

Highland City Planning Commission

April 12, 2005

Present:

Commissioner: Steve Draper
Commissioner: Larry Mendenhall
Commissioner: Brian Braithwaite
Commissioner: Jennifer Tucker

City Council: Gwyn Franson
City Engineer: Matt Shipp
City Planner: Lonnie Crowell
Secretary: Jennifer Davis

Excused:

Mike Walch, Bryce Flanary, Barry Edwards.

Meeting convened at 7:10 pm
Prayer given by: Jennifer Davis
Pledge given by: Larry Mendenhall

Visitors:

Chris Dalley, Russell Powell, Scott Bishop, Russ Smart, Gloria Smart, Lyman Buhler, Stephen Buhler, Glenin Garcia, Kyle Tervort, Jerry Gearheart, Hillary Skillings, Kristi Hight, Shane VanOostendorp, Tori Gagon, Bob Augenstein, Andrea Augenstein, David Lind, Bruce Harvey, Michelle Mulliner, Brack Milliner, McKay Christensen, Richard Loser, Jodi Scott, Becky Cutler, Mardi Horton, Edwin Cutler, Gary Wright, Debbie Ostler, Colby Birrell, Kevin Birrell, Robert Strang, Vernon Fuller, Derek Danklef, Bryce Ruff, Dana Fairbanks, Paul Anderson, Gary Powell, Andrea Powell, Jolene Monson, Jess Adamson, and Brent Brown.

Item 1: Harvey - Jenkins Model Home - Conditional Use Permit & Public Hearing

Bruce Harvey Submission for a model home application in the Beacon Hills establishment. Currently Bruce has 24 lots in Highland, with 5 or 6 in this subdivision. Steve opened floor to public comments. Hearing no comments, Steve closed the public hearing. Steve asked if Bruce has reviewed the model home requirements. Bruce stated that there would be 2 employees at a time. Steve encouraged Bruce to bring the traffic in from off the street and advised of the no parking on public streets portion of the ordinance. Brian discussed the information regarding signage, and Steve clarified information regarding the signage. Brian also clarified that banners are not permitted.

Matt Shipp wanted to make sure that the applicant is aware that there is an agreement with the developer of the subdivision regarding the asphalt. The developer will have to grind the asphalt and re-lay asphalt to a thicker depth prior to occupancy or issuance of permits. It should not interfere with the construction of this model home and the issuing of the conditional use permit.

Steve asked about the foundation heights. Bruce says that he has talked with the Building Department and is aware of the standards on the slope.

Larry asked that Bruce be continuously aware of the neighbors, and reminded him to be a good neighbor regarding signage, parking, etc.

Motion by Larry Mendenhall, Planning Commission recommends City Council grant a Conditional Use Permit for the Harvey-Jenkins Model Home based on Staff and Planning Commission conditions and recommendations.

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

Item 2: Alpine School District Cell Tower - Conditional Use Permit & Public Hearing

Russ Powell presented information that Cricket communication would like to set on antenna located on the property already occupied with a cell tower.

Gary Wright, a resident who lives on 4800 west had questions regarding the location of the proposed cell tower. Russ clarified that there is already an existing tower that is near the tennis courts. No further concerns are expressed.

Steve Draper asked about the size of the building to be built. Russ stated that the building would house the equipment in the building with room for expansion, and batteries, and also this would include room for maintenance. Steve questioned the landscaping plans, stating that it is a bit of an eyesore. Russ said that so far it has not been a requirement. Steve mentioned that it would be preferred to disguise it, and asked that Russ may look into a landscaping plan to present to the City Council.

Steve asked about an Ice Bridge. Russ talked about the ice bridge and clarified that it will be at approximately 7ft. Steve also asked that Russ look at it and if possible, try to lower the elevation of the ice bridge to minimize the appearance.

Larry asked that the conditional use permit be based upon a landscaping plan submission as well. He also mentioned to Russ to contact T-Mobile and ask them to participate in providing a landscaping plan for the proposed area. Steve commented that water may be an issue. Matt Shipp replied that Pressurized Irrigation will be looped into that area in

the next year.

Discussion ensued regarding the possibility of a plan to enlarge the existing building. The conclusion was that it would not be feasible to enlarge the current building.

Motion by Jennifer Tucker, Planning Commission recommends City Council grant a Conditional Use Permit to the Alpine School District cell tower located on the existing mono-pole on Lone Peak High School property, subject to Staff and Planning Commission conditions and recommendations.

Second by Brian Braithwaite.

