

1                   **Highland City Planning Commission**  
2                                   **September 25, 2007**

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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  
12  City Administrator: Barry Edwards  
13  City Engineer: Matt Shipp  
14  City Planner: Carly LeDuc  
15  Secretary: Dawn Corrigan

16  
17  Excused: Jerry Gorrell, Lonnie Crowell

18  
19  Meeting convened at 7:07 pm  
20  Prayer given by: Brian Braithwaite  
21  Pledge given by: Larry Mendenhall

22  
23  
24  **Visitors: Ben Austin, Neil L. Blackburn, Charles Blomquist, Dorothy**  
25  **Blomquist, Chris Dalley, Patrick Hendrickson, Theo Judson, Craig**  
26  **King, Steve King, Tyler Kukahiko, Steven Maddox, Glen Vawdrey.**

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28  
29  **Item 1:       Coventry Townhomes Conditional Use Permit**  
30  **Applications ~ Public Hearing & Recommendation**

31  
32  Larry Mendenhall asked Mr. Maddox to speak.

33  
34  Steven Maddox explained that the applicant has one model home complete now  
35  and another that should be completed in approximately 90 days. He said they're  
36  also asking for a neon "Open" sign. He suggested such a sign might not be  
37  necessary in single family model homes, but in the triplexes, they're trying to  
38  show which is the model home by using the neon sign so the other residents  
39  won't be disturbed. He didn't see anything in the code prohibiting this but was  
40  told it's prohibited.

41  
42  Brent Wallace asked why they need two model homes. Steven Maddox said it has  
43  to do with location. Initially the asphalt wasn't in at the location where they want  
44  the model home. Now that asphalt is in. The first location is a temporary solution  
45  until the other location is complete. When it's available, they'll vacate the current

1 model home and relocate it. Barry Edwards observed that the second location  
2 would be preferred from a city standpoint, as it has more parking available.

3  
4 Brian Braithwaite asked why have two applications instead of one. Barry Edwards  
5 said the applicant wants to be sure he can move the model home legally when the  
6 preferred location is ready. Commissioner Braithwaite said he didn't like the  
7 precedence of having two permits. Barry Edwards said the commission could  
8 stipulate that only one can be in operation at a time.

9  
10 Brian Braithwaite told Mr. Maddox one concern he has is that the applicant has  
11 had a model home open since at least August 16, which feels like going around  
12 the rules. Steven Maddox said he didn't know a Conditional Use Permit was  
13 required, and it was a misjudgment on his part.

14  
15 Brian Braithwaite asked the applicant if he's had a model home in Highland  
16 before. Mr. Maddox said he had two of them prior to the current ordinance.  
17 Commissioner Braithwaite asked how long the ordinance has been in place.  
18 Steven Maddox said three and a half years, and Barry Edwards said that's  
19 probably about right. He added that the applicant did submit an application in  
20 the past, but didn't have a representative present at that meeting. Therefore this  
21 is actually the second scheduled public hearing.

22  
23 Brian Braithwaite said he has concerns about off street parking. Steven Maddox  
24 said he feels what they have is more than adequate. The difficulty is directing  
25 people to the off street parking, which is located in the rear. Larry Mendenhall  
26 pointed out he could have a directional sign on the property directing traffic.

27  
28 Brian Braithwaite said the applicant will need to work with staff to ensure that he  
29 follows the ordinance concerning signs. It might be possible to get a variance for  
30 an additional sign if that proved necessary. But parking needs to be off street, and  
31 there needs to be adequate parking for the residents and their visitors as well as  
32 for visitors to the model home. Mr. Maddox asked if this would be the time to ask  
33 for a sign variance and Larry Mendenhall said no.

34  
35 Brent Wallace asked if 9:00 pm is a typical closing time for a model home. Larry  
36 Mendenhall said he thought it was okay.

37  
38 Steven Maddox asked if he could get direction concerning the neon sign. Brent  
39 Wallace suggested a non-neon sign with a floodlight. Mr. Maddox said he wasn't  
40 sure that would be visible, since the model home faces west, into the sun.  
41 Jennifer Tucker asked why not just use a regular sign, and Elizabeth Macfarlane  
42 observed that's what their neighbors in Highland Village have.

43  
44 Larry Mendenhall told the applicant that, based on the commissioner's  
45 comments, he should stay within the ordinance and have a small A frame sign, or  
46 a non-neon sign in the window.

1 Larry Mendenhall opened the public hearing.

2  
3 Craig King said he lives in the area. He distributed a handout with some  
4 photographs to the commissioners and staff. He said he and some of the other  
5 neighbors have concerns about the model home. The main street going through  
6 the subdivision is fairly narrow, enough so the fire marshal was concerned when  
7 the development was approved. The driveways are shorter as well. Also, the alleys  
8 are supposed to be No Parking zones at all times. The only parking left for the  
9 model home, then, is the 14 spaces of visitor parking, or parking on the street. In  
10 addition, visitors to the model home often park against traffic.

