

1 **Highland City Planning Commission**
2 **October 9, 2007**

3
4 **Present:**

5 Commissioner: Larry Mendenhall

6 Commissioner: Brian Braithwaite

7 Commissioner: Jennifer Tucker

8 Commissioner: Brent Wallace

9 Commissioner: Elizabeth Macfarlane

10 Commissioner: Roger Dixon

11 Commissioner: Jerry Gorrell

12

13 City Planner: Lonnie Crowell

14 City Engineer: Matt Shipp

15 City Planner: Carly LeDuc

16 Secretary: Dawn Corrigan

17

18 Excused: Barry Edwards

19

20 Meeting convened at 7:01 pm

21 Prayer given by: Roger Dixon

22 Pledge given by: Tricia and Elise Oliphant

23

24 **Visitors: Scott Bishop, Brian Campbell, Christie Dalley, Steve King,**
25 **Elise Oliphant, Tricia Oliphant.**

26

27

28 **Item 1: Katelyn's Cove Subdivision ~ Public Hearing &**
29 **Preliminary Recommendation**

30

31 Larry Mendenhall asked Carly LeDuc to summarize the issue.

32

33 Carly LeDuc said BP Developers is proposing a 7-lot subdivision in the R-1-40
34 zone. The proposal meets all requirements of the zone. It's the parcel next to the
35 proposed Waterford Estates subdivision, and has the same issues as that
36 subdivision regarding sewer and deed restrictions.

37

38 Elizabeth Macfarlane asked how long the lots in this subdivision will have to be
39 on septic. Lonnie Crowell said it could be awhile, probably until Mr. Birrell
40 chooses to develop.

41

42 Scott Bishop came forward. Larry Mendenhall asked if he had concerns about
43 staff's recommendations. Scott said no. He said they've tried to get sewer a lot of
44 different ways, and looked in all directions. It's a situation where they must wait
45 until people are ready.

1
2 Brian Braithwaite observed there are two existing buildings. Scott Bishop agreed,
3 saying there's a barn and an existing home. Both will be demolished.

4
5 Brian Braithwaite said one concern he has is that the proposal shows a 20,000
6 square foot lot right next to a corner on a major road. He suggested the applicant
7 could possibly switch lots 1 and 2, or otherwise pull additional acreage for the
8 corner lot. He said Westfield Road is going to be a busy collector road. Having the
9 smallest lot there doesn't make sense. Scott Bishop said he didn't know of a
10 particular reason they put that lot there. He will follow up. Jennifer Tucker said
11 she liked Commissioner Braithwaite's suggestion, observing that Westfield Road
12 will only get busier.

13
14 Jerry Gorrell asked the applicant if they'll be coordinating with Waterford Estates
15 so the road only has to be done once. Scott Bishop said yes. Commissioner
16 Gorrell said he liked Brian Braithwaite's suggestion. Other than that, he thinks
17 the project is pretty straightforward.

18
19 Larry Mendenhall opened the public hearing.

20
21 There were no comments from the public.

22
23 Larry Mendenhall closed the public hearing.

24
25 **Motion by Brian Braithwaite, Planning Commission to recommend**
26 **preliminary approval for the Katelyn's Cove subdivision as per the**
27 **seven recommendations of staff and with the addition of the Planning**
28 **Commission's recommendation, number 8, asking the developer to**
29 **move the 20,000 square foot lot into the subdivision and have a larger**
30 **lot next to Westfield Road.**

31
32 **Seconded by Brent Wallace.**
33 **Unanimous vote, motion passed.**

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35
36 **Item 2: Section 3-4103, R-1-40 Zone Square Footages Code**
37 **Amendment ~ Public Hearing & Recommendation**

38
39 Larry Mendenhall explained that at the recent work session on defining rural, the
40 participants talked about the rural feel of Highland. This item had been put on
41 the Planning Commission agenda prior to that work session. The work session
42 raised other issues that the commission needs to explore.

43
44 Lonnie Crowell said on September 18 City Council suggested that the Planning
45 Commission look at the R-1-40 setbacks, so this item was scheduled. After the
46 meeting on October 2, the scope of the proposed discussion changed.

