

MINUTES
HIGHLAND CITY COUNCIL MEETING
Tuesday, April 19, 2011

Highland City Council Chambers, 5400 West Civic Center Drive, Highland, Utah 84003

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Larry Mendenhall
Councilmember Kathryn Schramm
Councilmember Scott L. Smith

STAFF PRESENT: John Park, City Administrator
Matt Shipp, Public Works Director
Nathan Crane, Community Development Director
Gina Peterson, City Recorder
Jody Bates, Executive Secretary

OTHERS: Tim Irwin, Kristi Vick, Art Mellias, Jared Danis, Doug Bassett, Dallan Hernandez, Kristin Diederich, Joshua Diederich, Porter Johnson, Mark S. Thompson, Alan S. Anderson, Anderson & Sons Mortuary; Grant Williamson, and Caleb Warnock, Daily Herald.

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:00 p.m., and notice of the time, place, and agenda had been provided the *Deseret News*, *Daily Herald*, and *Salt Lake Tribune*, on April 13, 2011. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Larry Mendenhall, and those assembled were led in the Pledge of Allegiance by Brian Braithwaite.

Appearances

Mayor Ritchie invited comments from the public regarding items not on the agenda.

Jared Danis, 6658 West 10770 North, talked about sewer backups that have previously occurred in his neighborhood. He indicated that his neighbor had several issues with sewer back-up in years past due to the location of his subdivision in relation to the sewer line. Because of these issues, a personal sewer line shut off was installed for his neighbor. Mr. Danis stated this now makes his home the next in line for sewer backups and this has been confirmed by others. He asked if he could have a shut off valve installed as well. He stated every technician he has talked to about the issue has not been an employee of the City but has been outsourced. He said that City may consider sending the sewer down the hill rather than pumping it because it would save money in pumping costs. He noted his neighbor, Art Mellias, was also in attendance and concerned about the issues. John Park indicated he would have City Engineer Matt Shipp work with Mr. Danis and Mr. Mellias on the issue.

City Council / Mayor Items

Scott Smith asked for an update about the deer population in Highland Glen Park. Matt Shipp indicated the Division of Wildlife Resources (DWR) is not culling the herds because they stated it is hard to tell this time of year the “residential deer” from the “mountain deer”. He stated it may take some more political effort than the request of a staff member and indicated the request could come from the Mayors Council of Governments (COG) group. Mr. Shipp indicated there were many reasons given for not culling herds including danger of shooting within city limits, the deer will come back, and public perception of culling/shooting deer.

Scott Smith stated he is getting many complaints about the issue and he does not think the river bottoms needs to be a deer preserve. He stated there is also a risk on the road when the deer get hit by vehicles. Scott Smith then noted that he has been contacted by Harley Jacobs who lives on North County Blvd (4800 West). Many residents are wondering when Utah County is going to finish the road. Mr. Jacobs has asked for better communication from construction representatives. The last communication received indicated the road would be completed by Summer 2011; however he is not sure what “Summer” means.

Matt Shipp stated that staff has been frustrated with the changing schedule as well. He noted the bridge along 4800 West is now completed so water can pass through. He stated his feeling that July or August would be a good estimate for final completion. He indicated he does not have control of the schedule or contractor and has felt the same frustration.

Mayor Ritchie requested the following:

1. Communication be put on the website regarding status updates,
2. Matt Shipp call Richard Nielson from Utah County for an update,
3. Communications occur directly with Mr. Jacobs.

He also suggested that milestone completions be noted on the City’s website.

Scott Smith then asked for an update from the PRWUA on the canal piping. Matt Shipp indicated he has been assured the contractor will get the channel finished before the heavy run-off begins. He stated the City anticipates heavy runoff at the beginning of May.

