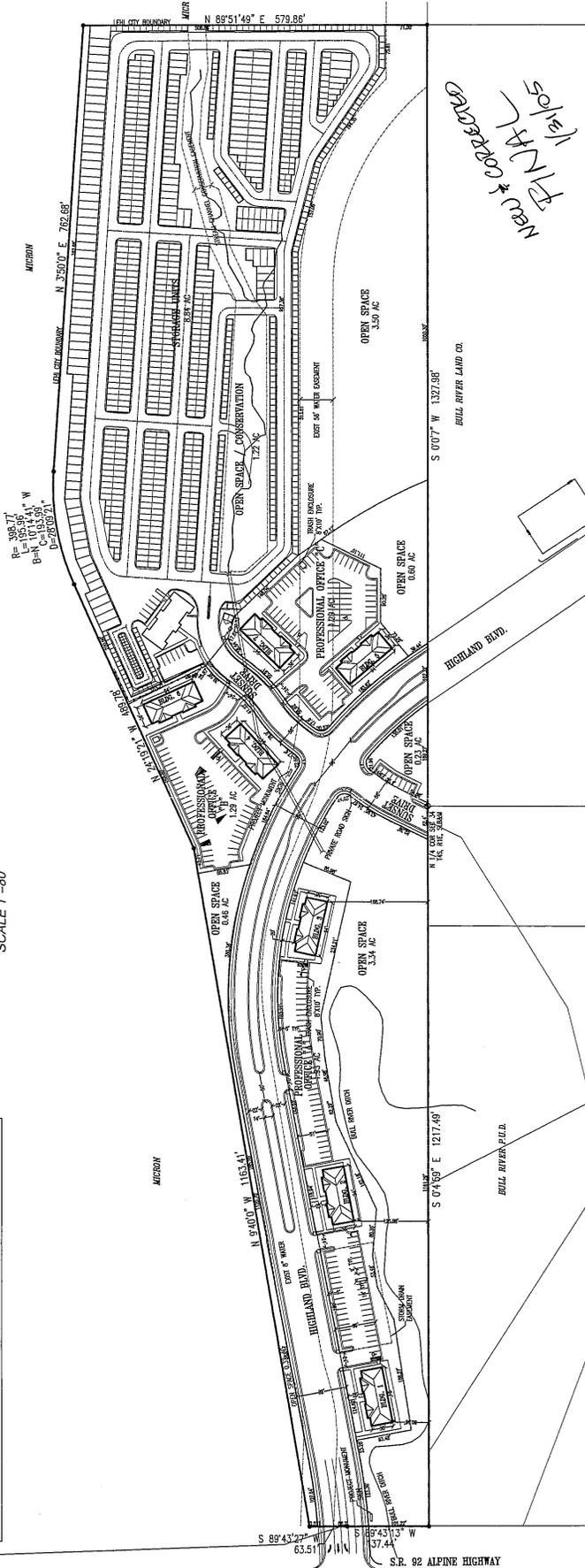
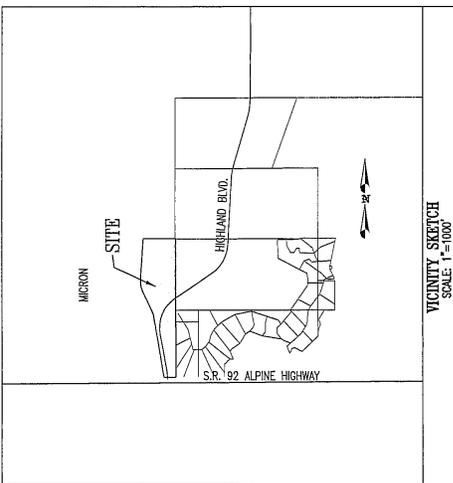
BEGINNING AT A POINT WHICH IS THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SACT LANE BASE & MERIDIAN.

