



## HIGHLAND CITY

# HIGHLAND CITY PLANNING COMMISSION AGENDA


Tuesday, April 27, 2021


Approved May 25, 2021

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

### VIRTUAL PARTICIPATION

 YouTube Live: <http://bit.ly/HC-youtube>

 Zoom: Call 1-346-248-7799 Meeting ID: 875 4033 8203

 Email comments prior to meeting: [planningcommission@highlandcity.org](mailto:planningcommission@highlandcity.org)

### 7:05 PM REGULAR SESSION

Call to Order – Jerry Abbott, Chair

Invocation – Jerry Abbott, Chair

Pledge of Allegiance – Commissioner Chris

The meeting was called to order by Planning Commission Chair Jerry Abbott as a regular session at 7:05 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Jerry Abbott and those in attendance were led in the Pledge of Allegiance by Commissioner Chris Howden.

**PRESIDING:** Commissioner Jerry Abbott

### COMMISSIONERS

**PRESENT:** Jerry Abbott, Seth Barrus (*electronically*), Chis Howden, Claude Jones, Audrey Moore, Mino Morgese, Tyler Standifird

**CITY STAFF PRESENT:** City Administrator/Community Development Director Nathan Crane, Planner & GIS Analyst Kellie Bronson, Planning Commission Secretary Heather White

**OTHERS PRESENT:** Ken Berg, See attached Attendance Sheet

### 1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

None was offered.

## 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

### a. **Approval of Meeting Minutes** *Administrative* Regular Planning Commission Meeting – March 23, 2021

*Commissioner Moore MOVED to approve the minutes for the March 23, 2021 Planning Commission meeting. Commissioner Howden SECONDED the motion. All present were in favor. None were opposed. The motion carried unanimously.*

## 3. **PUBLIC HEARING: PRELIMINARY PLAT: SUNRISE FARMS** *Administrative*

The Planning Commission will hold a public hearing to consider a request by Patterson Development for a Preliminary Plat approval for Sunrise Farms, a proposed 10-lot single family subdivision located at approximately 11241 N 6000 W. The Planning Commission will take appropriate action.

Ms. Bronson presented details of the application and explained that the property would not change from the current R-1-40 zoning. She said the application was for a 10-lot single family subdivision. Lot sizes ranged from 23,175 sf (square feet) to 40,325 sf. Parcel A was for future development and anything built on it would need separate approvals. Main access was from 6000 West. Because the road was longer than 600 feet it would require a temporary asphalt turn-around for public safety.

Commissioner Abbott opened the public hearing at 7:08 PM and asked for public comment.

Resident Dave Christensen owned a lot that abutted the property and reviewed a letter he sent to the city with a history and comments about the property. He talked about the interest in having a wall for transition and safety. He said there was a lot of natural vegetation and ponds that he and his neighbors wanted to keep undisturbed. He said it was an area that was attractive for kids to explore and a wall would serve as a safety feature. He asked that the ravine to the east be cleaned up by the developer. He mentioned that the 2018 plans showed a mini park in the area. His concern was that it would attract kids who would then see the ponds and come on his property. Mr. Christensen mentioned that there were no streetlights in his development and asked that the developer minimize lighting in the new development. He also voiced concern with the sewer easement and the fact that it established road alignment which would limit what could be done in the future. He said the developer had always been good about talking with existing residents. Mr. Christensen said he did not want to create conflict, but those were issues that would minimize the impact on his development.

Ms. Bronson mentioned that there was a note on the civil plans saying the area would be cleaned up and regraded. She talked about the lighting requirements and said lighting was required at every intersection and every 300 feet on residential roads. She said the development could choose to install down-lighting for the development.

Resident Neal Evans said he was very familiar with the property. In his view, the only way it met R-1-40 zoning was if it included the 4.5 acres designated as future development because there were lots that were less than one acre. He thought it was an attempt for the developer to try to get what they wanted by dividing the area into different parcels. He pointed out that the developer knew Highland was R-1-40 zoning when they first came to the city. He thought the rest of the city should be developed in the same manner. He said Highland didn't have to offer the same zoning options as other cities around them. Mr. Evans said what happened in the development

would affect all of them. Ms. Bronson reviewed the density calculations. She said she removed Parcel A and divided by the acreage which allowed the developer to have 10 lots in the R-1-40 zone. The developer was permitted to have an open lot as long as the residential lots followed R-1-40 standards. Allowing no more than 25% of lots to be between 20,000 sf and 30,000 sf were also part of the R-1-40 zoning regulations. She explained that Parcel A could have only four lots in the future with one lot between 20,000 and 30,000 sf. She mentioned that the developer could request a rezoning of Parcel A in the future, but they would go through the rezoning process with public hearings at the Planning Commission and Council.

Commissioner Seth Barrus joined the meeting at 7:15 PM.

Resident Josh Little mentioned that he owned a home adjacent to the property. He said his home was positioned in a way that his front yard was the back yard of the proposed homes. He said they were generally in favor of the proposed development but had a question regarding the fencing requirement. Ms. Bronson explained that a screen wall was required if the density was 6 units per acre or more. She said there was no fencing requirement for the R-1-40 zone so fencing would be up to the property owners or the developer. Mr. Little was concerned and hoped that the developer would put up fencing.

Commissioner Abbott asked for additional comments. Hearing none, he closed the public hearing at 7:27 PM and asked for additional comments.

Commissioner Moore asked about Parcel A and how it would be maintained. Patterson Development Representative Ken Berg said the intent for Parcel A was to set up fencing. He said it would be included with the acreage that the longhorns were currently on and would continue to be farmed. He said the intent was to have 10 lots bordering adjacent residential and they were working on the next proposal.

