

Highland City Planning Commission

November 14, 2006

Present:

Commissioner: Larry Mendenhall
Commissioner: Jennifer Tucker
Commissioner: Brian Braithwaite
Commissioner: Brent Wallace
Commissioner: Elizabeth Macfarlane
Commissioner: Roger Dixon
Commissioner: Jerry Gorrell

City Administrator: Barry Edwards
City Engineer: Matt Shipp
City Planner: Lonnie Crowell
Assnt. Planner: Hannah Thiel
Secretary: JoD'Ann Bates

Meeting convened at 4:30 pm

Item 1: Highland City Planning Commission Orientation

7:00 pm Regularly Scheduled Planning Commission Meeting

Prayer given by: Jerry Gorrell
Pledge given by: Hannah Thiel

Visitors: Chris Dalley, Bonnie Thompson, Delwin Thompson, Cecilee Nelson, Jason Nelson, Steve King, Jerilene Symmes, Amy Symmes, Brad Mackay, Craig King, Guy Blain, Jeff Throckmorton, Kay Patten, Don Patten, Howard Bangerter.

Item 2: Coventry Homes Model Home – Conditional Use Permit

Larry Mendenhall reviewed the information for the proposed Conditional Use Permit.

Hannah Thiel stated that staff would like to remind the applicant that the subdivision must be recorded before requesting a building permit for the model home and they follow the conditions set forth in the ordinance.

Applicant was not present.

Motion by Roger Dixon, Planning Commission required the item be re-advertised at the request of the applicant.

Seconded by Elizabeth Macfarlane.

Item 3: Ivory Homes Model Home - Conditional Use Permit and Public Hearing

Larry Mendenhall reviewed the information for the proposed Conditional Use Permit.

Hannah Thiel stated that staff recommendation is the original model home be vacated prior to the use of the new model home. Hannah also stated that staff requires the sign ordinance be strictly adhered to for signage for the development.

Brad Mackey of Ivory Homes indicated that they are aware of the sign issue and do not have a problem with the conditions, they also would comply with closing the existing model home as soon as the new model home is built.

Brian Braithwaite inquired as to the amount of traffic currently attending the model home. Brad Mackey stated there are approximately 10 people a day that visit the model. Barry Edwards indicated that in driving by the current model home there doesn't seem to be any more traffic or cars than the current neighbors. Brad stated that normally they reserve a lot next to the model home for extra parking. This model home will have a 3 car garage and an extra driveway. Brain inquired if the applicant understands the ordinance regarding the hours of operation due to the location of the home. Brad stated they would comply with the ordinances for hours of operation.

Jennifer Tucker stated a concern that once the subdivision is sold out that the home remains open in order to show a specific floor plan for other areas. Brad Mackey stated that they do have an additional phase in that area that it would continue to serve.

Jerry Gorrell inquired as to the number of employees that would be in this home at a time. Brad Mackey stated they only have one employee sometimes two on the weekends.

Larry Mendenhall opened the public hearing. Hearing no comments Larry closed the public hearing and brought the item back to the commission for further discussion.

Motion by Jennifer Tucker, Planning Commission recommends City Council grant a Conditional Use Permit to Ivory Homes Mode Home located at 11452 North Maple Hollow Court subject to all staff recommendations as follows 1) The home meet all zoning regulations pertaining to model homes 2) Section 3-4748(3) be strictly followed with emphasis on signage and that the existing sign Highland Blvd be

removed 3) the existing model home be returned to a home for sale per the ordinance as identified within 30 days after the proposed model home is opened 4) All signage at the current model home be removed before the proposed model home is opened 5) The realtor for the proposed model home only place signs on the property of the proposed model home as per the ordinance.

Seconded Brent Wallace.

Motion to Amend: Brian Braithwaite moved to include an emphasis on 3-4108(14)(c) Off street parking shall be provided such that it does not impede, disrupt, or cause hazard to the flow of traffic or pedestrians.

Seconded by Jerry Gorrell. Motion to amend passed by unanimous vote.