RUNNING THENCE S 00°04'59" E 917.48 FEET, THENCE S 89°43'13" W 137.44 FEET, THENCE S 89°43'27" W 63.51 FEET, THENCE N 09°40'00" W 1163.41 FEET, THENCE N 2°41'31" W 487.79 FEET, THENCE ALONG THE ARC OF A 289.77 FOOT RADIUS CURVE TO THE RIGHT W 83°49' FEET, THENCE N 02°50'00" E 762.48 FEET, THENCE N 89°41'48" E 579.88 FEET, THENCE S 00°00'07" W 1327.98 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 26.22 ACRES

TABULATIONS

TOTAL PROPERTY	26.22 AC	100.0%
HIGHLAND BLVD	3.03 AC	11.5%
NET DEVELOPED AREA	23.19 AC	88.5%
SUNCREST DRIVE	0.49 AC	1.9%
PROFESSIONAL OFFICE A	1.29 AC	5.0%
PROFESSIONAL OFFICE B	1.29 AC	5.0%
PROFESSIONAL OFFICE C	1.29 AC	5.0%
STORAGE UNITS	8.84 AC	34.1%
OPEN SPACE / CONSERVATION	4.72 AC	18.0%
OPEN SPACE BY SUNCREST	1.22 AC	4.7%
OPEN SPACE BY BULL RIVER DITCH	3.57 AC	15.4%
OPEN SPACE BY HIGHLAND BLVD.	0.46 AC	2.0%
TOTAL ACCESSIBLE OPEN SPACE	8.11 AC	35.1%



HIGHLAND, UTAH	SUNSET MT PROPERTIES 1009 N. 6400 W. HIGHLAND, UT 84003 765-7883	SUNSET MOUNTAIN PROFESSIONAL OFFICE - SITE PLAN	SOWBY & BERG CONSULTANTS 45 N. 400 W. 492-1277 AMERICAN FORK, UTAH 84003	SCALE 1"=80'	DESIGN BY: SRS DATE: 13 NOV 2008	DRAWING NAME SOPROS	SHEET NO. 1
----------------	--	---	--	-----------------	-------------------------------------	------------------------	----------------

Item 8: Model Homes (Conditional Use Permits 3-108, 3-208, 3-4748, and 3-4768) - Code Amendment ~ Public Hearing and Recommendation

Motion:

That the Planning Commission Recommend/Not Recommend the City Council Adopt an Ordinance Amending Sections 3-108, 3-208, 3-4748, and 3-4768 in the Development Code as Recommended by the Planning Commission and Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission Recommend an Ordinance providing for more flexibility for Model Homes when market conditions are not conducive to immediate sales of subdivisions.

Findings:

The Planning Commission may use findings to Recommend or Not Recommend the City Council amend these ordinances

Background:

The Planning Commission discussed concerns with regard to time restrictions for Model Homes as currently regulated in the Development Code and would like to consider recommending more flexibility. There was a concern stated by several Planning Commissioners over the limited time allowed for model homes to be open within a subdivision. It was suggested that it was better to have a subdivision sold than to require a model home to be removed, as it makes it more difficult to sell property and resulting empty lots within the neighborhood. Staff has provided a DRAFT ordinance the Planning Commission may consider which may address this concern.

Proposed Action:

Provide Staff with any comments, concerns or recommended amendments with regard to the existing ordinance language and/or draft ordinance.

Legal Authority:

- Chapter 9, Amendments to Title and Zone Map, Highland City Development Code
- 10-9a-501-503; Chapter 10-9a, Land Use Development and Management Act, Utah Code

Fiscal Impact:

N/A

List of Attachments:

- Proposed DRAFT Ordinance by the Planning Commission and Staff indicating possible language to consider



HIGHLAND CITY DEVELOPMENT CODE

ARTICLE 4.1
R-1-40 RESIDENTIAL ZONE

3-4108: Conditional Uses.

- (14) Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:
 - (a) Model home is used for lot/home sales within the city.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision the home is located in.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.**
 - (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
 - (f) Signage shall be regulated by existing sign ordinance.
 - (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 - (h) Garages used as sales office shall be converted back before occupancy is permitted.
 - (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.
 - (j) All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.

ARTICLE 4.2
R-1-20 RESIDENTIAL ZONE

3-4208: Conditional Uses.

- (12) Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements:
 - (a) Model home is used for lot/home sales within the city.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision the home is located in.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.**
 - (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
 - (f) Signage shall be regulated by existing sign ordinance.
 - (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 - (h) Garages used as sales office shall be converted back before occupancy is permitted.
 - (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.
 - (j) All pre-existing use prior to January 15, 2002 shall have six months to come into compliance.

Proposed DRAFT Ordinance

G
Z
-
R
A
E
I
U
-
L
B
U
P

HIGHLAND CITY DEVELOPMENT CODE

ARTICLE 4.7.4
TOWN CENTER OVERLAY URBAN SUBDIVISION

3-4748: Conditional Uses.