11  
12 Craig King said his other concern is that the applicant said he didn't know he had  
13 to apply for a Conditional Use Permit. The application originally appeared before  
14 the commission in November 2006 and the applicant was told at that time it  
15 would be necessary to renotify. In addition, it took three weeks of calling the city  
16 to get the model home shut down. He's concerned the applicant is showing a lack  
17 of respect toward city ordinances and toward his neighbors.

18  
19 Steven Maddox said the driveways are the same length as in a single family  
20 dwelling. He's not aware of anyone parking in the wrong direction any more  
21 frequently at the model home than in his own neighborhood. He said they haven't  
22 tried to direct people to the rear, but they also haven't had many visitors to the  
23 model home—maybe one or two a day. He concluded that at this point they do  
24 have parking for visitors.

25  
26 Larry Mendenhall said he's driven by and he thinks it's a nice project. However,  
27 the beauty of it doesn't abrogate the rules. This application should take into  
28 consideration that there are specific regulations for a model home. The current  
29 state of the economy doesn't change how the commission looks at the application.  
30 In addition, traffic for the model home should go to the rear and not take up all  
31 the visitor spaces. Mr. Maddox said he understood.

32  
33 Larry Mendenhall closed the public hearing.

34  
35 Brian Braithwaite asked the applicant how many visitor parking spaces the  
36 subdivision has. Steven Maddox said 14. He added that in his own neighborhood  
37 in Wren Haven, there's no visitor parking. All visitors must park on the street.  
38 Brian Braithwaite said the difference is the proximity of the neighbors in the  
39 triplexes. Visitors to the homes could be impeded by visitors to the model home.  
40 The commission must watch over the needs of the whole community.

41  
42 Larry Mendenhall said there's additional parking around most model homes. In  
43 the past the commission has sometimes requested gravel parking or other means  
44 to achieve additional parking. Brent Wallace asked if there's an area where the  
45 applicant could put additional temporary parking if that were required. Steven  
46 Maddox said there's a place for it if he opts not to landscape between buildings.

47

1 **Motion by Brian Braithwaite, Planning Commission to recommend**  
2 **that City Council approve the Coventry Townhomes model home**  
3 **Conditional Use Permit applications, subject to the conditions and**  
4 **recommendations of staff, numbered 1 through 4 in the staff report,**  
5 **and with these additional conditions:**

6 **5) that only one model home be allowed at a time;**

7 **6) that the applicant must direct model home traffic to appropriate**  
8 **parking spaces;**

9 **7) that off road parking for eight vehicles be provided. Initially this**  
10 **may include the visitor parking, but as the subdivision fills, the**  
11 **number of visitor parking spaces used for this purpose should be**  
12 **reduced; and**

13 **8) that the start date for the permit should be August 15, 2007, so it**  
14 **will expire on August 15, 2009.**

15  
16 **Seconded by Roger Dixon.**

17 **Unanimous vote, motion passed.**

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19  
20 **Item 2: Blackburn Re-Zoning Request ~ Public Hearing &**  
21 **Recommendation to Amend the Zoning Map and General Plan Land**  
22 **Use Map**

23  
24 Larry Mendenhall asked Carly LeDuc to summarize this item.

25  
26 Carly LeDuc explained this is a rezone request for property at 9976 North Alpine  
27 Highway, right behind Mystic Cove, on a parcel of approximately 5.36 acres.

28  
29 Roger Dixon asked about the second paragraph of the Background information,  
30 which reported the average lot size of bordering properties was .92 acres on all  
31 sides. Carly LeDuc explained Lonnie Crowell wrote that. Jennifer Tucker pointed  
32 out it says average size. Roger Dixon explained he thought it was odd that the  
33 average would be the same on all three sides.

34  
35 Barry Edwards observed that Quail Hollow originally wanted to come in as part  
36 of Pheasant Hollow, but the city didn't allow PUDs to expand. However, to  
37 reinforce what Lonnie said, there's only one lot that wouldn't qualify as R-1-40.

38  
39 Roger Dixon said that when the commissioners recently considered another  
40 rezone request from the applicant, they recommended approval because the  
41 surrounding lots were smaller. Applying the same logic, here the lots ought to be  
42 larger. Larry Mendenhall said this application should be considered on its own  
43 merits.

44  
45 Neil Blackburn said he had information from the County Tax Assessor's office  
46 regarding sizes of the surrounding lots. He listed them as ranging from 14,810  
47 square feet to 47,000 square feet. He said the lots in the subdivision to the south

1 are nonconforming R-1-40 lots. To the east there's an R-1-20 Zone, with lots  
2 ranging from two-thirds of an acre to almost an acre. But they're located below  
3 the bluff and, in Mr. Blackburn's opinion, would have little visual impact. Then  
4 there's Mystic Cove, which has half acre lots. Across Alpine Highway there's an  
5 open space subdivision with smaller lots, and in the northwest corner there's an  
6 R-1-20 subdivision. For the most part, the parcel is surrounded by R-1-20 uses.

7  
8 Neil Blackburn said the proposal is to mitigate issues with the neighbors to the  
9 north by building a screen fence. There's an existing structure that will be  
10 demolished and replaced. He estimates that homes will be in the \$500,000-  
11 \$600,000 range. The land is not suited for agricultural uses anymore.