1 Jennifer Tucker said she would like to see what Lonnie Crowell puts together in
2 regard to this issue. Brian Braithwaite said he missed the work session because
3 he was out of town. However, he's read the minutes. He thinks a key piece of the
4 discussion is that houses in Highland keep getting bigger and bigger. Floor plans
5 are pushed right to the edge of the building envelope. Two pieces the commission
6 can work on are either to expand the minimum setbacks or increase the size of
7 lots.

8
9 Brent Wallace said he agreed in principle. However, a few meetings back the
10 commission discussed problems with fitting houses on irregularly shaped lots. He
11 wondered if increasing setbacks would exacerbate the problem, especially in the
12 R-1-20 zone. Commissioner Wallace observed that a few years ago Salt Lake
13 passed an ordinance saying the square footage of homes could only be a certain
14 percentage of lot size. Perhaps Highland could look at something like that,
15 keeping in mind that occasionally this might make it difficult to build on lots.

16
17 Roger Dixon asked why Highland's maximum building height is defined as 35
18 feet. Could it be smaller? Larry Mendenhall observed one reason is that it's
19 cheaper to build up than out. You reduce the footprint of the home by building
20 up. Thirty five feet allows two stories with the prevailing 10-foot ceilings.

21
22 Jennifer Tucker observed that when people were building on the hill, from the
23 back some of the houses looked like monster houses. Some had the potential to
24 be higher than 35 feet because of the walk out basements. One didn't want to end
25 up with a house higher than that.

26
27 Roger Dixon noted that on page 10 of the agenda, under the Average Density for
28 the R-1-20 Zone, there's a comma where there should be a period. The average
29 density should be identified as 2.178 Units per Acre, rather than 2,170 Units per
30 Acre. Lonnie Crowell said this is a typographical error in the code, which he'll
31 correct. Roger Dixon said the same agenda page specifies the Minimum Lot Area
32 for the R-1-20 Zone as 16,000 Square Feet, whereas he thought that had recently
33 been changed to 20,000. Lonnie Crowell agreed, saying he pulled the old code
34 when producing the staff report. He will correct that as well.

35
36 Larry Mendenhall opened the public hearing.

37
38 Steve King said he wanted to speak because there's an election coming up and it
39 may take awhile for this issue to be resolved. He said he was probably responsible
40 for referring this discussion to the Planning Commission. He said one thing he's
41 heard again and again in the discussion of rural is that we have "openness" in
42 Highland. However, now builders are building out to the maximum envelope on
43 lots. He hopes the commission will look at side yard setbacks. There might be a
44 number that separates houses better than 15 feet.

45
46 Steve King added that in addition to looking at setbacks, the commissioners
47 might consider raising the minimum lot size in the R-1-40 Zone. He said he

1 receives several calls a month about subdividing lots in existing subdivisions.
2 Raising the minimum square footage might preserve existing lots but give a lower
3 overall density.

4
5 Steve King said staff has put together a packet that says there are downsides to
6 lower density, in terms of services, etc. Highland has reached a point where it's
7 time to discuss the future of the city. He believes what gives the city its flavor is
8 the R-1-40 Zone. He hopes whoever is elected in November will continue down
9 this path.

10
11 Chris Dalley said she agreed with Steve King. She's watched over the past four
12 years as Highland has drifted to smaller and smaller lots, and somehow the large
13 homes are still being built. She advised, "Give 'em some space."

14
15 Larry Mendenhall closed the public hearing.

16
17 Larry Mendenhall observed that elsewhere the trend is that home sizes are
18 getting smaller. This is a result of economics, to an extent, but also other factors.
19 He believes the houses Commissioner Tucker mentioned earlier will be
20 unoccupied mausoleums in ten years. He's a proponent of the commission
21 limiting house size based on the size of the lot. He's not sure about the legality,
22 but thinks it's a good idea.

23
24 Jennifer Tucker agreed that something needs to be done, but wondered why the
25 commission is focusing on the R-1-40 zone. She thinks problems are more likely
26 to arise in the R-1-20 zone, where there are more likely to be big houses on lots
27 that can't support them. She said the R-1-40 zone might need some fine tuning,
28 but more of the issues are in the R-1-20 zone. She said the city has more R-1-20
29 lots than R-1-40 lots any more anyway.