Brian Braithwaite requested an update on the water situation in Highland and potential flooding. Matt Shipp stated 4800 West used to act as a dam for the water but since the reconstruction of North County Blvd it is passing the full flow or the 100 year event of the river. Along the river there are two points of concern:

- 1) Hidden Oaks Covered Bridge – every year this is a big concern but in the past there has been control with 4800 West. This year there is not that control. Staff has met with the Hidden Oaks HOA. Public Works staff will be meeting with residents of Hidden Oaks to fill sand bags on April 29 to use in their area.
- 2) Pheasant Hollow subdivision – 9620 Bridge under the road. This capacity is also smaller than the 4800 West capacity. Staff has also met with the HOA and will be meeting with residents on April 23 to bag sand and place at strategic locations throughout the neighborhood.

He indicated the reasons for this action are that residents are often the first to see flooding and respond as well as the fact that if flooding is bad this year, the Public Works staff will be spread throughout the city.

Matt Shipp noted there will be a sand bagging day on April 23 for all residents near the Public Works shop at the mouth of the Canyon. Each home is allotted 25 bags. He stated these bags should be used to protect the window wells and if needed more bags can be made available or the resident can purchase the bags and the City will continue to supply the sand. He noted staff has tried to take a proactive stance including sending letters to the Forest Service to not cut logs and throw remains in the river channel. Staff has walked river channels throughout the City and cleaned out debris to try and mitigate issues. He stated one of the biggest problems is the irrigation canals when problems occur at the irrigation weirs.

Brian Braithwaite noted parking is an issue at Toscana with perpendicular parking at the corner which is not designed for that. He requested it be marked better in that area.

Matt Shipp agreed that parking on the corners is very tight at Toscana. He stated on the west side in front of the buildings red curb will probably be painted because the area gets really congested during summer months with use of the park as well. He indicated there are some strong safety concerns if parking continues in this area.

Kathryn Schramm noted residents of Toscana have two car garages and asked if residents of Toscana have permission to use the diagonal parking on the west side of Town Center Blvd in front of Toscana. John Park stated that even though there is enough parking at Toscana it seems the most convenient place for residents to park is in front of the building. Staff has had discussions about whether the street parking should be signed with a time limit such as four hours.

Tom Butler asked if someone could research how much parking meters cost and get information to him. He then asked Matt Shipp if paving companies are open yet. Matt Shipp indicated none that he knows of. Tom Butler asked how the paving occurred in front of the Degelbecks about five weeks prior and Matt Shipp indicated he had no idea.

Tom Butler then noted the General Plan amendment adding the Murdock Connector to the transportation map was on the agenda this evening. He asked if the City had received a final copy of the Interlocal Agreement with Utah County on this issue of the Murdock Connector reconstruction. John Park indicated the changes had been made and he would provide Mr. Butler a copy prior to the discussion.

Larry Mendenhall indicated he and the Mayor had the opportunity to attend the Timpanogos Orchestra inaugural concert over the weekend. He noted that Dr. Jeffery Shumway from BYU performed Rachmaninoff as part of the concert. He stated both Friday and Saturday evenings had excellent attendance and the symphony orchestra is off to a good start.

Mayor Ritchie indicated there are 65 participants in the orchestra. He stated it was a first class concert and a nice evening.

Mayor Ritchie announced that Spring Clean-up is May 6 and 7 from 8:00 a.m. to 5:00 p.m. Dumpsters will be located at the mouth of the canyon. He noted the Arbor Day Tree Sale will occur on April 30, 2011. He noted Highland City has been recognized as a Tree City, USA and has received that award for the last 13 years.

Consent Calendar

The following items from the consent calendar were **approved** by unanimous consent. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

- PROCLAMATION – “Clean Out the Medicine Cabinet” Day – April 30, 2011 (Agenda Item 3)

MINUTES

Minutes for the March 19, 2011 City Council Meeting (Agenda Item 4)

MOTION: Larry Mendenhall moved to approve the minutes from the March 19, 2011 City Council meeting with changes as noted. Brian Braithwaite seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

PUBLIC HEARINGS

7:30 P.M. PUBLIC HEARING

ORDINANCE 2011-10: Amending the Recommended Transportation Network Map in the General Plan to show the alignment of the Murdock Connector (Highland City – 4800 South/SR74 East-West Connector Road) (Agenda Item 5)

Mayor Ritchie opened the public hearing at 7:42 p.m.

Doug Bassett, 5418 W Hidden Drive, expressed support for the proposed road alignment.

