

Highland City Planning Commission
Sept. 14, 2004

Present:

Commissioner: Steven Draper
Commissioner: Jennifer Tucker
Commissioner: Mike Walch
Commissioner: Brian Braithwaite
Commissioner: Bryce Flanary

City Council: Gwyn Franson
City Engineer: Matt Shipp
City Asst. Zoning Admin: Lonnie Crowell
Secretary: Aubrey Bevan

Meeting convened at 7:15
Prayer given by Jennifer Tucker
Pledge given by Mike Walch

Visitors: Chris Dalley, Tracy Smith, Kurt Jewkes, Kathy Mead, Stan Mead, Josh Anderson, Kimberly Greene, Tony Greene, Gina Knorr, Brett Knorr, Bob Woods, Michelle Jentesch, Marion Woods, Scott Bishop, Skip Dunn, Anne S. Hansen, Rob Clauson, Lori Broadhead, Howard Bangerter, Michael Robinson, Bruce Tucker, Dan VanWoerkom

Item 1: Jewkes Bro. Model Home - Conditional Use & Public Hearing

Steve invited Kurt Jewkes to introduce his model home. Kurt stated it will be located in Beacon Hills, lot 213. He stated they currently have a model home in Hidden Acres but would like to move it to Beacon Hills.

Steve opened the public hearing.

Hearing no comment, Steve closed the public hearing.

Steve asked if they had a chance to review the ordinance. Kurt stated they will have no more than three employees and they will be open 3-7 during the week and 10-5 on Saturday and they have no problem with the other requirements concerning lighting and signage. Bryce asked about a trailer on the lot before the model home is built and Kurt stated he would like to have one. Lonnie stated it is generally allowed during construction of the model home.

Motion by Jennifer Tucker, Planning Commission recommends City Council grant a Conditional Use permit for the Jewkes model home in

Beacon Hills lot 213 subject to all planning commission and staff comments and conditions.

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

Item 2: Brett & Gina Knorr - Fence Variance

Brett Knorr stated it was unclear that there was supposed to be a trail behind their home and he has one neighbor that has a 6' open fence, however the neighbors built that fence in error. Brett stated there isn't much safety or privacy with a four foot fence. Brett stated on the other side of the trail is just a field and there would be no homes which makes their back yard very visible to intruders or others. He feels there is a huge safety issue if they have only a four foot fence.

Steve stated he understands Brett's claim, but he feels that if they give one person a variance, they will have to give everyone a variance and they are held to a certain amount of reason that a variance should be granted.

Discussion ensued.

Mike stated they have spent a lot of time on the fence ordinance and they have come up with this solution based on every fact. He said he feels it is a definite maybe that he would agree to this variance. Jennifer asked about the upkeep of the trail and if that is the city or the residents responsibility to keep it nice. Barry stated the city is responsible for the upkeep of the trail. Jennifer stated she is also a definite maybe. Bryce stated he feels the residents prefer the six foot open fence and safety is a large concern. Bryce stated maybe there should be an adjustment to the ordinance and allow an open six foot fence for all open space subdivisions.

Steve stated he feels they need to all go look at the area so they can make a good decision for everyone.

Motion by Bryce Flanary, Planning Commissions moves to continue the fence variance for Brett Knorr until the next Planning Commission meeting, Sept. 28, 2004.

**Second by Jennifer Tucker.
Unanimous vote, motion carried.**

Item 3: Highland Ridge - Revised Concept

Dan VanWoerkom stated they had a meeting with the Bull River neighborhood. Dan stated one of the things the city wanted was a full north west corridor along

the gully. Dan stated on this small piece of land it was hard to do that but he feels they did a good job at making the city and the surrounding residents happy.

Mike asked about the landscaping on the south side. Dan stated they committed to plant some trees to create a good buffer for the Bull River residents. Dan stated if they plant the berm on the residents property then they would have it be in the CC & R's to take care of the trees.

Steve asked Dan if he had a chance to look at the staff comments. Dan stated he hasn't seen any new ones, but not much has changed. Steve stated he would like the trees to be a part of the trail easement. Steve stated they will want the fence to match the current on along Highland Blvd.

Ann Schward Hansen questioned the elevations and the impact of drainage. She stated that Ivory had a lot of drainage that ended up in their yards when the snow melted. She stated she feels that without elevations the Planning Commission can't make a good decision. She also doesn't feel there is any transition for properties. Dan stated a lot of the elevation questions will come later when the engineer gets to that point, right now they are only at concept so that kind of stuff is not presented or worked out yet. Steve stated they look at the elevations at preliminary and they will work out the matter at that time.

Item 4: Westwood Acres - Zone Change Request & Concept

Steve stated there will be eight lots on this piece of property. He stated they need to change the zone to an R-1-40 from an agriculture A-1 zone. Scott stated this was the best way to design the land with what they had to work with. Steve stated the road will have to be over 110' from the other road across the street.

Steve stated they are in agreement with the concept plan.

Motion by Mike Walch, Planning Commission recommends City Council change the zone for Westwood Acres from A-1 to R-1-40.

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

Item 5: Madison Meadows - Final

Steve stated they received a letter from the Pawlus clarifying a matter on the road. Mike stated they opted not to pursue the water company property that was in question.

Motion by Jennifer Tucker, Planning Commission recommends City Council give final approval for Madison Meadows subject to all staff and

Planning Commission conditions and comments, with a note that they will change the property line on lot 4.

