

# Highland City Planning Commission

## November 28, 2006

### **Present:**

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

City Engineer: Matt Shipp  
City Planner: Lonnie Crowell  
Assnt. Planner: Hannah Thiel  
Secretary: JoD'Ann Bates  
Meeting convened at 7:06 pm  
Prayer given by: Chris Dalley  
Pledge given by: Jerry Gorrell

**Visitors:** Chris Dalley, John Montgomery, Roger Bennett, Dwayne Horsley, Will Jones, Todd Driggs, Harrison Driggs, Amy Dalley, Manuel Bueuo, Paul Smith, Julie Hendricks, Craig Hendricks, Paul Petersen, Bruce Tucker.

### **Item 1: Spruce Estates ~ Preliminary Subdivision Approval & Public Hearing**

Larry Mendenhall reviewed the background for the proposed subdivision.

Hannah Thiel stated that the additional recommendations from staff is as follows: 1) The developer work with UDOT in establishing where the widening of SR92 will be in the future and how that will affect the parkway detail, 2) the north west corner be opened to connect to the future road, 3) Set backs be measured from the parkway detail easement line and not the property line, and 4) a masonry wall be constructed along the parkway detail easement bordering SR92.

Will Jones explained that the original plan submitted is different from what is being shown, which is a modified plan. The concern with the modified plan is the depth of the sewer on lots 3 & 4, the original plan makes the sewer issue easier taking it out to SR92. They do not mind doing the modified plan if the future property to the northwest is going to happen within a timely manner in order to bring in the sewer for those concerned lots. Will commented that the modified plan shows 14 lots, that will be reduced to 13 lots due to a miscalculation. Will concluded that they do have a concern with the parkway detail along SR92. His

concern is there is nothing else along that road with a parkway detail with the exception of the Highland City Public Works Building.

Larry Mendenhall inquired if the south boundary along SR92 reflects the proposed widening of SR92. Will stated he believes that it does reflect that proposal. Matt Shipp stated one of the problems they run into is getting an answer from UDOT, they are not sure exactly what they are doing yet.

Brian Braithwaite inquired regarding the sliver of land to the west as they enter the subdivision. Will stated that due to the configuration of the road they would look at possibly deeding that sliver to the resident to the west.

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

Discussion ensued regarding the possibility of UDOT widening SR92 and the affect it would have on this subdivision.

**Motion by Brian Braithwaite, Planning Commission grants Preliminary Approval to the Spruce Estates Subdivision per the Conditions and Recommendations of staff (attached) and based upon the finding of fact the preliminary subdivision meets the existing code. Based on the finding of fact that the through street would be more beneficial to the subdivision, property owners and the city to provide services to the subdivision, the through street option be used for this approval with the additional recommendations, 1) the first staff recommendation regarding UDOT be stricken, 2) lots 10, 11 12 & 14 as listed on the modified plan include verb age indicating SR92 may or may not be widened.**

**Seconded by Roger Dixon.**

**Motion to Amend: Elizabeth Macfarlane moved to include 3) the developer install masonry wall to be placed on the parkway detail easement as per requirement 4) the setbacks for the homes along the Highway are measured from parkway detail easement line not the property line as indicated on plan. Second by Jerry Gorrell. Amendment passed by unanimous vote.**

**Motion to Amend: Jerry Gorrell moved to include 5) the sewer issue for lots 3-4 resolved prior to final approval. Seconded by Brent Wallace. Amendment passed by unanimous vote.**

**Amended Motion: Planning Commission grants Preliminary Approval to the Spruce Estates Subdivision per the Conditions and Recommendations of staff (attached) and based upon the finding of fact the preliminary subdivision meets the existing code. Based on**

**the finding of fact that the through street would be more beneficial to the subdivision, property owners and the city to provide services to the subdivision, the through street option be used for this approval with the additional recommendations, 1) the first staff recommendation regarding UDOT be stricken, 2) lots 10, 11 12 & 14 as listed on the modified plan include verb age indicating SR92 may or may not be widened, 3) the developer install masonry wall to be placed on the parkway detail easement as per requirement 4) the setbacks for the homes along the Highway are measured from parkway detail easement line not the property line as indicated on plan, 5) the sewer issue for lots 3-4 resolved prior to final approval.**

**Amended Motion passed by unanimous vote.**

**Item 2: CR Zone ~ Sign Code Amendment & Public Hearing**

Larry Mendenhall stated that the CR Zone is not currently included within the sign ordinance and staff would like to include that zone in the sign ordinance.