12  
13 Neil Blackburn said some modifications will have to be made to the median  
14 opening in Alpine Highway. There would also be dedication for an additional  
15 landscape buffer along the highway. The applicant stressed that the principal of  
16 Mt. Vista is a Highland resident, and that the concept plan which was presented  
17 as part of the application is preliminary only. He also suggested that this project  
18 be considered an infill subdivision. Larry Mendenhall asked Neil Blackburn if  
19 he's a Highland resident and Mr. Blackburn said no.

20  
21 Larry Mendenhall opened the public hearing.

22  
23 Chris Dalley said she lives south of the location in question. She's concerned  
24 about the odd shaped lots. She's seen the Planning Commission deal with them in  
25 the past and they can be a mess. Other than that, she doesn't care what's put in as  
26 long as it looks nice.

27  
28 Roger Hallworth said he knows the concept plan is preliminary, but on lot 4,  
29 there's not much buildable area. If this concept plan were approved, the applicant  
30 would have to ask for a variance to build on that lot. Also, while the statement  
31 was made that this parcel is surrounded mostly by R-1-20 lots, most of the lots  
32 are larger and have more value. In addition, in his opinion, the argument that  
33 houses to the east won't be impacted isn't valid. He added he didn't see any  
34 benefit to this request, except for the developer.

35  
36 Theo Judson, the current owner of the property, said she remembers when there  
37 was nothing there. Zoning was changed when Quail Hollow was built, but one  
38 individual bought a lot early and took land she wasn't supposed to. If that hadn't  
39 happened there would have been one more lot.

40  
41 Theo Judson said to the north there are smaller lots and older houses. It's a lot of  
42 work taking care of such a large lot. She and her husband can't take of it  
43 anymore, and people don't want to buy big lots except to subdivide.

44  
45 Patrick Hendrickson said he owns the lot to the north. It's about an acre. He has  
46 several concerns. The first is above ground utilities, which should be moved  
47 below ground. The second is that he would like to see a gradation of lot sizes

1 flowing from larger lots to the north. The property owners to the north bought  
2 their larger lots relying on the surrounding open space, and they'd like to see  
3 property values maintained as much as possible.  
4

5 Tyler Kukahiko said he's a neighbor to the Judsons. They're great neighbors and  
6 he wishes they weren't selling. He wondered why the best use of the property  
7 would be downzoning, rather than maintaining the current zoning. Mr. Kukahiko  
8 said he understands the advantage of rezoning for the developer, and that  
9 everyone represents his own self interest. But the commission's mitigation should  
10 be to ask, is there also a public good in making this change? Mr. Kukahiko doesn't  
11 see it.  
12

13 Neil Blackburn reemphasized that there are lots of 14,000 to 17,000 to the south  
14 of this property, and that they would build a six-foot fence. Larry Mendenhall  
15 said a fence can be a two-way street. Patrick Hendrickson said in his opinion a  
16 fence wouldn't mitigate the issue.  
17

18 Larry Mendenhall closed the public hearing.  
19

20 Jennifer Tucker said she understood the need for smaller lots. Unfortunately, the  
21 city has 100 plus over by the junior high of late. She said she doesn't see anything  
22 wrong with smaller lots if smaller houses are built on them. But they build big  
23 houses on small lots, so people are right on top of one another as well as on top of  
24 people in the surrounding homes. Commissioner Tucker said Pebblewood is an  
25 older subdivision with smaller homes. It's a nice neighborhood. This project, by  
26 comparison, will be large, beautiful homes built right out to the setbacks, and  
27 that's her concern.  
28

29 Roger Dixon said he didn't see a compelling need to downzone. If a transition  
30 were wanted there could be a couple half acre lots even in an R-1-40 subdivision.  
31 Elizabeth Macfarlane agreed the rezone doesn't have an overwhelming agenda for  
32 the public good. Lots 3, 4 and 9 in particular cause her concern. Brian  
33 Braithwaite agreed there's no compelling reason to downzone.  
34

35 **Motion by Roger Dixon, Planning Commission to recommend that**  
36 **City Council deny the Blackburn application to amend the Zoning Map**  
37 **and General Plan Land Use Map at approximately 9976 North Alpine**  
38 **Highway.**  
39

40 **Seconded by Brent Wallace.**  
41 **Unanimous vote, motion carried.**  
42  
43

44 **Item 3: Simko Re-Zoning Request ~ Public Hearing &**  
45 **Recommendation to Amend the Zoning Map and General Plan Land**  
46 **Use Map**  
47

1 This item was cancelled by staff due to an incorrectly submitted application. The  
2 applicant has been provided feedback to allow him to submit the application  
3 properly and he will resubmit, and staff will re-notify the public, at a later date.  
4

5  
6 **Item 4: Approval of Meeting Minutes for September 11, 2007**

7  
8 **Motion by Jennifer Tucker, Planning Commission to approve the**  
9 **Meeting Minutes for September 11, 2007, as written.**

10  
11 **Seconded by Brent Wallace.**

12 **Unanimous vote, motion carried, with Brian Braithwaite abstaining.**  
13

14  
15 Meeting adjourned at 8:14 p.m.