Commissioner Howden wondered if there would be curb and gutter on both sides of road connecting to 6000 West. Mr. Berg said they would install a whole road cross section and that the intersection connecting to 6000 West could be complete. He said the improvements along 6000 West were part of this development and would be improved along the whole property line which included a fence and sidewalk.

Commissioner Howden mentioned that he lived in the area. He did not see anyone wanting Parcel A to be higher density.

Commissioner Abbott mentioned that he also lived in the area. He said he had seen other projects work that that were not in R-1-40 zones.

Commissioner Moore mentioned that there was a mandate from the State of Utah that all cities needed to produce more affordable housing. She said the city was supposed to keep in mind how to accommodate and make it happen. Each city was supposed to comply and come up with that within a given timeframe. Commissioner Abbott added that Highland was in the process of making apartment rentals easier as well as axillary dwelling units.

Commissioner Abbott closed the public hearing at 7:35 PM and called for a motion.

*Commissioner Howden MOVED that the Planning Commission accept the findings and recommend approval of the Sunrise Farms Preliminary Plat subject to the three (3) stipulations recommended by staff.*

- 1. The final plat shall be in substantial conformance with the preliminary plat received April 26, 2021.*
- 2. All public improvements shall be installed as required by the City Engineer.*
- 3. The civil construction plans shall meet all requirements as determined by the City Engineer.*

Commissioner Moore *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Jerry Abbott	Yes
Commissioner Seth Barrus	Yes
Commissioner Chris Howden	Yes
Commissioner Claude Jones	Yes
Commissioner Audrey Moore	Yes
Commissioner Mino Morgese	Yes
Commissioner Tyler Standifird	Non-voting

The motion carried 6:0.

#### **4. PUBLIC HEARING: TEXT AMENDMENT: FENCES, WALLS, AND HEDGES**

##### *Administrative*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Section 3-612 Fences, Walls, And Hedges of the Highland City Development Code. The Planning Commission will take appropriate action.

Ms. Bronson explained that there were 46 fence permits issued in 2020 and so far, 16 applications had been received in 2021. She said today alone she had five calls or visits from residents asking for clarification of the code. She said the current code was confusing for both residents and developers and was not easy to read. She reviewed the proposed changes. She mentioned that the code did not expressly prohibit chain link fences; it was only prohibited for theme walls and screen walls. After she spoke with councilmembers, it was understood that chain link was a prohibited material for fences. She talked about the current requirements for retaining wall heights and explained that a maximum height of nine feet was approved by the engineer and public works departments. She said privacy fences on top of retaining walls would have to be set back as least four feet from the back side of the retaining wall.

Commissioner Morgese talked about his neighborhood and did not understand why having a higher fence was a safety issue. He talked about how property owners behind his house would have to give up four feet of their yard in order to install a privacy fence.

Commissioner Moore wondered how the proposed amendments would impact existing chain link fences. Ms. Bronson said the existing chain link fences would be grandfathered in until changed. She explained that the amendments would only effect new fences. Ms. Bronson mentioned that athletic court fencing was different.

The Planning Commissioner discussed issues with retaining walls. Mr. Crane explained that retaining walls were approved with civil plans and would have to meet certain regulations. He said they were challenging because there was a low side and a high side. Complaints received to the city were from residents on the low side of a retaining wall who were looking at a 10-, 12-, or 14-foot wall because fencing was put on top of the wall. Commissioner Moore added that property owners on the high side would want to install fencing to protect kids and animals from a drop-off.

Commissioner Abbott opened the public hearing at 7:55 PM and called for public comment.

Resident Gordon Lonsdale wondered if there was any way to change the maximum height to 10 feet. He thought an additional foot of height could make a big difference between having to have a four-foot setback or not.

Commissioner Abbott closed the public hearing at 7:56 PM and asked for additional comments from the commissioners.

Commissioner Morgese said he was struggling with the 4-foot setback. He thought it was unfair that property owners would lose some of their back yards if they wanted to install fences. He thought having a two-foot setback instead would make a big difference. Ms. Bronson advised against a two-foot setback due to safety reasons; kids or animals climbing/walking on the wall, etc.

Commissioner Abbott thought there should be a maximum height of four feet for retaining walls throughout the community. He thought developers should try harder to build to topography. He talked about issues with weeds. He thought a four-foot wall would allow for a regular fence on top.

Resident Steve Sander thought a two-foot setback was not safe for doing repairs. He talked about lots in his neighborhood that were built with an eventual down hill and said it looked nice.

Commissioner Howden wondered how the suggested changes would apply to areas along public roads. The commissioners agreed that the changes would not apply to public works. It would only apply to residential zones.

*Commissioner Howden MOVED that the Planning Commission accept the findings and recommend APPROVAL of the proposed amendment to Section 3-612 Fences, Walls and Hedges based on the findings as discussed with the following changes:*

- 1. Residential retaining walls have a maximum height of four (4) ft.*
- 2. On any vertical plane the maximum height of a fence plus a retaining wall should not exceed more than 10 ft.*
- 3. Amendments do not apply to public works or commercial zones.*

*Commissioner Jones seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Seth Barrus</i>	<i>Yes</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>Non-voting</i>

*The motion carried 6:0.*

## **ADJOURNMENT**

*Commissioner Mino Morgese MOVED to adjourn the regular meeting. Commissioner Moore SECONDED the motion. All present were in favor. The motion carried unanimously.*

The meeting adjourned at 8:16 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 27, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White  
Planning Commission Secretary