- (3) Model homes used for the sale of homes/lots within the Town Center Urban Subdivision in Highland, provided that the model home thereof conforms to the following requirements and subject to a conditional use permit:
 - (a) Model home is used for lot/home sales within the Town Center Urban Subdivision Overlay.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision the home is located in.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.**
 - (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
 - (f) Signage shall be regulated by existing sign ordinance and in addition to said ordinance, no model home shall display banners, flags, or balloons. Each model home sign shall be allowed within the immediate front yard with a maximum size of 48" x 96" with a height from ground level not to exceed 10'.
 - (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 - (h) Garages used as sales office shall be converted back before occupancy is permitted.
 - (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.

ARTICLE 4.7.6
TOWN CENTER TRANSITIONAL HOUSING OVERLAY

3-4768: Conditional Uses.

- (3) Model homes used for the sale of homes/lots within the Town Center Urban Subdivision in Highland, provided that the model home thereof conforms to the following requirements and subject to a conditional use permit:
 - (a) Model home is used for lot/home sales within the Town Center Urban Subdivision Overlay.
 - (b) The maximum number of personnel shall not exceed three at any given time.
 - (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians.
 - (d) **If the Owner/Operator of the Model Home has complied with all of the requirements of this ordinance a Model Home Conditional Use Permit may be reconsidered every two years however, the Conditional Use Permit shall expire when the final lot has been sold within the subdivision the home is located in.**
 - (i) **If the Owner/Operator of the Model Home has not complied with all of the requirements of this ordinance then the Model Home Conditional Use Permit shall expire two years from the date of permit approval.**
 - (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m.
 - (f) Signage shall be regulated by existing sign ordinance and in addition to said ordinance, no model home shall display banners, flags, or balloons. Each model home sign shall be allowed within the immediate front yard with a maximum size of 48" x 96" with a height from ground level not to exceed 10'.
 - (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday.
 - (h) Garages used as sales office shall be converted back before occupancy is permitted.
 - (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use.

Item 9: 3-708: Wall Signs and Table 3-707A - Code Amendment ~ Public Hearing and Recommendation

Motion:

That the Planning Commission Recommend/Not Recommend the Council Adopt an Ordinance Amending Section 3-708: Wall Signs and Table 3-707A in the Development Code per the Recommendations of the Highland Business Owners, Planning Commission and Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission Recommend an Ordinance providing for more flexibility for Wall and Window signs per the previous Planning Commission discussions and the request and recommendations of the local businesses.

Findings:

The Planning Commission may use findings to Recommend or Not Recommend the Council amend these ordinances.

Background:

The present language limits the number and size of wall signs for one business. Approximately half of the applications over the past couple of years have indicated that there may be a need to consider something that would allow a wall sign to be larger than 5% of a wall. Staff has attached the statistics related to the past 20 wall sign applications (see attached). In addition, several businesses would like to have more than one sign on one wall and some businesses would like to use an entire window for advertising space while leaving others empty; the current ordinance limits a window sign to 25% of each window. The percentages as listed within the existing ordinance were entirely based on aesthetic preference with baseline data simply taken from some nearby municipal ordinances when the ordinance was most recently considered.

Staff previously provided the Planning Commission with different photographic scenarios to generally indicate different sign sizes based on different percentages. The other item of question as required within the Development Code is whether the number of signs matters as much as the percentage of the wall that is used. Some businesses would prefer to have more advertising opportunities than the "one sign" as currently written (incorporating all of the sign areas as one). Staff is not certain if the five percent (5%) maximum size would be adequate if the number of signs was increased or unlimited. Looking at larger developments in other cities with well known grocery stores and similar users it appears as if ten percent (10%) is a more typical number for the fronting wall, 5% for additional walls with less restricted limitations or unlimited numbers of signs permitted per wall. As calculated in the attached documentation provided by staff, the average sign size per the applications that were submitted not based upon the requirements of City ordinance indicate just under nine percent (9%), ranging between 6% - 17% (see attached). It may be prudent to prepare the commercially zoned areas of the city so that it is more attractive to future commercial businesses.

On November 10, 2009, the Planning Commission requested that Staff invite the Highland City merchants/ business owners to the Planning Commission to express their concerns and requests for signage. Staff attempted to contact and invite the merchants/owners, however Staff did not receive any reply. Staff assumes that this is partially due to the difficulty the merchants/owners have with assembling regularly to discuss these concerns. Following this somewhat lengthy process, Staff created a survey which was very successful and a significant number of merchants/owners replied indicating a majority of the businesses in Highland would benefit if the ordinance was amended (see attached spreadsheet). The results of the survey indicate a majority desire to increase the percentage of wall space to approximately eleven percent (11%) from five percent (5%), increase the number of signs per wall from one (1) sign per wall to three (3) signs per wall, and increase the percentage for window signs to approximately forty-three percent (43%) from twenty percent (20%). A better way to provide an indicator would be to calculate the mode for these figures (the mode is determined by indicating the number that is submitted most often) which indicates wall signs to be increased to twelve percent (12%) from five percent (5%), increase the number of signs to three (3) from one (1) and increase the percentage of window sign to fifty percent (50%) from twenty percent (20%).