Amended Motion: Planning Commission recommends City Council grant a Conditional Use Permit to Ivory Homes Mode Home located at 11452 North Maple Hollow Court subject to all staff recommendations as follows 1) The home meet all zoning regulations pertaining to model homes 2) Section 3-4748(3) be strictly followed with emphasis on signage and that the existing sign on sign on Highland Blvd be removed 3) the existing model home be returned to a home for sale per the ordinance as identified within 30 days after the proposed model home is opened 4) All signage at the current model home be removed before the proposed model home is opened 5) The realtor for the proposed model home only place signs on the property of the proposed model home as per the ordinance 6) An emphasis on 3-4108(14)(c) Off street parking shall be provided such that it does not impede, disrupt, or cause hazard to the flow of traffic or pedestrians.

Amended motion passed by unanimous vote.

Item 4: CR Zone – Architectural Review and Approval

Lonnie Crowell stated that Tom Hulbert is requesting architectural approval for office and retail buildings to be located in the CR Zone located at the corner of SR92 and SR74. Lonnie stated that the applicant has requested that the large grocery anchor not be included in this review and approval of the architecture.

Lonnie Crowell reviewed the architecture of each building in detail.

Barry Edwards reminded the commission that normally the architectural review is approved by the Planning Commission, but in the CR zone the architectural review proceeds to the City Council for approval.

Larry Mendenhall indicated that he feels there needs to be something done to building D. He feels that being the corner of Highland he's not sure it is what they want to see in that location.

Discussion ensued regarding additional landscaping around the grocery anchor.

Motion by Brent Wallace, Planning Commission recommends City Council approve the architecture for the buildings in the CR Zone per recommendations of staff excluding the grocery anchor and building D until color rendering can be provided to and to include the additional recommendations 1) The roof line on the inline building have more variety 2) there be more plants along the entire grocery anchor building and the inline building to soften the look 3) The trees be at least medium size maturity with a caliper of 2 ½ to 3" at the beginning.

Seconded by Roger Dixon.

Larry Mendenhall, Brian Braithwaite, Brent Wallace, Elizabeth Macfarlane, Roger Dixon and Jerry Gorrell voting in favor with Jennifer Tucker voting opposed. Motion carried.

Item 5: CR Zone – Final Subdivision Approval

Hannah Thiel reviewed the conditions and recommendations of the proposed subdivision. Hannah stated that one of the newer conditions is that the developer work with UDOT due to the possibility of them widening SR92. The widening of SR92 will impact the frontage for the parkway detail.

Discussion ensued.

Lonnie Crowell recommended they allow a walkway break in the wall to the west of the proposed plat to allow pedestrians from the subdivision to access the shopping area without having to walk along SR92.

Brent Wallace had a concern as to allowing that access. He felt there is a potential problem with kids that would shoplift and using that exit to leave the area easier and vehicles would not be able to follow them through that access.

Brian Braithwaite stated that due to the proximity of the existing homes he would not be in favor of that request.

Discussion ensued regarding economic information regarding commercial developments.

Jerry Gorrell stated a concern that he would be reluctant to approve a subdivision where there is an approved code but no where to put it. The property in question

has not been approved for the CR Zone, this property is still zoned an R-1-40. He would like to propose that the commission wait until they see that the City Council has addressed this issue.

Larry Mendenhall stated that this final approval will continue to the City Council and unless the CR Zone is allowed to be attached to the specific property on the corner of SR92 and SR74, this approval will be a moot point. He does not see a problem with passing this on to City Council.

Discussion ensued.

Motion by Brian Braithwaite, Planning Commission recommends City Council grant final approval for the Highland Market Place Subdivision subject to all staff Condition and Recommendations as well as previous Planning Commission recommendations.

Seconded by Brent Wallace.

Motion to Amend: Jennifer Tucker moved to eliminate the access through the wall.

Seconded by Brian Braithwaite. Motion to Amend passed by unanimous vote.

Amended Motion: Planning Commission recommends City Council grant final approval for the Highland Market Place Subdivision subject to all staff Condition and Recommendations as well as previous Planning Commission recommendations and eliminate the access through the wall.

