

1 curb for a fence four feet in height and 30 feet back for a fence six feet in height.
2 The applicant is asking for a setback with measurements that vary from 6.16 feet
3 to 35 feet.

4
5 Larry Mendenhall asked if the commissioners had any comments and Jerry
6 Gorrell said he'd like to hear from the applicant.

7
8 Ivan Winder explained that the lot is an unusual shape. It's on a cul de sac that
9 only has four homes. The proposed fence meets the ordinance requirements for a
10 side yard, and the applicant considers this a side yard, not a front yard. He added
11 that the applicants had spoken to the neighbors, who indicated they had no issues
12 with the proposed fence. He said the neighbors were present at the meeting.

13
14 Roger Dixon observed that it was implied in the comments from staff that they
15 don't consider it a side yard. Ivan Winder agreed. Roger Dixon then asked if the
16 applicant had considered an open fence. Jennifer Winder replied that they have
17 six children and feel they need a privacy fence.

18
19 Jennifer Winder explained that when they purchased the house, it had never
20 occurred to them that the yard to the north was the front yard. She said their
21 home has a window facing this yard, whereas the front yard has no window
22 facing it at all. She added that only three neighbors would see the fence.

23
24 Jennifer Winder said she read the agenda, and saw that concerns were expressed
25 about setting a precedent. She observed that, in her opinion, if there were other
26 lots like hers in Highland, it would be a good precedent. She added that if she
27 built the fence to the ordinance, she would see nothing but fence when she looked
28 out her window.

29
30 Elizabeth Macfarlane said she'd gone out and looked at the lot. She observed that
31 her own lot is very similar and that granting a variance in this instance wouldn't
32 set a precedent because she already has such a fence four feet back. She added
33 that she saw nothing wrong with this request.

34
35 Roger Dixon asked Lonnie Crowell his opinion of the lot. He replied that one
36 consideration is that the front of the lot must have 130 feet of frontage.

37
38 Roger Dixon said he'd driven by the lot and to him it seemed like there was
39 sufficient reason to grant a variance. He agreed with the applicant that this would
40 be a good precedent to set for lots of this shape. However, he also told the
41 applicant that he'd recommend an open fence that would curve around the cul de
42 sac.

43
44 Roger Dixon asked Lonnie Crowell about frontage. Lonnie Crowell explained that
45 a fence over four feet in height couldn't be approved by the Planning Commission

1 on any portion of the lot determined to be the front, even with a variance. A
2 request for a taller fence in front would need to go to the Appeal Authority.

3
4 Jennifer Winder said that would only be a small piece in front if the commission
5 were to treat the rest as a side yard and Lonnie Crowell agreed.

6
7 Larry Mendenhall expressed concern that the Planning Commission didn't have
8 enough facts. Ivan Winder asked what facts the commissioners would need and
9 Larry Mendenhall replied they would need more facts to help them determine
10 whether it's a front or a side yard.

11
12 Jennifer Winder observed that all the applicants could do was show the
13 commissioners the lot and see whether they agreed with the applicant about the
14 yard designations. She observed that their fence application would be within the
15 ordinance if the yard to the north could be considered a side yard.

16
17 Larry Mendenhall reiterated that even if the commission were to consider it a side
18 yard, the applicants would have to keep the fence at four feet in height to the
19 point identified as 23.3 feet on the slide. Ivan Winder said another option would
20 be for them to go 30 feet back for a six foot fence. Larry Mendenhall said they
21 could keep the fence six feet in height if they were to go 31 feet back.

22
23 Roger Dixon asked for clarification on what the appeal process would be if the
24 commission were to deny the applicants' request, and Lonnie Crowell said in that
25 case the applicants could go to the Appeal Authority.

26
27 Jennifer Winder said they would prefer to set the fence back farther in the front
28 because they don't want two different fence heights, and Jerry Gorell said that
29 would be fine.

30
31 Ivan Winder asked if the commission could grant that it's a side yard from 23.3
32 feet over.

33
34 Larry Mendenhall suggested that instead of mentioning the 23.3 measurement,
35 the commission should specify in a motion that the lot frontage needs to be 130
36 feet and that wherever that occurs, after 130 feet measured left to right, the fence
37 will have to meet the setback required by the ordinance if the applicant wants a
38 six foot fence there. After 130 feet, the remainder would be considered a side
39 yard.

40
41 Jerry Gorrell asked in that case if this item really constitutes a variance, and
42 Lonnie Crowell confirmed that it does, inasmuch as the commission needs to
43 determine whether this is a side yard or not.

44

1 Elizabeth Macfarlane said it clearly is a side yard, but Larry Mendenhall
2 disagreed, asking why a side yard would be placed so close to a cul de sac.

3
4 Brent Wallace arrived.

5
6 Jennifer Winder asked if the front yard setback is 31 feet from the sidewalk for a
7 6 foot fence and Lonnie Crowell confirmed that it is.

8
9 **Motion by Roger Dixon, Planning Commission to approve the Winder fence**
10 **variance request provided that the applicant complies with the 130 foot frontage**
11 **requirement for an R-1-40 lot. The Planning Commission finds that the yard to**
12 **the north is a side yard after 130 feet. Under this finding, the applicant must stay**
13 **within the fencing ordinance, meaning that if they build along the front yard they**
14 **must use the 30 foot setback if they want the fence to be six feet in height.**

15
16 **Seconded by Jerry Gorrell.**

17
18 **Motion passed with Roger Dixon, Elizabeth Macfarlane, Larry Mendenhall and**
19 **Jerry Gorrell voting in favor and Brent Wallace abstaining.**

20
21 Larry Mendenhall suggested a brief discussion regarding fence variances before
22 the commission moved on to Item 2.