Mayor Ritchie closed the public hearing at 7:43 p.m.

Nathan Crane, Community Development Director, outlined the difference between a “public meeting” and a “public hearing” noting the basic difference is that a newspaper notice is required to be published with a public hearing. While public comment is not required at a public meeting, he stated it has been the practice of the Highland City Council to allow comments on all items. He acknowledged there have been concerns about acting on an item at the same meeting where the public hearing is held. He stated the City Council can take action at the same meeting and indicated the City Council should ask if there is a compelling reason to continue the item. Is more information needed to make an informed decision? He indicated he has a personal belief that if the public is invited to attend a meeting at a public hearing and they express their opinions on a project, there is more transparency to make a decision that evening. Sometimes continuing a decision may appear as a delay action. He noted there is nothing in State law or City ordinance that requires something be continued.

Mr. Crane then reviewed the item before the City Council stating on February 22, 2011, the Council approved an Interlocal Agreement with Utah County for the construction of the Murdock Connector. The Development Code requires that public expenditures be consistent with the General Plan. As a result, the City Council directed staff to prepare a general plan amendment so that the alignment on the

Recommended Transportation Network Map is consistent with the current design. In addition, the amendment will show the west end of the road all within Highland City.

Currently, the west end of the road is shown intersection SR 74 at the north end of the Fox Hollow golf course in American Fork City. The proposed alignment shows the west end of the road intersection SR 74 in between the American Fork City pressurized irrigation pond and the south end of the Pheasant Hollow Subdivision in Highland City. Two homes in the Pheasant Hollow Subdivision have been purchased to accommodate the new alignment.

The Murdock Connector is shown as a proposed three-lane major collector on the Recommended Transportation Network Map. The road as designed is anticipated to be a 30 feet asphalt roadway on a 40 foot right of way without sidewalk east of the Murdock canal crossing and two 18 foot asphalt roadways with a 12 foot asphalt trail on a 76 foot right of way west of the Murdock canal crossing. The road will be improved to its final configuration as the adjacent property is developed.

The Recommended Transportation Network Map includes an east-west connection through Highland Glen Park. This amendment does not address this connection.

The goal of the Transportation Element is to provide a road system that is safe, functions efficiently and accommodates peak hour traffic volumes. Currently SR 92 is the only east-west connection through the city. Existing development prohibits the construction of an east-west connection without substantial costs. The Murdock Connector alignment is primarily located on property owned by the State of Utah. As of this date permission has not been granted to go through their property with the Murdock Connector,

The Murdock Connector has been identified and funded as a regional transportation project by the Mountainland Association of Governments.

The road design includes a regional trail connection that will connect the Murdock Canal Trail to regional systems in Cedar Hills and Pleasant Grove. The road design will also address land use compatibility.

A notice of the Planning Commission hearing was published in the Daily Herald on March 6, 2011. Notices to 133 affected entities and property owners were mailed on March 8, 2011. No comments have been received.

A notice of the City Council hearing was published in the Daily Herald on April 3, 2011. Notices to 133 affected entities and property owners were mailed on March 8, 2011. Two requests for additional information were received.

MOTION: Kathryn Schramm moved to adopt Ordinance 2011-10: Amending the General Plan Recommended Transportation Network Map to show the revised alignment of the Murdock Connector because it will provide an East/West connection from North County Blvd to the Alpine Highway (SR-74). Larry Mendenhall seconded the motion.

Scott Smith expressed appreciation to City Administration for amending the General Plan. He indicated that two years ago a restraining order was granted because the judge did not feel it followed the General Plan. He indicated he lives in Pheasant Hollow and he and the residents would much prefer the road go through the golf course, but that has been discussed numerous times. He thinks this project could have been more open and transparent through its history, but is grateful to current City Administration.

Mayor Ritchie called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

Scott Smith asked if the Pheasant Hollow mitigation committee could reconvene since plans for the bridge and design have changed. Matt Shipp agreed and stated the County is on board with that as well. He stated a meeting would occur before the project starts and when it starts. Scott Smith requested better communication be set up with residents and Matt Shipp agreed.