Further discussion included Larry Mendenhall looking for clarification from the commission as to whom the conditional use permit would be issued. Would it be used be granted to Alpine School District? Lonnie will verify who would be granted this conditional use permit prior to City Council Meeting.

Unanimous Vote, motion carried.

Item 3: Canterbury South Plat C - Preliminary / Final

Lyman Buhler states that additional land will be purchased to fulfill open space requirements. Lonnie explained that the lot #2 access will need to be changed from 6400 West instead of 10200 N because of the slope of this lot.

Discussion ensued regarding the history of this project. Steve Draper commented that this subdivision is within the scope of the ordinance that allow for a subdivision.

Motion by Brian Braithwaite, Planning Commission grants preliminary approval and recommends City Council grant final approval for the Canterbury South Plat C Subdivision subject to staff and Planning Commission conditions and recommendations to include Lot 2 be restricted from having access onto 6400 West.

Second by Larry Mendenhall.

Unanimous vote, motion carried.

Item 4: Sherwood Estates - Preliminary / Final

Brack Mulliner, owner of lot 5 in Sherwood Estates presented information to the commission regarding the proposed subdivision of his lot.

Steve Draper spoke of the level of controversy in the neighborhood regarding the proposed subdivision. Steve also referenced a letter from the City Attorney advising the Planning Commission that the city does not enforce CC&R's. Should the proposed request be in compliance with the city ordinances, the Planning Commission could not deny approval.

Steve asked about the existing detached garage. Brack clarified that the existing building would be torn down if the lot is subdivided. Steve reminded Brack that there have to be demolition permit obtained before demolition of the garage.

Dana Fairbanks, the original developer of this property presented a copy of a letter from his attorney along with the CC&R's, stating that no lots will be subdivided. Steve thanked Mr. Fairbanks for his opinion and again stated the city does not enforce CC&R's. And if Mr. Mulliner was denied by the courts, the City Council would probably deny the request. Steve then again mentioned that at the level of Planning Commission, there would be no reason to deny.

Brack also mentioned that they have complied with all other levels of the CC&R's except for the Architectural Control Committee. The Committee according to the covenants can say yes, or no to the proposal. Brian asked Brack, when he bought this property if he was aware of the CC&R's? Brack stated he was aware of the CC&R's. But what he saw said development could take place as long as it is approved by the ACC.

Motion by Jennifer Tucker, Planning Commission grants preliminary approval and recommends City Council grant final approval for the Sherwood Estates subdivision, subject to Staff and Planning Commission conditions and recommendations.

No second. Motion dies.

Further discussion amongst Commission to include recognition of conflict in the motion. Lonnie says that this proposal should be changed to say Amendment to Plat A and Create Plat C.

Motion by Jennifer Tucker, Planning Commission to grant preliminary approval for a Plat Amendment of Sherwood Estates Plat A, creating Sherwood Estates Plat C, and recommend that the City Council grant final approval subject to finding of fact that the city does not regulate CC&R's, but recognizes the apparent conflict with the proposed amendment and CC&R's, and also subject to staff conditions.

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

Item 5: Summerfield Court - Preliminary

Brent Brown owns property and is requesting preliminary approval for a 3 lot subdivision. List of recommendation from staff has been accepted by Brent, with most being changed. Road clarification will need to take place regarding street addressing. Staff commented this issue is minor. Brent also stated that the existing metal building

will be demolished.

Brian Braithwaite commented regarding the agricultural property adjacent to the development, and also about the concern for the future homeowner as to not surprise them regarding this agricultural property. Brent said there will be a fence that will line the back portion of the properties.

Motion by Brian Braithwaite, Planning Commission grants preliminary approval for the Summerfield Court subdivision and recommends City Council grant final approval subject to all conditions of Staff and Planning Commission recommendations. In addition, a note is to be placed on the Plat showing the agricultural area with large animal rights.

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

Item 6: Highland Hollow - Preliminary

Scott Bishop representing the development is proposing to develop 49 lots on 49 acres. Steve expressed his concern about the grade, and says he would be adamant that there would be a grading plan submitted.

Steve also read a letter from Glade Gimmow, who could not attend the meeting regarding concerns related to the development. Question 1 is in regards to the elevation and grading. Question 2 states that there are raptors, i.e. hawks and owls that are protected by Federal Law and EPA require preservation of nesting areas. Steve asked Scott to look into the requirements to from the EPA and bring the information to the City Council. Question 3 is regarding the road impact study and how would the road impact the development. Staff commented that there are no federal funds for this project, and there are no requirements. Steve gave his copy of the letter from Mr. Gimmow which includes contact information to Scott and encouraged him to contact Mr. Gimmow.