Proposed Action:

Provide Staff with any comments, concerns or recommended amendments with regard to the existing ordinance language and/or draft ordinance.

Legal Authority:

- Chapter 9, Amendments to Title and Zone Map, Highland City Development Code
- Article 3-617 Amendments to Zoning Code, Highland City Development Code
- 10-9a-501-503; Chapter 10-9a, Land Use Development and Management Act, Utah Code

Fiscal Impact:

N/A

List of Attachments:

- Proposed DRAFT Ordinance by Staff indicating possible language to consider
- Results of Merchant Survey



Proposed DRAFT Ordinance
HIGHLAND CITY DEVELOPMENT CODE

ARTICLE 7
SIGNS

3-708: Wall Signs
The following table will define differences for permanent/temporary and permitted signs within each separate commercial zone in Highland City. (Amended: 8/15/06, 4/3/07, 7/15/08)

Table 3-707A

Zone	PO Zone	Town Center	C-1 Zone	CR Zone	RP Zone	PU Zone	PI Zone	
Monument Sign	Height: 6 ft. max. Size: 24(business)/60 (identification) sq ft max. Frontage: 130 ft. min. Number: one sign to be above grade for each building and one to advertise the office park in general. Material: stone, wood (accent), masonry (brick architectural concrete), architecturally suited metals	Height: 6 ft. max. Size: max. 42 sq. ft. per side; 2.5 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-92 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60' from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Height: 6 ft. max. Size: max. 42 sq. ft. per side; 2.5 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-92 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60' from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Height: 6 ft. max. Size: max. 42 sq. ft. per side; 2.5 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-92 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60' from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Height: 6 ft. max. Size: max. 42 sq. ft. per side; 2.5 ft. deep max. Frontage: Building advertised shall be within 50 feet of SR-92 or SR-74. Location: between building and adjacent highway, not in ROW. Minimum 100 feet from intersection of highways and 60' from another monument sign. Material: stone, wood (accent), architectural concrete), architecturally suited metals.	Not Permitted	Height: 10 ft. max. Size: Up to 250 sq. ft. 33% may be digital or electronic. Frontage: 130 ft. min. Location: Min. 300' from an adjacent monument sign.	
Wall Sign	Size: 12% of facade or 100 sq ft max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	Size: 12% of facade or 100 sq ft max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	Size: 12% of facade or 100 sq ft max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	Size: 12% of facade or 100 sq ft max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section. Material: per sign theme as recorded	Size: 3% of facade or 60 sq. ft. max. Number: 2 max. Location: see Wall Sign in this Section.	The most restrictive requirements for the size and location of signs or sign supports required by any state or federal law or regulation shall apply.	Size: 12% of facade or 100 sq ft max. (whichever is smaller) Number: 3 max. per wall Location: see Wall Sign in this Section.	
Window Sign	Not Permitted	Temporary: 50% of window or window area max. Permanent: 50% of window max.	Temporary: 50% of window or window area max. Permanent: 50% of window max.	Temporary: 50% of window or window area max. Permanent: 50% of window max.	Not Permitted	Not Permitted	Temporary: 50% of window or window area max. Permanent: 50% of window max.	
Awning	Size: 50% of door/window sq ft max. see 3-711(2) Clearance: 8 ft. min. above grade Location: above door or window. Material: see 3-711(3, 4)	Size: 50% of door/window sq ft max. see 3-711(2) Clearance: 8 ft. min. above grade Location: above door or window. Material: see 3-711(3, 4)	Size: 50% of door/window sq ft max. see 3-711(2) Clearance: 8 ft. min. above grade Location: above door or window. Material: see 3-711(3, 4)	Size: 50% of door/window sq ft max. see 3-711(2) Clearance: 8 ft. min. above grade Location: above door or window. Material: see 3-711(3, 4)	Size: 50% of door/window sq ft max. see 3-711(2) Clearance: 8 ft. min. above grade Location: above door or window. Material: see 3-711(3, 4)	Size: 50% of door/window sq ft max. see 3-711(2) Clearance: 8 ft. min. above grade Location: above door or window. Material: see 3-711(3, 4)	Not Permitted	Not Permitted
	Size: 3 sq ft max. Number: one per business. Clearance: 8 ft. min.	Size: 3 sq ft max. Number: one per business.	Size: 3 sq ft max. Number: one per business.	Size: 3 sq ft max. Number: one per business.	Size: 3 sq ft max. Number: one per business. Clearance: 8 ft. min.			