7:00 P.M. PUBLIC HEARING

ORDINANCE 2011-11: Amending Section 3-4108: Conditional Uses to allow funeral homes in the R-1-40 District subject to a conditional use permit (Agenda Item 7)

Nathan Crane indicated funeral homes are currently not permitted in Highland City. The proposed amendment would allow funeral homes in the R-1-40 District subject to a conditional use permit. Crematories would not be permitted.

The Development Code currently allows several non-residential uses in the R-1-40 District subject to a conditional use permit including: churches, libraries, museums, art galleries, country clubs, and public buildings including storage and repair yards. Funeral homes and mortuaries have traditionally been located in residential districts because they have been needed on a community-scale level.

The land use characteristics and off-site impacts of funeral homes are similar to churches. The potential impacts of a funeral home warrant additional public involvement and the requirement of a conditional use permit. Impacts can be mitigated through a conditional use permit.

The required findings of a conditional use permit provide appropriate assurance that any proposed funeral home is properly located and designed to ensure safety and compatibility with the surrounding neighborhood.

Requiring funeral homes to front onto arterial streets will mitigate traffic impacts on residential neighborhoods.

The Planning Commission held a public hearing on April 12, 2011. No one spoke in favor or opposition of the request. The Commission voted 7-0 to recommend approval of the proposed amendment.

Mayor Ritchie opened the public hearing at 7:57 p.m. No one desired to speak and he closed the public hearing

Kathryn Schramm stated she understands the use fits in with the R-1-40 zone. She indicated she had questions with the characteristics of the building. Mr. Crane indicated that may be better to discuss when the specific use came up later in the meeting. Kathryn Schramm indicated she had concerns with parking and other items and was hesitant to approve.

Mr. Crane indicated the Development Code does not address specific regulations for parking per use. The requirement is that they have sufficient parking for the use as determined by the Planning Commission. He stated each site is given its own analysis.

John Park stated that while the City Council may talk about site specific later on the agenda, this ordinance needs to be considered generally as it pertains to the Development Code.

Scott Smith asked if sales tax is charged on items such as casket sales. A representative from the funeral home answered yes, with the exception of services and headstones.

MOTION: Brian Braithwaite moved to accept the findings and adopt Ordinance 2011-11: Amending Section 3-4108: Conditional Uses to allow funeral homes in the R-1-40 District subject to a conditional use permit based on the following findings:

- 1. The proposed amendment is consistent with the purpose and intent of the Development Code and will not adversely affect the community.**
- 2. The proposed amendment appropriately allows for the mitigation of any potential impacts which will result in compatible land uses.**

Tom Butler seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

MOTION – Approving a Subdivision Maintenance Plan and lifting of the moratorium for open space agreements in the Chamberry Fields subdivision at approximately 6030 West 12000 North (Agenda Item 6)

The Open Space Committee has developed a subdivision maintenance plan for the Chamberry Fields subdivision. The purpose of the subdivision maintenance plan is to identify the property which is eligible for private maintenance, the type and level of landscape improvements, and any conditions associated with private maintenance of the property. Once a subdivision maintenance plan is approved, the City Council may lift the moratorium on open space agreements for that specific subdivision.

Nathan Crane indicated the Open Space Committee has developed a subdivision maintenance plan for the Chamberry Fields subdivision. The proposed plan would allow property owners of lots 110-115 and 201-210 to maintain the area adjacent to their lots. Lots 210-204 would have a 5-25' retaining wall directly adjacent to future 20' trail system. To block view of the substation Lots 118, 111, 110 would like City and/or Tree Commission to plant natural screen such as evergreen trees, shrubs, etc. Lots 204-201, 115-118 are adjacent to water/canal easement. These owners would like to re-grade the easement area to redirect the water flows.

Lance Greer, resident, indicated the rock retaining wall starts on Lots 202 through 204. He outlined the layout of specific lots in the subdivision with regard to drainage. He indicated a makeshift ditch has been constructed to handle issues with flooding. A grading plan will be put together to mitigate draining

and flooding in all areas. He indicated something needs to be done with drainage since the soil is clay. Installation of sod will help control erosion.