Motion passed with Larry Mendenhall, Brian Braithwaite, Jennifer Tucker, Brent Wallace, Elizabeth Macfarlane and Roger Dixon voting in favor with Jerry Gorrell voting opposed.

**Item 6: Throckmorton Property – General Plan and Zone Map Amendment
& Public Hearing**

Larry Mendenhall reviewed the information regarding the proposed amendment.

Hannah Thiel stated this property is located in the Horizon Estates Subdivision. This property currently is part of a the subdivision that is non-conforming. He is wishing to divide his one acre lot it would be consistent but would be non-conforming.

Larry Mendenhall continued to further review the background of the proposal.

Discussion ensued.

Jeff Throckmorton stated this is his primary residence and by doing this it would allow him to have a more modern home. Currently the access to this property is off 4800 West by doing this it would change that access to come off the interior street of Ole Bish Lane. He feels that having two modern homes on that corner would be consistent and in harmony with the current subdivision.

Larry Mendenhall opened the public hearing.

Kay Buhler owns the lot next to this proposal, she inquired if the proposed change would affect the animal rights in that area. Lonnie Crowell stated that it would affect the proposed lots due to the fact that it would reduce the square footage needed for large animals but would not affect any other lots.

Howard Bangerter stated that the lot the commission is looking at along with others are some of the oldest lots in Highland. He feels with the way the community has grown around those lots has given them additional roads and availability for better access for those lots. What's been approved by the city in the last few years has reduced the footprint of the lots in that area. He has felt the pinch with his home and can see that in the future the pinching of the old residents will continue and that in approving this it will help those older lots become consistent with what is around them.

Brent Wallace stated he feels the commission needs to be concerned with setting a precedence but based on the current lots in that area being 20,000 square feet, he feels by making one more it is not going to set a precedence in this neighborhood.

Jennifer Tucker stated that it may not have an immediate impact on the subdivision but she feels that it will open the door for future requests.

Discussion ensued.

Larry Mendenhall stated that the percentage of home between 20 & 30 thousand square feet is already at 25% allowed by the ordinance. By approving this request they would create a non conforming subdivision.

Barry Edwards stated that it is not only the lot size that would cause a non conformance but it would exceed the number of lots permitted in that subdivision.

Brian Braithwaite addressed Mr. Throckmorton commenting that the commission has had several individuals come before the commission with a similar request. Although it feels that the city is becoming tighter with the smaller lots and the amount of homes being built, the homes still average out to the overall one home per acre. Brian indicated his concern as to how it would

impact the city and other individuals in the city, and sees a huge ripple affect with individuals proposing a similar change. Brian concluded that at this time he cannot see a compelling reason to justify this request.

Motion by Brian Braithwaite, Planning Commission recommends City Council not grant a General Plan & Zone Map Amendment for the property located at 10492 North 4800 West, based upon the finding of fact that 1) The number of lots in this subdivision by granting this would exceed the lots allowed by city ordinance, 2) The lots in this subdivision currently exceed the zoning in the area and this would aggravate that condition, 3) There is an established precedence of not dividing lots in subdivisions that have similar configuration and circumstances.

Seconded by Jerry Gorrell.

Larry Mendenhall, Brian Braithwaite, Jennifer Tucker, Elizabeth Macfarlane, and Jerry Gorrell voting in favor with Brent Wallace and Roger Dixon voting opposed. Motion carried.

Item 7: Grapevine Estates Phase 2 – Preliminary Subdivision Approval & Public Hearing

Larry Mendenhall reviewed the background for this proposal

Hannah Thiel stated that some of the acreage used for the overall calculation is part of the existing right-of-way.

Barry Edwards stated that the ordinance states that any area of the property that is currently under oil cannot be counted in the overall calculations.

Delwin Thomson addressed the commission and stated that the lots across the street match up with what they are proposing. Initially they wanted to just build one home. By dividing it with one lot they were informed they would be responsible to install the curb and gutter around the entire property. He continued that they were told there was a possibility of dividing into 3 lots and recording only lot one leaving lot 2 and lot 3 as it is currently. They would like to maintain as much property as possible due to the existing full grown trees that would need to be removed if forced to install curb and gutter all along 6150 West. In order to do that they were told to do it with a three lot subdivision.