PUBLIC HEARING

HIGHLAND CITY DEVELOPMENT CODE

3-708: Wall Signs (Amended 7/15/08). This Section shall permit a business within a commercial zone to apply for a permit to install a permanent wall sign upon their place of business in Highland City (see wall sign definition within this Section). A wall sign shall be installed by a licensed sign contractor* for a commercial business if the following requirements are met (additional requirements may apply within separate zones B see above Table 3-707A). The applicant shall be the owner of the business for which the sign will be installed or a licensed sign contractor representing the said owner. All wall signs within commercial zones of a sign type that has not been previously approved shall require specific approval by the Highland City Planning Commission. The following restrictions shall apply to all wall signs:

- (1) **Location:** A wall sign may be affixed parallel to a permanent part of the exterior of a building and shall project less than 18 inches from that wall. Shopping centers or office buildings shall provide a band or other sign location within the architecture of the building to provide for a wall sign for individual businesses. A wall sign may not extend above or below the "band" or designated sign area. A wall sign may never extend above the eave, horizontal roof line or roof parapet or located within twelve (12) inches from the eave or parapet.
- (2) **Size:** The size of a wall sign is calculated by the building frontage from which the applicant for the wall sign operates business. A wall sign is calculated by a percentage of the front wall of the business from eave or cornice to grade multiplied by the linear foot of building width or width of a leased space whichever is less. The maximum size for a wall sign is defined in Table 3-707A (above).
- (3) **Material:** A wall sign shall consist of typical can type with single letters (may be applied onto a pan channel or similar device to mount the sign to be internally lighted) or solid single letters of any quality metal material. Wall signs may incorporate an insignia, business logo or registered trademark as a cabinet type sign. Only 20% of the sign size shall be permitted to be the insignia, business logo or registered trademark as a cabinet type sign.
 - (a) Wall signs shall be designed to be consistent with a sign theme for each commercial development project. If a sign theme has not been officially established, then all signs shall be consistent with the majority of the existing signs within an existing development project.
- (4) **Lighting:** A wall sign shall be internally illuminated from within the individual letters, down-lighted by an architecturally significant fixture(s), or may be installed without lighting. All wall sign lighting may only operate between the hours of 6:00 a.m. and 12:00 a.m. (7:00 a.m. until 10:00 p.m. in the P.O. Zone). Sign lighting shall not create light pollution beyond the sign area.
- (5) **Number of Signs:** A business may have **three (3)** wall signs for each exterior wall face that is leased or owned by that business. The size of each wall sign is determined by the leased or owned area of the facade the sign will be placed on. The allowable size of any wall sign is defined in Table 3-707A in this code.

Proposed DRAFT Ordinance

G
Z
-
R
A
E
H
I
C
U
B
L
I
P

HIGHLAND CITY PLANNING COMMISSION AGENDA

Results of Survey mailed to Business Owners

Wall and Window Sign Ordinance Questionnaire	Min % - Exterior Wall Façade	Min # - Per Leased Exterior Wall Façade	Min % - Sign Per Window	100% of One Window	Additional Comments
Allred's Ace Hardware					
Alpine Aesthetics and Wellness Clinic					
Alpine Credit Union					
Alpine Vision Center	10	3	50	No	
Anytime Fitness	5	1	50	Yes	Min % of wall façade and min # per wall façade are "Just fine as is".
Bank of American Fork					
Barbacoa Mexican Grill					
Blue Bistro					
Blue Lemon					
Canyon Chiropractic Clinic					
China Wok	Returned				
Christy's					
Cornerstone Capital					
Countryside Cleaners					
Curves	Returned				
Dear Lizzie					
Desert Rayz Tanning					
Domino's Pizza					
Get Fit Athletic Wear	12	2	35	Yes	
Ghiz Orthodontics					
Great Clips	10	2	35	No	"Many thanks to the Planning Commission for considering revisions to the restrictive Sign Ordinances. On-site Signage is critical to the success of our business." – Jerry Harwood
H&R Block	12	N/A	50	N/A	
Highland Dental	12	2	30	Yes	"By the way, the more important issue to me is to extend the moratorium or licensure for temp signs. I would rather see the ordinance become more flexible for temporary signage like banner and a-frame signs. Thank you." – Clinton M.
Highland Hideaway Storage	12	3	50	No	
Home Synergy					
Iceberg Drive Inn					
IHC Health Services					
J.C. Holdings					
James D. Alcorn DMD					
Jiffy Lube	10	3	40	No	
Just Sew					
Kathleen Peterson, LMT					
Kohler's Food Stores					
Kountry Korner	12	N/A	40	N/A	
La De Da!					
Little Caesars					
Mathnasium of Highland	12	3	50	No	
Milosport	12	2	50	No	"1) Does Highland City want to have local businesses have the opportunity for success? 2) When will the City be more progressive and get out of the past? 3) Will more restrictions bring more opportunity for success or failure of future business to the City?"