Kristi Vick from the Open Space Committee reviewed specifics of the recommendation from the Committee. She indicated the City Council had pictures that show the ditch as well as the drainage concerns. She indicated she screens a lot of comments of maintenance and she did not include those comments because she felt it was beyond the scope of the discussion this evening. She reviewed the following:

1. Signatures were received from residents who approve of the Open Space Maintenance application.
 - a. 34 total building lots
 - b. 7 vacant lots
 - c. One rental

Of those:

 1. 16 eligible lots – 2 vacant, 1 rental
 2. 12 lots not eligible and not backing open space – 4 vacant
 3. 6 lots not eligible backing semi-improved open space – one vacant

She reviewed safety issues in the subdivision as follows:

1. Lots 210-204 have 5-25' retaining wall directly adjacent to future 20' trail system. Poses concern for safety along trail system, privacy concerns, and decreased ability to maintain eligible open space. Many want to protect adjacent open space but would like to see wider trail system for trail safety (adjacent wall), security issues, and ability to place privacy fence. Would like to see current trail regulations (50' wide) implemented when land to north is developed that participates in portion of open space for neighborhood trail.
2. Lot E in open space has open canal drainage directly adjacent to playground. Concerns with small children being attracted to drainage grate and mosquito infestations directly adjacent to playground, trail systems, and homes. Drainage flows across trail system on Lot F into Lot C and is damaging trail system. Enclosure of canal recommended.
3. Ithica Road routinely has cars speeding along road with steep grade adjacent to open space and playground (Lot E). Speed bump recommended.

Any special circumstances impacting improvements including parks and trails were noted as follows:

1. Lots 210-204 as above in 2.
2. Lots 118, 111, 110 to block view of substation would like city to plant, Tree Commission to plant, and also allow planting of natural screen such as evergreen trees, shrubs, etc. previously planned for improvements in the original subdivision plat map approval from the Planning Commission recommendations.
3. Lots 204-201, 115-118 adjacent to water/canal easement. Would be submitted with city engineer review. Plan to grade open space level and retain current drainage ditch on east side of open space.

There are no known existing improvements or agreements for previous or current eligible property. There are no known copies of existing agreements between the city and subdivision residents.

Scott Smith thanked Kristi Vick for her efforts on the Committee. He asked about Lot 116 and Ms. Vick indicated those residents had been out of town and may be interested at some point in maintaining the

area. Scott Smith asked about the drainage area near the playground in the subdivision and Matt Shipp indicated it does follow drainage out into the street.

Kathryn Schramm thanked Kristi Vick. She stated her feeling that the City Council approved a format with very precise things that residents could or could not do. Ms. Vick stated that even if Lots 204 through 210 may not install sod, they could still install bushes/shrubs and meet the 75% vegetation. John Park indicated the City Council is simply approving guidelines and the Review Committee then approves the actual agreement with each individual property owner. Kathryn Schramm stated she is not sure what she is approving and John Park agreed there are some items recommended by the Open Space Committee that should be removed from the City Council approval, such as the canal drainage adjacent to the playground and the tree planting adjacent to the substation.

Ms. Vick gave specifics of what the City Council should be approving. She stated the while some things are not included in the ordinance for Private Maintenance of Public Open Space they do need to be addressed, including issues with mitigating flooding of homes.

Much discussion took place. Some felt grading in this area was necessary.

Mr. Crane indicated there were many concerns of the residents and subdivision that were addressed in plan that are a separate issue and not part of the open space maintenance agreement such as the speed bump, however landscaping could be addressed. He stated the other items were provided more for information purposes rather than items to be included with approval of the plan.

John Park indicated he and the City Engineer can change the grading to fit needs anywhere. He suggested it be left out of the maintenance plan and let the City Engineer address it, as it is the City's own property.

Larry Mendenhall indicated that the items regarding the speed bump and the trees to block the substation are beyond the scope of the maintenance ordinance. He also noted it implies an obligation of the City to plant the trees at the substation. He was okay with the grading because it is required to be approved by the City Engineer.