30
31 Brian Braithwaite said the issue should be controlled to a degree because the size
32 of the home is controlled by ordinance. However, Elizabeth Macfarlane pointed
33 out the development code only defines the minimum square footage for a home,
34 not the maximum.

35
36 Larry Mendenhall suggested the commission should look at both zones equally.
37 He said limiting the footprint of the home based on lot size will increase openness
38 and contribute to a rural feel in the city. That's what was concluded in the work
39 session, that "rural" is a look and a feel. Commissioner Mendenhall said infill
40 subdivisions could be a problem for the city, in that they could take away the
41 feeling of openness. The commission will need to look at each infill subdivision
42 closely.

43
44 Jennifer Tucker observed that even the subdivisions City Council has approved
45 recently are going to be a problem. They'll build out to setbacks and create a wall.
46 Brian Braithwaite said having more frontage can improve the situation. He said
47 when you have a small lot with wide frontage, it feels more open, even in the R-1-

1 20 zone. He said having more frontage can create other difficulties, such as a
2 smaller back yard, but it does feel more open. He can direct the other
3 commissioners to subdivisions with this feel.

4
5 Larry Mendenhall said that was a good observation. He pointed out that there's
6 only a 20-foot difference between the required frontage for the R-1-20 zone and
7 the R-1-40 zone. This suggests that an extra 20 feet can make a big difference.
8 Brian Braithwaite agreed.

9
10 Brent Wallace said in Salt Lake City, to control the building of monster houses,
11 they specified that the home could occupy a maximum of 60% of the lot size.
12 However, the builders bring the foundation up and cantilever, then they
13 cantilever deck, so when they're finished they've used another 5%-10% of lot. In
14 addition, they've specified that no home can be higher than existing homes in a
15 three-block radius.

16
17 Lonnie Crowell said Highland could move to a ratio system. That's easy to do and
18 is done across the country. It's also legal to have a maximum building size. He
19 said there are two other things to consider. The first is that the wider the lot, the
20 easier it is to knock down a home, put in a road, and still meet setbacks on either
21 side. The other is that the deeper the lot, the more it allows for developing behind
22 existing homes in the future. In other words, if the lots are too wide or too deep,
23 you still end up with the problem the commission wants to avoid. He would like
24 to do more research and present it to the commission.

25
26 Larry Mendenhall said he doesn't know of anything that says it's denying the
27 property owner beneficial use of property to allow a specific size home on a
28 specific size lot. Therefore this could be an easier task than anticipated. He said
29 60% seems like a good percentage. Lonnie Crowell observed 60% is probably
30 bigger than what Highland currently allows.

31
32 Larry Mendenhall said the commission also needs to look at the viewshed from
33 the street and from the side yard that's created by different setbacks. Roger Dixon
34 asked about the current lot distribution in the city between the R-1-20 and R-1-
35 40 zones. He observed that the commission is really talking about two issues:
36 density, and open space or greenbelt. He said if the commissioners like low
37 density, they should drop the R-1-20 zone and add an R-1-80 zone or the like.
38 However, even if they do so, if everyone builds a big house and fences, the result
39 is still unattractive.

40
41 Commissioner Dixon said he'd also like the commission to investigate height
42 restrictions. Is 35 feet the absolute lowest maximum allowable height? If it could
43 be 32 or 30 feet, why not lower it to one of those numbers? He also raised the
44 question of reducing the size of the PUE (Public Utility Easement). If that's
45 feasible, perhaps it could be reduced as well.

1 Brent Wallace asked Matt Shipp what the guidelines are for PUEs. Matt Shipp
2 said the city can determine them. Normally there's a PUE in front, sometimes it's
3 on every other side. Roger Dixon asked if that would make it five feet on each lot,
4 and Matt Shipp said yes. Roger Dixon observed that right now the city specifies
5 10 feet on each lot. Matt Shipp said many PUEs are set by tradition. Roger Dixon
6 said that's the worst possible reason for defining them a certain way, and Matt
7 Shipp agreed.

8
9 Jennifer Tucker said she likes a 10-foot PUE all the way around, because if you
10 can build out to the setbacks and then there's the PUE, you can't put anything
11 there. But if the PUE is only 5 feet, you can put a deck right out to there. Roger
12 Dixon agreed. He pointed out that, on the other hand, the PUE could be set at 15
13 feet. He said he'd like to hear the rationale for both narrower and wider PUEs.

