

Highland City Planning Commission
Sept. 28, 2004

Present:

Commissioner: Larry Mendenhall
Commissioner: Jennifer Tucker
Commissioner: Mike Walch
Commissioner: Brian Braithwaite
Commissioner: Bryce Flanary

City Asst. Zoning Admin: Lonnie Crowell
Secretary: Aubrey Bevan

Meeting convened at 7:05
Prayer given by Bryce Flanary
Pledge given by Jennifer Tucker

Visitors: Chris Dalley, Jim Hewlett, Kathy Mead, Brett Knorr, Gina Knorr, David Peterson, Kimberly Greene, Michell Jentsch, Randy Matthews, Doug Harris, Robyn Stulce, Howard Bangarter

Item 1: Brett & Gina Knorr - Fence Variance (Continued from 9-14-04)

Mike asked Brett Knorr if he had anything else to add since the last meeting. Brett stated they are concerned about safety and would like a 6' open fence. Kathy Mead stated she lives just a few doors down from the Knorr's and she feels that residents shouldn't have to keep their dogs chained up in their own yards, because dogs could easily jump over a 4' fence. Kimberly Greene stated she is a neighbor to the Knorr's and they have a 6' open fence which she acquired a permit for. She stated they have noticed people using the trail and they can see children through a 6' semi private fence where they might not be able to if they had a 4' privacy fence. She also stated the concern about dogs getting over a 4' fence.

Bryce feels that there is still an open feel with a 6' open fence and the residents should feel safe in their own yards. Larry stated he feels they could maybe move the fence into the property a little to make it even more open. Larry stated he understands the safety issue and he would be in favor of granting the variances if they would be willing to plant something on the other side of the fence to make the trail look nice. Brett stated he didn't think that was allowed. Lonnie stated he is unsure about the plans for this area but it has been allowed before to landscape up to the trail. Larry stated if they can't do it on the outside of the fence then maybe they could plant stuff on the inside of the fence to block the

view. Larry stated shrubbery should not exceed 4'. Bryce stated that landscaping will add to the look for the residents and the people using the trail.

Mike stated he took a fence tour of some of the open space subdivision and he feels he could go both ways. He stated residents want a 6' fence and he doesn't think there is a problem with that in the back, but when it starts invading the front, he is more opposed to that. He stated 6' open fences give a much better open feel against an open space area. Mike feels that the 6' open fence is a good compromise. Brian asked about other subdivisions if a variance is granted at this time. He is concerned that everyone in an open space will want this variance. Lonnie stated that everyone will want a variance and the commission will have to hear everyone's request. Jennifer stated she also took a fence tour to see what makes this situation unique. Mike asked about how the pasture would develop if that were to ever happen. Lonnie stated it will be very difficult if someone decided to develop that piece.

Discussion ensued.

Brian doesn't feel there has been enough reason presented to grant a variance at this time. Brett stated they were told in the beginning that they could have a 6' fence and the Greene's were given a fence permit for their 6' fence. He feels that the issue should be brought up to the whole city because it is just unsafe to have a 4' fence. Brian states it would be a better way to go to have the City Council change the ordinance completely rather than get a variance. Bryce feels that according to the code, they have a legit reason to grant the variance. Bryce stated he would also like to take it to City Council and see if they can have the ordinance changed.

Larry stated if safety is the prime concern they should grant the variance and recommend City Council look at changing the ordinance for the entire city.

Motion by Bryce Flanary, Planning Commission moves to grant a variance to allow a 6' open fence for Brett and Gina Knorr's property under the condition that it matches the adjacent property to the east based on the finding fact that they meet the requirements for a fence variance and for safety concerns, also considering the trail doesn't attach directly to any other trail and generally doesn't seem to coordinate with the master trail plan.

Second by Larry Mendenhall.

Motion carried, with Brian Braithwaite opposing.

Motion by Brian Braithwaite, Planning Commission recommends that the City Council reconsider the fence ordinance for open space subdivisions,

to allow a 4' solid or 6' open as long as it is consistent with surrounding properties.

**Second by Larry Mendenhall.
Unanimous vote, motion carried.**

Item 2: Brookridge - Final

Mike stated it doesn't look like anything has changed since the last meeting. Lonnie stated all of his conditions have been met. Lonnie asked about the trail along 4800 W and what kind of fence ordinance will be granted along that street, also considering that they have animal rights. Brian stated they are off the road far enough that the fence wouldn't be like a wall. The applicant asked how the trail would look. Mike stated they usually have a meandering trail with a parkway. Larry stated the fence would be 30' back of curb.

Discussion ensued.

Brian asked if they read the staff comments and are ok with them, the applicant is fine with all the staff comments. The applicant asked if they can just get what Ivory Homes gets as far as the fence goes.

Motion by Brian Braithwaite, Planning Commission recommends City Council grant final approval for the Brookridge subdivision, subject to all staff and Planning Commission comments and conditions, with the finding fact that this subdivision should have the same fencing along the open space as Ivory Homes will have in Dry Creek Highlands phases 2 and 3.

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

Item 3: Approval of meeting minutes for September 14, 2004

Motion by Brian Braithwaite, Planning Commission grants approval of the meeting minutes for Sept. 14, 2004 as amended.

**Second by Bryce Flanary.
Unanimous vote, motion carried with Larry Mendenhall abstaining due to absence.**

Meeting adjourned at 8:20.