Kathryn Schramm asked Matt Shipp about the grading issue. Matt Shipp indicated the City does not have the equipment for grading but it is relatively inexpensive to hire out.

Mr. Greer indicated it was their intent to do the grading themselves based on a plan to be approved by the City. He stated there are drainage issues now so he does not think there would be an increased risk.

Brian Braithwaite also expressed appreciation to Kristi Vick and stated this request included more information about concerns than previous Maintenance Plans in other subdivisions have.

Kristi Vick stated the additional issues were something that were very important to residents in the subdivision and she has ensured the residents it would be brought to the City Council's attention even though it may not be part of the plan or agreements.

MOTION: Brian Braithwaite moved to approve the Subdivision Maintenance Plan and lifting of the moratorium for open space agreements in the Chamberry Fields subdivision at approximately 6030 West 12000 North as follows:

- 1. Lots 204-210 may maintain City property adjacent to their north property line (apx 10 feet);**
- 2. Lots 201-204 and Lots 115-118 may maintain City property adjacent to their east property line (apx 30 feet);**
- 3. Lot 118 may maintain City property adjacent to their south property line (approximately 50 feet);**
- 4. Lots 110 and 111 (future development) may maintain City property adjacent to their south property line in the future;**
- 5. Residents shall meet with the City Engineer and have the ability to work on grading of the property behind the appropriate homes; and**
- 6. City staff is directed to meet with residents on installing a speed bump along Ithica Road and the piping of the drainage near the playground.**

Scott Smith seconded the motion.

Tom Butler noted the open space was dedicated to the City in 2004. He noted open space cannot be sold for 15 years unless it is deeded back to the original developer. He wondered about the possibility going forward to make agreements subject to 10 years or until the 15 year holding period as required by State Law, whichever occurs first.

Scott Smith indicated this has been discussed a great deal with the Open Space Committee. He feels the problem occurs when money is spent on the improvements and if the agreement does not go for 10 years some might get frustrated at spending the money on the improvements. The City may decide to go another direction if the 15 year restriction ends prior to the 10 year term of the agreement.

Kristi Vick stated she thinks people are just tired of seeing “natural vegetation”. She indicated that some people have told her they are not interested in installing improvements until the issues of property disposal are resolved.

Discussion took place on the issue. It was noted there is a two-year notice for cancellation and many felt it should be left at a term of 10 years.

Scott Smith commented that the City Council will need to come to a decision about orphaned property in the City. He indicated that many times the Federal Government gives first right of refusal to adjacent property owner who is already maintaining the open space. John Park noted that under State Law if the City vacates property the first right of refusal goes to the person that gave the property to the City, secondly is the adjacent land owner.

Much additional discussion took place.

Mayor Ritchie called for a vote on the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

MOTION – Authorizing a request from Anderson Mortuary for a conditional use permit for a funeral home to be located at 6000 West and SR 92, east of the Highland City Cemetery (Agenda Item 8)

Nathan Crane indicated that Anderson Mortuary is requesting a conditional use permit for a funeral home in a new 12,000 square foot single story building with a basement. The building will accommodate two viewing rooms, a chapel, a caretaker apartment and auxiliary rooms. It is planned that normal operating hours will be Monday through Friday from 9:00 am to 5:00 pm. Because of the nature of the service there will be evening and weekend services. The applicant has indicated that one or two employees will be onsite during normal business hours. Additional employees may be added if needed.

The property is Lot 3 of Plat B which was approved in 2006 and is adjacent to the Reisner Subdivision. A funeral home was planned for this lot when the property was subdivided.

The City Council must determine that the proposed use meets three findings prior to granting a Conditional Use Permit. The burden of proof rests with the applicant. Each finding is presented below along with staff's analysis, as taken from the agenda for April 19, 2011.

1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The subject property is designated as Low Density Residential on the Land Use Map of the General Plan and the property is zoned R-1-40 Residential. The existing R-1-40 zoning is consistent with the land use designation on the General Plan. Funeral homes are permitted in the R-1-40 District subject to a conditional use permit.

The property to the north and east is vacant and zoned R-1-40. The property to the south is vacant and zoned R-1-20 and has been subdivided for single family homes. The property to the west is zoned R-1-40 and is the Highland City Cemetery.