Tuesday, Date July 13, 2010

G
Z
R
A
E
H
I
C
U
B
P

Results of Survey mailed to Business Owners

G
Z
R
E
H
C
P
U
B
L
I
C

Mont Blanc Center for Dentistry					
MuscleWorks					
Nails&Spa too					
Nextel West	Returned				
Papa Murphy's					
Pathway Imaging Centers					
Presidentail Consulting					
Quattro Grafx					
Roxberry Juice Company	12	3	50	No	
Subway	10	2	50	No	
Taco Time					
Timp Tire & Service Center	12	3	30	Yes	
Timpanogos Vision Center					
UPS Store	10	2	45	No	
Utah Community Credit Union	5	1	25	No	
Utah County Realty Services					
Vertical Worldwide	10	4	50	N/A	
Wealth Tools International	10	4	40	Yes	
Wells Fargo Bank					
Wendy's					
WPI Enterprises	12	7	50	N/A	"We don't feel that the criteria should be based on quantity, but on QUALITY of advertising. Each submission should be judged individually based on the quality of appearance."
Average					
	10.53	2.76	43.16	NO	
Low					
	5	1	25	NO	10
High					
	12	7	50	YES	5
Mode					
	12	3	50	NA	4
Number of Surveys Sent	58				
Number Returned	19				
Percentage	33%				
	Min % - Exterior Wall Façade	Min # - Per Leased Exterior Wall Façade	Min % - Sign Per Window	100% of One Window	

Item 10: Planning Commission Reports, Future Business, Questions & Recommendations ~ Discussion

Summary Statement:

The Planning Commission has requested a list of possible upcoming Planning Commission Items. Typically, items are immediately placed on the Planning Commission Agenda as soon as they are applied for and would not be seen as upcoming items with the following exceptions:

FUTURE ITEMS OF BUSINESS TO CONSIDER

1. Fence Ordinance
2. Master Plan State Training School property south of Lone Peak High School (*will be considered after road alignment is determined*)
3. Open Space Density Bonus Article 4.8 and Open Space Subdivision Option 5-4-400 Code Amendments (*will be considered following the Open Space Committee results*)
4. Capital Facilities projects (planning of future roads, future parks, future City improvements and development)

CONTINUED/ONGOING ITEMS OF BUSINESS

I. Discussions/Reports on the General Plan

- July 13 - Introduction and Background Element - Melissa Wright
Land Use Element - Jay Roundy
- July 27 - Transportation Element - Matt Shipp
Environmental and Natural Systems Element - Tim Irwin
- August 10 - Economic Element - Chris Kemp
Affordable Housing Element - Steve Rock
- August 24 - Community Design Element - Lonnie Crowell
Parks, Recreation Facilities and Trails Element - Roger Dixon
- Sept 14 - Senior Housing Element - Kelly Sobotka/Abe Day

Here is an idea of what to expect:

1. Each review should last between 10 - 15 min.
2. Because most of the sections are quite large, each review will most likely be quite broad.
3. Look to the Executive Summary at the beginning of the manual.
4. Review "Goals and Policies" found at the end of each section.
This is an important one!
5. Add any personal insight or experience you think we might find beneficial.
6. Every Commissioner should read each section prior to its review.

PLANNING COMMISSION REPORTS

GENERAL PLAN REPORTS

1. Melissa Wright - Introduction and Background Element
2. Jay Roundy - Land Use Element

In addition, the Planning Commission requested the opportunity to discuss ideas, concerns and or proposed Code Amendments/Additions of which they have authority. This item is simply to give each Planning Commissioner the opportunity to discuss these items.