Barry Edwards stated that at the Design Review Committee meeting it was indicated that it may be possible for three lots. With the new configuration they were not sure on the numbers. Once staff had a chance to look at all the numbers it was determined that there was not enough property for three lots. Barry continued to state that had they subdivided when Grapevine Estates was first

going through the process they could have had 3 lots. The City Council has subsequently changed the ordinance to limit the size of small lots that is allowed.

Jerry Gorrell inquired regarding the issue with the trees.

Delwin Thomson stated that by installing the sidewalk it would take out 14 -15 mature trees. He would not mind putting in the curb, bringing the asphalt to the curb, but not installing the sidewalk.

Barry Edwards stated that option would have to be a decision by the City Council to defer it by bonding the sidewalk and tying the installation of the sidewalk to a future event.

Discussion ensued.

Larry Mendenhall opened the public hearing. Hearing no comments, Larry closed the public hearing and brought the issued back the commission for further discussion.

Motion by Brent Wallace, Planning Commission grant preliminary approval to the Grapevine Estates Phase 2 per the Conditions and Recommendations of staff as follows, 1) that they meet the minimum requirements for the square footage of the lots, 2) the applicant adhere to the dust and mud prevention plan including a staging area and washout area to remedy the chances of tracking dirt into the right-of-way, 3) the improvements along 9600 North and 6150 West will be required with subdivision development, 4) The applicant complete the remaining requirements for the final plat as per the checklist, 5) The applicant obtain a demolition permit prior to removing the existing home on lot 3 if they plan to remove it, and to include 6) Subdivision be reduced from 3 lots to 2, 7) A bond be submitted for the future sidewalk, 8) The applicant install the curb at this time.

Seconded by Elizabeth Macfarlane.

Motion to Amend: Brian Braithwaite moved to include the finding of fact that the proposed subdivision does not meet the current square footage, only two lots would be allowed per the ordinance and the applicant work with staff on the bond issue for the sidewalk making it triggered by a specific event. Seconded by Roger Dixon. Motion to Amend passed by unanimous vote.

Amended Motion: Planning Commission grant preliminary approval to the Grapevine Estates Phase 2 per the Conditions and Recommendations of staff as follows, 1) that they meet the minimum requirements for the square footage of the lots, 2) the applicant

adhere to the dust and mud prevention plan including a staging area and washout are to remedy the chanced of tracking dirt into the right-of-way, 3) the improvements along 9600 North and 6150 West will be required with subdivision development, 4) The applicant complete the remaining requirements for the final plat as per the checklist, 5) The applicant obtain a demolition permit prior to removing the existing home on lot 3 if they plan to remove it, and to include 6) Subdivision be reduced from 3 lots to 2, 7) A bond be submitted for the future sidewalk, 8) The applicant install the curb at this time, based on the finding of fact that the proposed subdivision does not meet the current square footage, only two lots would be allowed per the ordinance and the applicant work with staff on the bond issue for the sidewalk making it triggered by a specific event.

Amended motion passed by unanimous vote.

Item 8: Highland City Sign Ordinance – Discussion

Hannah Thiel reviewed information regarding this issue. By ordinance the city can charge \$100. 00 in order to get a sign back that has been picked up by the city; this is not currently being enforced. The issue is if the city would like to move in the direction of enforcing that code or move in a different direction.

Discussion ensued.

Barry Edwards commented that the city has a new prosecutor and suggested giving him and opportunity to look at this situation, he may have some different ideas on how we can work with this issue.

Motion by Brian Braithwaite, Planning Commission moves to continue this item to a future agenda.

**Seconded by Brent Wallace.
Unanimous vote, motion carried.**

Item 9: Approval of Meeting Minutes for October 10, 2006

Motion by Elizabeth Macfarlane, Planning Commission approved the meeting minutes for October 10, 2006 as amended.

**Seconded by Roger Gorrell.
Unanimous vote, motion carried.**

Meeting adjourned at 9:55 pm