The proposed use will not adversely affect the desired character of the surrounding area or be detrimental to the health, safety, or general welfare of persons residing in the vicinity.

2. The use complies with all applicable regulations in the Development Code.

Primary access to the site is available from SR 92. The applicant is currently working with UDOT to finalize the design and location of the access. A secondary access is planned to 10930 North through an existing access easement. This access will be gated and only used to access the cemetery. This was an important issue during review of the preliminary and final plat. Staff believes that in order for the site to be compatible with the surrounding land uses primary access should be from SR 92 and access to 10930 North should be limited to access to the cemetery only.

UDOT is completing improvements to SR 92. Any improvements that are not completed by UDOT will be completed by the developer. SR 92 has been designed to accommodate the proposed traffic. This was required as part of the subdivision approval.

The Development Code requires sufficient parking as determined by the Planning Commission. In order to analyze whether or not there are enough parking spaces, staff researched other cities requirements for parking spaces. For this site, the typical number of required spaces would range from 54-88. The agenda states the site included 60 parking spaces. In answer to Kathryn Schramm's question about the inadequacy of parking, the architect clarified the site includes 78 to 79 spaces. With the south entrance road only being open for access to the cemetery, overflow parking, if needed, should not impact the existing neighborhood. Staff believes there is enough parking on site to accommodate the proposed use.

The building architecture is similar to a traditional rambler home and has been designed to be compatible with the existing residential uses. Materials include stucco with brick accents. The main color is off-white shade called "almond". The roof is a "slate" colored asphalt shingle roof. The building is 23 feet six inches tall which is below the maximum height of 35 feet. The building includes a portico on the west side of the building.

The applicant is proposing a future 12 foot by 26 foot expansion to the viewing room on the east side of the building. The site plan has been designed to accommodate the expansion. Administrative architectural and site plan approval will be required as part of the building permit application.

The landscaping along SR 92 will meet the requirements of the parkway detail. The site will provide a minimum 35% landscaping as required by the Development Code. The final design will be completed with the construction drawings.

The applicant is proposing four 15 foot tall parking lot lights and architectural lighting around the building. All lights will be shielded and directed downward and light levels will not exceed one foot candle at the property line.

The applicant has agreed to install a 6 foot high wall along the south property line and a fence with the gate along the access easement. The design of the wall and fence will be determined at the time of construction plan approval. In addition, a five foot wide landscape buffer will be installed along the south property line.

With the proposed stipulations, the use meets all development standards set forth in the Development Code, including setbacks and landscaping.

3. Conditions are imposed to mitigate any detrimental effects.

Nine conditions are recommended to ensure compliance with the Development Code and compatibility between land uses.

A notice of the Planning Commission hearing was published in the Daily Herald on March 27, 2011. Notification letters were mailed out to 20 property owners on March 29, 2011. One request for additional information was received. The Planning Commission held a public hearing on April 12, 2011. No one spoke in favor or opposition of the request. The Commission voted 7-0 to recommend approval of the conditional use permit subject conditions.

A notice of the City Council meeting was published in the Daily Herald on April 3, 2011. Notification letters were mailed out to 20 property owners on April 5, 2011. No comments have been received.

Kathryn Schramm asked what would be done to prevent people from turning west or left onto SR 92. Brian Braithwaite asked how gating in the back area of the parking lot would occur. He also asked about the type of wall/fencing to be installed around the property. Mr. Williamson indicated the gating across the rear parking lot would most likely be a concrete post with rod iron as they have done in other locations. He indicated it could be constructed so that it would be closed to vehicular traffic but pedestrian traffic could be allowed. Mr. Williamson stated they understand fencing around the property must be solid and they will not use vinyl. Most likely it will be a block wall.

Brian Braithwaite then discussed grading issues on the lot indicating it is lower than most residences in the area. Mr. Williamson stated their plan was graded and engineered but he is not familiar with the technical aspects of the drainage; however they will continue to work with their engineer. He also reviewed the landscape plan which included sod and trees and meets the City's ordinance.

