

# Highland City Planning Commission July 26, 2005

**Present:**

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

City Administrator: Barry Edwards  
City Engineer: Matt Shipp  
City Planner: Lonnie Crowell  
Secretary: Jennifer Davis

**Excused:** Bryce Flanary, Gwyn Franson

Meeting Convened at 7:09 p.m.  
Prayer by: Brian Braithwaite  
Pledge by: Jennifer Tucker

**Visitors:** Keith Leavitt, Steve Tripp, Eric Gustafson, Kelly Ellis, Daniel Hooge, Paul Tippetts, Launa Allphin, Stephen Allphin, Blair Squires, Lynn Rindlisbacher, Day Christensen, Mayor Jess Adamson.

**Item 1: Castle Builders Model Home - Conditional Use & Public Hearing**

Keith Leavitt is representing Castle Builder Homes, and is requesting a conditional use permit for a model home at Beacon Hills, Blessing Rock subdivision. Steve Draper asked if Keith was aware that the situation with the rock wall that is non-compliant to the code. Keith says he was made aware of the problem just prior to this meeting and also said that if there is a problem there that he would be willing to solve the problem. Lonnie Crowell spoke of previous conversations taken place during the redline process in regards to the wall. Lonnie said that Keith will need to make changes to the wall so it is not taller than four feet tall. Keith again stated that he would be willing to make the change to the wall to be in compliance with the code.

Steve opened the public hearing. With no comments from the public, Steve closed the public hearing and brought the discussion back to the commission.

Keith commented that there would be 1 to 2 employees working at the model home. Steve also reviewed the requirements for parking, and Keith agreed to

provide parking off the streets. Brian Braithwaite asked Keith regarding other homes under construction in Highland. Keith replied that he has 3 other lots in this subdivision and has plans to acquire property and build other homes in Highland. Keith commented that he has built 8-10 other homes in the area.

Brian also asked if Keith was aware of the sign ordinance. Keith responded by saying he was aware of the sign ordinance and would comply.

**Motion by Mike Walch, Planning Commission to recommend to City Council grant the Conditional Use Permit to Castle Builders subject to conditions, and comments as provided by Commission and Staff.**

**Amended motion by Larry Mendenhall, Planning Commission to recommend to city council to grant the Conditional Use Permit to Castle Builders subject to conditions, and comments provided by Commission and Staff based on the finding of fact that the applicant has read through ordinance 3-4108 and agrees to comply with the regulations of that ordinance.**

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

Steve Draper suggested to Keith that it would be good to have made the changes to the retaining wall prior to going before the City Council.

**Item 2: Alpine Homes Model Home - Conditional Use & Public Hearing**

Alpine Homes did not have a representative present at the meeting. Steve opened the public hearing to take comment in regards to the Alpine Homes Model Home. With no comments from the public, Steve closed the public hearing and brought the discussion back to the commission.

**Motion by Jennifer Tucker to continue the matter until later Planning Commission Meeting a representative from Alpine Homes comes before the Planning Commission.**

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

**Item 3: Aspen Hollow - Final**

Lynn Rindlisbacher shared the background information with regards to Aspen Hollow. He states that the lot number 7 owns the property to the north end of the subdivision. Lynn says that he had presented the information and requested a

variance from the Board of Adjustments. Lynn is interested in purchasing the property from the owner of lot number 7, however at this time there has been no agreement reached.

Steve Draper opened the floor to the public, for public comments. Blair Squires stood to express his concern that Keith has 1/3 acres properties, but surrounding areas have 1/2 acre lots. Lynn replied that the development does meet the zone requirements. Steve Allphin, the resident that owns the property looking to be obtained from Lynn, stood to ask the Commission to reconsider the decision to allow for 3 homes. Steve Draper commented that Lynn does fall within the R-1-20 zoning, and can allow for the subdivision as proposed, but can make suggestions to Lynn. Hearing no further comments, Steve closed the public hearing. Steve also recommended to Steve Allphin to contact Highland City to be notified of the future Board of Adjustments meetings.

Brian Braithwaite states his concern for Lot 1, saying that the placement of the home would most likely have to face 6800 West, which would feel out of place in comparison to the other homes. Lynn's response was that it will be the proposed spot for a model home, which will be fully landscaped. Lynn also states that the West facing homes seem to be more desirable. Brian rebutted stating that lot number 1 would not provide for a large back yard. Larry Mendenhall suggested that Lynn consider taking those 3 lots, and instead dividing that area into 2 lots, and price accordingly. Lynn said that he is considering this suggestion, but no definite decision has been made as of yet.

Brian asked if the amount asked for by Steve Allphin would be reconsidered if the proposed development were to change from 3 lots, to 2 lots. Steve Allphin replied that he would be willing to reconsider the offer for purchase the land that he currently owns if there were to be a change of the number of lots in this area.