14
15 Lonnie Crowell said the issue the city has now is that there will be window wells
16 in the PUE because they build right to the 10-foot setback. If a pipe needs to go
17 through, the window well will have to go.

18
19 Larry Mendenhall said if a modification or repair of something in the PUE were
20 needed, he doesn't think 10 feet would be enough, which is a consideration
21 against reducing the PUE. Roger Dixon reiterated that he isn't arguing for one
22 size or another, he'd just like to know rationales for all of them. Jennifer Tucker
23 observed that Lonnie had pointed out a gamble with the PUE, because property
24 owners can put certain things in them, whereas they can't put those things in the
25 setback. Therefore, it's better to increase the setback than the PUE. Lonnie
26 Crowell agreed, observing anything that's not considered a structure can be in the
27 PUE. If the PUE is reduced to five feet, then the 10-foot setback is okay because
28 there's nothing in it.

29
30 Jennifer Tucker observed she would prefer not to increase access that the utilities
31 have to her lot. Brent Wallace said he thought it was probably a rare exception
32 when PUEs are used. Lonnie Crowell said it is rare, but a few in Highland have
33 been accessed this year. He added he'll bring as much data back to the
34 commission as he can in regard to these issues.

35
36 Brent Wallace said the water supply is going down and the population is going
37 up. If everybody puts Kentucky bluegrass in their yards, that's a lot of water just
38 going into the ground. At some point in the future people will look back and
39 wonder what people now were thinking, in terms of water usage.

40
41 Brian Braithwaite said he'll get a list of subdivisions with wider frontages to
42 Lonnie Crowell to add to his report.

43
44 Jerry Gorrell said he didn't think discussion of this topic was complete without
45 considering overlays. Since he's been involved, those have been the subdivisions
46 with the smallest lots, with some of them having lots as small as 13,000-14,000
47 square feet. He said if the city wants more parks, it might need to find a different

1 way to get them than to apply an overlay. He added that he knows wider lots feel
2 more open from the front, but not when you look at back yards. He likes wide
3 lots, but the commission needs to be careful that people don't wind up backed up
4 against each other too closely.

5
6 Larry Mendenhall asked Lonnie Crowell how much time he needs to put his
7 research together. The commission would like to have another discussion before
8 November. Lonnie said he'll try to have something ready for their next meeting.

9
10 Roger Dixon said he'd like the discussion to include whether it's feasible to
11 consider dropping the R-1-20 zone and adding an R-1-60 or R-1-80 zone. Larry
12 Mendenhall said he would regard that as a dilution of open space. He feels R-1-20
13 and R-1-40 zones are all the city needs. Lonnie Crowell said the biggest issue
14 would be that if large sections of Highland were downzoned, a lot of lawsuits
15 would probably arise.

16
17 Brian Braithwaite said all the land that's open for development in Highland right
18 now is R-1-40. The R-1-20 zone is built out. Therefore, he's not sure eliminating
19 the R-1-20 zone would have much effect. Larry Mendenhall asked staff to confirm
20 this. Lonnie Crowell said the only possibility would be land south of 9600 North
21 that the annexation agreement allows to come in as R-1-20.

22
23 Elizabeth Macfarlane said for her, this issue and the question of senior housing
24 are tied together.

25
26 **Motion by Brent Wallace, Planning Commission will not make a**
27 **recommendation regarding the R-1-40 Zone at this time, but instead**
28 **refers the issue back to staff for additional research, to be presented**
29 **to the Planning Commission in two weeks.**

30
31 **Seconded by Jerry Gorrell.**
32 **Unanimous vote, motion carried.**

33
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35 **Item 3: Approval of Meeting Minutes for September 25, 2007**

36
37 **Motion by Roger Dixon, Planning Commission to approve the Meeting**
38 **Minutes for September 25, 2007, as written.**

39
40 **Seconded by Elizabeth Macfarlane.**
41 **Unanimous vote, motion carried, with Jerry Gorrell abstaining.**

42
43
44 Meeting adjourned at 8:15 p.m.