Brian Braithwaite stated he is excited for this use at this location. He asked if fencing would be installed along SR 92. Mr. Williamson stated at this time the plan is to have it open because it is not a requirement of the conditional use.

Scott Smith asked if many people from Highland and Alpine use the Anderson Mortuary in American Fork and how that might affect the sale of cemetery lots at the Highland Cemetery. Mr. Anderson stated he does not think having a mortuary at this location will increase sales at the Highland City Cemetery. He stated they have been serving this area since it existed. He estimated they provide services for 18 to 20 Highland residents per year.

Kathryn Schramm asked the zone this mortuary would be located. Mr. Crane answered the zone remains R-1-40. Kathryn Schramm asked if it will be viewed as an extension of the commercial zone since they are selling caskets and other services. Mr. Crane answered no, because those types of things are associated with the use. He noted that any changes to the zone would have to come back to the City Council.

Other general clarifications on the site plan took place.

Scott Smith asked if sales would take place out of the American Fork location or the Highland location. Mr. Anderson indicated they would have a selection area for caskets in both locations and would use whatever was most convenient to the person using the service.

MOTION: Larry Mendenhall moved to grant a conditional use permit for a funeral home to Anderson Mortuary located at 6000 West and SR 92 subject to the following conditions:

- 1. The proposed use shall conform to the project narrative, site plan, landscape plan, and elevations date stamped March 15, 2011 except as modified by these stipulations.**
- 2. Primary access to the site shall be provided from SR 92. If access to SR 92 is not approved by UDOT, the conditional use permit shall be void.**
- 3. The 10930 North access shall only be used for access for patrons from the site to the cemetery.**

4. The final landscape plans shall show a five foot buffer along the south property line, landscaping along SR 92 to comply with the parkway detail and a minimum of 35% landscaping. The final landscaping plans shall be approved prior to issuance of a building permit.
5. The developer shall install a six foot high wall along the south property line. In addition, the applicant shall install a fence along the east boundary of the access to 10930 North with a gate to control access. The design of the wall, fence and gate shall be approved prior to issuance of a building permit.
6. All improvements to SR 92 not completed by UDOT shall be completed by the developer.
7. In accordance with Section 4-109 of the Development Code, the Conditional Use Permit shall expire within one year from the date of approval if the use has not commenced.
8. Administrative architectural and site plan approval will be required as part of the building permit application for the future expansion area.
9. All signage shall require a separate permit.
10. All lighting shall be shielded and directed down. Light levels shall not exceed one foot candle at the property line. Light poles shall not exceed fifteen feet in height.
11. The civil construction plans shall meet all requirements as determined by the City Engineer.
12. The site shall include a minimum of 77 parking stalls.

Based on the following findings:

1. The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.
2. The use complies with all applicable regulations in the Development Code
3. Conditions are imposed above to mitigate any detrimental effects.

Kathryn Schramm seconded the motion. Those voting aye: Brian W. Braithwaite, Tom Butler, Larry Mendenhall, Kathryn Schramm, and Scott Smith. The motion passed with a unanimous vote.

COMMUNICATION ITEMS

Report – North Pointe Solid Waste District – Kathryn Schramm (Agenda Item 9)

Kathryn Schramm noted change is coming with the addition of a new landfill in the Fairfield/Cedar Fort area. She stated this will have impacts on all other landfills and the transfer station. She suggested the City Council formulate questions for District Manager Rodger Harper for the City Council meeting on May 3, 2011 when he will make a presentation. She briefly outlined the agreement. She noted several of the cities currently in the district will probably start using the new landfill. Because of this the District has created an agreement that they would like the City to commit to using their landfill for 20 years.

Gina Peterson indicated she would forward a draft copy of the agreement to the City Council.

Other Items

Mayor Ritchie indicated budget comments were to be turned in to John Park this evening. He noted the budget open house would be held May 3, 2011 and a work session on May 10, 2011.

ADJOURNMENT

Kathryn Schramm moved to adjourn. Brian Braithwaite seconded. The meeting adjourned at 9:37 p.m.

Gina Peterson, City Recorder

Date Approved: May 3, 2011