John Montgomery a developer with Thomas Fox Properties stated they would like to request a sign code amendment to include free standing signs. They are hoping to have 2 free standing signs, one for SR74 and one for SR92. The height they are asking for would not exceed 25 feet. He has worked on numerous commercial projects and many municipalities allow signs that are higher than the 25 feet they are proposing. They would be treated with similar materials similar to the buildings in that zone.

Discussion ensued.

Brian Braithwaite stated a concern in allowing a 25 foot free standing sign. He feels that it is not consistent with what Highland has been and plans to be, and does not feel it is appropriate.

Jennifer Tucker agrees with Brian's concerns. She feels that a monument sign would fit better and feels that a 25 foot sign would detract from the feel they are trying to achieve.

Jerry Gorrell expressed similar feelings and concerns as previously commented. He would prefer more research and work be put into this before a decision is made.

Brent Wallace commented that he feels if residents know what is available there is no need for large signs. He feels they can accomplish what they want without the signage being the main draw.

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.

Larry Mendenhall stated that he has not seen any proposal of a landmark entry sign that could be incorporated. He feels that a free standing sign is not nearly as attractive and a monument sign.

**Motion by Jerry Gorrell, Planning Commission moves to add the CR Zone to the current Highland City Sign Ordinance with the same restrictions and requirements that are applied to the current C1 Zone with no changes or amendments to the current ordinances and requirements until further investigation can be completed.**

**Seconded by Elizabeth Macfarlane.**

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

### **Item 3: Mountain Ridge ~ Final Subdivision Approval**

Larry Mendenhall reviewed the background of the subdivision being proposed.

Dwayne Horsley stated that the trail now connects to the park and feels that he has met the conditions previously brought up and they are ready to ask for a recommendation to the City Council.

Larry Mendenhall requested Lonnie Crowell explain the matrix and how things are calculated. Lonnie Crowell reviewed and explained that information for the commission.

Roger Dixon inquired what the reason was for the masonry wall around three sections of the development. Dwayne stated that they feel it will increase the value of the subdivision. Lonnie stated that the ordinance only required the wall to be located around the trail and the developer has suggested they provide the other fence themselves.

Elizabeth Macfarlane questioned the traffic study and that 780 daily trips she feels is more than normal. To say that does not impact the neighborhood to her is outrageous.

Lonnie Crowell stated that they have to look at the fact that they are comparing an R-1-40 to the Parkland Subdivision. The only difference is 16 lots.

Jennifer Tucker stated that if it was done with an R-1-40 then the layout would be different and the traffic would not be funneled through interior subdivisions, it would funnel more onto 10400 North. She feels that the results of the traffic

study can be construed any way they want. She feels that if the subdivision was designed in an R-1-40 zone there would be more accesses onto 10400 North. What they are doing is taking the traffic that would have been more evenly distributed and sinking it onto a few roads that weren't originally constructed to handle that kind of traffic. She is not sure that the city needs a park in this area. If it is determined that the city does need the park she would like to suggest they rotate the park to run north to south. Jennifer continued that she feels the way it is being proposed, there has been absolutely no consideration given to the two neighborhoods that are greatly impacted by this proposal.

Discussion ensued regarding the possible reconfiguration of the plat.

Brian Braithwaite stated that he feels that if they rotate that park they lose some of the benefit of that park. The city has a choice to buy the park or allow the developer to donate the land in return for smaller lots. He feels there are more ways to accomplish what would make the developer and the city happy.

Jerry Gorrell stated that when he was reading the Parkland Ordinance he remembered it saying that it is not a guarantee that they are going to be able to apply this ordinance just because they meet all the requirements. The Planning Commission and City Council must determine that it is in the best interest of the city. He feels that even though they have met the requirements the commission has the right to deny the request.

Jennifer Tucker stated that the code also reads that it has to be substantially compatible with existing neighborhoods.

Elizabeth Macfarlane stated she feels that it is not substantially compatible with those neighborhoods.