Scott also pointed out that near the lot lines on the river front will be straighter. Steve also asked about the lift station, and what will be done regarding noise, landscaping, etc. Lonnie outlined the area on the map where the sewer lift station would be located, and commented that screening be done to camouflage the station due to its forefront location.

Brian clarified that this proposed trail system should be tied into the existing trail. Brian spoke to Scott about maintaining the natural vegetation while working in this area to protect the beauty of the area during the course of construction.

Motion by Larry Mendenhall, Planning Commission grants preliminary approval for Highland Hollow subdivision subject to staff and the following conditions: 1) To include a grading plan at the lot level showing elevations, 2) To take all steps

necessary to conceal sewer lift station, 3) To address the concerns of Mr. Gimmow regarding impact on raptors and to the road impact study, 4) To preserve and protect as much of the natural vegetation during construction.

Second by Brian Braithwaite.
Unanimous vote, motion carried.

Item 7: Beacon Hill Plats G, H & J - Preliminary

Mc Kay Christensen Preliminary plat approval for plats G, H and J. About 181 lots. McKay had questions regarding the open space. Staff verifies that the trail will be connected to the Twin Bridges trail. Steve and Staff point out there should be a change of verbiage on the plan to show “Public Open Space” and “Public Trail”.

McKay asked that the balance of open space from A-F be granted to this development as per a previous agreement. Staff has made that recommendation and Commission recognizes this request.

Robert Augenstein stated his concern about the access road to be located at 6160 West. Robert Augenstein would like the road shifted to as not be solely his property. Robert Strang is the other property owner that would be impacted by the proposed road. Staff advises that there may be an opportunity to make changes to a few lots, to move the placement of the access road not to impose upon the single lot owned by Robert Augenstein.

Mayor stated his concerns for the lot owners to the south that they may not have road access.

Motion by Brian Braithwaite, Planning Commission grants preliminary plat approval for Beacon Hill Plats G, H and J subdivisions, subject to staff and Planning Commission conditions and recommendations and to include working with property owners Augenstein and Strang regarding the location of south west access onto 6160 West.

Second by Jennifer Tucker.
Unanimous vote, motion carried.

Item 8: Code Amendment - Building Height, Review and Recommendation

Steve Draper commented on the consistency of the Code amendment. Brian Braithwaite stated that the drawing clarify any questions that might arise.

Motion by Jennifer Tucker, Planning Commission recommends City Council approve the following Code Amendments:

- 3-4105: Height of Buildings.**
- 3-4205: Height of Buildings.**
- 3-4308: Building Height.**
- 3-4405: Height of Buildings.**
- 3-4507: Building Height.**
- 3-4745: Building Elevation.**
- 3-4907: Building Height.**
- 3-41007: Building Height.**
- 10-102: Definitions.**

as recommended by staff subject to amendments and additions to the Development Code as recommended by staff.

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

**Item 9: Code Amendment - Conveyance of Water,
Review and Recommendation**

Lonnie explained that this is a recommendation of the Water Board and the City Administrator. Steve clarified the purpose and definition of this Code.

Motion by Larry Mendenhall, Planning Commission recommends City Council approve the code amendment to section 5-8-112, Water Rights Conveyed to the City subject to amendments and additions to develop code by staff.

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

**Item 10: Code Amendment - Open Space & Park Zone,
Review and Recommendation**

Steve Draper questioned a need for this code. Lonnie Crowell clarified that we currently do not have an open space zone and there are some areas within Highland that would need to be protected.

Steve made comments regarding the Permitted Uses, and the Conditional Uses. He was concerned that they are somewhat contradictory.

Lonnie said if we were to rezone the flood zone, ownership of any property would not be affected. If that were to happen, this code would assist to protect our open space and parks that we own. Also to protect geological features that may cause issues with the City if they are not protected.

Larry Mendenhall asked if a Conservation Easement could be included in the open space.

Lonnie says that it could be. Larry clarified that a Natural Conservation area is unimproved open space.

Steve suggested that the Planning Commission will make recommendations to the code amendment.

Motion by Brian Braithwaite, Planning Commission continue the Code Amendment of Open Space & Park Zone to the next scheduled agenda.

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

Item 11: Approval of meeting minutes for March 22, 2005

Motion by Brian Braithwaite, Planning Commission grants approval of the meeting minutes for March 22, 2005 as amended.

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

Meeting adjourned at 8:50 p.m.