Steve Draper suggested that the two parties involved continue to talk to try to work out a solution to the current problem to avoid further contention and to be in the best interest of the new home/lot owner. Steve also commented that this matter should be passed on to City Council for their decision based on their legislative power. Brian also said that the Board of Adjustments has yet to make a decision on this matter.

Motion by Larry Mendenhall, Planning Commission to recommend to City Council to grant Final approval for Aspen Hollow Subdivision subject to 1) to all condition of staff 2) And recommend CC consider the option of reducing the lots fronting 9500 North from 3 to 2 or having the parties resolve the property dispute, or allowing in the event that neither of those will work, allowing the board of adjustments to rule in regards to the change of the set backs.

No second.  
Motion died.

Discussion continued in regards to the wording of the motion. Barry pointed out that lot number 3 does not provide the allowed frontage, and does not meet the R-1-20 requirements, and states that he does not recommend passing the motion until either the dispute is resolved, the property was realigned, or wait to hear back from the Board of Adjustments makes their decision with regards to the requested variance.

**Motion by Mike Walch, based on findings of fact 1) The proposed lots 1 and 2 are in compliance to the frontage requirements 2) lot 3 has insignificant frontage and is not in compliance, Planning Commission recommends to City Council to grant final approval for Aspen Hollow Subdivision subject to conditions noted in Staff Report, and lot 3 being brought into compliance, either by a variance granted by the Board of Adjustment or an acquisition of additional property from lot 7 of Sierra Trails, or a reconfiguration of lots 1, 2, and 3 to make 2 lots that would both be compliant.**

**Second by Larry Mendenhall  
Unanimous Vote, Motion carried.**

**Item 4: Highland Towne Center Business Park Plat Amendment -  
Public Hearing and Recommendation**

Paul Tippetts is requesting the amendment to existing Highland Towne Center Business Park Plat. Paul questions the Bonding for the Park Strip, as well as the completion of the road. Paul is requesting that he would be responsible for the bonding for the street improvements, while the improvements for the park strip would be a different bond to be provided by Eric Gustafson.

Brian Braithwaite spoke of the agreement that lot 8 will be acquired by Highland City. Barry clarified the agreement to acquire lot 8 for the exaction fees, and cost of the improvements made to the road. Discussion continued regarding the exchange of property and the exaction fees. Steve Draper suggested that the property owners meet with Staff with regards to this matter to further discuss and make clarifications on the agreement.

Public hearing took place at the last Planning Commission meeting, but Steve Draper said that he would be willing to listen to public comments. There were no comments made by the public.

**Motion by Brian Braithwaite, Planning Commission recommends to the City Council to approve the Highland Towne Center Business Park Plat Amendment subject to all conditions of staff. Motion amended by Brian to reflect the separation of responsibility for bonds for the street**

improvements and the park strip improvements.

**Second by Mike Walch  
Unanimous Vote, Motion passes**

**Item 5: Master Trails Map Amendment & General Plan Amendment -  
Review and Recommendation**

Lonnie shared the background to the proposed request. Lonnie showed the aerial photograph with the proposed amendment to the trail outlined. The proposed trail will be aligned with a designated "future park". Barry commented that he has discussed with the property owners an exchange of property to allow for trail to be added between properties, but that they were not interested. Barry explained that he would not like to abandon the existing trail, but to add an alternate trail. Discussion ensued regarding the placement of the proposed trail.

Day Christensen commented that the master plan as proposed is not feasible because of the steep angle of the path, a pond crossing, the path would continue through his property and more steep angles following that. Day also mentions he is a strong supporter of the trail systems and that the other alignment is more feasible and supports this new proposal even though he would lose some of the privacy to his lot.

Day also included that there is a landscape easement that extends all the way down to 11000 North, and would be willing to place a trail on this area if it would be feasible. Barry expressed that getting to a resolution for the placement of the south end of the trail would need to take place. Steve Draper commented that the 60 foot cliff would not support the trail as in the existing general plan. Discussion continued with regards to not abandoning the trails as is, and consider taking the existing trail to the north connecting it to Draper Hollow.

Staff suggests gathering onsite to investigate the proposed change of alignment of the trail systems.

**Motion by Brian Braithwaite, Planning Commission to continue the discussion based on the finding of fact that Staff is going to come back to the Planning Commission with further recommendations.**

**Second by Jennifer Tucker  
Vote in favor by Jennifer Tucker, Brian Braithwaite, Larry Mendenhall, and Steve Draper.  
Mike Walch abstained from voting.**

**Item 6: Approval of Meeting Minutes for July 12, 2005**

**Motion by Larry Mendenhall, Planning Commission approves the meeting minutes for July 12, 2005 as amended.**

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

Meeting adjourned at 8:57 p.m.