23
24 Larry Mendenhall and Roger Dixon both said it might make more sense for fence
25 variance applications to go to the Appeal Authority.

26
27 Lonnie Crowell informed the commission that, contrary to its recommendation,
28 the City Council passed the proposed code change regarding fence variances, so
29 they will be heard before the Appeal Authority from now on. The Winder variance
30 request came to the commission because it was submitted before the code change
31 was approved.

32
33
34 **Item 2: Olsen Estates ~ Public Hearing & Preliminary Subdivision Approval**

35
36 Larry Mendenhall invited Lonnie Crowell to speak about this subdivision.

37
38 Lonnie Crowell thanked the applicant for a nice proposal. Jerry Gorrell agreed the
39 proposal seemed very positive.

40
41 Larry Mendenhall commended the applicant on a job well done, and opened the
42 public hearing.

43
44 There were no comments from the public.

45

1 Larry Mendenhall closed the public hearing.

2
3 **Motion by Jerry Gorrell, Planning Commission to recommend preliminary**
4 **approval of the Olsen Estates subdivision as per the recommendations of staff.**

5
6 **Seconded by Elizabeth Macfarlane.**

7
8 **Unanimous vote, motion carried with Roger Dixon, Elizabeth Macfarlane, Brent**
9 **Wallace, Larry Mendenhall, and Jerry Gorrell voting in favor.**

10
11
12 **Item 3: Town Center Overlay Code Amendment ~ Discussion**

13
14 Larry Mendenhall explained that this is a discussion item. He said he's read the
15 materials included with the agenda but has not had time to digest them. He read
16 the Summary Statement for this item from the agenda. Larry Mendenhall
17 concluded by saying he didn't feel he'd digested the issue enough to discuss it
18 intelligently yet.

19
20 Brent Wallace asked the other commissioners and staff what brought the
21 moratorium on, and why was there a need for such a substantial revision?

22
23 Lonnie Crowell explained that under the old ordinance, it was difficult for staff,
24 the Planning Commission, the City Council, and applicants who were trying to
25 open businesses in the Town Center. Some crucial details were missing, such as
26 what was expected architecturally. There were a few projects that came back
27 many times trying to get architectural approval. Staff and City Council recognized
28 that things were going in the wrong direction with applications.

29
30 Lonnie Crowell added that the modification will help staff apply Town Center
31 ordinances and will help applicants understand what's expected. He said some of
32 the details had been left vague purposely, hoping that architects would read the
33 ordinance and be able to understand the city's desires, but that didn't prove to be
34 the case.

35
36 Jerry Gorrell asked if the changes need to be complete by June 5, when the
37 moratorium lifts. Lonnie Crowell said no.

38
39 Roger Dixon asked if the moratorium will be extended. Lonnie Crowell said it
40 could be. He said there's one application currently out, with which the
41 commission is familiar. One other might come in before the changes are finalized.
42 He added he saw nothing wrong with the commission taking its time and getting
43 the details right.

1 Larry Mendenhall said that staff, and Lonnie Crowell in particular, have been
2 working on the revisions for six months. He said Lonnie's done a great job. He
3 advised the commissioners that their task will be to review the design standards
4 and tie them together with everything else so the amendment is consistent.

5
6 Larry Mendenhall indicated he would entertain a motion to continue this
7 discussion at the next meeting.

8
9 Roger Dixon asked what the format would be for the next discussion. Will the
10 commission review the ordinance paragraph by paragraph? Larry Mendenhall
11 suggested it should be line by line. He asked Lonnie Crowell if it would be
12 necessary to hold a public hearing and review the whole document at the next
13 meeting.

14
15 Lonnie Crowell suggested that the next meeting should include a discussion for
16 the commission only, followed by a work session. Then the public hearing will be
17 held, and then the commission will make its recommendations.

18
19 Brent Wallace asked if it wouldn't be prudent to have a work session first. Larry
20 Mendenhall suggested that if the commissioners were all familiar with the
21 document, they could cover it in an hour at their next public meeting. Then they'd
22 be more effective in a work session.

23
24 Discussion ensued about what was included in the documentation provided and
25 what naming conventions were used.

26
27 Larry Mendenhall suggested that the questions the commission needs to consider
28 for the next meeting are, What is a Gateway? And, What can go in a Town
29 Center?

30
31 Brian Braithwaite arrived.

32
33 **Motion by Roger Dixon, Planning Commission to continue the discussion on the**
34 **Town Center Overlay Code Amendment at its next meeting.**

35
36 **Seconded by Jerry Gorrell.**

37
38 **Motion passed with Roger Dixon, Elizabeth Macfarlane, Brent Wallace, Larry**
39 **Mendenhall, and Jerry Gorrell voting in favor and Brian Braithwaite abstaining.**

40
41
42 **Item 4: Approval of Meeting Minutes for May 8, 2007**

43
44 Larry Mendenhall informed the commissioners about Hardy Baum's death on May
45 9, after he'd attended the Planning Commission meeting the night before.

1

2 **Motion by Brian Braithwaite, Planning Commission to approve the Meeting**
3 **Minutes for May 8, 2007 as amended.**

4

5 **Seconded by Brent Wallace.**

6 **Unanimous vote, motion carried.**

7

8

9 Meeting adjourned at 8:08 p.m.