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

Item 6: Brooke Ridge - Preliminary
Steve asked about the curves in the cul-de-sacs for the frontages and Barry stated on a cul-de-sac it is measured from the set back. Steve also asked about the building envelope on lot 13. The applicant stated the topographical outlook was taken before it was filled so it is pretty much filled in and there shouldn't be a problem with the building envelope. Steve asked about the culvert and if it has to be raised will it affect lot 14. The applicant stated they have enough fill in there that they could drain it in the appropriate direction. Mike asked about the building envelope on lot 8 because of the culvert. The applicant stated they can build all the way to the dotted line.

Bryce asked who the owner of the ditch is. The applicant stated the ditch is a PG ditch and it waters the Sager property. The applicant stated Sager will be responsible for any problems that might occur with the ditch. Brian asked if the applicant has seen the staff comments about the landscaping. The applicant stated he saw the comments and is fine with the landscaping requirements.

Motion by Bryce Flanary, Planning Commission grants preliminary for the Brooke Ridge subdivision subject to all staff and Planning Commission comments and conditions.

**Second by Jennifer Tucker.
Unanimous vote, motion carried.**

Item 7: Dry Creek Highlands Phases 3- Preliminary/Final
Phase 4 & 5 - Preliminary

Steve asked if all the frontages are 130', the applicant stated all of the lots have 130' frontage. Steve asked if they had any concerns with the staff comments. The applicant stated he has no concerns with the comments and Matt is fine with what the applicant has presented.

Ann Schward Hansen stated she has concerns with them getting approval for another phase when they can't control the current phase. Ann Hansen stated she may have to sue Ivory Homes for the damage that has been done to her property since they have started building and she doesn't feel they should be able to continue with the new phases without correcting the problems with the first phase. Steve stated the dust and things of that sort are not controlled by the planning commission. Barry stated they need to figure out a solution to the

problems and correct that and keep it from happening with the new phases. Barry stated they will have a meeting with the residents and come up with a solution.

Motion by Bryce Flanary, Planning Commission grants preliminary and recommends City Council grant final approval for Dry Creek Highlands phase 3 subject to all staff and Planning Commission comments and conditions, with a note that the land owner will have a meeting with the Bull River residents and staff concerning dust, erosion and garbage issues and a solution will have to be established for phase one and two before phase 3 will be able to go to City Council.

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

The applicant stated phase 4 was originally called phase three and phase 5 was originally called phase four, he stated nothing has changed, they have just changed the phase numbers. Steve reiterated the fact that there needs to be some attention to the dust, erosion and garbage to satisfy the surrounding neighbors. The excavation contractor stated they are not ignoring the issue and they are trying everything they can to make everyone happy.

Motion by Bryce Flanary, Planning Commission grants preliminary for Dry Creek Highlands phase 4 and 5 subject to all staff and Planning Commission comments and conditions, with a note that the land owner will have a meeting with the Bull River residents and staff concerning dust, erosion and garbage issues and a solution will have to be established for phase one and two before phase 4 and 5 will be able to go to City Council.

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

Item 8: Twin Bridges - Final

Mr. Woods stated the commission should have all the information they need and they have complied by all the comments of the staff. Barry stated they haven't received a landscape plan for the entire Beacon Hills subdivision and they are still not clear as to where the open space is going to go. He stated they are required to put in about 1.5 million dollars of open space. Mr. Woods stated the plat doesn't deviate from the beacon hills master plan. Mr. Woods feels they should rely on Solitude development because they haven't changed anything from the original agreement. Barry stated it is a simple request to know where the open space is. Barry stated he just wants to make sure the open space is going to be there before they start approving phases.

Discussion ensued.

Brian stated they have been asked to provide the open space information and that hasn't been done. Barry stated they would just like to see a map. Barry stated they have to dedicate some open space with the plat and it has to be shown on the plat. Tracy Smith stated they are trying to satisfy everyone and this was not something that was needed to be taken care of at this point. He stated they have worked hard at satisfying the issues and they would like to be passed onto City Council with a recommendation concerning the open space. Steve stated he is ok with sending them on if staff is comfortable with the applicant knowing what is required. Barry and Steve both feel that this need to be resolved before going to City Council. Barry stated he is ok with a condition being put on this before going to City Council and they will not be put on the City Council agenda until this issue is resolved.

Steve asked about the additional lots that are being presented. Tracy stated it was recommended by staff to have this number of lots. Barry stated they chose to add some lots to this phase and they will have to take some lots away from another phase.

Tracy stated he put the buildable site lines on each lot. He stated all of the buildable space is outlined on the plat. Steve asked if there is anything that is not in compliance. Tracy stated every lot is in compliance to the frontage requirement. Steve asked if they had a chance to review the current staff comments. Tracy stated they have reviewed the comments and are fine with them. Mr. Woods asked about the condition for the tree fund. Barry stated they require every lot to have a tree so they require a bond for the one tree.

Motion by Brian Braithwaite, Planning Commission recommends City Council grant final approval for Twin Bridges based on all staff and Planning Commission comments and conditions, with the finding of fact that staff will need to be completely satisfied concerning all open space, landscaping and amenities plan issues, by evidence provided, before they will be put it on the City Council agenda.

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

Item 9: Code Amendment - Guarantee of Performance

The city engineer has made some changes to the code for guarantee of performance.

Motion by Mike Walch, Planning Commission recommends City Council approve amendment to chapter 6 of the code as discussed.

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

Item 10: Approval of Meeting Minutes for August 24, 2004

Motion by Mike Walch, Planning Commission grants approval of the meeting minutes for Aug. 24, 2004 as amended.

**Second by Bryce Flanary.
Unanimous vote, motion carried.**

Meeting adjourned at 9:30.