Jerry Gorrell stated one of the priorities of consideration that he remembers reading in the development code was safety. He feels that this overlay compromises safety, to a degree that he feels is ill advisable. The major amount of the traffic is being funneled back through the neighborhoods that aren't designed to hold it. If you figure approximately 400 additional trips coming out onto 10100 North and 10300 North, he feels that is a lot of trips on roads that are not intended to handle that load. With children who ride their bikes and play games in the yards along those streets that are now going from being a quiet neighborhood to a mid-major arterial route, he feels it is ill advised.

Matt Shipp stated that according to the traffic counts that is in the report, traffic going west on 10100 North is showing a count of 16 that go out to 6000 West to a south bound or 25 going north bound on 6000 West presently. With the new build out and the four exit scenario its showing a 21 traffic count going on 10100 North south bound and 30 northbound. There will be four to five different routes in and out of this subdivision. Matt concluded that this study did not take in account 5600 West.

Jerry Gorrell felt that who ever came up with those numbers could not be right. He stated that if they look at the subdivision layout the majority of the lots lay right in line with 10100 North.

Larry Mendenhall stated it is the job of the Planning Commission to determine if the Mountain Ridge Subdivision has met the requirements of the ordinance as it relates to the Parkland Overly Density Bonus. As he has looked at this he feels that it does meet those requirements, notwithstanding the fact that there are some unsubstantiated concerns on his part, as to whether or not all of the requirements with respect to community wishes and traffic counts have been met. He feels that the commission needs to look in terms of what are the traffic counts in other areas of the city. He feels that they would be seeing much of the same in terms of safety. Larry continued that the commission can't look at this as a specific subdivision that will exist in its current state forever. There is the opportunity for 5600 west to develop and a connection to the Buhler subdivision. Larry concluded that under the current code it appears to him that it meets all of those requirements.

Elizabeth Macfarlane requests that the ordinance be reviewed. Jennifer Tucker read from the current ordinance. Jennifer stated that she would have to disagree with Larry in the fact that the way the subdivision is being proposed does not satisfy the goals and requirements stated in the ordinance. She believes they still have the option to say that it does not fit.

**Motion by Brian Braithwaite, Planning Commission not recommend City Council grant final approval for the Mountain Ridge Subdivision for the conditions and recommendations of staff , based upon the following findings of fact 1) there has been overwhelming negative input from the public, 2) The application of the Parkland Bonus Density ordinance to this subdivision is not substantially compatible with the surrounding neighborhoods, therefore not in the best interest of the city, 3) There are other options to the developer that would allow the development of that property to be substantially compatible with the surrounding neighborhoods and 4) there are other options to the city to acquire the property for a city park to including full or partial purchase of the land.**

**Second Elizabeth Macfarlane.**

**Jerry Gorell, Jennifer Tucker, Brian Braithwaite and Elizabeth Macfarlane voting in favor.**

**Larry Mendenhall, Brent Wallace and Roger Dixon voting opposed.**

**Motion carried.**

**Item 4: Country French Subdivision Plat B ~ No Build Zone Discussion**

Larry Mendenhall reviewed the request made by the applicant.

Dan VanWoerkom stated that the general intent behind the no build zone was to make this subdivision fit in with the Bull River subdivision. The buffer zone was created to reduce the impact to the larger lots in Bull River. His definition of a no build zone would be something that would require obtaining a building permit from the city.

Lonnie Crowell reviewed items that would require a building permit from the city.

Discussion ensued.

Larry Mendenhall stated that he remembers when the commission reviewed this it was his understanding that there wasn't to be any kind of permanent structure allowed in that space. He did understand that they were allowed to landscape in that area and place a fence on the property line.

Jennifer Tucker commented that she feels a sports court or swimming pool would not interfere with the view shed and feels that would be a usable item for the residents.

Dan VanWoerkom stated that he feels that the view shed is the main issue and feels that they could work with a shorter fence around the sports courts and pools.

Discussion ensued.

Larry Mendenhall stated that he feels the commission has concluded that the "no build zone" means that there can be no structures built in that zone that requires a building permit.

**Item 5: Approval of Meeting Minutes for November 14, 2006**

Larry Mendenhall stated that due to the meeting minutes not being available at this meeting, the approval of the meeting minutes for November 14, 2006 will be reviewed and approved at the next regularly scheduled Planning Commission meeting.

Meeting adjourned at 9:38 pm